

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
)
 Respondent,)
)
 v.)
 Martin Ivie)
 (your name))
)
 Appellant.)

No. 44258-2-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

FILED
 COURT OF APPEALS
 DIVISION II
 2013 SEP 20 PM 1:24
 STATE OF WASHINGTON
 DEPUTY

I, Martin Ivie, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

<u>Evidence Tampering: A: Evidence Enhanced to deceive:</u>	<u>Pgs. 1-2</u>
<u>Evidence Tampering: B: Altering the Evidence:</u>	<u>Pgs. 3-4</u>
<u>Evidence Tampering: C: Forging Evidence:</u>	<u>Pgs. 4-14</u>
<u>Right to A Fair Trial by an Impartial Jury A:</u>	<u>Pgs. 15-16</u>
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Additional Ground 2

<u>Ineffective Assistance of Counsel:</u>	<u>Pgs. 25-48</u>
<u>Due Process: Right to Discovery/Disclosure:</u>	<u>Pgs. 48-49</u>
<u>Jury Misconduct? Court Misconduct? Jury Tampering:</u>	<u>Pg. 49</u>
<u>Unlawful Imprisonment:</u>	<u>Pg. 50</u>
<u>* Supporting Attachments: 92 Pages</u>	<u>Total Pages 50</u>
<u>Combined Total of Pages: 142</u>	

If there are additional grounds, a brief summary is attached to this statement.

Date: Sept. 16th 2013

Signature: Martin Ivie

Issue: Evidence Tampering: A:
Evidence was enhanced to deceive the juror's, and the truth of the facts: Mr. Dorcy deceived the juror's when he used a computer generated pointer to simulate my trucks travel direction, on the courts, big screen television. Instead of using an arrow, he used a 4 dotted symbol. He then left the 4 dots on the screen, in the area behind Sgt. Adams patrol car. Then re-simulated another 4 dot's and moved them to show my trucks travel pattern as it went by Sgt. Adams patrol car, over the road, and down the embankment on the other side. Then he left that 4 dot symbol next to the first 4 dot symbol to represent the 8 shell casings. He did not say this is where the shell casings were found, but

it was an obvious, intentional/subliminal deception. Why else would he use a 4 dot symbol? instead of an appropriate arrow. The dots were left, at least in approx. 30 to 40 ft from the location the shell casing actually came to rest. This happened fairly quick in his ~~representation~~ representation, and he executed it as practiced and smooth as any magician, I have ever seen. In fact my attorney some how missed it completely? or wasn't paying any attention to object? I did not comprehend it until some time later. I don't think the jurors consciously understood it. But I believe it worked, its subliminal message distorting the facts and represented an image in there minds that Sgt. Adams was directly in front of my vehicle, therefore very much so impressing upon them he was assaulted and in grave serious danger. The video recording of Mr. Dorcy's Courtroom presentation should prove this gross un-ethical mis-conduct!

Evidence Tampering: B. Altering the evidence:

Evidence was altered, enhanced to distort the factual truth of the evidence, and deceive the jurors:

The photo taken of Sgt. Adams car while at the shooting site, shows no damage to the front driver's side quarter panel. See attachments pg. #1, Defendant's exhibit # 89.

The state enters plaintiff exhibits #32 and #33, and represents exhibits #32, and #33 as being taken at crime scene two, the shooting site scene, the morning of the 10th of February. See detective Simper's testimony, pg. 229 of the transcripts.

The pictures depict the "damage" supposedly done to Sgt. Adams car, when I allegedly backed into him. Thus intentionally assaulting him with my vehicle.

I believe these pictures, were taken while the car was in the Thurston county evidence garage?

Sometime much later than the morning of the 10th of Feb. The pictures are meant to show the damage of the impact to Sgt. Adams front driver's side quarter panel. Now, the signal lens is cracked? And the state has altered the evidence, by using auto body paper and tape to distort the factual truth, and deceive the jurors into believing the car, not only has a cracked lens, it didn't have before, while at the crime scene, but also has significant damage done to the cars front body

as well. There wasn't a scratch, a ding, or dent anywhere on the car at the crime scene. Using auto body tape, and paper, to highlight and show a cracked lens, altered the truth, to deceive the jurors into believing, the car sustained damage it did not sustain. Intentionally altering to distort the factual truth of the evidence. Even if, the car had sustained damage to the front signal lens, auto body paper, and tape were not necessary to show this damage to the signal lens. This was intentionally done! To distort the truth, and deceive the jurors!

Evidence Tampering: C. Forging Evidence:

The state intentionally forged evidence, to illegally incriminate me. And to deceive the jurors into believing, I committed assault in the first degree, to law enforcement officer's with a deadly weapon. {My truck? Crimes I, absolutely did not commit! The state's, total Station's ballistic's evidence diagrams, shows the shell casings came to rest in an area that was not the truthful, factual resting place. To the left side and close to the front of Sgt. Adams car. This was done to make the jurors believe Sgt. Adams was in a location, he was not in, while he fired at me. To represent and simulate Sgt. Adams was, in the direct path of, my vehicle's travel pattern. And that I intentionally meant to do him great personal

harm with my vehicle, committing Assault in the first degree. Total station's diagrams show numerous places, the shell casings came to rest at, See Attachments: pages 2, 3, 4, 5, 6, 7, 8, 9. These diagrams contradict each other! How many places can the shell casing be at? What is the truth? The state represented to the jurors, and convinced them that, I was guilty using falsified, forged evidence. See attachments: pages 2 and 3.

Pages, 4 thru 9 all show different shell casing placements. However these diagrams, even though, they all depict slightly different shell casing placements, are at least "more consistent to the approximated, "actual" truth of where they came to rest at. As truthfully testified by me, to where Sgt. Adams was located when he shot me.

To the left side, and back of me, when I came around and finished my U-turn up on the landing. And was facing the direction of the road both Adams and I just drove up on. I believe the real truthful depiction of the shell casings resting place, is represented in diagram on page 6 of the attachments. This diagram shows, the shell casings came to rest at a distance somewhere approx. 40 ft from

Where the state represented them to be at. Also see attachment: page's #10, 11, 12. Defendant's exhibits #90, 91, 92. These pictures reflect the evidence placards, representing that the casings came to rest here. See pg. #13 exhibit #89. Notice Adams car in relationship to the wheel, barrow and planter. No evidence placards are showing? In exhibits 90, 91, 92 Adams car has been removed, why? The shell casings were moved from there, truthful original resting spots as depicted in the Total Station's diagrams, attachment: page 6. It is no wonder why the jurors were confused? See attachment #14-15 Affidavit of juror Marjorie Steinke. And attachment #15-17 Affidavit of counsel Mr. Foley. Reasonable doubt? There is nothing but doubt!!

Attachments pages 18, 19, 20 are Total Station's ballistics evidence diagrams. Printed on them is the detective, who was the operator of the Total Station's equipment. Detective Arnold from Thurston County and a investigator involved in the C.I.I.T investigation team. The diagrams are represented by the State to show the trajectory of the bullets fired by Sgt. Adams at me, while I sat in the front drivers seat of my truck. A Dodge Dakota extra cab. P/U. They are shown to be coming from the left front

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position of my truck, representing as fact, in support of Sgt. Adams' testimony, that he was forward of my truck's position. And in eminent danger of being lethally, intentionally struck by me, using my truck as a dangerous weapon. Obviously, due to the verdicts, this was very incriminating evidence, convincing my jurors of my Guilt of first degree, assault!

Nothing could have been farther from the truth! Sgt. Adams committed perjury, lying under oath many times to the jurors, to hide the real truth, of what really happened and cover up his heinous, cowardly, murderous attack of attempting to kill me (shooting 8 times at me, as I sat defenseless to the front and right of his actual true positioning, when he fired at me. Two or ^{more} pages of his testimony is devoted to his training, knowledge, expertise in serious attack strategies and defense tactics. In fact he doesn't just train S.W.A.T. members he is the trainer of the trainers! He is stopped and out of his car with his lights completely off, so he doesn't get silhouetted and compromise his safety. He parked his car at the end of the driveway, just as it's slope was leveling off, and transferring to the almost leveled cleared area of the building lot. The berm

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He exaggerates the steepness of, and the heavy Salal foliage covering it, which made it hard to get good footing on, had ended by his drivers door. See attachment: pages 16 and 89. They show the berm has tapered off to a small graduated bump, and that it only had soft ferns growing on it. Ferns do not entangle, or trip you when you walk thru them or on them, they are delicate soft leaved plants that smash down when touched in the slightest of ways. He also testified that he went 30 ft. downhill at first afraid of an ambush, behind his car. That would put him down the road with the 5th wheel blocking his view of my truck. But somehow in the pitch black night 80 to 100 ft away and a fifth wheel trailer, blocking the view to my truck. He somehow looks right thru my drivers side window and sees my eyes as big as "saucers," as I make my left handed U-Turn? Then he finally realizes ?? that being on the cleared and almost level graded building lot where I was making my turn at would be the best most strategic safe, controlling spot to be, given the situation etc. Everything about his entire testimony is exaggerated and built up to resemble a war zone, fire fight. I hit, or rammed or slammed?

into his car, assaulting him? I didn't exaggerate it. It was really nothing more than a very slight bump. Because of my quick reaction, and driving skills, a serious collision was avoided. On the street, aren't the people who rear-end, the one's always charged? Adams says he had a lot of speed built up to get up that hill. He had to dynamite his brakes, he couldn't tell how hard the impact was because of the road condition and the thrashing around of his car. etc. He also says I was almost sideways, like I was set up to ambush him? He also says he heard noise, thrashing around in the bushes after he shot me. And he thought the fight was on again. What fight? What Fantasy World ~~was~~ he living in? He needs a mental evaluation. He is delusional. Was he checked? Was he tested, U.A., polygraphed anything? No! A man can shoot an automatic assault rifle at point blank range, from the left side rear of his target, an unarmed man, and his dog sitting in his truck behind locked private gates, on private roads and property. With no factual evidentiary proof or any reason. And all that happens is he gets a paid vacation, a pat on the back and congratulated? Becomes the victim himself! How! With no proof, zero, nothing! In fact all the PROOF! all the facts

prove he is the one guilty of a murderous assault! He is free working with very dangerous weaponry and a badge, financial and legal protection to use it, as he see's fit. He is in charge of an entire squad, the B.W.A.T. Sgt. Travis Adams and his partner William Reed are guilty of attempted murder. All of the facts! All of the evidence! Prove this. These lying testimonies prove it was pre-meditated. Sgt. Adams exposes himself when he admits the best most tactful spot to be in, considering the location and terrain, circumstances, etc. was up on that landing, were it was clear of brush and almost flat easy to move around. That is exactly what he did, his training, his expertise, etc. worked well. He parked his car to block the road, he turned off the ignition and all of the lights, he quickly moved up to the best tactical position ~~at~~ up on the landing to the passenger side of my truck, as I still was facing the mountain side of the clearing. {En My Blind Spot} When I made my left handed U-turn, he didn't even have to move, he was now to the left and rear of the driver's side of my

truck. In my blind spot to the left and back of me. Perfect tactical position for a fire fight attack on a hostile's vehicle. He stood there silent, poised and ready to attack and take down his objective. He says. I came to a stop, he looked me right in the eyes, my eyes were big as Saucer's! That is about the only statement he said that was true of his entire recollection of the incident. As I finished the u-turn, I stopped, I could see Adams car but no one was in it or anywhere by the side or rear of it. My dog alerted me to my left, Shane my dog saw, or who knows smelled him first! I looked to my left and as far back behind me that my neck allowed me to look. I saw Adams standing there, he did not say anything, I did not see his gun. I turned back and told Shane to shut up and sit down. He had jumped and landed his two front legs on my lap. Adams open fired, it was hard ugly, evil, carnage, loud white flashes, sparks metal, glass, flying I was hit hard almost knocked totally unconscious. Bullets ripped thru my

truck striking me and Shane, and splattered us with burning hot shrapnel. I was hit on top of my head, across the bottom of my left forearm, in the top of my back, the bullet just missed my neck and spine, it traveled down into my body from top left, to lower right. It is still in me. The doctors told me it was too risky to remove it, and the one in my lower back, which entered my back from the left side, and traveled its way across, and down to my right side is still in me too. The doctor's told me that one was too risky to remove also, how it traveled across my spine, without shattering it, is a Miracle, the one that hit me on top of my back is lodged in my nerve's, somewhere under my right arm pit. I can move my legs and arms, but my hands are both partially numb and my arms both feel like they are asleep. My back feels broken and I am in pain much "all" of the time. Shane was luckier, I'm a big man 6'^{3"} 285 lbs, at the time, I stopped most of the bullets that would of hit him. One did go thru his neck, and one grazed his back. We both have numerous bits of shrapnel in us too. I am extremely grateful to God for saving us both! We are both truly living example's of God's miracle's!
I did not know Shane was even hit at the time. I have never heard such a sound as Shane was

making at the time, it wasn't a bark, a growl, or
a whining noise. It was a terrified screaming!
How Adams was unable to hear it is, well? There
is "no way," he did not hear him! The windows on
both doors were shot out. I was certain Adams
was going to finish us off. I yelled at Shane to get
go home! It was the first time he ever minded that
command, he jumped out the passenger door's empty
window and was gone. No pictures of the interior
of my truck, the damage, the blood, the glass mess,
the bullet hole's etc. were ever taken, or if they
were, they were withheld, or destroyed!
No pictures were taken of the trajectory rods, going thru
the interior of my truck, to prove the truth of the
bullets trajectories ~~were taken~~^{or pp's}. If they were, they were
withheld, and/or destroyed! See attachments, pages 21, 22
Evidence was ^{Not!} taken, gathered or collected. Evidence
was withheld and/or destroyed! Evidence was altered
or enhanced to deceive! Evidence was forged!!
But there is un-deniable factual proof! Evidence,
they weren't able to destroy, or alter, or enhance
to deceive. Evidence they can't hide or forge!
All that anyone had to do was care enough to look!
I did not hide it! I told everyone I could about
it! I wrote about it! etc. etc! It didn't matter, nothing
mattered! See pages 23 thru 27 of the attachments. My
scars, my wounds, my body is living proof of the truth!

There is absolutely no way the ballistic's evidence presented by the state could represent the truth of the bullets trajectory's. Unless Sgt. Adams gun shoots magical rounds that can curve or change directions. The diagrams clearly show 5 rounds coming from the front left of my truck. This evidence was forged to help prove Sgt. Adams lying testimony of himself being in danger of me assaulting him. My scars and wounds factually prove this evidence was forged. I have scars and wounds from 5 bullets that prove without any doubt the true trajectory's was from behind and left of me. The state shows 5 bullet trajectory's and claim 3 bullets went thru the glass. Do the math. All my wounds came from the bullets traveling from my left behind me to my right in front. Two bullets hit me in the back. The trajectory's the state presented would have made bullet wounds to my front torso, my face, and/or my legs. I have none in any of those locations. My truck will also prove this as fact. If a competent, unbiased, investigation would be done. A thorough, proper, honest, expert ballistic's inspection performed. It will prove the truth. Sgt. Adams was never in front of my truck assaulted, or in any danger of being hurt by me. Officer Reed lied to help cover for Sgt. Adams.

Right to a fair trial by an impartial Jury: A

My rights were violated, when the jurors witnessed me being incarcerated and guarded by four armed guards, when being transported to, and viewing the site scenes. The judge specifically ordered that two guards go with Mr. Foley and I in an unmarked jail van, and the other two guards go one in each juror's van to the site scenes.

For Mr. Foley and I to be already unloaded and at site scene one before the jurors vans arrived. Then for the jurors to go to the 2nd site scene before Mr. Foley and I so they wouldn't see me being loaded up in the van with the four armed guards. This did not happen all four guards were transported with me in the jail van. All four guards surrounded me at site scene one. Then because our driver parked in the middle of the road, the juror's vans had to park behind us. The jurors were loaded into their vans before I was brought down, and loaded in the jail van. All the jurors got to see me being escorted and guarded, by the four armed guards. This was very incriminating to me. This was a direct misconduct by the courts guards, not obeying the judges orders. It violated my rights and made me look very much so, like a guilty condemned man. This should be grounds for a new trial.

It very much so, made me look guilty, an incarcerated dangerous criminal. If the charges weren't violent assault charges, it wouldn't have been so unfairly incriminating and prejudicial. I believe there was no way this didn't wrongly impress the jurors, in their feelings and/or opinions of me. And very much so was influential in their decisions of finding me guilty.

Of crime's, I absolutely did not commit. This flagrant disobedience, and actions of the guards went directly against the judges clear and specific orders. The judge Amber Foley, was transported in one of the Mason County transportation vans with the jurors, she witnessed this entire spectacle, and yet, said nothing about it, that I heard, or was made aware of. Not only by her actions did she condone this unlawful, prejudicial treatment of me. It seems to me to be highly, un-ethical for her to be transported to the scene's with the jurors, in a close personal and private setting. This violated my rights to due process, my right to a fair trial by an impartial jury. I complained out of earshot of the jurors, told, or asked Mr. Foley to object, to do something about this. He said something like, it must be, ok or allowed, "the judge is, riding with them?" The four guards all heard this, and we also say that this is grounds for a mis-trial.

Right To A Fair Trial, By An Impartial Jury: B
Right to due process: was violated when the juror's weren't allowed to view the 2nd site scene, The Shooting Site Scene. The judge granted the site scenes to be viewed by any juror's. After viewing scene one, the jail van Mr. Foley, and I were being transported in, was in the lead of the procession. The procession, or better, court convoy, consisted of our jail van, with my four armed guards, then detective Simper, and Mr. Corey were next, in detective Simper's un-marked police cruiser, then the two Mason County Transportation vans with the juror's and judge Finley on board. Our driver missed the left hand turn into the drive-way entrance of site scene two. Just as I did the night of the incident. It is around a slight bend in the road and it is hard to see, until you pass it. With the vehicle's right behind us, the driver of my van, a armed jailer guard decided to continue up the road and see if there was a easy place to turn, around. I told him that there wasnt, but there was an upper road that accesses the shooting scene just a little bit more and its on the left. The road dead ends just above

the 2nd site scene. It is a very short walk down to the cleared building lot, of scene two, thru the small alder's at the end of the road. There is a path, and it is only 100 ft or so. All of the convoy pulled in behind us. The road isn't used much, it is narrow and over-grown with vegetation, but it wasn't hitting any of the vehicles and there was plenty of room to safely get in and out of our vehicles and walk safely down the slight grade to the scene. We parked, the engine's were all turned off. I could see the judge talking with detective Simper, and Mr. Dorcy. I was afraid of what they might be talking about. I asked to get out and be present during their discussion. The guards wouldn't let me. Mr. Foley got out and said he would find out what was going on. He came back very shortly and said we were going back to the court house. What!?! My fears of what was being discussed were validated. Detective Simper, and Mr. Dorcy had convinced the judge that the jury's couldn't make it. I was not allowed to hear this important discussion; my attorney only caught the tail end of it after the judge had already made her

unfair ruling. I objected, I told Mr. Foley to go complain, he said she's already made up her mind, we are going back Mr. Ivie. No! you let me out! I have a right to be involved, and heard in this! Guards said can't do that. I told Mr. Foley to go, and tell the judge we are alot closer to this scene than the first scene the juror's walked to, we can all back up out of here, and easily drive to it, or we can just walk the short way's down to it than the Adler's, right there, go tell the judge this, show her the trail, it is much closer, easier than the walk was up to scene one, and all of the juror's made it ok to that scene. Detective Simper, and Mr. Darcy don't want the juror's to see this scene! Because they will be able to easily see that Sgt. Adams was lying, there is no steep berm covered with ~~stone~~ sala etc. They will be able to see for themselves the exaggerated theatrics! He's! of Sgt. Adams' testimony. And that this entire thing is a farce, a cover-up! Go tell her! The words came out of Simper's own mouth! First, he advises the court that no way a two wheel drive can make it up that driveway into

*See Trial Transcripts Page 46, Pages 26, 27, Page 204

Scene two, it's a 30 degree slope with big rocks in the way, or maybe not? He and Mr. Dorcy both told her how difficult, dangerous etc, etc, it is. It is not! Later during his testimony he even says two sheriff cars were at the scene! The evidence pictures show Adam's two wheel drive car parked at the scene Feb 9th and 10th. It was winter, rainy, muddy, now it is July in the 70's. The roads were just graded the maintenance ^{co.} has to do it every year, we pay for it. The roads are in excellent condition and B.S! 30 degree's?! "Simper" hasn't a clue what a 30 degree incline or slope is! I am a builder and have built many a road and handicap ramps etc. My friend a local logger excavator, contractor, Jim Goodpasture, put this road in and leveled and area for the lot's owner/lease holder Cynthia not less than two years ago. The road is 10% degree slope at the most! Cynthia makes it easy and she drive's a full size Dodge PU when she comes up here. Mr. Foley says well that's true, we started driving backing out. I said please go tell her! The jurors have to see this scene it is crucial to my defense. It will prove my innocence. He said she already made up her mind, we are going back to the court house

We did good, the juror's got to see scene one and the heavily timbered area, with the winding narrow roads. How is that good! All that the juror's were able to see, was a downed tree and a big mess, some mountain roads and a narrow heavily tailadged dead end road. For all we know, the juror's could believe that was scene two! There is absolutely no reason the juror's were kept from viewing the shooting site scene. except it would have shown them, proved to them my innocence, that Sgt. Adams is a liar and he tried to murder me, and detective Simper, & Mr. Dorcy, orchestrated a Cover-up! Crime! Investigation! Trial! This entire ordeal has been nothing but a great big farce, a travesty of our judicial system. Everyone involved knows this. I truly believe, everyone involved, has turned there heads, closed there eye's, or were intentionally involved in hiding the truth and took part in this criminal cover-up. The facts, the evidence, the actions taken, and done all point to this conclusion. Not only were the juror's intentionally withheld from viewing the shooting site scene. They were intentionally allowed to see the rest to incriminate me! This is not just a violation of my rights. This is a violation of our judicial process. And criminal, and damaging to all that our Country stands for!

Due Process: Right To Confrontation:

Detectives involved in the C.I.T. Investigation that were responsible for processing the crime scene's. And the collecting, gathering, handling, and securing the evidence. And operating the state's G.P.S. computer generated, Total Stations ballistic's equipment. Were all absent & unavailable to confront and ask important questions, critical too my defense, and the truth of the evidence & events of what really happened. Detective Arnold from the Thurston County Sheriff's department, name is printed on some of the Total Stations evidence diagrams. One can assume he was the technical operator of the equipment. And was in charge of the ballistic's aspects of the investigation, And the state's ballistic's expert. See page 251-253 of the trial transcripts. Simper denies responsibility for operating the total Stations equipment. Simper admits he is not an operator of the Total Stations equipment. Detective Simper is the only investigator available at the trial to ask question's of. Numerous states witnesses were absent at the trial, unavailable to confront & ask question's of. See attachments pages 28 & 29 copies of Mr. Dorey's Omnibus application. Also see attachments page's 30 thru 38 copie's of state's individual subpoenas, order's for state's witnesses to be present at my trial. Other law enforcement officer's that were present the night of the incident, involved, and/or part of the investigation, that could have shared important valuable information & evidence, and answered many que'stion's, were also absent, unavailable at trial. See trans. pgs. 240-247

Due Process: Evidence And The Chain of Custody:

The crime scene's, and the evidence was compromised, contaminated, and/or ruined by not processing the evidence and the scene's until the following morning. Critical, valuable evidence was not gathered, or it was destroyed because of this wrongful, unwarranted decision. The site scene's and road-way's were muddy, both officer Reed and Sgt. Adams foot imprints and traffic patterns should have been carefully photographed, and castings made, before the rain had a chance to eliminate them. This extremely valuable evidence would have proved, without any doubts, that neither officer Reed or Sgt. Adams was assaulted by me. Investigator's were equipped and already at the scene's. The seriousness of Sgt. Adams actions of shooting me, and/or the alleged offenses committed to him, and officer Reed, should have warranted a thorough complete and immediate investigation. This violated my rights, and any chances of having a fair trial. Also the C.L.I.T investigation team was involved, because of an officer involved shooting. To bring an unbiased investigation in from an uninvolved agency. The crime scenes were both compromised and contaminated when sheriff officer's from the involved agency

were left in charge of protecting and guarding the crime scene's. Not only were both the officers left, from the same agency, Mason County Sheriff's department, but both were subordinates and took orders from Sgt. Adams, the officer who did the shooting. Other evidence was not gathered, collected, processed or stored, appropriately, correctly secured.

Audio, and video evidence from all of the involved sheriff's vehicle's was not collected, investigated and secured. Specifically Sgt. Adams on board camera, video, would have shown and proven my innocence. Sgt. Adams vehicle was released before a professional collision expert could inspect it.

My truck has been moved from the secured evidence garage in Thurston County.

Sgt. Adams vehicle was released very quickly. My attorney, and/or his investigator were not allowed to inspect, investigate it, photograph it etc. The photo's entered as defendant exhibits, showing Sgt. Adams vehicle at the crime scene's, were not taken by anyone representing and/or defending me?

See Attachment page 42, first paragraph. See page ~~44~~ 5th paragraph

Innaffective Assistance of Council:

Mr. Foley did not spend enough time with me, and the few times he did spend with me were in a room at the Mason County jail, that was under audio/video surveillance. He met with me approx. 4 times very briefly before scheduled court appearance's 5-10 minutes each time. He came in on Sat. or Sunday a couple of times for approx. 20 minutes each time. He did not listen to me well, acted agitated, put out, and rushed for time everytime. I asked him to interview witnesses, and collect evidence and/or subpoena them. This included employee's of my property owner's association, our rule's by-law's etc. And neighbor's residences in our community. I asked him to obtain a lease hold agreement, and property description maps, to survey the tree site location or have it surveyed. This would have proven there was no tree theft. The tree was growing in a designated green belt easement. And that I had the right to the wood if the tree was down. Our rule's stipulate 400.00 fine's for cutting a tree down without Architectural control committee's approval. Not felony theft. The tree was already down. I told him sherriff's do not have jurisdiction behind the locked gates, on our privately paid for maintained and secured roads. He told me it did not matter sherriff's have jurisdiction, and the state has proof

of theft, the guy that owns the property. I told him the guy who the state thinks or says owns the property and the tree does not. Even if the tree was growing on the guy's lease hold property, he does not own the tree's. We lease our properties we don't own the tree's. He said he would check on it, but never did. I met with Mr. Doughty twice for 30-45 min, each time at the jail in a room under audio/video surveillance. I asked him to get this all done, and to measure roads, interview people, investigate etc. There were two men in the area that could testify to Reed's obsession with me. Richard Deakin's who heard Reed say one of these days I'm going to shoot you. George McKovoch who lives below me on the mountain, who had conversations with Reed about me and could testify to Reed saying he was going to get me and his staking my lower entrance road out in hopes of entrapping me. Another man Aaron Church was let go by Reed on a controlled substance charge. I gave Reed information about me. Aaron never could give him any information to incriminate me. I am not a criminal! Reed asked him to testify and lie about him seeing me cutting and stealing maple up by Price's Lake. Aaron wouldn't do it. He told me about it after I had proven my innocence, in a week long trial a couple years before this incident. I asked him to

Sign an affidavit and come forward to get something done about Reed, get him charged, Arred, get rid of him and his abusing his authority and position. A lot of residents ~~in~~ in the area have had problems and complained about Reed. I found out he was going to be replaced, anyway, he was immediately replaced after he helped trying to kill me. His supervisor's were very much so aware of Reed's problem with me. He was told to leave me alone. Aion Church was too afraid of him and Adams, he had seen or heard about them, and didn't want them and Mason County after him. He felt they would get him even if Reed was fired or what ever. He said no way I still have to live here. He was right, look what they have been able to do and get away with! Jim shot in the back almost killed, permanently disabled doing 18 yrs. in prison, and there the victims, getting paid to attack and shoot people! I told Mr. Foley and Mr. Doughty about this, Mr. Doughty took names etc. down said he would get it done. Mr. Foley told me the judge wouldn't allow it. Nothing was done. Mr. Foley, Mr. Doughty, and Mr. Hays didn't go up to investigate the scene's for over two months. No measurements, photo's Video documentation for over two months! No one talked with anyone at the maintenance office.

to anyone! I told Mr. Foley, and Mr. Doughty
to get the video from Adam's car, it will show
everything Adams bumped into me. Adams
never ~~was~~ in any danger except from his own
in front of his ~~eyes~~ ^{eye} during Adams was 10-15 ft
perfect view of his front car camera. I
will prove my innocence, I can get out of here!
and Adams and Reed can be criminally charged!
They both said they would get a copy of the video.
Next time I saw Mr. Doughty he told me the
camera on Sgt. Adams car was broken? I told him
of course, it will expose all of them! Investigate!
talk to the other cops before they can all get there
stories straight, someone will talk slip up. He said
he would. Then I talk to Mr. Foley and he tells me
Adams camera has an on/off switch, and of
course it was off. I told him I heard that the car
camera's come on when they turn there lights
on or start there cars. Mr. Foley told me his car
doesn't, it has an on/off switch because it's
a supervisor's car? I asked him did you check
did you see this work in his car. He says no
but they wouldn't lie, what! No cops never
do especially to save themselves or another
brother officer you have got to be kidding
me! He said well that's what they said. I

told him get the video, get the video! Time's up, rushed out back to the holding cell. Next time I see Mr. Foley he tells me he and Mr. Doughty interviewed Adams with his Lt. supervisor present and they both swore under oath, Adams car did not have a camera! I told him I was transported in the same car the last time Reed arrested me, up at Price's Lake and Adam's was the one who took me to jail. I sat in the back seat and watched Adam's lap-top screen with the front view in real time while I was waiting to be transported. Lie's, Lie's, It has a camera or had, and the camera was on. I'm sure they destroyed it, but the fact that his car had a camera, "but gee" there is no video, will help to prove to the Jury who is telling the truth, and my innocence. He said well they both swore under oath. if didn't have a camera. Unbelievable! I told him get the car's invoices, check other court cases, I'm sure they used the video's from his car before to help them convict someone, D.U.I., or something? Nothing was done! I have asked many times but have never heard the so called interview, or seen any transcripts from it. My dog share a blue/keeper pitbull approx. 70-80 lbs was sitting in my truck

in the passenger's seat, he was shot thru the neck and across the back and splattered with Shrapnel. Both Reed and Adams said that I did not have a dog with me. The lie's Reed testified to that he was next to my truck, my door was even opened, he was so close, right, right next to it; I almost ran his feet over, would have been proven as lie's by the fact my dog was with me, right next to me impossible to be missed. I told this to Mr. Foley at the probable cause hearing. I gave him my partner's name, address, phone number. I explained we did not have the money to pay the veterinarian. That Barb Marx, my partner was trying to take care of his wounds, she had taken him to the Vet, but couldn't afford X-Rays or surgery procedure's. He said he would take care of it and have Shane cared for, get X-Ray's etc. to prove he had been shot. Mr. Foley did an ex-parte motion order for veterinarian fee's May 29, Four months after the shooting! They didn't get Shane re-examined until June 8th. See Attachments pages, 45, 46, 47 Page 46 and 47 are the first two pages out of 6 total of the veterinarian report. Then Mr. Foley doesn't call the Veterinarian as a witness! Everytime the statement taken by Detective Simper came up, and a possible 3/5 Hearing would be held about it's admission in court. Mr. Foley told me not to

concern myself or worry about it, the judge wasn't going to allow it. It was put off. I told him if it was going to be allowed, if there was going to be a hearing lets do it before the trial, get it over with. He said it is not going to be allowed forget about it, you don't need to worry about it. Then 3-4 days into the trial, the 3/5 hearing is being held. Mr. Foley wasn't prepared. The judge gave him over the weekend, and Monday night before the 4th of July to get the doctor's ready to testify, and have them present for the hearing. Mr. Foley did not get a hold of them. I had no witnesses, Mr. Foley and I both thought the 3/5 hearing was already ruled out, in one of the first pre-trial hearings, the one judge Sheldon presided over. Judge Foley told him to go thru the courts docket or etc. and prove it, or be ready, because she went thru the hearings she presided over and nothing had been ruled on. Mr. Foley did nothing. At first Mr. Foley seemed to have a positive attitude, and believed in my innocence. He told me Mr. Daughy and Mr. Hayes both were going to testify that Sgt. Adams was behind me, when he shot at me, and that there professional investigations proved Sgt. Adams attacked and assaulted me. That all the evidence proved this. That Mr. Hayes, the ballistic's expert even had found a bullet, the detective's from Thurston County had missed it was

Stuck in the metal in the back of the cab, proving
Adam's had shot from even further back than what
I had said. See attachment page 48 witness list
and declaration filed Apr. 16, 2012. It was somewhere
about in this time frame, I contacted an attorney out
of Olympia, a Mr. Larry King. I inquired about him
possibly suing Mason County for damages etc. for
what they had done, and were doing to me. He was
interested but to represent me in the criminal court
he wanted a retainer fee I did not have. He said
lets wait and see what the outcome of my criminal
trial was. I told him, or he might have told me to
get a jury site viewing. He told me he would talk
to Mr. Foley. The next time I talked to him he
told me he had talked to Mr. Foley and he was on top
of things, and doing a good job, and that he was
going to go with us to the site viewings. Mr.
Foley was going to let him know when they were.
So he would see me there. Shortly after this Mr.
Foley's attitude had seemed to change. He was
even quicker with me, seemed agitated even
disgusted with me. Though he didn't say anything
his attitude and demeanor reflected something
had changed. I wasn't able to think very clearly
at this time. I was in a lot of pain and dis-comfort
and taking a lot of medications, and being in jail,
chained and shackled and paraded thru court

to the viewing public is very demeaning, humiliating, it does something to a person, its embarrassing, demoralizing, hurtful to one's pride, and self esteem, self respect, you get use to it or ignore it, but really you can't, it takes its toll it makes one insecure, even feel unworthy and low. There is nothing fair, just, or right, trying to defend yourself when you are incarcerated, and being treated as undeserving, low life, guilty, scum on society. It is hard to hold onto one self and be positive and/or confident. You start to doubt your own good judgement or can't think or see clearly enough to make any rational good sense of it, things, the stress, the anxiety, the loss of everything good and loving, kind and considerate, meaningful, loving is gone. Depression hard cold negative depression, dirty clothes, underwear everyone wears uses, steel and concrete walls, furniture, ugly filth, meanness, inconsideration, abuse and dis-respect becomes your life. There is nothing fair, right about our judicial process when you are innocent, and poor, you are guilty until some how miraculously you can prove your innocence. You cannot defend yourself, you can hardly stand up for yourself, the conditions the treatment takes its toll. Your only hope is if someone cares enough to do there job and properly represent

you, defend you. Mr. Foley defended me against these same men, that had tried to ruin me before, false arresting me, jailing me, wrongly accusing me and charging me. They had no evidence then, Mr. Foley did his job I was found not guilty and true justice was served. - Though I did suffer - being imprisoned in there jail and treated horribly for approx. 3 weeks my family managed to bail me out. I lost weeks of my life and income, thousands in cost's and loss. slander and defamation to my good character. You really never win, when you are charged, you are guilty until proven innocent, and it cost's you dearly. Win or lose, you lose just not as much. They don't even apologize, just say you may go now, no compensation for your loss, no re-procutions to those that unjustly wrongly did this to you nothing but loss, and damage to your reputation. Oh you can sue, if you have the money, you can be free, out on bail to defend yourself, if you have the money, you can be fairly competantly, properly represented and defended. If you have enough money. I did not have the money. The stake's were too high this time, they still don't have just cause, or any evidence. But this time they tried to murder me. One man pulled the trigger, but all those involved, who fully were

aware and knew the truth of Reed and Adams' personal feelings of vindictiveness towards me were in a way part of it. They took part in harassing me, false arresting me, wrongly accusing me, charging me, and prosecuting me for crimes I did not do, that they had no just cause or any evidence to substantiate. They still prosecuted me! But this time the stakes were too high. They had shot me in the back, if I was not convicted, it could cost them all their jobs, and possible arraignment and conviction. I am not exactly sure what was done? What was offered, promised or paid? Eventually, all truths are known, and it will be known! It is just a matter of time, how much time? Things changed Mr. Foley changed, my investigator and ballistic expert changed and the longer it went on, the worse it became and my chances of proving the truth diminished. Mr. Foley kept needing time extensions, and my trial kept being put off, the longer it took the easier it became to sweep the truth away. Mr. Foley needed time to get Shane X-Rayed to prove he was with me. Why? Mr. Foley needed more time so Mr. Hays could shoot the gun to prove its shell casing ejection pattern. Why? Why wasn't this done? It only takes a day, he already had months, Months! The last request for time

he convinced me, by saying your Attorney Mr. King, thinks it would be best to get evidence. Why wasn't this already done! I was told my experts were going to testify in my behalf and their testimonies would easily prove the truth. I was told a lot of lies by Mr. Foley, he wasn't that good at an attorney to begin with, but at least he was on my side at first, what choice did I have? We won before, of course they had no evidence then. This time all the evidence was in my favor - proved the truth and backed up my recollection of what had happened not theirs. At least it did at the first. How could facts and evidence change? I was not healthy, physically, mentally, emotionally, "draining" can't explain it. I tried to believe, have faith be positive. I was going in front of a jury to try and prove the truth and get my life back. I asked to see Mr. Doughty's investigation report, I asked to see Mr. Hays's ballistic's report. Mr. Foley told me they didn't write reports, they were going to testify in court verbally as to what happened they didn't write reports. What? I was too dumbfounded out of it, to say or do anything about it. I felt the only thing I could do at this time was to trust and believe in Mr. Foley. My life was in his hands. Mr. Doughty, and Mr. Hays's testimonies couldn't have helped the prosecution more if Mr. Dorey was paying them? Then again possibly he was? Doc's the money

paid for such defense experts go thru and get ok'd,
or denied under the District Attorney's office,
power, and rule? Fringe Benefits? promises?
etc. etc.? Something happened to all of them?
I couldn't believe what I was hearing witness-
ing as Mr. Doughty and Mr. Hays testified.
Ineffective Assistance of Council? More like
I didn't have a defense attorney, I had an
assistant district attorney helping the District
Attorney prosecute me! Read the testimonies
in the transcripts. Unbelievable!! After finally
receiving a partial Attorney/Client file, and the
Court file. I was able to know the absolute
truth, of course this was over a year later
while I was living in prison. Mr. Foley lied, Mr.
Doughty, and Mr. Hays both did a written
report. See Attachments pages 49, 50, 51, 52, 53
What competent, effective council would use these
witnesses to defend there client! I was it in my
right mind, but if I would have known they were
going to testify for the prosecution! No way would
I have used them! Another summary of expert witness
presented to the court by Mr. Foley dated May 24th
2012 prove's without a doubt, not only was Mr. Foley
ineffective council, he was helping Mr. Dorcy, and
the state, convict me. Of course the wording is "
he is of the opinion that the shooting was consistent

with the report filed by the Thurston County investigating officers. I have never seen any report from Thurston County investigative officer's, then or now. I never received any such report in the di'scovery, the attorney/client file, the transcripts, the court file. I don't remember any such report being entered in evidence or used during trial. I have seen multiple different Total Stations diagrams of the so-called State's ballistic's evidence, most of them forged's. But never a written report, or clear description of such evidence. The head investigator, and the only investigator from Thurston County that was available to ask any type of questions too about such a report. Testified he wasn't the one responsible for the ballistic's aspect of the investigation, and did not know how to operate the State's Total station's ballistic's equipment. See Attachment: page 54. It would be interesting, and I believe it is my right to see such type of report. Perhaps Mr. Hays wasn't against me? perhaps he agrees with the Thurston County report because it is the truth and has not been forged as most of the other ballistic's diagrams I have seen or have been. Actually Mr. Hays testified in court that in his opinion he agreed with the recollections of Sgt. Adam's he even say's because of Adam's own words Eric's truck bumper had already past him

before Adam's opened up fire. See transcripts. However Mr. Hays was not in court when Sgt. Adams testified. He talked with Sgt. Adams at the gun range when test firing Adams rifle. Who knows what Adams said then? I am sure it was nothing close to what he said when testifying in front of the jury. The way it was done, the questions, by Mr. Dorcy, and Mr. Foley the set up of the witness also shows to me prove's Mr. Dorcy and Mr. Foley were intentionally working together to convict me. These men are very intelligent and both very educated and experienced in trials and witness questioning etc. I believe there is enough questionable examples, evidence of mis-conduct, criminal mis-conduct! on the behalf of Mr. Foley and Mr. Dorcy to warrant a full proper investigation, and most likely will result in charging them. Of course they are not on trial here. But there is far more factual evidentiary proof in my opinion against them and there mis-conduct, than there ever was against me and the serious crimes they both helped get me convicted of. I am writing the justice department and others about this entire farce, and travesty of our judicial process. I will not stop until the truth is known and the ends of justice prevails. Mr. Foley did not council my

Witness Barb Marx, who was going to testify to the time I left the house the night of the incident, that she had found Shane the following morning at my ~~the~~ cabin hurt and bleeding from the gun shot wounds, and taking him to the vet. She also was my alibi to prove it wasn't me running the chain saws the night's officer Reed claimed I was. It should not have mattered but no one cared anything about the truth, the tree wasn't being stolen in the first place! I had talked with Barb and she was certain I left at 8:00 p.m. I told her I never looked at the clock that night, but the incident reports, and all the dispatches, emt personnel and reports all say I was shot about 5 after 8:00 So she must be wrong. Well I only got to talk to Barb once a week at visiting time, and God bless her, she is stubborn and bull headed, no wonder were partner's. The last time I was able to talk to her she still was convinced no matter what it was 8:00 when I left that night not 7:00 As it had to be given the distance away I traveled etc. I told her it didn't matter just say 7:00 because everything points to it was 7:00 not 8:00 for once you must be wrong. Just before Barb was to testify I told Mr. Foley to give Barb a note for me. He said he couldn't it was against rules or court ethics or some B.S. I told him and showed him the note, it was just a reminder to remember the time was 7 not 8 when I left.

I told him to go tell her, she was waiting in the hall. He said he couldn't or wouldn't not enough time? I said it's important go counsel her you can counsel / prep a witness. Go tell her, I'm afraid she is going to forget the importance of it. She thinks her remembering it was 8 is proof all the cop's the dispatcher's, etc. are wrong and lying. It couldn't have been 8 just go remind her of that please! He said he already told her. Right then Barb was called to the stand. And God bless her, she told the truth completely as she remembered it. Mr. Dorcy was ready and ate it up he double asked her are you sure, completely positive absolutely sure it was 8 and not 7. To Barb it was 8 and she swore to tell the truth and 8 it was! Mr. Dorcy destroyed everything she said just because of her mistaken about the time being 8 and not 7 it was of no significance other than Mr. Dorcy using it to convince the jury Barb was lying about everything to save her partner her man. Mr. Dorcy was a shark circling its prey he was more than ready he was anticipating every moment of it. I later found out why. Not only had Mr. Foley intentionally not counseled and said nothing at all to Barb about this. I asked her if he talked with her about it. She said no why? She doesn't know the impact of what her simply not remembering the time was. I believe her she does not lie ever! The clock's in the house

all said 8 when I left that's what they said or showed
so that's what time it was. They were wrong, Barb
wasn't wrong, Barb wasn't lying Barb does not lie!
Dorcy destroyed her credibility and so wrongly unjustly
made an honorable, caring, giving, trustworthy awesome
woman human being out to be a liar! I never told
her and never will, she feels bad enough about her
loss. Another lie from Mr. Foley and having the
knowledge about it and not doing anything to stop
or correct it, is worse than intentionally creating
the mistake itself! That's exactly what Mr. Foley
did, he told Mr. Dorcy about it. He helped set
it up. Ineffective Assistance of Council? I later
found proof of this as well in the court file. He
not only talked to Mr. Dorcy he wrote it down for Mr.
Dorcy. See Attachment 55 witness list, declaration
pg. 2. Mr. Foley told me he had copies of my permits, that
I had a permit for harvesting the tree. I told him I
did not, the tree was down in a greenbelt easement,
there wasn't much value left in it. I wasn't committing
any crime's by taking some of it and cleaning up the
mess. It is a hassle and an expense not necessary,
so I didn't bother getting a permit for it. He told me that's
not what the permit says and he was going to use it as
evidence. I told him not too. The permits run from
Jan. 1ST to Dec 31ST of each year. I get one every
year not only do I professionally do specialized

forrest products harvesting for people who hire me, I own the lease-hold on the biggest block of forrest land behind the gates on Dow Mtn. Cushman estates. So I always get a permit every year. The 2011 permit just has my parcel number and address on it and a description of the types of products. My 2012 permit has all of that information plus I put a description in the Local landmarks section of Two miles up behind the gates by the maintenance company bldg. Something to that effect. I had a copy of it from the attorney/client or court files but have misplaced 2012 somehow. I have included a copy of 2011 see attachment page 56. I believe Mr. Foley entered these permits into evidence. I don't know why I put a description on 2012 permit I usually haven't. Maybe the clerk said something about it? I can't remember. Anyway Mr. Foley said by law that says I had a permit, the tree was up behind the gates on Dow Mtn. within 2 miles. So you have a permit for that tree. He wanted me to testify that I had a permit for the tree. I didn't it would have been lying under oath and I didn't need one for the tree or at least I didn't so long as officer Reed and Adam's hadn't set a trap for me anyway. I was tempted after all everyone for the prosecution was lying including their leader Mr. Dorcy. I believe Mr. Foley and Mr. Dorcy were anticipating me lying about the permit. No doubt in my mind!

they had talked about and planned this as another way to try and incriminate me working together to convict me. It didn't matter. I told the truth they had already contrived enough to convince my jury anyway. Officer Reed said nothing about me having warrants the night of the incident, in fact he never said I was under arrest, he told me to freeze, get down on the ground and wait for his partner. Officer Reed was ordered not to have one on one contact with me ~~and~~ for him not to be the arresting officer etc. He wasn't afraid of me, he has arrested me several times, including in the woods up by Price Lake. He has never pulled his gun on me before. He says we need to talk, then turn around, hands behind your back, and he cuff's me. Every time but we never do get to talk just off to jail. He stood back pointing his gun at me because he wasn't suppose to arrest me, have contact with me by himself. Mr. Foley knows this, just about everyone knows this. Mr. Foley could have subpoenaed witnesses and/or gotten written proof of this, and proof of complaints against Reed and Adams etc. He of course never bothered. The State presented a copy of a bench warrant for my arrest for a L.F.O. From a case over 7 yrs old. The warrant was over two months old from the date of the incident Feb 9th 2012. The warrants date is Nov. 1st 2011. Mr. Foley objects to its use in trial because it would unfairly represent to the jury, that I am a criminal or incriminate me.

I didn't know anything about the warrant. I figured they quickly made one up to help cover the reason Reed and Adams were behind locked gates, private roads, harassing me, shooting, arresting me. The warrant was already taken care of back in Nov. of 2011. Most disturbing is Mr. Foley stood in to represent me. Judge Finley presided. Mr. Dorcy was absent that day but none the less I have a hard time believing they all just forgot. It should not have been allowed at all. You bet it incriminated me just as Reed and Dorcy made sure to mention many contacts with me but, didn't say what they were for. I found a copy of the warrant in the file after I was in prison. See attachment. page 57. There is many other things Mr. Foley did, or did not do. Numerous law enforcement incident reports. I did have, and wrote questions down for Mr. Foley to ask, to impeach the state's witnesses, he never asked. I'm running out of room to include it all in 50 pages and my attachment pages are adding up so I'll just include a few. If you like, or need? or want? anymore please let me know and I will find a way to get them to you. Deputy Sargent was a M.C.S.O. who Mr. Foley should have Subpoenaed, not only did he have a video from his car the night of the incident. See Transcripts, Pages 240-244 He could have shared other valuable information while he testified. One of which would be his description of the steep slash

covered beam that Sgt. Adams was stumbling trying to make it up. See attachment page 59. Detective Simper lies in many of his numerous different reports, two of which are to judges for search warrants. See attachment pages 60, 61, 62. I had written this down and asked Mr. Foley to impeach Simper with these false statements. In Reed's own statement he never advised me I was under arrest.

I never recalled Reed telling me I was under arrest. I never even said anything like it when I was all dragged up at the hospital. On page 61 2nd paragraph Simper reports I had met Sgt. Adams' car after encountering it by the first scene and struck the drivers side front bumper. In both Reed and Adams' interviews and during the trial when they testified neither one of them said this happened. He says it again on the same page bottom paragraph. This is the same information he lied about and gave to the judge for search warrants. On page 62 he says without being asked I told him Reed and Adams were probably going to say I was trying to hit them. That's because that's the excuse Adams had already come up with at the scene of the shooting when I asked him why he shot me. Reed admits to this in his statement. He also says it is evident I assaulted them in the first degree. This is before any investigation was done? There never was an investigation. Mr. Foley should have impeached him with his statements. Detective Simper helps convince the

judge that the driveway is too steep, dangerous for the jurors to walk too. That a Four wheel drive vehicle is necessary to make it to the scene. See attachment page 59 first paragraph, eye witness account of Deputy Sargent explaining that 5 vehicle's had made it, were at the shooting scene the night of the incident. Two wheel drive vehicle's. The court should have provided Four wheel drive vehicle's to transport the jurors to the scene.? They were not necessary. Two wheel drives Van's would have made it, or we all could have walked. Mr. Foley should have never allowed this. Then there is Reed he impeaches his own self while testifying somehow the jurors don't understand what he is saying.? Where they listening or was it too confusing. I heard it I told Foley about it, he told me to hush he had this, he had to listen right now. Then he doesn't say a thing about it, when he questions Reed. Why? I asked him why? he told me the jurors heard it I'm going to bring it all out in my closing statement I can't believe I didn't say anything, fire him! I was too beat down to stand up for myself I guess, I trusted him I believed him. See transcript pages: 81 thru 91 He told me the same about why he didn't question Adams & impeach him. Then he says nothing about it in his closing statements. I had a 65 page interview of Adams, his own superior from MCSO asked the questions, and coached him all the way thru it. It wasn't done until 15 days after the incident, it still had many things Mr. Foley could have impeached Adams with See: Attachments pages: 63 thru 74. The deputy involved

was a MCSO Deputy Sisson. There was no theft, there was no theft reported or complaint made. See copy of Sisson's report Attachment page 75. Mr. Foley should have used this and clearly pointed this fact out, or did something about me being wrongfully charged in the first place, not only with the theft charges, but all the charges! There was no evidence to substantiate any of them. My truck was in 4x4 Low the entire incident, top speed is approx 20 mph. 4x4 Dodge Dakota extended cap P/U. Auto. trans, manual, front hubs cannot fish tail, it is impossible - see Adam's interview A: page: 63. Mr. Foley should have impeached Adam's with this. He also should have obtained a expert witness for this and the B.S. Collision damage. I asked him and Mr. Doughty to do this. Several times! I believe, I matective Assistance of Council is obvious
Due Process: Right to Discovery/Disclosure.

I never recieved any documentation of any kind to substantiate the charges made against me. Nothing whatsoever at the probable cause and arraignment hearings. I finally recieved an incomplete attorney/client file sometime around the omnibus hearing. I was unable to have it follow me from the jail. I have been trying ever since to obtain full discovery/disclosure. See Attachment: pages: 78-85. I was unable to read, see, or hear much of the evidence brought against me at trial. I never have recieved, most of the photo-graphic evidence, and was only allowed to see it briefly while during the trial. I never heard my recorded statement, taken by Det. Simper at the hospital, until the 3/5 Hearing. Was never allowed to listen to any of the Audio/Video evidence until at the trial. I was never allowed any copies of this evidence etc.

I wasn't given my own experts reports, in fact was told by my attorney, Mr. Foley that they did not do written reports. I finally was made aware of this after receiving copies of their reports, long after I was convicted and in prison. I have never seen a investigation report from the State's Investigators, especially a ballistic's report. I have seen and received various conflicting Total Stations diagrams. Never a detailed comprehensive evidentiary report of any kind. None was offered in to evidence/made available at trial.

Jury Mis-conduct: ? Court Mis-Conduct: ? Jury Tampering:

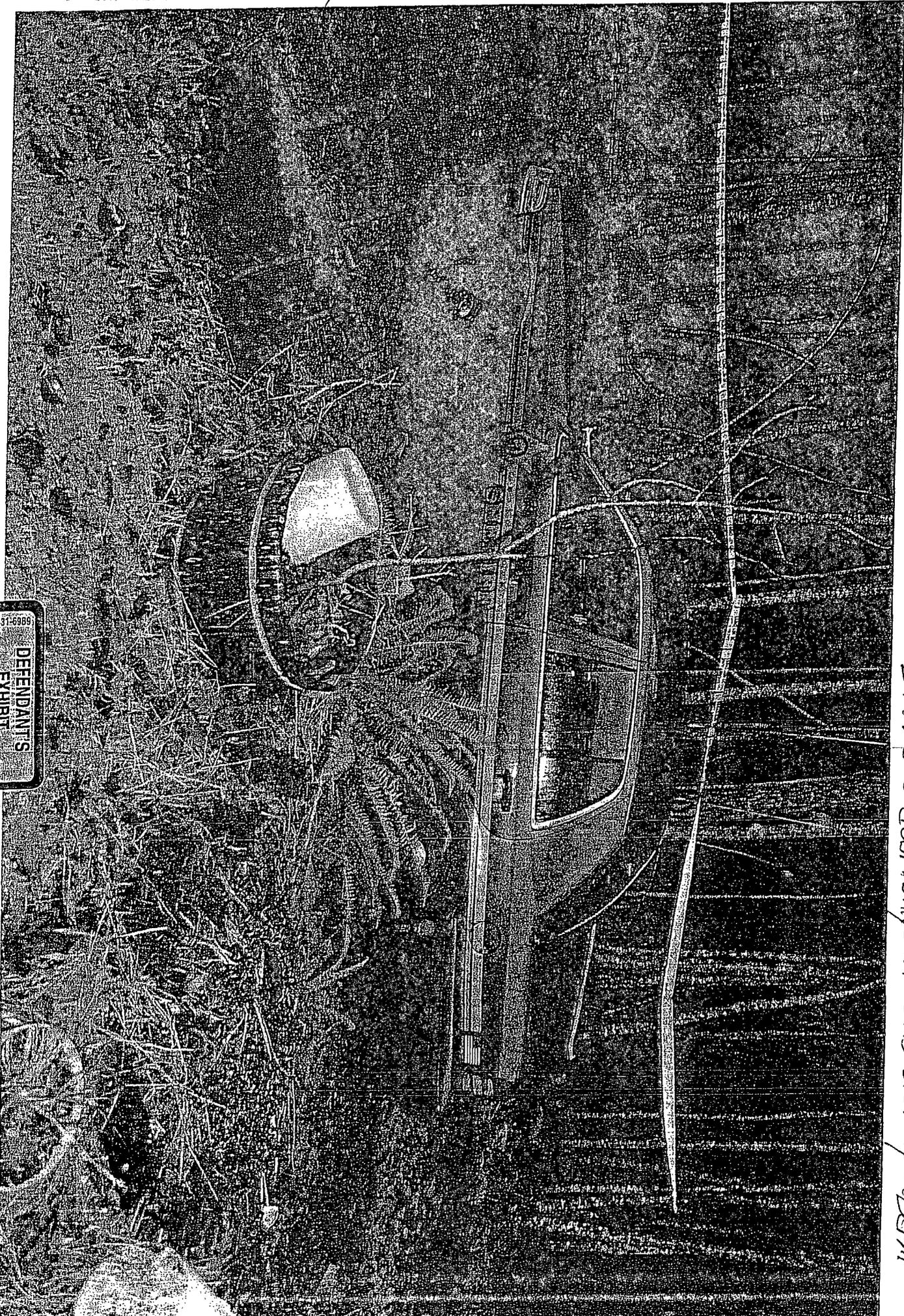
There was more than one juror confused and wanting answers. Was it the juror foreman who refused to send out questions to the judge? Or the judge who refused to answer the questions? See: Attachment: pages: 86, 87, 88. I don't believe Mr. Foley was afforded any opportunity to be heard 3 min. 3 sec. in response time: A: 88. If he was it would be blatant ineffective assistance of counsel. I sure wasn't afforded any! Mr. Dorcy's argument at the retrial hearing included the fact that the juror foreman didn't commit mis-conduct because she sent out one question. It's obvious why she didn't send out anymore because of the judge's negligent response ~~to~~ the first one. On July 3rd, juror #1 was absent, and excused because of medical emergency. On July 5th The court clerk pulls a number out of a fish bowl and juror 5 is excused. This was very dis-heartening, these two men were my best jurors. I noticed both of them shaking their heads and rolling their eyes when Dorcy was asking questions to Reed, Simper & Adams. Now both are gone! One because of a surprise draw from a fish bowl. I never once heard anything about any of this See A: 89-92 ^{Very} _{Fishy!}

Unlawful Imprisonment: See Attachment pages: 76, 77
My rights were violated when I was imprisoned at a State Correctional facility. I was kept at Stafford Correctional center in solitary confinement, locked down 24/7 without mailing, privileges, telephone access privileges, or visitor privileges. I had never been incarcerated in a prison, correction center before. This was cruel and unusual punishment. I am innocent of the crimes I have been charged and convicted of. At the time, by law, and my constitutional guaranteed rights, I was suppose to be innocent until proven guilty. My court appointed attorney Mr. Foley wasn't even allowed to visit and counsel me. This was very damageing to my person and my mental health. It made it impossible for me too competantly defend myself. I was imprisoned under these unlawful, confined conditions, for approx. Two and a half months, until my bullet wounds closed up. I was also administered upwards of 16 pills, of various medications a day by State correctional employee's and/or Mason County jail personnel. These medication's were given to me throughout all of the hearings and trial period. Where as shortly after being convicted the medications were abruptly stopped. I was physically and mentally hurt and in constant pain. I had sustained severe muscle and nerve damage. I recieved ~~any~~ physical therapy etc.

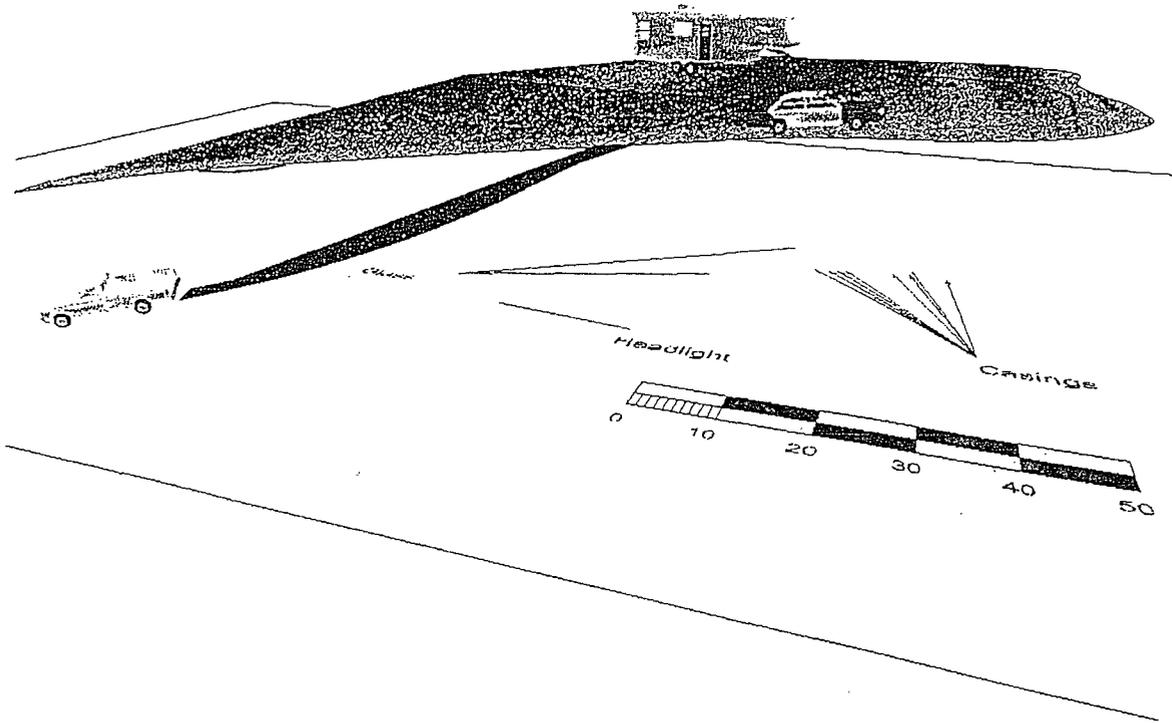
1

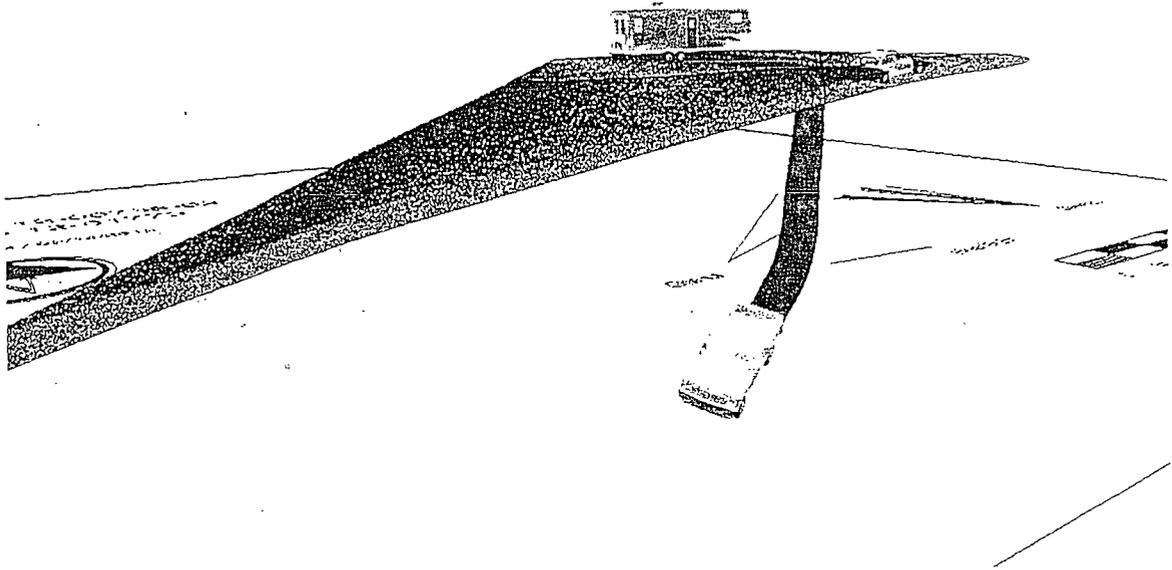
Notice No Evidence Placeards

1 Beam had tapered off & ended at Adams
Driver's door. Only Soft ferns growing on Beam
N



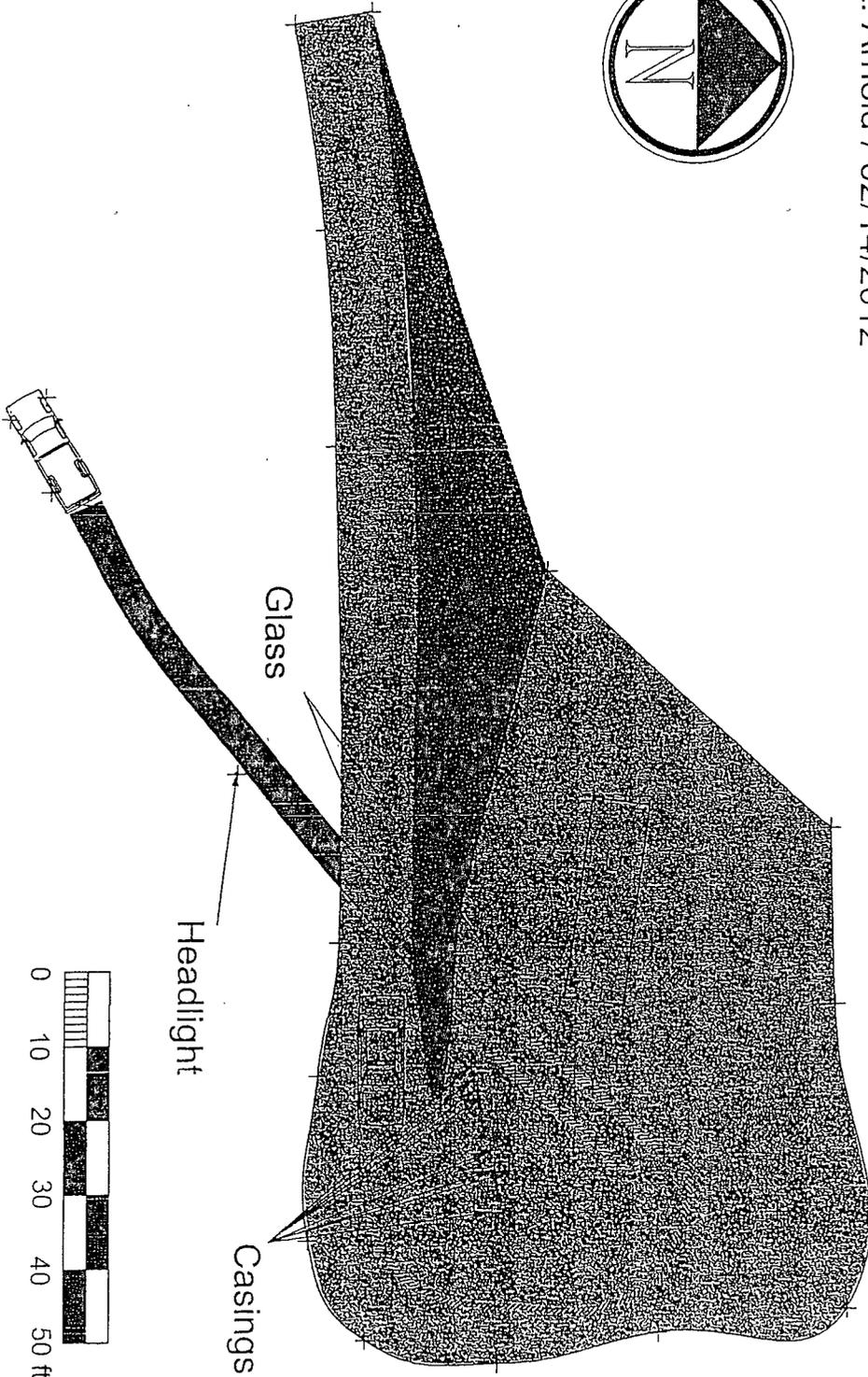
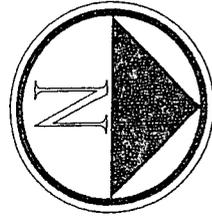
PENGAD 800-631-6966
 DEPENDANT'S
 EXHIBIT
 NO. 896
 21-64-6





TCSO 12-00738-02
MCSO 12-01779

Det. Arnold / 02/14/2012



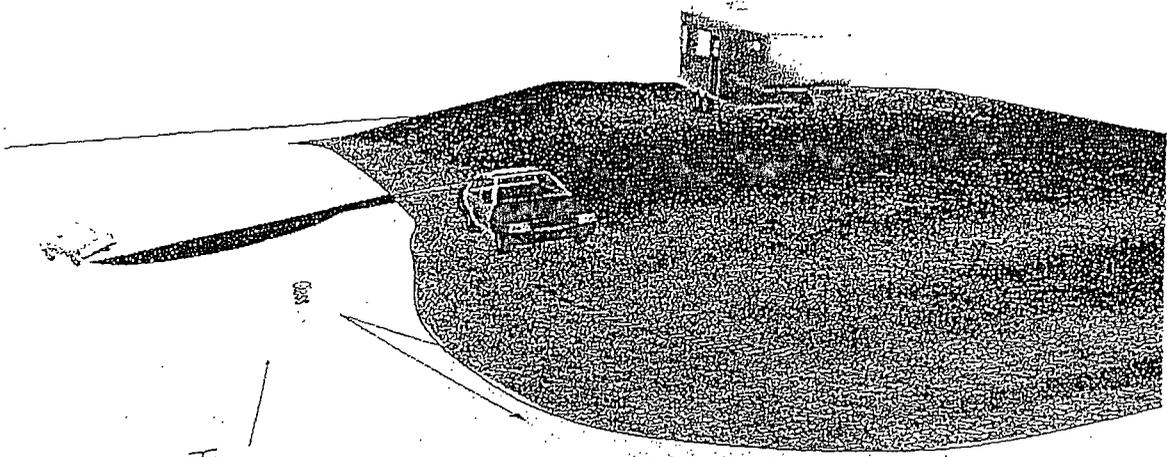
On 02/10/2012, we responded back to the scene that the original theft of timber had occurred at, which was the precipitating factor for this incident. The crime scene was both videoed and photographed. Evidence collected from this included the suspects alleged ax, and piece of log that was taken for the purpose of tool mark comparison, a pair of work gloves, measuring tape, and a wood box that contained paper towels, toilet paper and a light.

We then drove to the scene of the actual shooting. This was again photographed and video recorded. Placards were laid next to items deemed of evidentiary value, and more photographs were taken. Markings were also laid next to the tire tracks believed to have been left by the suspect vehicle prior to its crashing. Located were eight rifle casings, two glass samples, a headlight and a mud flap. These items were collected for further processing.

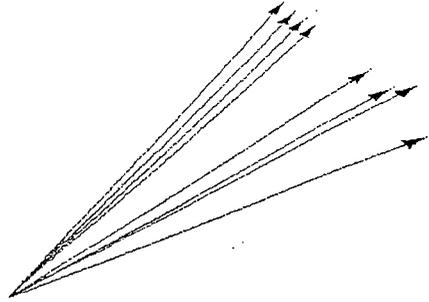
The scene was then recorded using Total Station equipment. The locations of evidentiary items were recorded, as well as the aforementioned tire tracks and placement of the involved vehicles. After an inventory was conducted, the involved patrol vehicle was released at the scene. The suspect vehicle was ultimately taken by contract tow to the Thurston County Evidence storage facility for later processing.

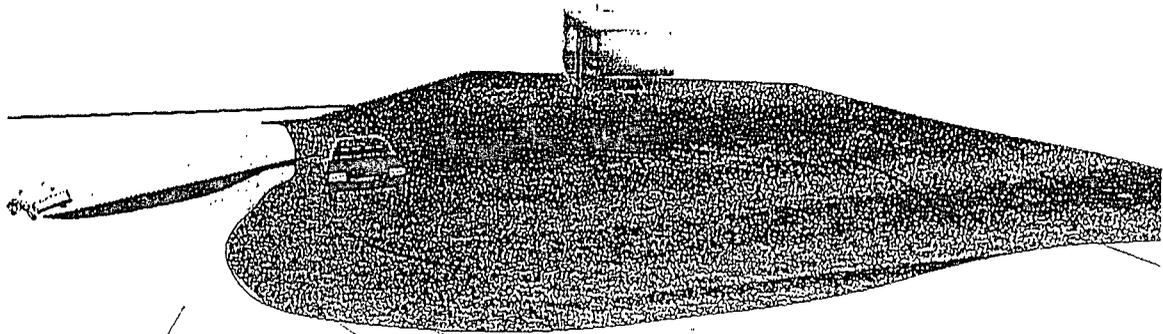
On 02/15/2012 a search was conducted of the suspect's vehicle. The vehicle had been transported and held in secure storage at the Thurston County Sheriffs Office evidence building. The truck was photographed, and searched. Items collected included notes and records, two chain saws, a coat and wallet with contents.

Rods and markers were placed into and next to holes in the vehicle believed to be the result of gun fire, and these were photographed again. Measurements of the holes, and trajectories documented by the rods were obtained using Total Station equipment.

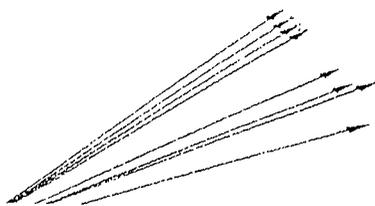


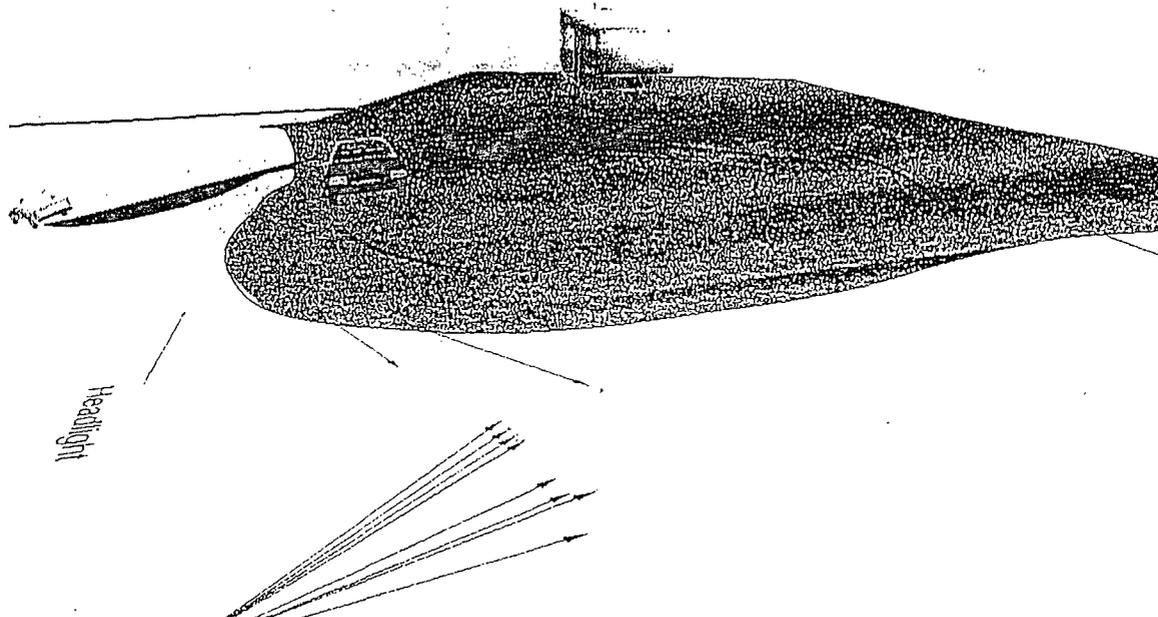
Headlight

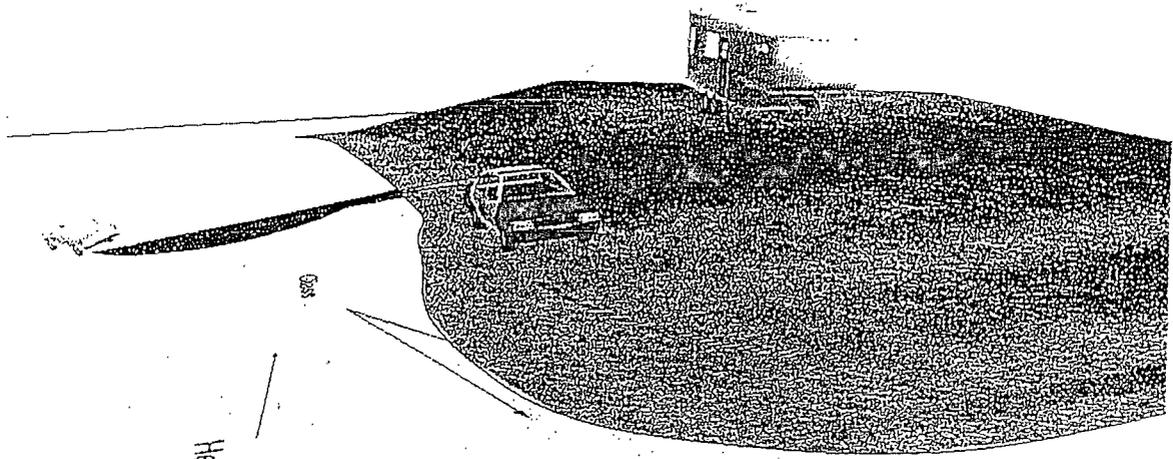




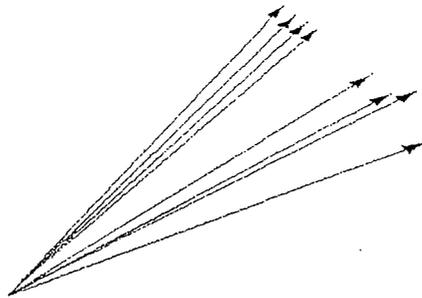
Headlight

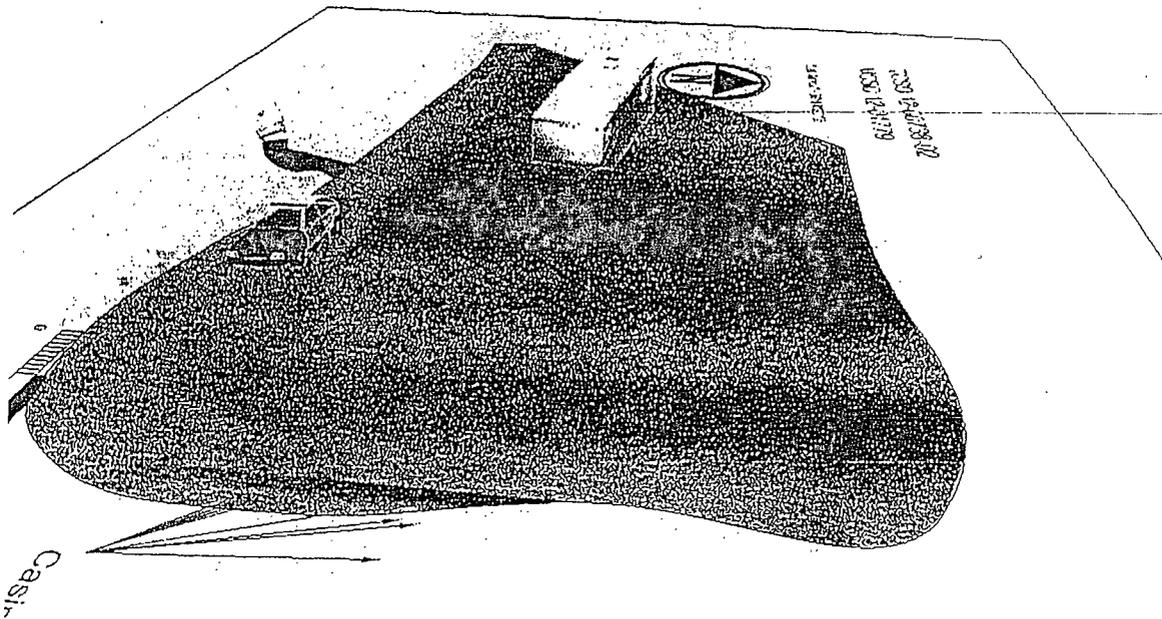


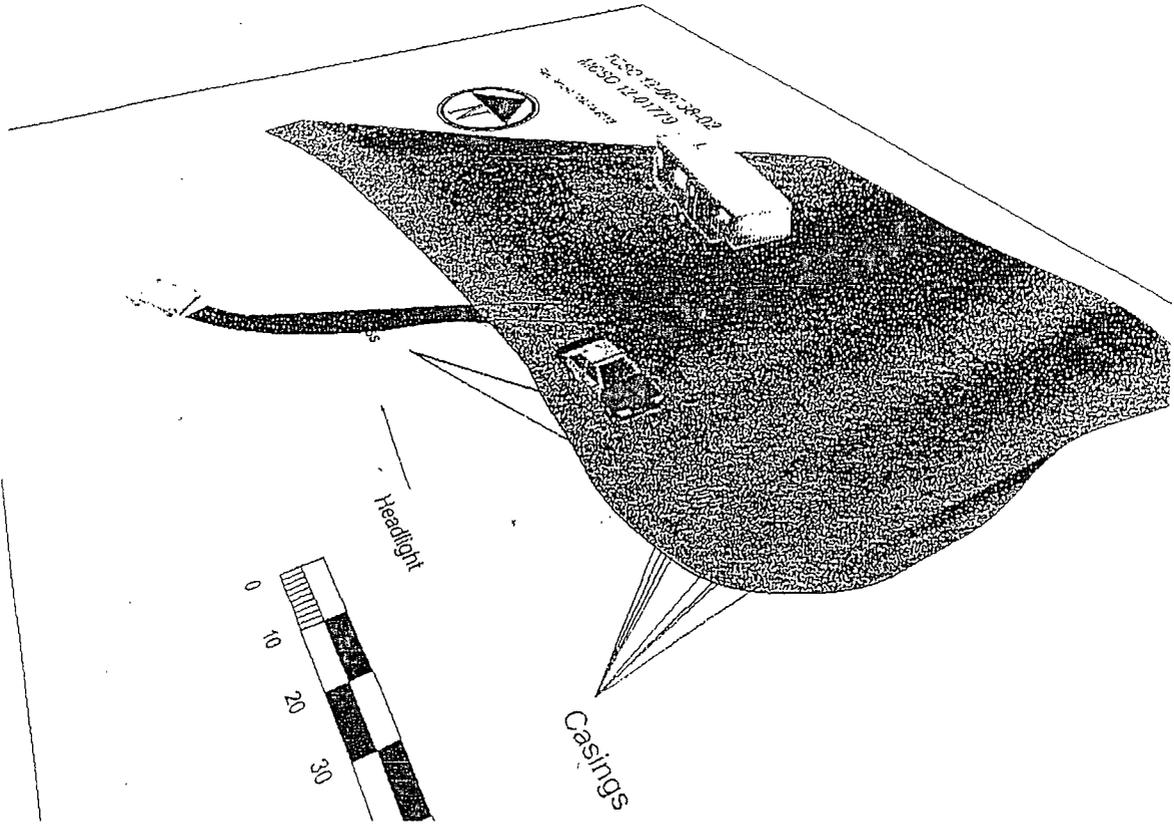


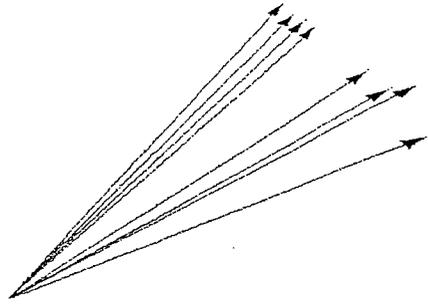
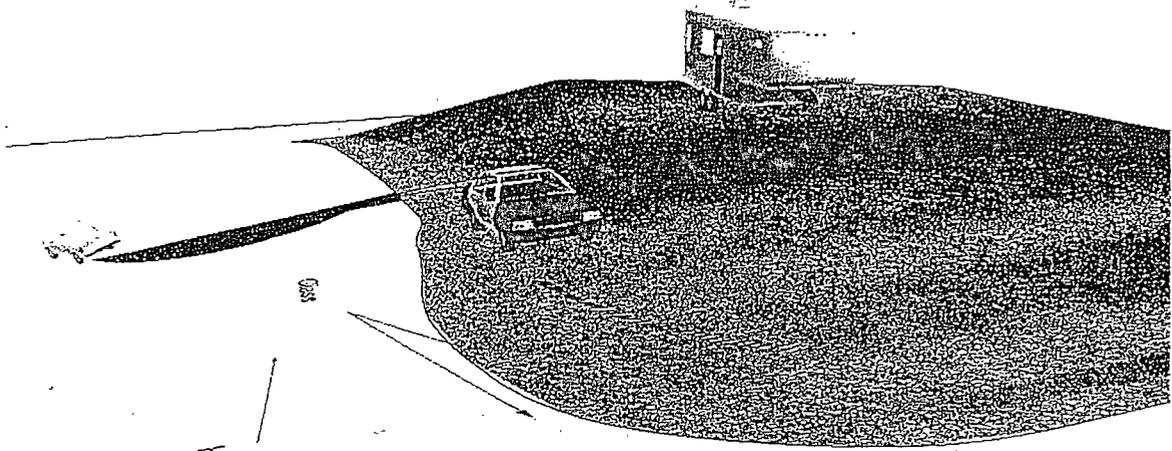


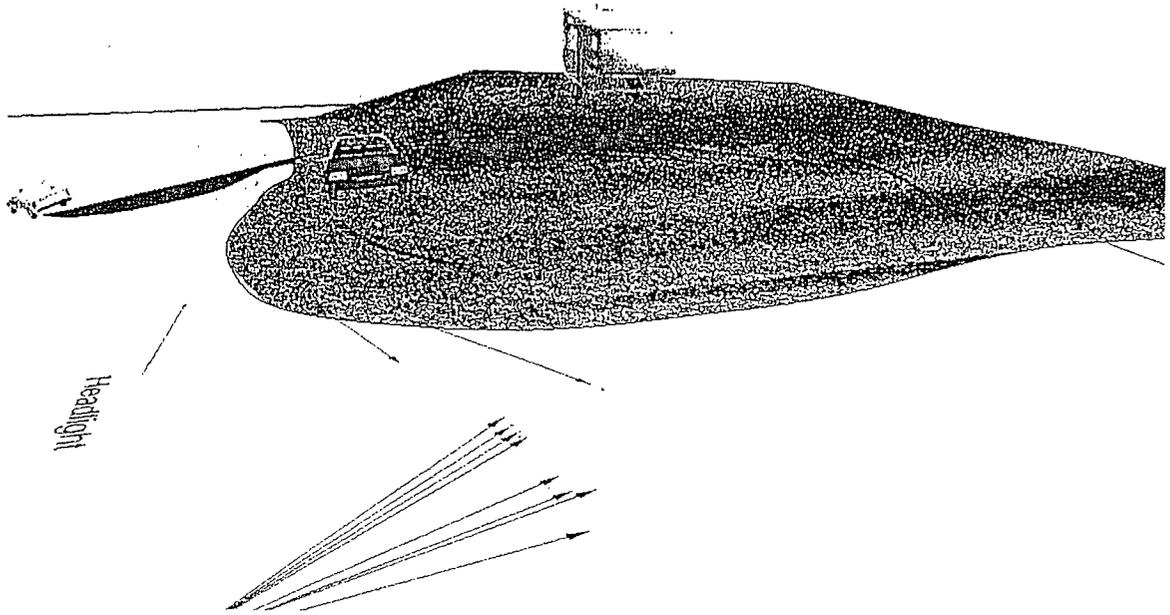
Headlight

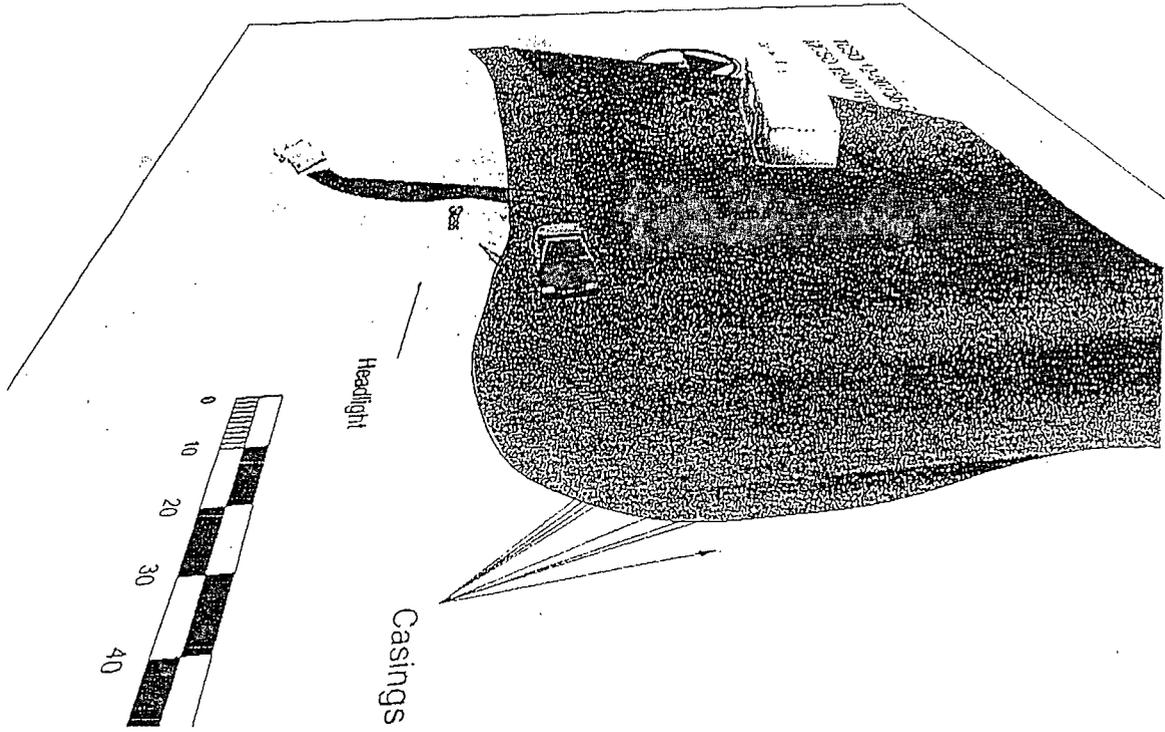


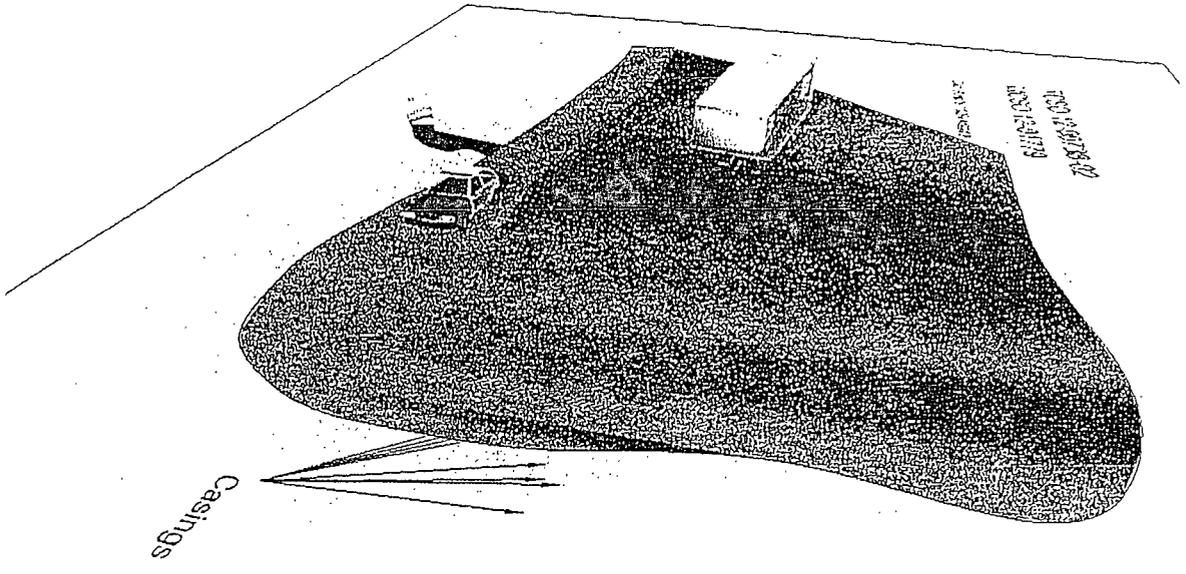


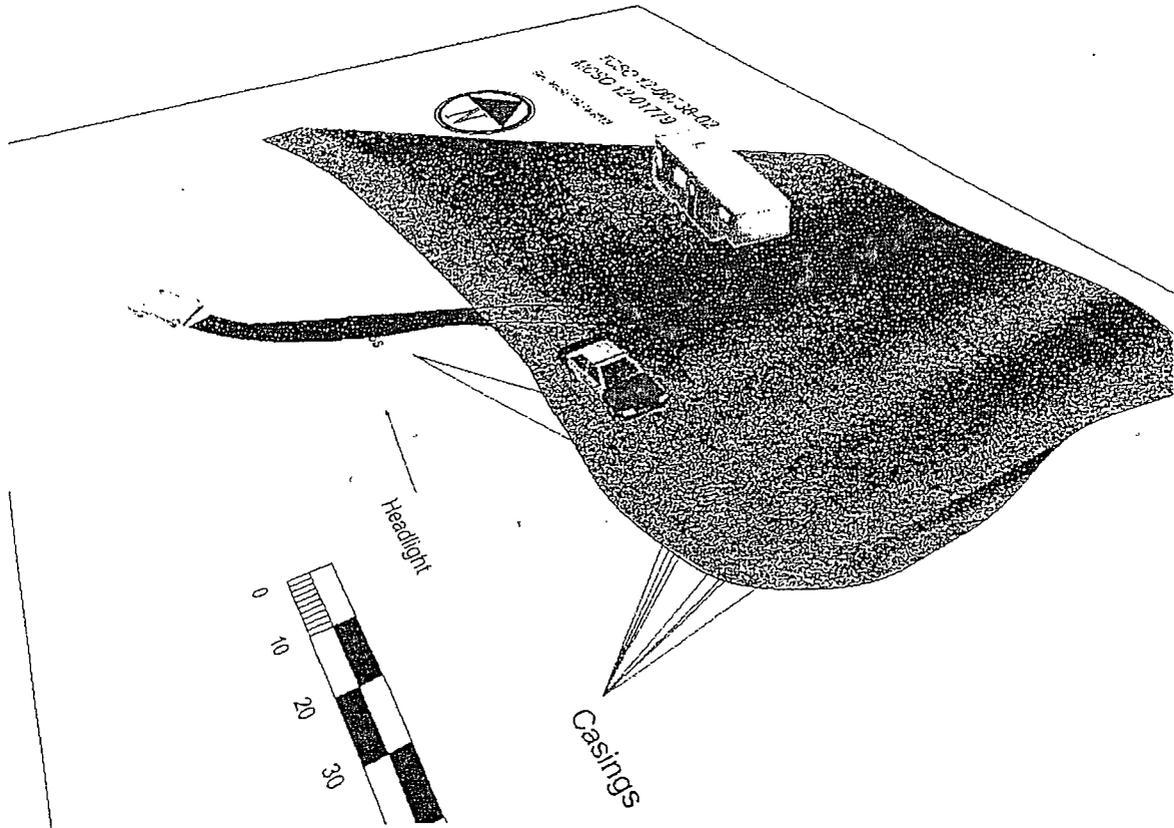


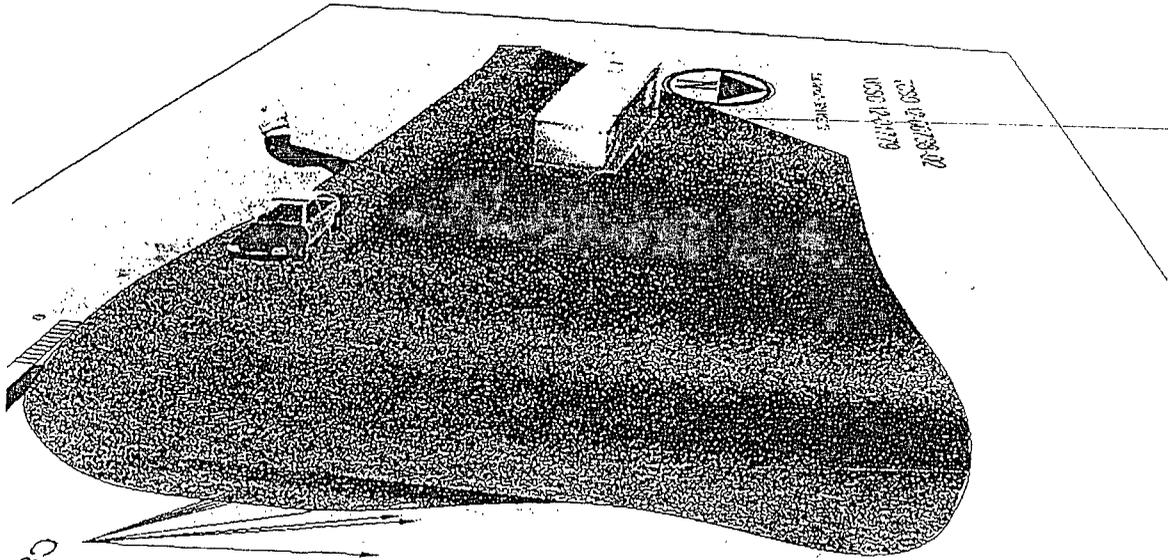








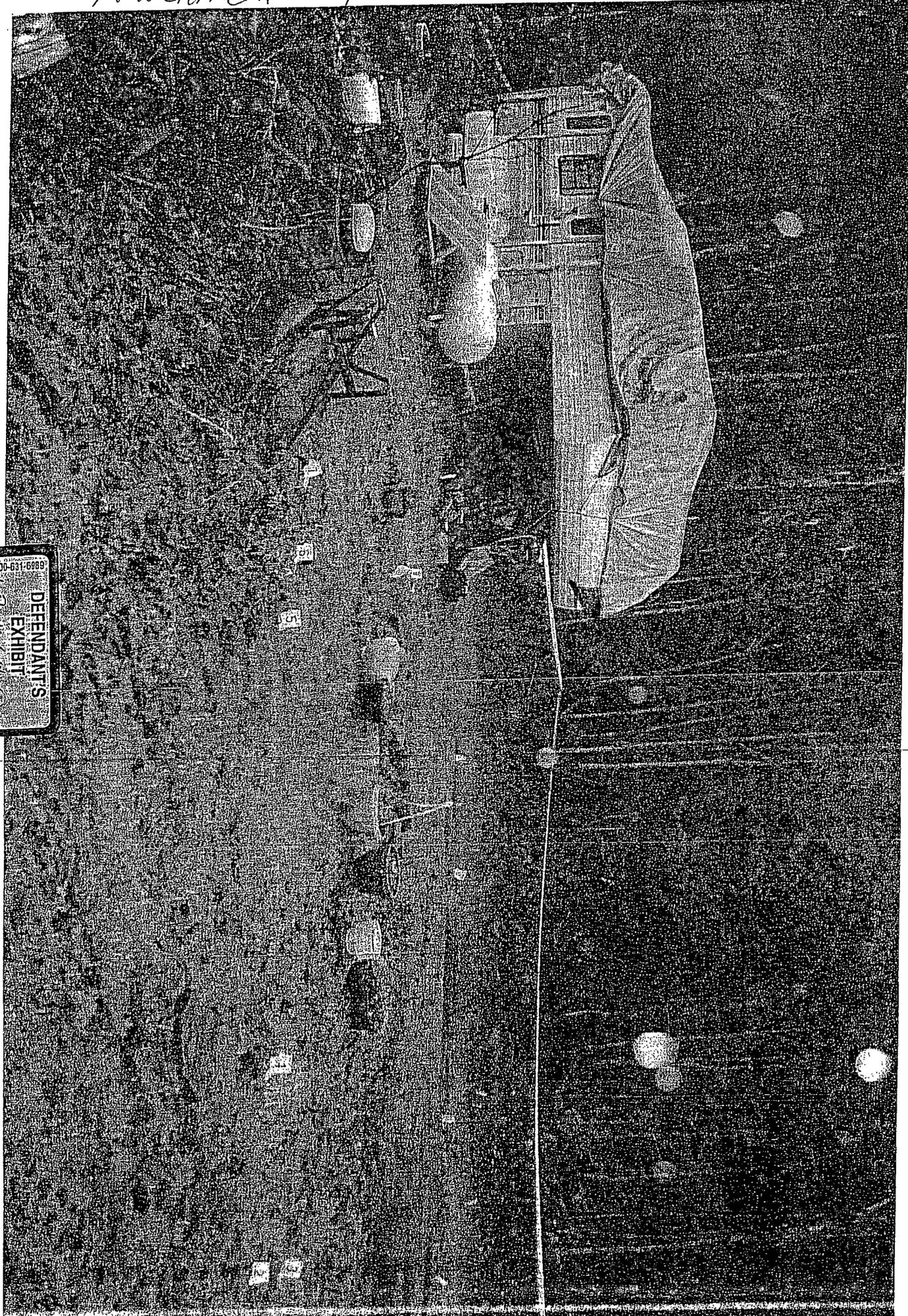


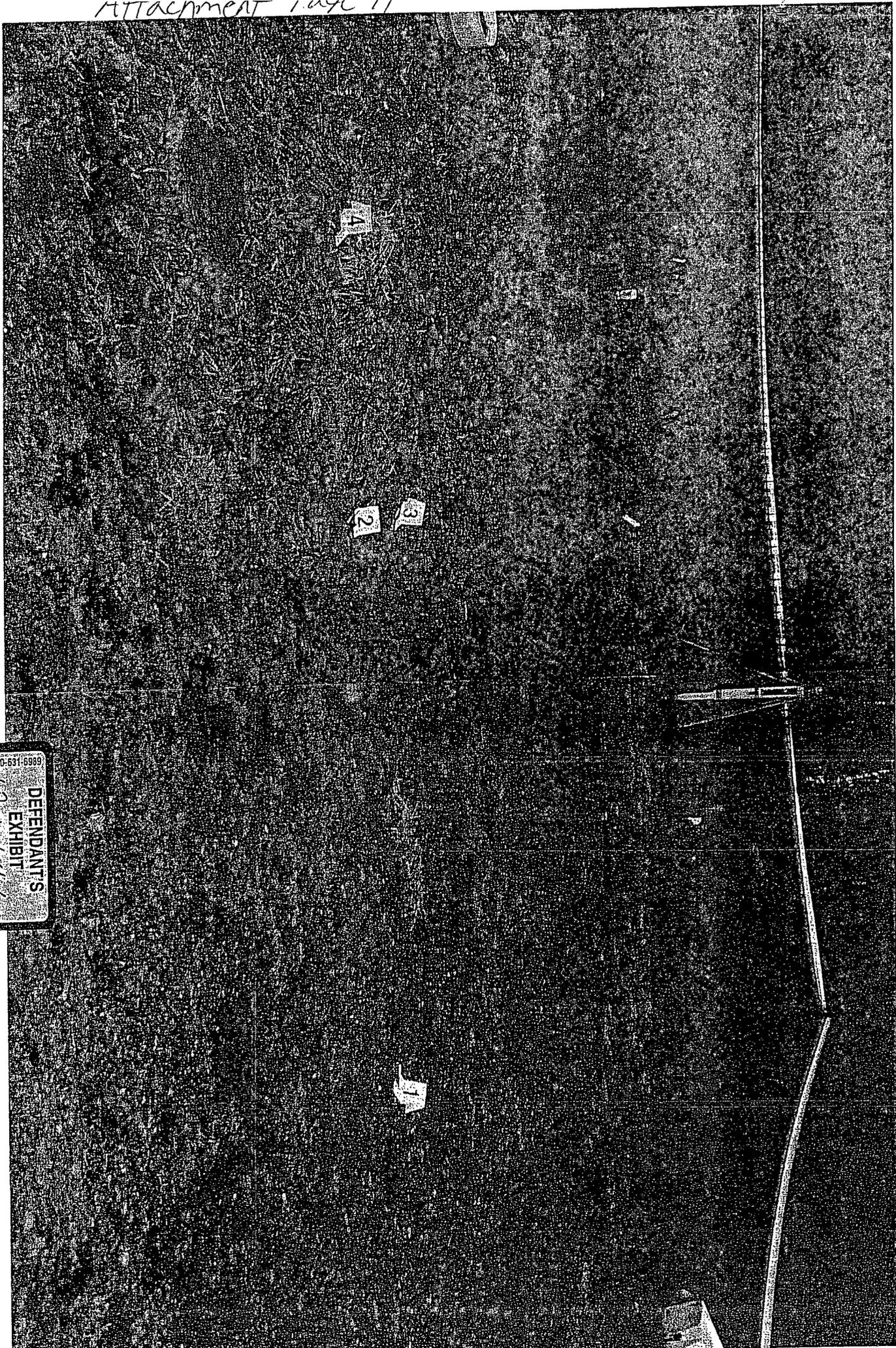


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PENGAD 800-631-6969
NO. 12-1696
DEFENDANT'S
EXHIBIT



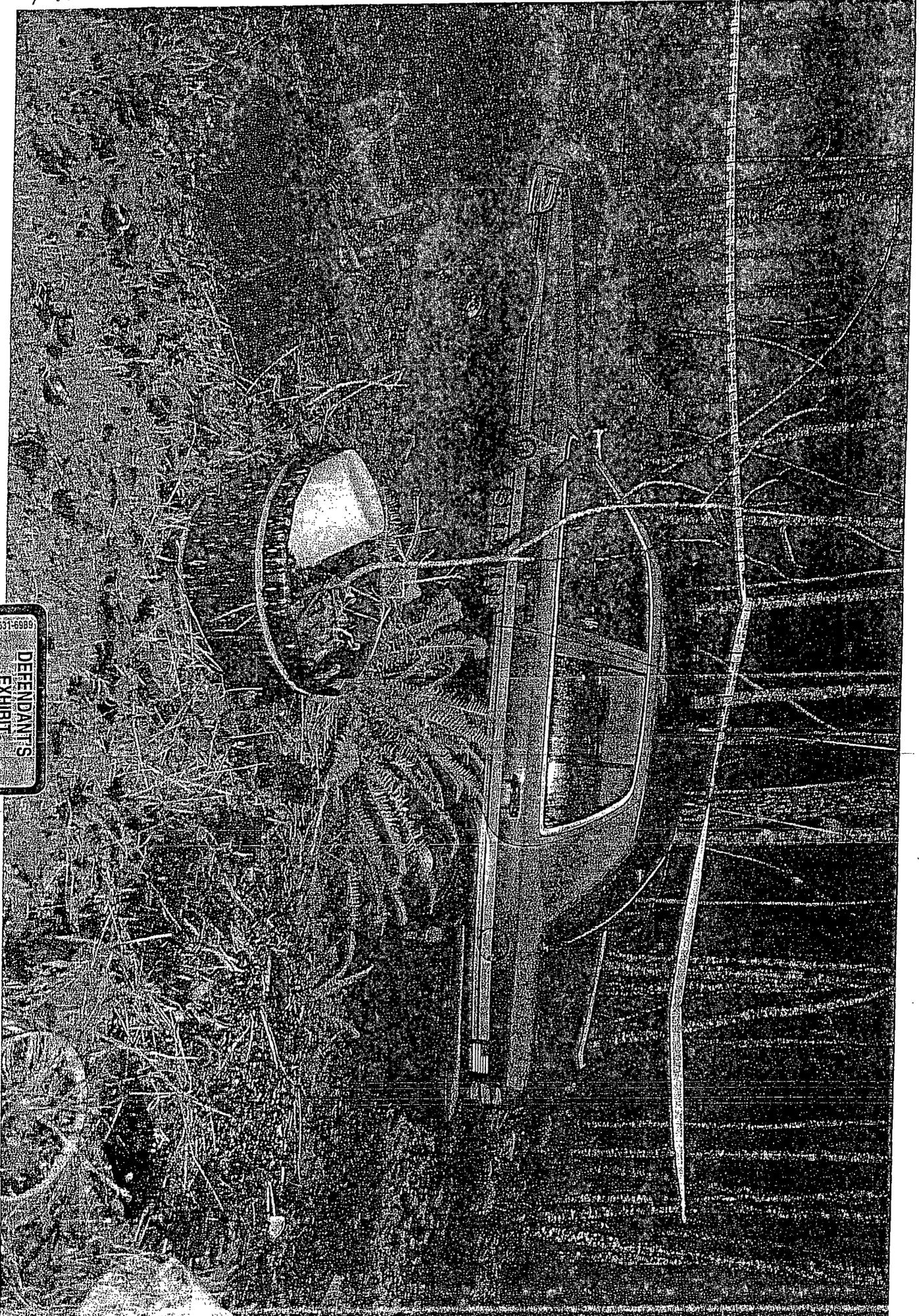


PENGAD 800-631-6989
 12-1-64-6
 NO. 91
 DEFENDANT'S
 EXHIBIT



PENGAD 800-631-6999
 NO. 12-1-64-6
 DEFENDANT'S
 EXHIBIT

* Note The positioning of Adams Car in Reference to the Plaster & Wheelbarrow. 13



PENGAD 800-631-6986
 DEFENDANT'S
 EXHIBIT
 NO. 8946

EXPEDITE
 Hearing is set.
 Date:
 Time:
 Judge/Calendar:
 No hearing is currently set

REC'D & FILED
MASON CO. WA.

2012 OCT 19 1 P 2:43

PAT SWARTOS, CO. CLERK
BY _____ DEPUTY

(Handwritten signature)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

STATE OF WASHINGTON,

Plaintiff,

vs.

MARTIN IVIE,

Defendant.

NO. 12-1-00064-6

DECLARATION OF MARJORIE
STEINKE

COMES NOW, MARJORIE STEINKE, under penalty of perjury and states as follows:

I was a juror on the Martin Ivie case. I do not believe Mr. Ivie committed the First Degree Assault against Deputies Reed and Adams.

The foreperson was very pushy She made comments during deliberation to the effect of "after all, he is a thief and a liar" and she made up her mind that Mr. Ivie was guilty early on in deliberation. She did not want to submit questions to the bailiff to be answered by the court and left so many questions unanswered.

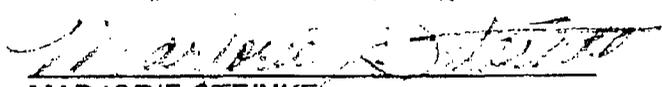
After arguing for some time, another juror pointed out that the paper we received said that if what Mr. Ivie was doing at the time resulted in a crime he was guilty. That made no sense to me but much of the papers were confusing. After that was pointed out to me I felt that I had no choice but to change my vote. Even though I had questions about that rule, I knew that the lead juror would not ask them, since she all but refused to ask the one

108

1 question we did finally get her to submit to the bailiff. Everyone was tired and even though
 2 no one said anything I felt pressure from the other jurors as they just wanted me to change
 3 my vote so they could all leave. My asking questions and continuing to argue seemed
 senseless at the time.

4 I personally never felt that Mr. Ivie was guilty but was told that my personal opinions
 5 did not matter.

6 SIGNED UNDER PENALTY OF PERJURY of the laws of the State of Washington
 this 11 day of October, 2012.

7
 8 
 9 MARJORIE STEINKE

RECEIVED
 JUL 12 2012
 Mason County
 Prosecuting Attorney's Office

REC'D & FILED
 MASON CO. WA

2012 JUL 12 P 12:54

PAT SWARTOS, CO. CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON DEPUTY
 IN AND FOR THE COUNTY OF MASON

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 MARTIN IVIE,)
)
 Defendant.)

NO. 12-1-64-6

CR 7.5 Motion for New Trial

Comes now the defendant pursuant to CR7.5 (a) (2) and moves the Court for a New Trial. This motion is based on the following Affidavit of Counsel and legal argument.

Affidavit of Counsel

On Monday July 9, 2012 I received a phone call from Juror #4 Margy Stinke, she advised me that the Foreperson of the Jury refused to send out questions to the Judge during deliberations. She advised me that both her and another Juror had serious concerns about the law and wanted to ask the Judge some questions. The Foreperson repeatedly refused to send out any questions to the Court. This left Juror #4 without enough information to reach a proper verdict.

Signed under Penalty of Perjury

James P. Foley WSBA 20402

Law

Under CR7.5 (a) (2) Misconduct on the part of the Jury is grounds for a New Trial.

 ORIGINAL

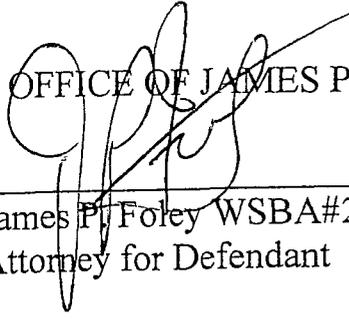
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In the Defendant's case, we have the Foreperson disregarding Jury instruction #32 which instructs the Jury that if they have a question, they should write it down and send it out to the Judge. This misconduct violated the defendant's right to a fair trial and is grounds for a New Trial.

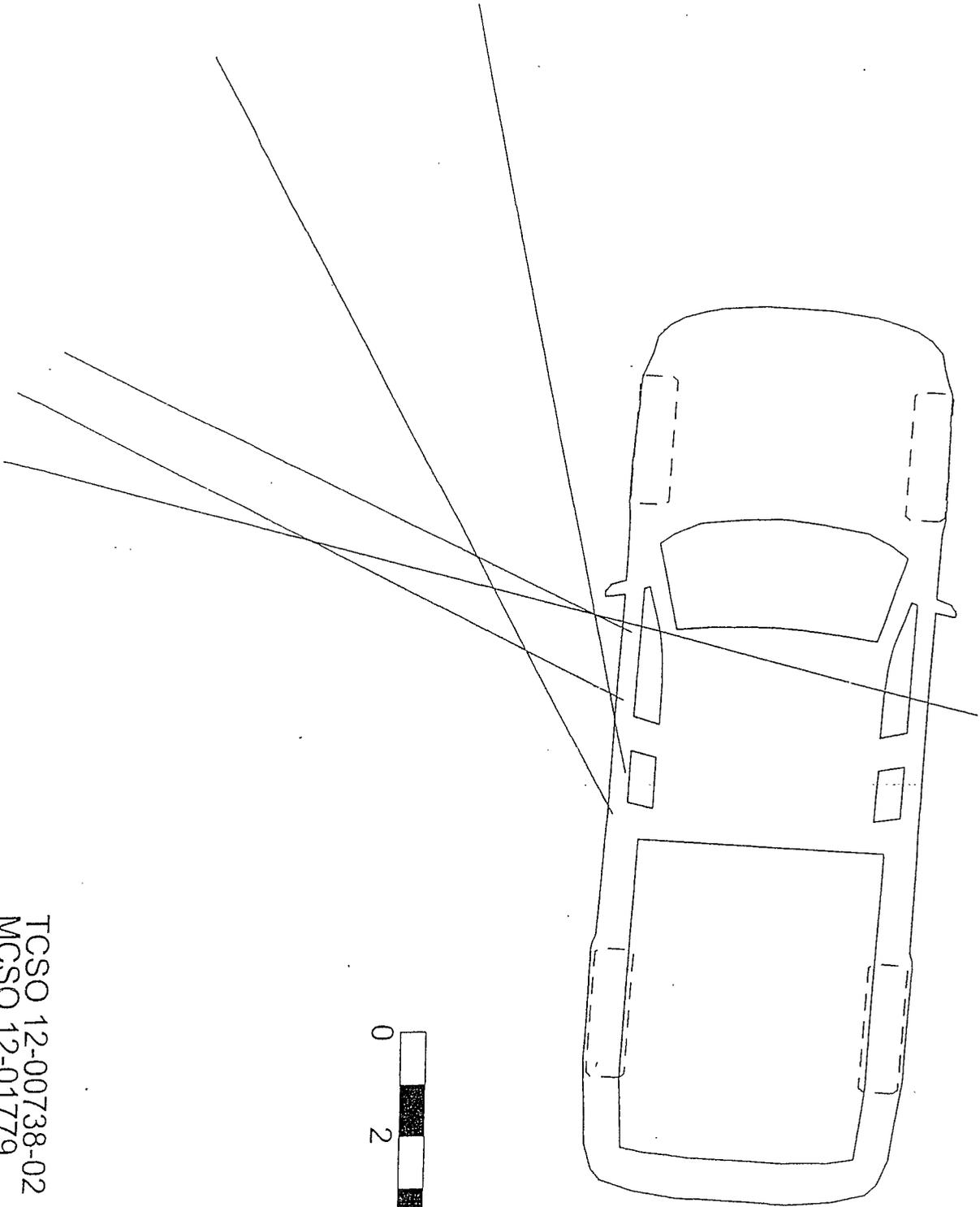
The Defendant respectfully requests the Court Order a New Trial in this case based on the Forepersons misconduct..

Dated this 12th day of July 2012.

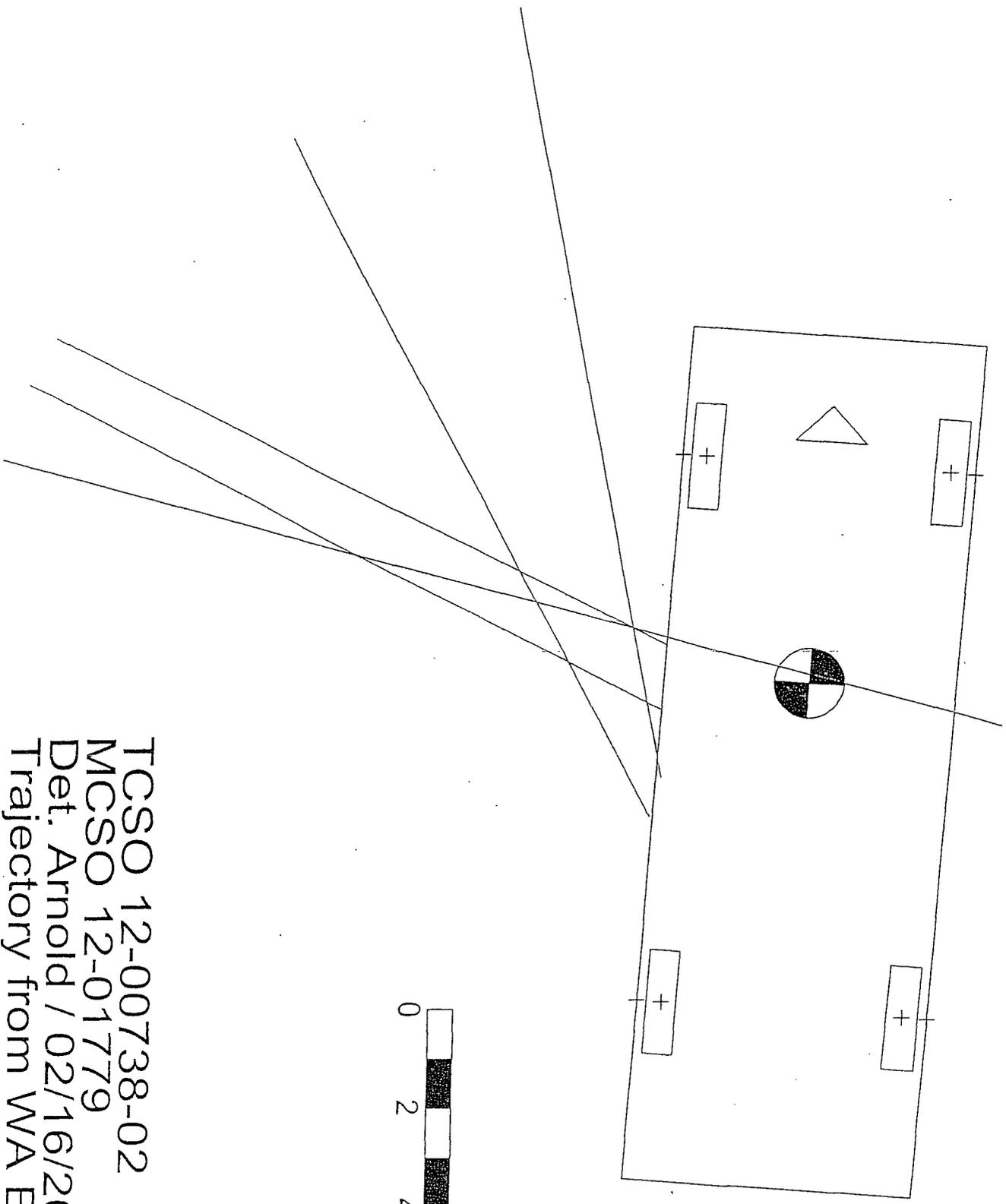
THE LAW OFFICE OF JAMES P. FOLEY



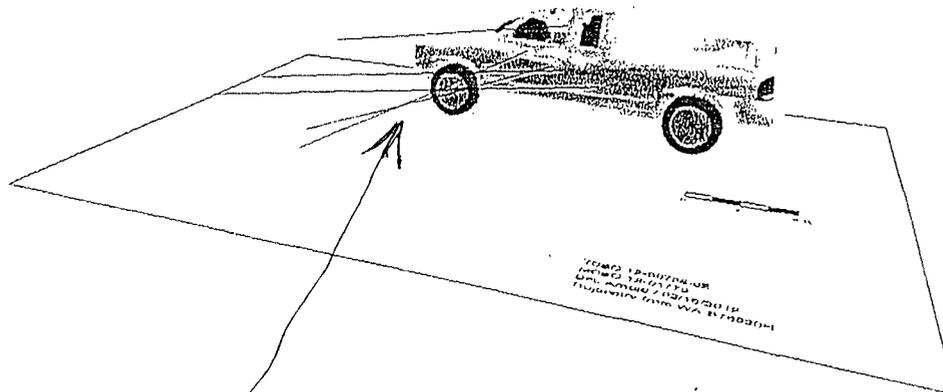
James P. Foley WSBA#20402
Attorney for Defendant



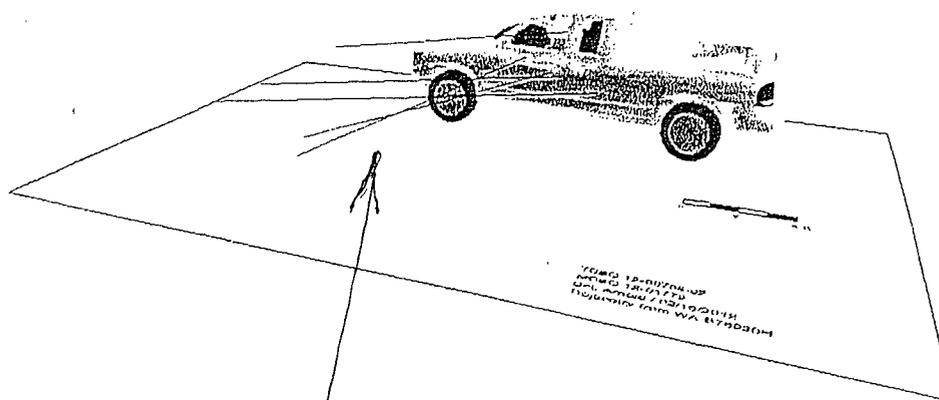
TCSO 12-00738-02
MCSO 12-01779
Det. Arnold / 02/16/2012
Trajectory from WA B76920H



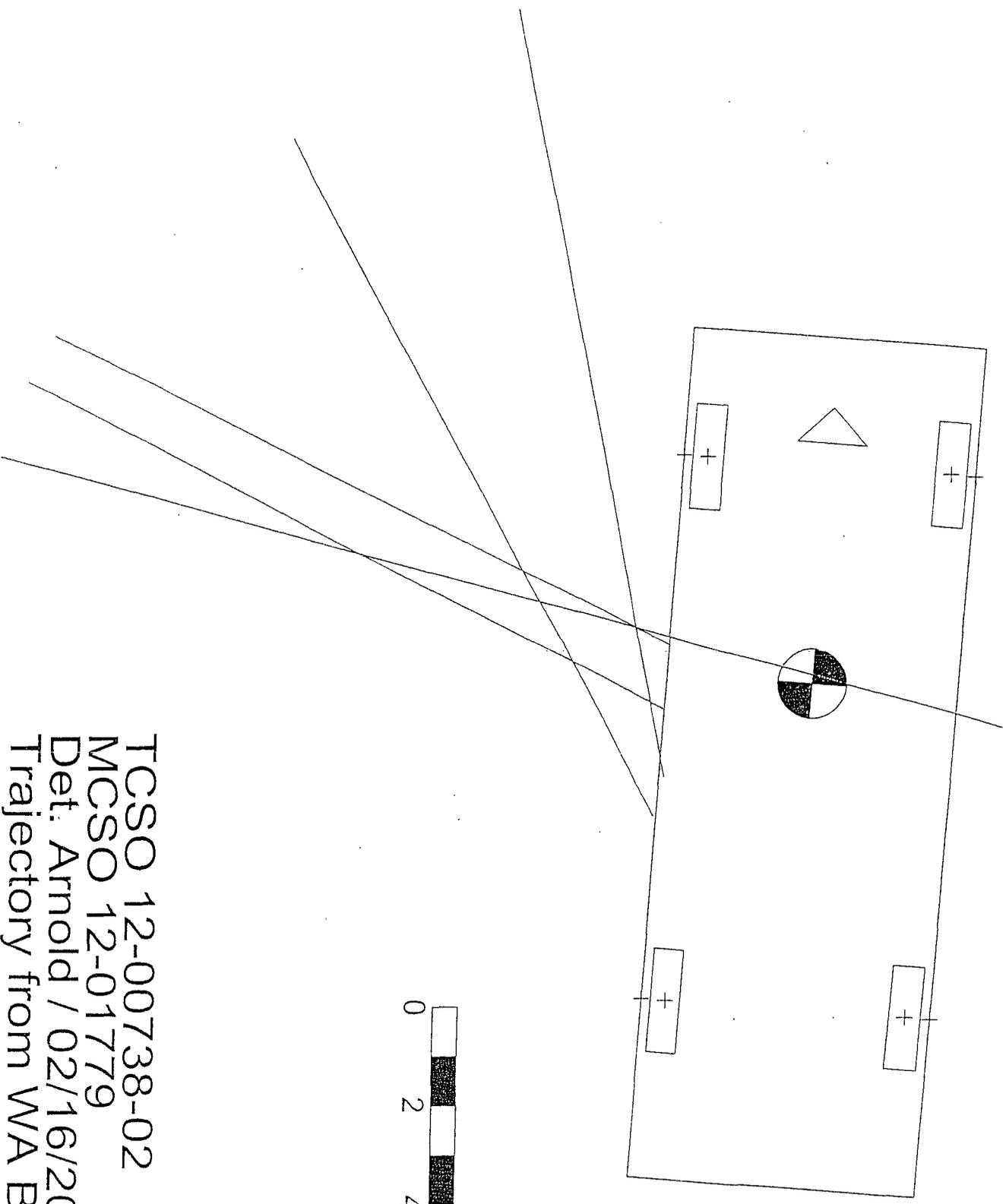
TC SO 12-00738-02
MC SO 12-01779
Det. Arnold / 02/16/2012
Trajectory from WA B7692



This did not happen!
This is a forgery!

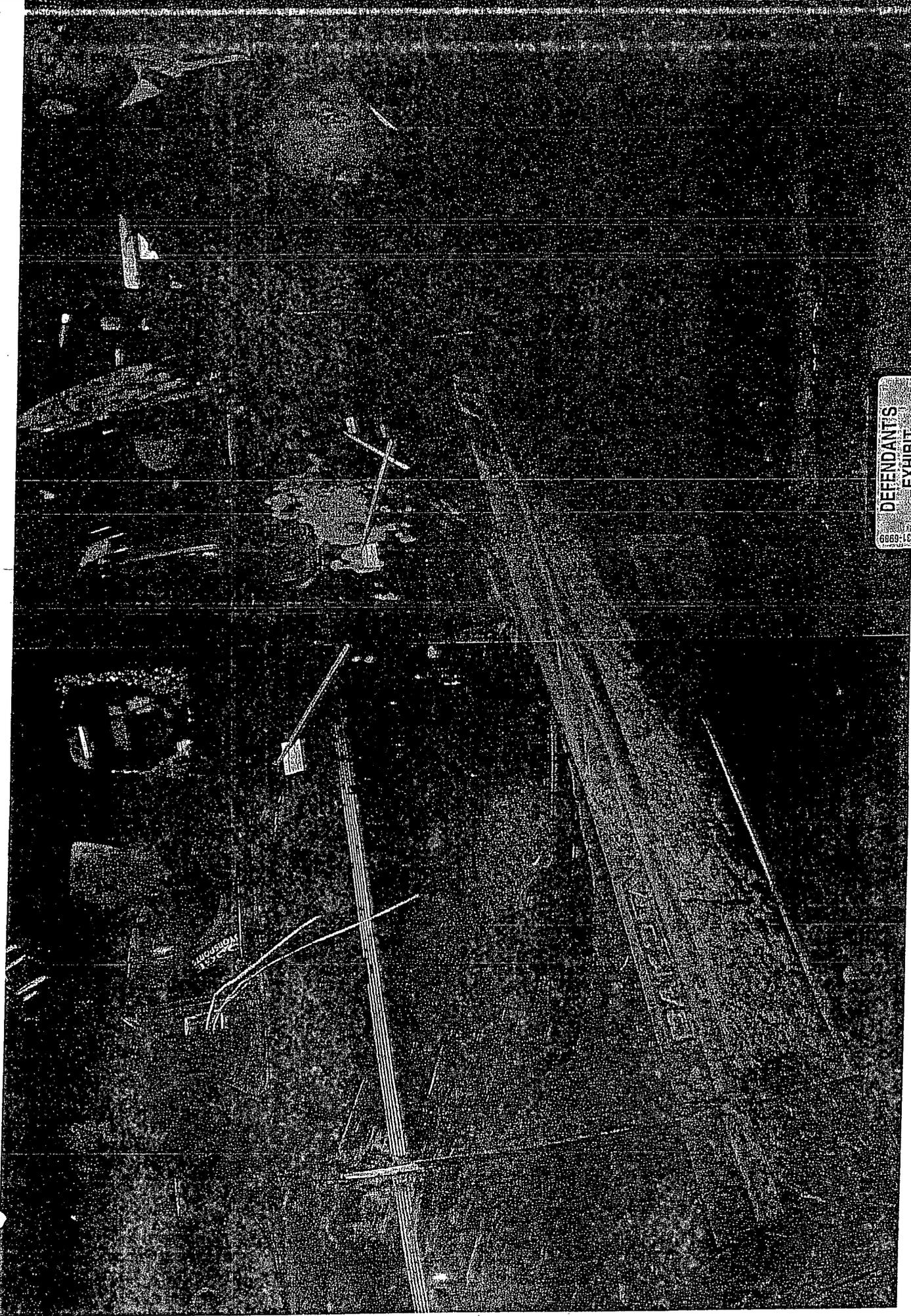


This did not happen!
This is a forgery!



TCSO 12-00738-02
MCSO 12-01779
Det. Arnold / 02/16/2012
Trajectory from WA B7692

Picture taken at the Thurston County Evidence Garage
Picture Only Shows Three of the Eight Shots Fired?



DEFENDANT'S
EXHIBIT
NO. 1294-C
ENGAD 800-631-6889

10

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22
Picture taken while my truck was in Norston County Evidence garage.
This is suppose to be of the bullet trajectory rods?



22
DEFENDANT'S
EXHIBIT
NO. 13
PENGAD 800-631-6989

22

This Photo was taken at the Mason County Jail

By Detectives from the M.U.T. Investigation Unit

Shortly after returning from Tacoma Gen. Hospital, Approx Feb. 12, 2012. The Hospital didn't even bother with cleaning the wounds

Bullet Wounds The blood was caked into my hair.

↑ Front
↑ Trajectory

Bullet ↑ From the back
Left and traveled
Forward to front
right.

↑ Trajectory
Bullet

Front

Back



BUILDING UP
STRONG BACK
CONVULSION FROM
MAYBE FROM
RIGHT IT IS STILL
VIA THE LADDER
EACH NERVE
BY RIGHT ARM



Picture of Bullock's Numb Tan Ribbit at Moorpark Annex - A 12-11-19

27 (We separate Dwyer Wounds 1" by Left Arm Was extended out and hand was on steering wheel)

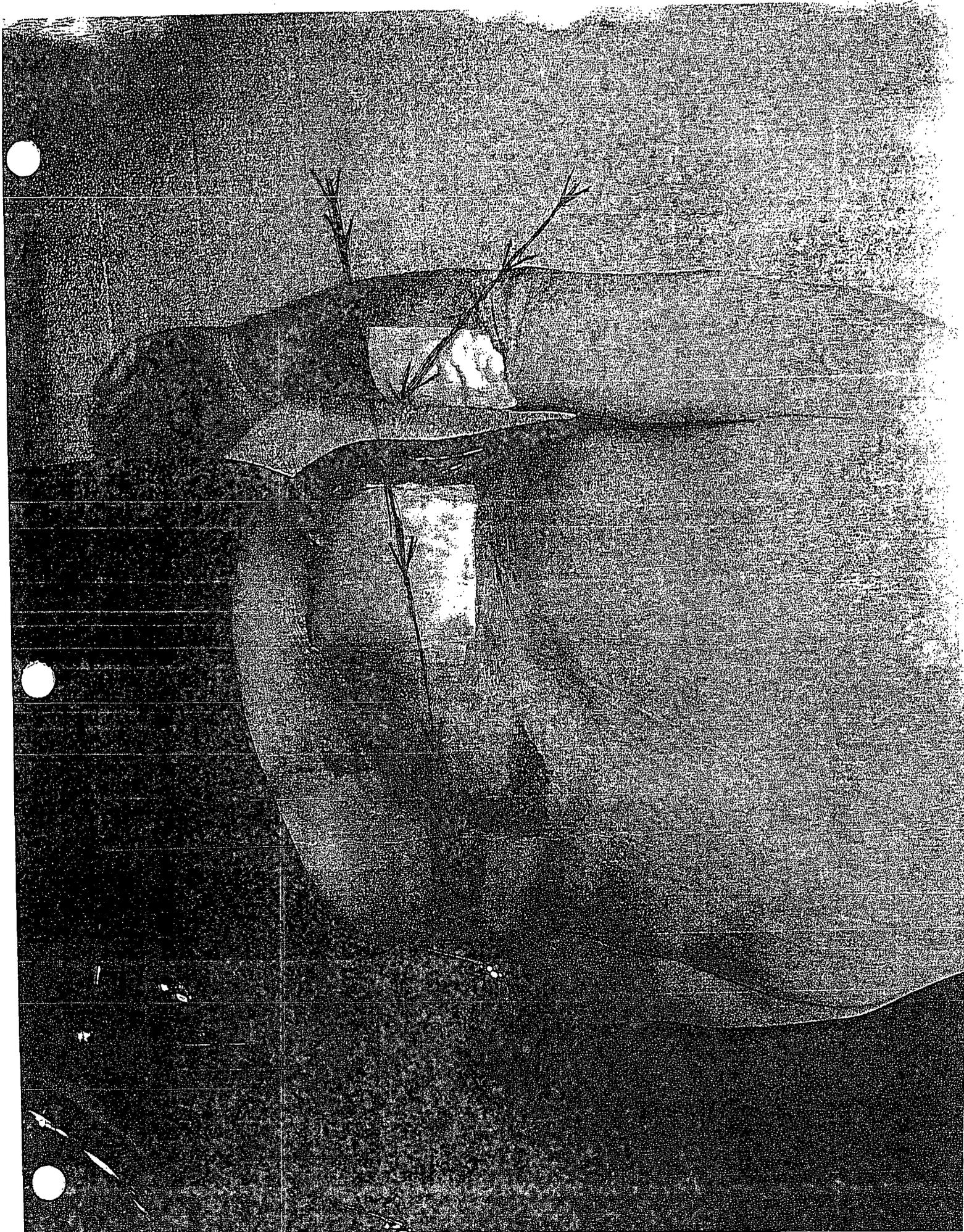


15-11-77

My left Arm was extended out My Left Hand ^{was} on Steering Wheel when shot 21

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* Asterick indicates those that were called on 11/11/00

II. The State makes the following representations:

(a) The State may call as witnesses:

<u>NAME</u>	<u>AGENCY/ADDRESS</u>	<u>PHONE</u>
* LIEUTENANT ELWIN	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
DETECTIVE SIMPER	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
* SGT. BRADY	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
* SGT. CLARK	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
* DETECTIVE GRAY	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
* DETECTIVE ARNOLD	Thurston County Sheriff's Office 2000 Lakeridge Drive SW Olympia, WA 98502	(360) 786-5500
* DETECTIVE MCGOWAN	Grays Harbor County Sheriff's Office PO Box 630 / 100 W. Broadway, Suite 3 Montesano, WA 98563	(360) 249-3711
SGT. BREEN	Lewis County Sheriff's Office 345 West Main Street Chehalis WA 98532	(360) 748-9286
* DEPUTY M. SARGENT	Mason County Sheriff's Office PO Box 1037 / 322 N 3rd Street Shelton, WA 98584	(360) 427-9670

* Absent from trial

4/2/00

24

DEPUTY B. REED Mason County Sheriff's Office (360) 427-9670
PO Box 1037 / 322 N 3rd Street
Shelton, WA 98584

SGT. T. ADAMS Mason County Sheriff's Office (360) 427-9670
PO Box 1037 / 322 N 3rd Street
Shelton, WA 98584

* DETECTIVE J. GARDNER Mason County Sheriff's Office (360) 427-9670
PO Box 1037 / 322 N 3rd Street
Shelton, WA 98584

* DETECTIVE J. RHOADES Mason County Sheriff's Office (360) 427-9670
PO Box 1037 / 322 N 3rd Street
Shelton, WA 98584

JOHN MURRAY 1001 NW 76th St
Vancouver, WA

Any person listed in the police reports may be called as a witness.

(b). The State is aware of the following convictions of persons it intends to call as witnesses:

(X) None known, or:

(c). The following exhibits obtained, seized or prepared as indicated may be offered in the State's case-in-chief:

EXHIBIT
SEE POLICE REPORTS

SOURCE

(d). The results of the following scientific tests, experiments or comparisons may be offered in the State's case-in-chief through the witnesses indicated:

TEST

WITNESS

(e). If the defendant testifies at trial, the State may offer evidence of the following prior convictions:

OFFENSE

CONVICTION DATE

SENTENCE

TO BE PROVIDED WITH DISCOVERY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

7017 MAY 10 1 A 8:48 :
CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-1738 S. CO. CLERK
MCSO 12-1779 DEPUTY
SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Detective Gray
Thurston County Sheriff's Office
ADDRESS: 2000 Lakeridge Drive SW
Olympia, Wa. 98502
TELEPHONE: (360)786-5500

YOU ARE COMMANDED TO APPEAR:

For the TRIAL TERM beginning: June 5, 2012 at 9:00 a.m. or as directed by the Prosecutor.
The FINAL START DATE for this trial is July 6, 2012.

LOCATION: MASON COUNTY COURTHOUSE - UPSTAIRS, 4th and Alder, Shelton, Washington, 98584, to testify in the above case on the part of the PLAINTIFF and to remain in attendance until you have been excused by the Court. This subpoena is in effect until the trial is completed and may extend beyond the time period indicated. For the most current trial information please call the Subpoena Line at the number(s) provide below. If you leave a message someone will call you back the next working day.

FAILURE TO COMPLY MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

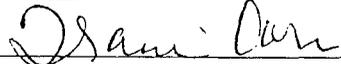
Dated: May 9, 2012

Signed: 
MICHAEL K. DORCY, #31968

Please **CALL** the Prosecutor's Office the Friday before the above-listed Trial Term date between the hours of 2:00 p.m. - 5:00 p.m. to discuss the date and time you may be needed. You may be asked to continue calling each day until the court notifies our office of a start date. Please do not appear for court until directed by the Prosecutor.

Prosecuting Attorney
521 N. 4th Street
P.O. Box 639
Shelton, WA 98584
(360) 427-9670 ext. 654 (Shelton Subpoena Line)
(360) 275-4467 ext. 654 (Belfair Subpoena Line)
(360) 482-5269 ext. 654 (Elma Subpoena Line)
(360) 427-9670 ext. 417 (Office 8 a.m.- 5 p.m.)

I, TRACIE CORE, certify and declare that I deposited in the mail of the United States of America postage prepaid, an envelope addressed to the person listed above, containing the original of this document to which this declaration is a part of on May 10, 2012.


TRACIE CORE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA

2012 MAY 10 A 8:48

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-738
MCSO 12-1779 DEPUTY

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Sgt. Clark
Thurston County Sheriff's Office
ADDRESS: 2000 Lakeridge Drive SW
Olympia, Wa. 98502
TELEPHONE: (360)786-5500

YOU ARE COMMANDED TO APPEAR:

For the TRIAL TERM beginning: June 5, 2012 at 9:00 a.m. or as directed by the Prosecutor.
The FINAL START DATE for this trial is July 6, 2012.

LOCATION: MASON COUNTY COURTHOUSE - UPSTAIRS, 4th and Alder, Shelton, Washington, 98584, to testify in the above case on the part of the PLAINTIFF and to remain in attendance until you have been excused by the Court. This subpoena is in effect until the trial is completed and may extend beyond the time period indicated. For the most current trial information please call the Subpoena Line at the number(s) provide below. If you leave a message someone will call you back the next working day.

FAILURE TO COMPLY MAY BE CONSIDERED CONTEMPT OF COURT AND MAY RESULT IN YOUR ARREST.

Dated: May 9, 2012

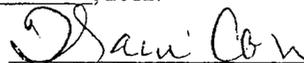
Signed: _____



MICHAEL K. DORCY, #31968
Prosecuting Attorney
521 N. 4th Street
P.O. Box 639
Shelton, WA 98584
(360) 427-9670 ext. 654 (Shelton Subpoena Line)
(360) 275-4467 ext. 654 (Belfair Subpoena Line)
(360) 482-5269 ext. 654 (Elma Subpoena Line)
(360) 427-9670 ext. 417 (Office 8 a.m.- 5 p.m.)

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I, TRACIE CORE, certify and declare that I deposited in the mail of the United States of America postage prepaid, an envelope addressed to the person listed above, containing the original of this document to which this declaration is a part of on May 10, 2012.


TRACIE CORE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

2012 MAY 10 A 8:48
CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-138
PAT SWARTOS, CO. CLERK
MCSO 12-1779 DEPUTY
SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Sgt. Brady
Thurston County Sheriff's Office
ADDRESS: 2000 Lakeridge Drive SW
Olympia, Wa. 98502
TELEPHONE: (360)786-5500

YOU ARE COMMANDED TO APPEAR:

For the TRIAL TERM beginning: June 5, 2012 at 9:00 a.m. or as directed by the Prosecutor.
The FINAL START DATE for this trial is July 6, 2012.

LOCATION: MASON COUNTY COURTHOUSE - UPSTAIRS, 4th and Alder, Shelton, Washington, 98584, to testify in the above case on the part of the PLAINTIFF and to remain in attendance until you have been excused by the Court. This subpoena is in effect until the trial is completed and may extend beyond the time period indicated. For the most current trial information please call the Subpoena Line at the number(s) provide below. If you leave a message someone will call you back the next working day.

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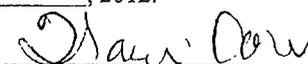
Dated: May 9, 2012

Signed: 

MICHAEL K. DORCY, #31968
Prosecuting Attorney
521 N. 4th Street
P.O. Box 639
Shelton, WA 98584
(360) 427-9670 ext. 654 (Shelton Subpoena Line)
(360) 275-4467 ext. 654 (Belfair Subpoena Line)
(360) 482-5269 ext. 654 (Elma Subpoena Line)
(360) 427-9670 ext. 417 (Office 8 a.m.- 5 p.m.)

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I, TRACIE CORE, certify and declare that I deposited in the mail of the United States of America postage prepaid, an envelope addressed to the person listed above, containing the original of this document to which this declaration is a part of on May 10, 2012.


TRACIE CORE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA

2012 MAY 10 A 8:48

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 vs.)
)
 MARTIN S. IVIE,)
)
 DOB:120461)
)
 Defendant.)

CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-738
PAT SWARTOS, CO. CLERK
MCSO 12-1779 DEPUTY

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Lieutenant Elwin
Thurston County Sheriff's Office
ADDRESS: 2000 Lakeridge Drive SW
Olympia, Wa. 98502
TELEPHONE: (360)786-5500

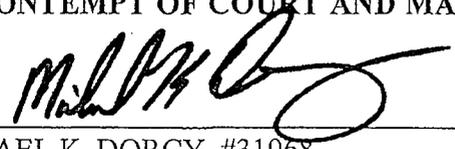
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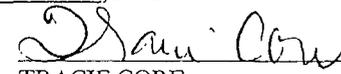
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.
2012 MAY 10 | A 8:48

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

CAUSE NO. 12-1-00064 AT SWARTOS, CO. CLERK
Agency Case No. TCSO 12-738
MCSO 12-1779 DEPUTY

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Detective Rhoades
Mason County Sheriff's Office
ADDRESS: 322 N Third
Shelton, Wa. 98584
TELEPHONE: (360)427-9670 ext 313

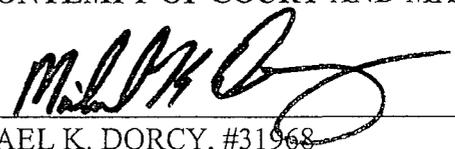
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TRACIE CORE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

2012 MAY 10 1 A 8:48

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

CAUSE NO. 12-1-000646 T SWARTOS, CO. CLERK
Agency Case No. TCSO 12-738 DEPUTY
MCSO 12-1779

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Detective Gardner
Mason County Sheriff's Office
ADDRESS: 322 N Third
Shelton, Wa. 98584
TELEPHONE: (360)427-9670 ext 313

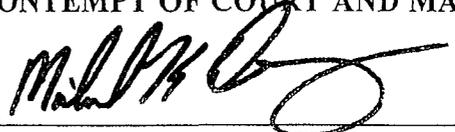
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TRACIE CORE

35

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

2012 MAY 10 A 8:48
CAUSE NO. 12-1-000648
Agency Case No. TCSO 12-588
MCSO 12-1779 DEPUTY
ARTOS. CO. CLERK

SUBPOENA – CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Deputy Sargent
Mason County Sheriff's Office
ADDRESS: 322 N Third
Shelton, Wa. 98584
TELEPHONE: (360)427-9670 ext 313

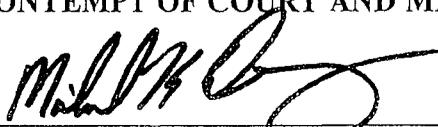
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TRACIE CORE

36

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

STATE OF WASHINGTON,)
Plaintiff,)
vs.)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

2012 MAY 10 A 8:48
CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-738
PAT SWARTZ, CLERK
BY MCSO 12-1779 DEPUTY

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Detective McGowan
Grays Harbor Sheriff's Office
ADDRESS: P.O. Box 630
Montesano, Wa. 98563
TELEPHONE: (360)249-3711

YOU ARE COMMANDED TO APPEAR:

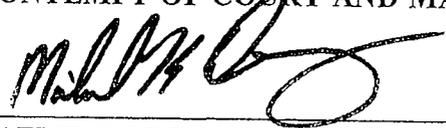
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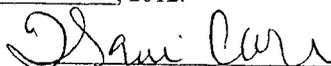
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IN AND FOR MASON COUNTY

REC'D & FILED
MASON CO. WA.

2012 MAY 10 A 8:48

STATE OF WASHINGTON,)
Plaintiff,)
)
vs.)
)
MARTIN S. IVIE,)
DOB:120461)
Defendant.)

CAUSE NO. 12-1-00064-6
Agency Case No. TCSO 12-738
by ~~MCSO 12-1779~~ DEPUTY
PAIS SWARTOS, CO. CLERK

SUBPOENA - CRIMINAL TRIAL

THE STATE OF WASHINGTON

TO: Detective Arnold
Thurston County Sheriff's Office
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Olympia, Wa. 98502
TELEPHONE: (360)786-5500

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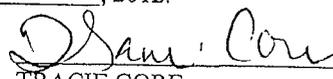
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Prosecuting Attorney
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TRACIE CORE

Thurston, Lewis, Pacific, Grays Harbor and Mason Counties. Mason County currently has leadership responsibility for the team, however since the involved Officers were members of the Mason County Sheriff's Office, Thurston County was asked to lead this investigation. I arrived on scene at approximately 2200 hours. Upon my arrival I was assigned as the Lead Investigator.

The Law Enforcement Officers involved in the incident were identified as Sgt. Travis Adams and Deputy Bill Reed, both of the Mason County Sheriff's Office.

Sgt. Adams and Deputy Reed were separated and were with other department members for support at the time of my arrival. They were not interviewed at this time as per standard procedure.

The individual who had been shot was identified as Martin Ivie. He was initially transported to Mason General Hospital but was transferred to Tacoma General Hospital shortly thereafter. It was reported that he was in serious but stable condition. Thurston County Detective Frank Frawley was dispatched to Tacoma General to take possession Ivie's clothing and secure a statement if possible.

Based on the initial information provided, I learned that Mason County Deputy Reed was in the area of Dow Ridge Rd as part of an ongoing investigation into the theft of timber. Deputy Reed was staking out the area in hopes of locating the suspect responsible for cutting down the maple trees. Deputy Reed arrived in the area at approximately 1745 hours and remained there until the suspect arrived at approximately 2000 hours. Deputy Reed recognized the suspect from previous contacts as Martin Ivie. It was at this time that Deputy Reed requested backup at the location. Deputy Reed stayed in the brush and observed Ivie's activities while awaiting backup. A short time later, Mason County Sgt. Travis Adams arrived in the area. The lights from Sgt. Adams' patrol vehicle reportedly spooked Ivie. Ivie looked up and the headlamp that he was wearing illuminated Deputy Reed. It was at this time that Deputy Reed announced his presence and advised Ivie that he was under arrest. Ivie refused to comply with Deputy Reed's instructions. Ivie was belligerent and confrontational with Deputy Reed. Ivie got into his truck and drove from the location, with Deputy Reed following on foot for a short distance.

Ivie drove from the small landing and turned right onto North Dow Ridge Rd to head back to the main road. It was at this time that Ivie was met by Sgt. Adams marked patrol vehicle. Sgt. Adams' emergency lights were reportedly activated at the time. * When Ivie encountered Sgt. Adams' vehicle, he turned his truck around in an apparent attempt to avoid arrest. While attempting to turn his vehicle around, he struck the drivers side front bumper of Sgt. Adams' patrol vehicle. * Ivie then fled back towards Deputy Reed's location. Deputy Reed was standing on North Dow Ridge Rd as Ivie drove past. Deputy Reed reported that he had to

12-158

Case #: Error! Reference source not found.

jump into the ditch in order to avoid being struck by Ivie's vehicle. Deputy Reed's uniform was muddy, which would be consistent with his account.

Sgt. Adams continued to pursue Ivie's vehicle on North Dow Ridge Rd while Deputy Reed ran back to retrieve his patrol vehicle. Ivie continued to elude Sgt. Adams as he turned onto 2340 road and eventually onto 2341 rd also known as North Fairybell Ln. The roadway is quite steep and ends near a travel trailer marked 301 North Yellowhawk Rd. At the top of the driveway, Ivie u-turned sharply, until his vehicle was pointed back at Sgt. Adams. By this time, Sgt. Adams had exited his vehicle, armed with his AR-15 rifle. Ivie's vehicle was in close proximity to Sgt. Adams and was still accelerating towards him. Fearing for his life, Sgt. Adams fired multiple rounds from the rifle, striking Ivie and his vehicle. The vehicle narrowly missed Sgt. Adams' vehicle before running off of the roadway. The vehicle came to rest approximately 30 yards down an embankment. Sgt. Adams rendered aid until aid units and other Deputies arrived on scene.

On 02/09/12 at approximately 2230 hours, Sgt. Adams and Deputy Reed were brought to the Lake Cushman Maintenance building, which we were utilizing as the base of operations. Thurston County Sgt. K. Clark and his evidence team photographed Deputy Reed. They photographed and collected gear from Sgt. Adams. I explained to both parties the objective of the C.I.I.T. I advised them that interviews would be arranged through their guild representative, Deputy Sargent.

On 02/09/12 at 2330 hours, I interviewed Skokomish Tribal Officer Erik Anderson. Anderson was the second Officer to respond to assist Adams and Reed after shots were fired. Officer Anderson stated that dispatch had called him via his cell phone as he typed reports at the Tribal Annex. Dispatch requested that Anderson respond to assist with the incident near Lake Cushman. Officer Anderson responded but had difficulty due to his unfamiliarity with the area. Anderson stated that it was also extremely foggy. Anderson did not know exactly how long it took him to respond to the location. Anderson was eventually directed to the location by volunteer fire personnel who were staged at the bottom of the hill. Anderson observed a Deputy driving up behind him, so he pulled aside so he could follow him up. It was later determined that this vehicle was driven by Deputy Potts. As Anderson followed Potts up the hill, another Deputy was driving down the hill. This was Deputy Reed. Reed turned around and led Anderson and Potts to the scene. Anderson recalled that upon his arrival, Sgt. Adams was down the embankment with the suspect. Anderson assisted Adams in administering aid until medics arrived. Anderson stated that he used a pry bar from the bed of the suspects truck to pry open the driver's side door of the truck. Anderson secured Adams' rifle in the back of Deputy Potts patrol vehicle. He then assisted fire personnel in carrying Ivie down the hill on a back board.

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

Attachment 41

Case #: Error! Reference source not found.

On 02/09/12 at approximately 2345 hours, I responded to the scene of the shooting for a walk through. Mason County Deputy Ken Potts was at the scene to maintain security. On 02/10/12 at 0047 hours, I obtained a recorded statement from Potts. Potts responded to the location after hearing that there were shots fired. Potts estimated that it took him 30 minutes to arrive at the location. Potts stated that when he arrived, he found Sgt. Adams patrol vehicle with its emergency lights activated. Potts stated that he ran to the front of the vehicle screaming for Travis but he could not locate him. It was at that time that Potts noticed lights below in the hillside. Potts went down the embankment to find the suspect's vehicle. Ivie was in the driver's seat of the vehicle and Sgt. Adams was in the passenger seat tending to Ivie's injuries. Potts recalled that while they were waiting for aid to arrive, Ivie mentioned that he was praying to live and that he was praying to give Travis forgiveness for the shooting.

Due to the darkness and difficulty in processing the scene, we cleared at approximately 0115 hours. Scene security was left at the location.

I responded back to the Lake Cushman maintenance building and contacted Mason County Deputy Chris Gaynor. Deputy Gaynor provided me with a recorded statement regarding the incident. Gaynor stated that Deputy Reed had been in the woods and Sgt. Adams was in the area looking for him. Gaynor heard Reed say that the suspect had tried to run him down. Gaynor began responding to the Lake Cushman area. Upon his arrival, aid units were bringing Ivie up the embankment from the truck. Gaynor assisted aid units in carrying Ivie to the ambulance. Gaynor was then requested to ride in the ambulance with Ivie to Mason General Hospital. According to Gaynor, Ivie did not make any statements while enroute to the hospital.

On 02/10/12 at approximately 0800 hours, we reconvened at the location. I obtained a telephonic search warrant for the address and suspect vehicle. The warrant was served at 0905 hours. The scene was processed by Thurston County Sgt. K. Clark and his evidence team.

On 02/10/12 at approximately 1215 hours, Lewis County Detective Sgt Dusty Breen and I contacted Ivie at Tacoma General Hospital. Ivie was read his Miranda Warning from a department issued card. He stated that he understood his rights and he agreed to speak with me regarding the incident. Ivie freely admitted his contempt for Deputy Reed. He stated that there is significant history between him and Reed. Ivie stated that he was in the area looking for, "Music Wood." He stated that the maple tree had already been cut down by someone else. Ivie stated that he did not have permission to cut the wood, but claimed that the tree was on, "Community property." Ivie said Deputy Reed jumped out of the bushes and told him to, "Freeze." *He recalled being told that he was under arrest. He said that he tried to reason with Deputy Reed by telling him that he needed to take his dog home. Ivie stated that he would have complied if Deputy Reed would have followed him home. Ivie admitted that he jumped back into his vehicle and fled back to North Dow Ridge Rd. It was at this time that Ivie saw

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

125038

Case #: **Error! Reference source not found.**

Sgt. Adams patrol vehicle, which was blocking the road with red and blue lights activated. * Ivie stated that he tried to turn around, and as he did so he struck Sgt. Adams vehicle. Ivie continued to the address on Yellowhawk Rd, where he attempted to turn his vehicle around again. I asked him why he turned around. He stated that he thought he could get past the patrol vehicle. Ivie stated that as he turned his vehicle around the Deputy shot him multiple times for no reason. Ivie claimed that no one rendered aid on him until medics arrived on scene. Without being asked, Ivie said that the Deputies were probably going to say that he was trying to hit them with his truck.

On 02/13/12, I learned that Ivie had been released from Tacoma General Hospital and was subsequently booked into the Mason County Jail.

It is apparent that Martin Ivie was struck by bullets fired from the rifle of Sgt. Adams, causing injury. Photographs of the injuries would be useful for investigative and documentation purposes.

- 5. Therefore I am requesting that the court issue a search warrant allowing me to search the premises, thing(s), vehicle(s) and/or person(s) listed in paragraph two and seize the following items as evidence of the crime:
Photographs of the injuries sustained by Ivie, Martin Stanley DOB 12/04/61 as a result of the incident on 02/09/12.

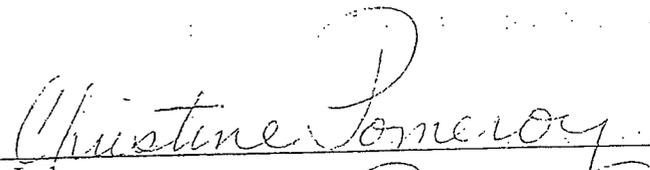


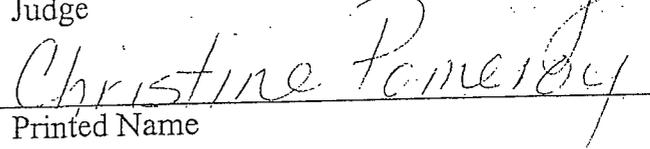
 Detective Cameron Simper, Affiant

- 6. Court's summary of additional evidence considered at the time of this application:

SUBSCRIBED AND SWORN TO BEFORE ME ON:

Date: * 2/16/12 *
 Time: 4:13 pm



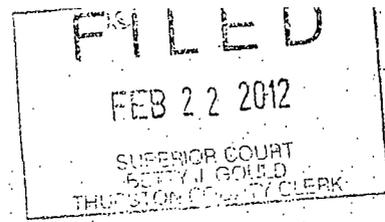
 Judge


 Printed Name

Revised 12-02-00

Attachment 43

IN THE SUPERIOR COURT
FOR THURSTON COUNTY,
WASHINGTON



SEARCH WARRANT

NO. 12-087
TCSO #: 12-738

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn affidavit of Detective Cameron Simper, made before me and incorporated herein by reference, it appears that there is probable cause to believe that evidence of a crime; contraband (including controlled substances), fruits of the crime or other things unlawfully possessed, weapons or other things with which a crime has been committed or reasonably appears about to be committed are under the control or in the possession of some person(s) and are located in or on certain premises, thing(s), vehicle(s) or person(s) within Thurston County, State of Washington hereinafter described.

THEREFORE, YOU ARE COMMANDED:

1. Within 10 days, to search said premises, thing(s), vehicle(s) or person(s) specifically described as follows:
Ivie, Martin Stanley DOB 12/04/61, who is currently in-custody at the Mason County Jail, Shelton, WA.
2. And seize the following items:
Photographs of the injuries sustained by Ivie, Martin Stanley DOB 12/04/61 as a result of the incident on 02/09/12.
3. Safely keep the items seized.
4. Return this warrant to the above court within 10 days following issuance for controlled substances, or promptly following execution for all others. The return must include an inventory of all property seized.

The involved deputies, Sgt Adams and Deputy Reed had been moved from the scene to the staging area, an office for the Lake Cushman homeowner's association. Sgt Dracoby provided a briefing of the events. I made the following assignments:

- Lead Investigator: Detective Simper (TCSO)
- Secondary Investigator: Detective McGowan (GHCSO)
- Logistics lead: Sergeant Brady (TCSO)
- Evidence lead: Sergeant Clark (TCSO)
- Evidence: Detective Arnold (TCSO)
- Evidence: Detective Gray (TCSO)
- MCSO Liason: Detective Gardner (MCSO)
- Investigator: Detective Rhodes (MCSO)

Evidence personnel were assigned to document the involved deputies and collect their uniform items. Investigator spoke to other peripherally involved deputies. It was determined that due to the location of the incident, there were no neighbors or potential witnesses to question.

Given the hour of darkness, I determined that we would secure the scene until daylight and make only a preliminary examination of the scenes. During this time frame, the suspect was transported by ambulance to Tacoma General Hospital. Det Frawley followed the ambulance to Tacoma.

The two scenes involved included an area where the suspect was illegally cutting and stealing firewood and first had contact with Dep Reed and Sgt Adams. This was an area accessed by a gravel road and was difficult to navigate without a four-wheel drive vehicle. The second scene was where the shooting occurred and was equally as difficult to access. This scene included a fifth-wheel trailer that was not involved in the incident.

* Initial photographs were taken of the scene and MCSO deputies were left in place to secure the area. A MCSO Corrections Deputy relieved Det Frawley at Tacoma General Hospital. All investigators cleared the area by approximately 0130 hrs.

On 02/10/2012 at 0700 hrs, investigators reconvened in Hoodspert. The same assignments were made, with three exceptions:

- Detective McGowan was not available for the scene processing.
- Detective Sergeant Dusty Breen (Lewis Co SO) was assigned as the Secondary Investigator.
- Detective Frawley had been relieved at the hospital by a MCSO Corrections Deputy.

Attachments 44

After completing a briefing, Detective Simper obtained a warrant for the property where the shooting occurred. The bulk of the remainder of the day was spent processing both scenes. Refer to investigators' reports for complete details of that process.

At the conclusion of the processing, the suspect vehicle was removed from its location down an embankment.

Once both scenes were complete, all scene security was released and investigators cleared the scene. Sgt Brady followed the suspect vehicle on a flat bed tow truck to the TCSO evidence holding facility.

The investigation continues.

Lt G.L. Elwin

** This was not Done Until Approx 4 months after the Date of the Shooting Incident 2-9-12*

IN THE SUPERIOR COURT OF THE COUNTY OF MASON REC'D & FILED
STATE OF WASHINGTON MASON CO. WA.

2012 MAY 29 10:30

PAT SWARTOS, CO. CLERK

BY _____ DEPUTY

STATE OF WASHINGTON,)
)
Plaintiff,)
)
)
)
MARTIN IVIE,)
)
Defendant.)

NO. 12-1-64-6

EX-PARTE
MOTION AND ORDER
FOR VETERINARIAN FEES

Defendant, by his Attorney, James P. Foley hereby requests the court order that the defendant be allowed up to \$500.00 for the hiring of a veterinarian to examine the defendants dog. This motion is based on the subjoined affidavit of counsel and the reports on file with the Court.

Affidavit of Counsel

This case involves an officer involved shooting. The defendant was shot six times by a Mason County Deputy. The defendant will testify that his dog "Shane" was in the vehicle and was shot as well. All of the State's witnesses have said there was no dog involved. The defendant has three witnesses who will testify that the next day the dog was found in the woods near the scene with a bullet wound in his neck. The defendant's girlfriend took the dog to a veterinarian in Shelton but did not have the funds to have the dog shaved and x-rayed. This is crucial evidence that goes directly to the veracity of the State's witnesses. Therefore on behave of the defendant we are asking the court to approve up to \$500. to have the dog examined by a

MOTION RE P.I.

Attachment 45

THE LAW OFFICE OF
James P. Foley .
1628 Hays Ave. NW
OLYMPIA, WASHINGTON 98502
(360)259-4964

RADIOGRAPHIC INTERPRETATION SUMMARY
ANIMAL MEDICAL IMAGING

425-419-4220 800-888-0197 Fax 425-949-8143

amiradsin@animalmedicalimaging.com

Date of request: 6/8/2012		Date of report: 6/8/2012
Requesting Veterinarian: Dr. Edward D. Haigh		
Client's name: B. Marx		I.D.#:
Patient description: Species: Canine	Breed: Pitbull cross	Age: 2 yr
Sex: M	Name: Shane	

Radiographic impression:

ABDOMEN: Mildly enlarged spleen. Unremarkable liver. Normal urinary bladder. Incompletely visualized, probably not enlarged, kidneys. Mild thickening of the small intestinal wall. No evidence of alimentary stasis or significant foreign material. Unremarkable visible portions of the colon and stomach. Splenomegaly. Unremarkable liver. Multiple small irregularly-shaped metallic opacities along the left dorsolateral aspect of the cranial abdominal and caudal thoracic soft tissues, largely to the left of the midline, possibly representing firearms projectile fragments.

THORAX: Probably normal heart size and shape. No pulmonary parenchymal, pulmonary vascular, bronchial, diaphragmatic, pleural space, chest wall, or cranial mediastinal lesions noted. Several irregularly-shaped and variably-sized metallic fragments present within the soft tissues at the cranial aspect of the thorax, the largest of which approximates 2 cm in length and 1 cm in maximum width. Differential diagnostic consideration must include a portion of a fragmented metal jacketed firearms projectile.

CERVICAL SOFT TISSUES: Aforementioned irregularly-shaped "shrapnel" opacity noted at the caudolateral aspect of the dorsal cervical region. Several other smaller regional opacities noted only in the lateral projection, between the cervical vertebral column and the craniodorsal aspect of the trachea. Multifragmented firearms projectile present at the level of the caudal portion of the junction of the horizontal and vertical rami of the left mandible. Fluid-opacity, 3 x 6 cm mass present in the craniodorsal cervical region, between the larynx and cranial cervical vertebra (granuloma? other?).

Recommendations:

If more precise localization of suspect firearms projectile fragments is considered necessary, consider computed tomographic assessment.

Note: Duration of the suspected gunshot wounds cannot be determined radiographically. Fragmentation of suspected firearms projectiles likely precludes conclusive forensic assessment. There appear to be several small intensifying screen artifacts in these images, which should not be misinterpreted as metallic fragments.

ADDENDUM (6/22/12 - CRR)

At my request, uniformly exposed images were made in the absence of an interposed patient, with each of this clinic's 14 x 17" cassettes, using low exposure factors, to delineate between a small screen artifact and the above-described metallic fragments secondary to a suspected gunshot wound in the above patient. Two small opacities are present in the central portion of the film, the largest of which is less than 1 mm in width and is approximately 2.5 mm in length. The smaller artifact is approximately 2 mm in length and approximately 0.5 mm in width; it is not seen in the patient's radiographs. With the film oriented identical to the radiographs of the patient, the former artifact is approximately 17.3 cm from the right edge of the film, approximately 18.1 cm from the left edge of the film, approximately 16.4 cm from the "bottom" of the film and approximately 26.5 cm from the top of the film. These dimensions are consistent with the position of the artifact in this patient's images and with its position in radiographic images of other patients produced at Haigh Veterinary Hospital during the same week as the above patient. The smaller defect, which is not appreciated in the radiographs of the patient, is approximately 14 cm from the left edge of the film and approximately 13.5 cm from the bottom edge of the film; its absence in the patient's radiographs suggests that it is a new finding, and is unrelated to the issue before the court. Other opacities in the patient's images, in my opinion, are the result the patient having sustained at least one gunshot wound.

A. 46

Edward D. Haigh

HAIGH VETERINARY HOSPITAL INC., P.S.
 KATHRYN M. HAIGH, DVM
 GARY HAIGH, DVM
 81 S.E. WALKER PARK RD.
 P.O. BOX 819 426-1840
 SHELTON, WA 98584

Forwarding and Address Correction Requested

Marx, Barbara
 Ivie, Marty
 Shane
 ①

PHONE (360) 229-6154

BREED	SEX	AGE	NAME	COLOR
Pit bull/blue KABIEP/EEER	M/I	zyc	Shane	brn

JAN. 1
 FEB. 1
 MAR. 2
 APR. 3
 MAY 4
 JUN. 5
 JUL. 6
 AUG. 7
 SEP. 8
 OCT. 9

DATE	DIAGNOSIS	TREATMENT	CHARGE
------	-----------	-----------	--------

2-14-12 55 # T100.8 PX ~~X~~ V. wounds 3-4 days old
 Possible gun shot + cap wound.
 cut on L side of neck + L chest
 Dress + look like a bullet wound But
 I would need to clip up to know more.
 Declined surgical suturing, x-rays, etc.
 Due to cost. Anaxital 40mg BID # 6
 tab (all they can afford). Should
 be monitored Urea, wound.

6-7-12 WT 56 # T 100 PX ~~X~~ Patient was involved
 in potential shooting and car accident just
 prior to 2/14/12. On Px on that date
 Gary Haigh, DVM did not think that
 the wounds looked like gun shots. Gary Haigh
 recommended clipping up wounds, x-Rays of p
 to determine if bullets are present and
 surgery to close wounds. At that time
 declined any diagnostics but was dispensed
 amoxicillin antibiotics for treatment of
 wounds. Today p is in hospital to check
 for bullets lodged in neck area or hind
 end. Court has authorized \$500 for diagnostics
 (X-Rays) of potential bullet wounds. On Px today
 p is BAR Heart and lungs auscult normally.
 mmae p-k/no.st with a CRT < 2sec Abdomen
 palpates normally. Scars present on left side of
 neck and on dorsal midline just cranial to
 the tail base. Patient has alopecia present on
 first 1/3 of tail, potential FBA, Re high quality (cont'd)

Electronic System
 To Reorder Call 800 992 9928

SUPPLEMENTAL TREATMENT AND
 MULTIPLE PATIENT RECORD

5-201-REV

A-47

RECEIVED & FILED

APR 16 2012

PAT SWARTOS, Clerk of the
Superior Court of Mason Co. Wash

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 MARTIN IVIE,)
)
 Defendant.)

NO. 12-1-64-6

WITNESS LIST

NOTICE IS HEREBY GIVEN that the defendant intends to call
the following witnesses at trial:

Marty Hays
PO Box 400
Onalaska, WA 98570

360-978-6100

Mr. Hays will testify as to his opinion as to were shots were
fired from, based on his investigation into the shooting.

Fred Doughty
360-507-5306

Mr. Doughty will testify as to his opinion as to were shots were
fired from, based on his investigation into the shooting.

These witnesses can be interviewed by arrangement with Mr.
Foley's office.

33

This Man is not the Allstations ballistics expert He did not view the scene of the shooting until over 2 months after the shooting No tracks or vehicles etc. etc. were present at this time
report not done until 4 months after incident
6-12-12
Marty Hayes
[redacted]
[redacted] Alaska, WA 98570
[redacted]
This man Marty Hayes was Mr. Foley's expert my expert?
ExH
AS

Report: State v. Martin Ivie

In preparation of this report, I have done the following: Reviewed case reports (including investigation by TCSO), officer statements, defendant's statements. I have viewed scene photos and video taken by TCSO, along with inspecting the shooting scene myself. I have inspected the truck, and observed a test firing of the AR-15 rifle, used by Sgt. Adams.

Analysis and conclusion

After the above steps, I have conclude, (expert opinion) that the shooting incident occurred substantially as narrated by Sgt. Adams in his statement to investigating officers. I base my conclusion on the following information.

Shell casings from the rifle were located to the right of Sgt. Adam's stated position (on the small hillside to the left and in front of his patrol vehicle). The shell casings, (8 total) were discovered by investigators in two distinct groupings, as shown in the diagram and photos of the scene. In testing Sgt. Adams' rifle, I found the ejection pattern consistent with Sgt. Adams' statement as to where he was standing, and his manner of firing the rifle.

He stated (paraphrased) that he fired two distinct shot groupings, one when the vehicle was driving towards him, and the other as the vehicle was broadside to him. This too is consistent with the fact that the two distinct groups of shell cases were located, as he would have turned his body to produce different ejection pattern.

Additionally, in inspecting Ivie's truck, and looking at the color photographs with the dowels in place, it was also apparent that there were two distinct patterns of bullet strikes, which would be consistent with Adams' statement.

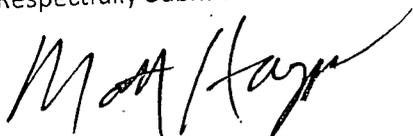
Also, the fact that there are not 8 bullet strikes found on the vehicle is consistent with three windows being broken out of the vehicle, creating a situation where all bullet strikes would not be seen.

Attachment: 49

Upon observation of Sgt. Adams test firing his rifle, I observed that the ejection pattern of the shell casings is consistent with the observed evidence of the scene. When held from a normal firing position, the casings ejected uniformly to the right approximately eight feet, and forward approximately 4 feet. When Sgt. Adams held the rifle above his head as he believed he did during the incident, the casings ejected approximately 12 feet to the right, and approximately 4 feet to the rear. With Sgt. Adams firing the rifle at a slight cant, (as he said he likely did) the shell casings again ejected uniformly to the right approximately 8 feet and to the rear approximately 4 feet.

Based on the review of the evidence, Adam's statement and observation of the test firing of the rifle, it is my conclusion that Adam's statement to investigating officers is consistent with the observed ballistic evidence, as seen both on the truck in the form of bullet impacts, and also shell casing disbursement at the scene.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Marty Hayes". The signature is fluid and cursive, with the first name "Marty" and last name "Hayes" clearly distinguishable.

Marty Hayes, J.D.

President, The Firearms Academy of Seattle, Inc.

CELTIC INVESTIGATIONS

FRED DOUGHTY Private Investigator

(360) 507-5306 celticamerica@gmail.com P.O. Box 14663 Tumwater, WA 98511

TO: James Foley, Attorney at Law
RE: State of Washington vs. Martin Ivy
SUBJECT: Summary of Expected Testimony
DATE: April 17, 2012

Mr. Foley,

Here is a summary of the information that you requested to present to the Mason County Prosecutor's Office regarding my investigation of Mr. Ivy's case.

Brief Work Bio Relevant to Investigations:

1983-1998

Employed by the Olympia Police Department.

Positions: Patrol Officer and Detective.

General patrol duties that included investigating misdemeanor and felony property crimes and crimes against people. During that time I was assigned to a specialty unit that was proactive investigating felonious trend type crimes. I was also assigned to the Investigative Unit as a detective for about five years and investigated all classes of felony crimes including Homicide, Rape, Kidnapping, Extortion and most all known crimes against people.

1998-2005

Employed by the Tenino Police Department and investigated all of the felony cases.

Position: Sergeant.

2005-Current

Private Investigator / Criminal Defense

Investigated several hundred felony cases in Mason, Thurston, and Pierce County, mostly Class A and Class B crimes.

Overall I have investigated, or insisted in the investigation of more than a thousand crimes, many of them were serious crimes against people.

A: 51

Investigation of State of Washington vs. Martin Ivy, Mason County Superior Court # 12-1-64-6

I first became aware of the case on Feb. 15th, 2012 when Attorney James Foley requested I work the case and advised me of some of the details.

I read case discovery provided to me from Mr. Foley.

I met with Martin Ivy while he was in custody, interviewed him, and observed some of the scars he received from being shot.

Interviewed Mason County deputies Reed and Adams and saw some of the images of the scene at the prosecutor's office.

Examined the truck at the Thurston County Sheriff's Office vehicle property room in Tumwater. Marty Hayes was present and he also examined the truck. We viewed and discussed the damage and bullet trajectory. I took several digital photographs of the truck.

Went to the scene near Lake Cushman with Mr. Foley and Marty Hayes. Noted the approximate amount of time it took to get to the scene and the conditions of the roadways there. Viewed the area where the Maple tree had been cut, the road and hill to this area, the area where Mr. Ivy changed directions while driving away (Frank's cabin) and the area where Mr. Ivy was shot. These areas were photographed with a digital camera and roadway widths were measured. Discussed some of the known facts with both Mr. Foley and Mr. Hayes.

Based on the information that I had read in the case discovery, the interviews of deputies Reed and Adams, my interviews with Martin Ivy, photographs I have seen of Mr. Ivy's wounds as well as in person, the examination of the truck involved, and the examination of the scene, I was able to form an opinion. It is my opinion that Martin Ivy was attempting to elude deputies from the time he drove away from Deputy Reed's location until the time he was shot.

In addition, I spoke to Martin Ivy's significant other, **Barbara Marx** and I examined Ivy's dog, "Shane." According to Mr. Ivy and Ms. Marx, Shane had been shot and injured during the incident. I examined the dog and did find what appeared to be scarring on the left side of its neck and what might be another scar on the left side of the dog's body. I spoke to a veterinarian in Shelton, Dr. Haigh, who treated the animal for a possible gunshot wound and injuries on February 14th, 2012. I obtained documentation for the treatment the dog received at the veterinary hospital.

A: 52

I also spoke to **Sandra Jaddis**, where Martin Ivy and Barbara Marx were temporarily living at the time of the incident Mr. Jaddis, as well as Barbara Marx said that they could also testify to the approximate time Martin Ivy left the house on Brockdale Road.

Respectfully,

Fred Doughty

A:53

** I never received this, with...
- when Mr. Lane sent me attorney/client file*

REC'D & FILED
MASON CO. WA.

2012 MAY 24 A 8:29

PAT SWARTOS, CO. CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

STATE OF WASHINGTON,)
)
) Plaintiff,)
)
)
) MARTIN IVIE,)
)
)
) Defendant.)

NO. 12-1-64-6

SUMMARY OF EXPERT WITNESS

NOTICE IS HEREBY GIVEN that the defendant intends to call the following witness at trial:

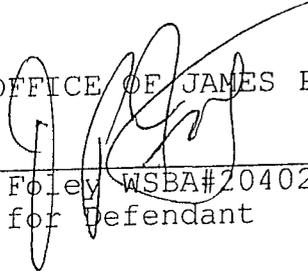
Marty Hays
PO Box 400
Onalaska, WA 98570
360-978-6100

His testimony will be as follows:

After reviewing the entire Discovery provided by the State and viewing the scene, he is of the opinion that the shooting was consistent with the report filed by the Thurston County Investigating Officers.

Dated this 22nd day of May 2012.

THE LAW OFFICE OF JAMES P. FOLEY



James P. Foley WSBA#20402
Attorney for Defendant

Attachment: 54

1 Ms. Marx will testify to finding the defendants dog (Shane) the
day after the shooting with a bullet wound in the dogs neck.

2 Further she will testify that on the night of the shooting, Mr.
3 Ivie was at her house until 8pm. *

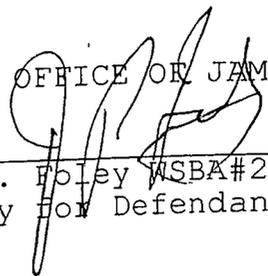
4 These witnesses can be interviewed by arrangement with Mr.
Foley's office.

5

6 Dated this 19TH day of April 2012.

7

THE LAW OFFICE OF JAMES P. FOLEY



James P. Foley WSBA#20402
Attorney for Defendant

8

9

10

11

OFFICE AND POST OFFICE ADDRESS:

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1628 Hays Avenue NW
Olympia, WA 98502
(360) 259-4964

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COPY

12-00738-02

County No. 23-155073

STATE OF WASHINGTON
APPLICATION FOR
SPECIALIZED FOREST PRODUCTS HARVESTING PERMIT

Application hereby granted to harvest, MAPLE CEDAR ALDER FIR from the following described property, transport, possess, 42333 51 00017

Local landmarks _____
County _____

or end of calendar year which ever occurs first 12/31/11

Name of Permittee (Seller) MARTIN IVE

Street Address 91 No. EASTSIDE DR

City HOODSPORT Phone 9848 30 5887947

Name of Permittee (Buyer) MARTIN IVE

Street Address 91 No. EASTSIDE DR

City HOODSPORT Phone 9848 30 5887947

Name of Permittee (Buyer) MARTIN IVE

Street Address 91 No. EASTSIDE DR

City HOODSPORT Phone 9848 30 5887947

Name of Permittee (Buyer) MARTIN IVE

Street Address 91 No. EASTSIDE DR

City HOODSPORT Phone 9848 30 5887947

Name of Permittee (Buyer) MARTIN IVE

TRUE COPY

This true copy is given to _____ and shall expire concurrent with the above expiration date or _____ whichever occurs first. This permit is good only for _____ (harvesting and transportation) no selective (transportation) (possession) other than harvesting or transportation.

Following the stipulated uses all agents shall surrender this true copy to the permittee. I have checked this application and believe it to be in order and hereby validate this permit.

WASCO COUNTY ASSESSOR Deputy MARTIN IVE Date Issued _____

Photo ID Type & Number IVE XA 5391AD

Attachment made a part of this permit

Form #7540-RES-050 (Rev. 3/96)

A-56

A 56

I BELIEVE I OBTAINED THIS FROM A M...
NOV 02 2011

RECEIVED

NOV 02 2011
MASON CO. JAIL

RECEIVED
NOV 01 10 30
MASON COUNTY
SHERIFF

SUPERIOR COURT OF WASHINGTON
FOR MASON COUNTY

STATE OF WASHINGTON,
Plaintiff

NO. 05-1-00317-1

vs

BENCH WARRANT
(BW)

MARTIN S. IVIE,
Defendant

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

1. This Court has ordered the issuance of a Bench Warrant for:
NAME: MARTIN S. IVIE
2. You are directed to arrest and bring the Defendant before this Court for the reason(s) that:

The Defendant failed to appear for Show Cause Hearing on November 1, 2011.

3. Bail:
 Bail on this warrant is set at \$2,193.49, CASH ONLY. Said sum may be forfeited if Defendant does not appear within 14 days of posting. A \$50.00 warrant fee is included.
4. This warrant may be served by teletype or telegraph.
5. This is a CASH ONLY warrant. DO NOT accept any equity other than CASH to satisfy this warrant.

DATED November 1, 2011

By direction of the Honorable:

Amber L. Finlay
Judge

PAT SWARTOS
County Clerk

Mark Jaros
Mark Jaros
Collections Deputy Clerk

SERVICE COPY
DO NOT REPRODUCE

11-02279
Bench warrant 11/01/11

Attachment 57

I believe I already squashed these warrants
These were represented to cover for Reed being
RECEIVED on private property the night I was shot
NOV 02 2011 Mr. Murray or Mr. Franks were not
MASON CO. JAIL contacted before the night of
the shooting not until days later
they are not the owners
of the tree anyway!

**SUPERIOR COURT OF WASHINGTON
FOR MASON COUNTY**

STATE OF WASHINGTON,
Plaintiff

NO. 04-1-00282-6

vs

**BENCH WARRANT
(BW)**

MARTIN S. IVIE,
Defendant

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

1. This Court has ordered the issuance of a Bench Warrant for:
NAME: MARTIN S. IVIE
2. You are directed to arrest and bring the Defendant before this Court for the reason(s) that:

The Defendant failed to appear for Show Cause Hearing on November 1, 2011.

3. Bail:
 Bail on this warrant is set at \$6,295.92, CASH ONLY. Said sum may be forfeited if Defendant does not appear within 14 days of posting. A \$50.00 warrant fee is included.
4. This warrant may be served by teletype or telegraph.
5. This is a **CASH ONLY** warrant. **DO NOT** accept any equity other than **CASH** to satisfy this warrant.

DATED November 1, 2011

By direction of the Honorable:

Amber L. Finlay
Judge

PAT SWARTOS
County Clerk

Mark Jaros
Mark Jaros
Collections Deputy Clerk

**SERVICE COPY
DO NOT REPRODUCE**

11-02278

Bench warrant 11/01/11

A: 58

Supplement

SUPPLEMENTAL INCIDENT NARRATIVE

5 Vehicles at Shooting Scene
The night of the incident Feb 9th

Case Number: 12-01779

On 2-9-12 at approximately 2030 hours I heard Deputy Reed advise that he had one at gun point, via radio. He and Sgt. Adams were out in the area of Dow Ridge rd on a timber theft in progress. I further heard Dep. Reed advise that the male was in his car and trying to leave. I then heard the vehicle was fleeing the scene, a few minutes later Sgt. Adams advised shots were fired and he was rendering medical aid. I arrived on scene at approximately 2119 hours, at the shooting scene located on an driveway off of the 2340 road and Dow Ridge rd. I observed Sgt. Adams car at the end of a driveway, with the emergency lights on. Dep Potts Patrol car was directly behind his also with the emergency lights on. There was then a Skokomish Tribal PD vehicle behind that, followed by two fire units. I observed that there was a landing above Sgt. Adams patrol car that had a camp trailer parked on it and then below the driveway and down the hillside was a truck with fire personnel surrounding it. I went to the truck and observed Sgt. Adams inside the truck providing medical aid, to a white male driver. Dep. Potts was at the drivers door and fire personnel were around the truck.

I asked Sgt. Adams what needed secured and if anyone was outstanding. He told me that the driver was the only suspect. He told me that he had fired his rifle near the rear of his patrol car and towards the landing.

I contacted Skokomish Officer Anderson, he had secured Sgt. Adams patrol rifle and trauma bag in the rear of Dep. Potts Patrol car. Ofc. Anderson and I then placed crime scene tape around the landing, driveway and Sgt. Adams and Dep. Potts patrol cars. I checked the trailer and it appeared no one was there. I observed tire marks come from the landing, cross a flower bed, breaking flower pots, launch over an approximately 2 foot embankment, cross the driveway and then go into trees and continue down the hillside until ending at the truck. I observed window glass on the ground near the left rear corner of Sgt. Adams Patrol car.

Sgt Adams and Dep. Potts came to my location a few minutes later. Sgt. Adams advised that he was uninjured, that he felt endangered by the driver as he had already struck the partol car once with his truck and was now driving directly at him. Sgt Adams advised that he only fired his rifle.

I then transported Sgt. Adams to the Lake Cushman Maintenance facility where pictures were taken of Sgt Adams and his equipment was taken by Thurston County detectives.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

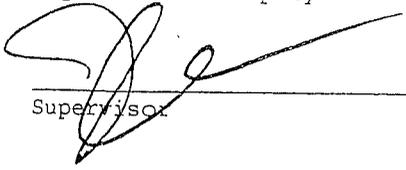
Dated: Friday, Feb. 10, 2012 04:58:40

Name/Per#: M.A. Sargent #1334

Signed in Mason County, Washington by:

2 ft Embankment/Berm

Signature of Deputy

A handwritten signature in black ink, appearing to be 'J. J.', written over a horizontal line.

Supervisor



THURSTON COUNTY SHERIFF'S OFFICE
PRELIM REPORT

BY: Detective Cameron Simper

RECEIVED & FILED

cy 3
FEB 13 2012

PAT SWARTOS, Clerk of the
Superior Court of Mason Co. Wash

✓
A: 60

VICTIM: Mason County Deputy Bill Reed
Mason County Sgt. Travis Adams

INCIDENT: Assault 1st Degree

DATE OF INCIDENT: 02/09/12

LOCATION: 301 N. Yellowhawk Rd Hoodspport, WA 98548

SUSPECT: Ivie, Martin Stanley DOB 12/04/61

DATE OF REPORT: 2/10/12

NARRATIVE

On 02/09/12 at 2100 hours, I was called out for an Officer Involved Shooting at 301 N. Yellowhawk Rd in Hoodspport. I responded as part of the Regional Sheriff's Employee Involved Critical Incident Investigation Team. I arrived on scene at approximately 2200 hours. Upon my arrival I was assigned as the Lead Investigator.

Sgt. Adams and Deputy Reed were not interviewed as per standard procedure. The following information was obtained through supervisors and guild representatives familiar with the events that transpired. They will be interviewed in the following days.

Based on the initial information provided, I learned that Mason County Deputy Reed was in the area as part of an ongoing investigation into the theft of timber. Deputy Reed was staking out the area in hopes of locating the suspect responsible for cutting down the maple trees. Deputy Reed arrived in the area at approximately 1745 hours and remained there until the suspect arrived at approximately 2000 hours. Deputy Reed recognized the suspect as Martin Ivie. It was at this time that Deputy Reed requested backup at the location. Deputy Reed stayed in the brush and observed Ivie's activities while awaiting backup. A short time later, Mason County Sgt. Travis Adams arrived in the area. The lights from Sgt. Adams' patrol vehicle reportedly spooked Ivie. Ivie looked up and the headlamp that he was wearing illuminated Deputy Reed. It was at this time that Deputy Reed announced his presence and advised Ivie that he was under arrest. Ivie refused to comply with Deputy Reed's instructions. Ivie was belligerent and

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confrontational with Deputy Reed. Ivie got into his truck and drove from the location, with Deputy Reed following on foot for a short distance.

* Ivie drove from the small landing and turned right onto North Dow Ridge Rd to head back to the main road. It was at this time that Ivie was met by Sgt. Adams marked patrol vehicle. Sgt. Adams' emergency lights were reportedly activated at the time. When Ivie encountered Sgt. Adams' vehicle, he turned his truck around in an apparent attempt to avoid arrest. While attempting to turn his vehicle around, he struck the drivers side front bumper of Sgt. Adams' patrol vehicle. Ivie then fled back towards Deputy Reed's location. Deputy Reed was standing on North Dow Ridge Rd as Ivie drove past. Deputy Reed reported that he had to jump into the ditch in order to avoid being struck by Ivie's vehicle. Deputy Reed's uniform was muddy, which would be consistent with his account.

Sgt. Adams continued to pursue Ivie's vehicle on North Dow Ridge Rd while Deputy Reed ran back to retrieve his patrol vehicle. Ivie continued to elude Sgt. Adams as he turned onto 2340 road and eventually onto 2341 rd also known as North Fairybell Ln. The roadway is quite steep and ends near a travel trailer marked 301 North Yellowhawk Rd. At the top of the driveway, Ivie u-turned sharply, until his vehicle was pointed back at Sgt. Adams. By this time, Sgt. Adams had exited his vehicle, armed with his AR-15 rifle. Ivie's vehicle was in close proximity to Sgt. Adams and was still accelerating towards him. Fearing for his life, Sgt. Adams fired multiple rounds from the rifle, striking Ivie and his vehicle. The vehicle narrowly missed Sgt. Adams' vehicle before running off of the roadway. The vehicle came to rest approximately 30 yards down an embankment. Sgt. Adams rendered aid until aid units and other Deputies arrived on scene.

Due to the darkness and difficulty in processing the scene, we cleared and left scene security at the location.

On 02/10/12 at approximately 0800 hours, we reconvened at the location. I obtained a telephonic search warrant for the address and suspect vehicle. The warrant was served at 0905 hours. The scene was processed by Thurston County Sgt. K. Clark and his evidence team.

* On 02/10/12 at approximately 1215 hours, Lewis County Detective Sgt Dusty Breen and I contacted Ivie at Tacoma General Hospital. Ivie was read his Miranda Warning from a department issued card. He stated that he understood his rights and he agreed to speak with me regarding the incident. Ivie freely admitted his contempt for Deputy Reed. He stated that there is significant history between him and Reed. Ivie stated that he was in the area looking for, "Music Wood." He stated that the maple tree had already been cut down by someone else. Ivie stated that he did not have permission to cut the wood, but claimed that the tree was on Community property. Ivie said Deputy Reed jumped out of the bushes and told him to, "Freeze." He recalled being told that he was under arrest. He said that he tried to reason with Deputy Reed by telling him that he needed to take his dog home. Ivie stated that he would have complied if Deputy Reed would have followed him home. Ivie admitted that he jumped back into his vehicle and fled back to North Dow Ridge Rd. It was at this time that Ivie saw Sgt. Adams patrol vehicle, which was blocking the road with red and blue lights activated. Ivie stated that he tried to turn around, and as he did so he struck Sgt. Adams vehicle. Ivie continued to the address on Yellowhawk Rd, where he attempted to turn his vehicle around again. I asked him why he turned around. He stated that he thought he could get past the patrol vehicle. Ivie stated

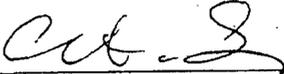
* this is what he called no such thing!

* Another false statement lie

that as he turned his vehicle around the Deputy shot him multiple times for no reason. Ivie claimed that no one rendered aid on him until medics arrived on scene. Without being asked, Ivie said that the Deputies were probably going to say that he was trying to hit them with his truck.

Based on the information and statements provided, it is evident that with intent to inflict great bodily harm or death, Martin Ivie assaulted Sgt. Travis Adams and Deputy Bill Reed with a deadly weapon, his vehicle, thus being assault in the first degree. Nothing further.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts are true and correct to the best of my knowledge (RCW 9A.72.085)



Detective Cameron Simper # 1152

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ADAMS SAID HE WAS DRIVING WAY TOO FAST TO LOOK UP

SGT. ADAMS: (INAUDIBLE) DEFINITELY DRIVING REALLY FAST. I NEVER
LOOKED AT MY SPEEDOMETER AND IT WAS NOT SAFE FOR ME TO
TAKE TWO HANDS OFF THE WHEEL OR TAKE MY EYES OFF THE
ROAD BUT.

DETECTIVE
GARDNER: OKAY.

SGT. ADAMS: WE WERE DEFINITELY HE WAS DEFINITELY GOING WAY FASTER
THAN WHAT WAS SAFE.

DETECTIVE
GARDNER: IF YOU WERE TO GUESS BASED ON YOUR EXPERIENCE OF
ROUGHLY ABOUT THE SPEED THAT YOU HAD TO MAINTAIN TO
KEEP HIM IN DISTANCE WHAT WOULD YOU SAY?

SGT. ADAMS: I DON'T.

DETECTIVE
GARDNER: AND IF YOU DON'T WANT TO GUESS.

SGT. ADAMS: I DON'T KNOW THAT I COULD PUT A NUMBER TO IT ALL'S I KNOW
IS THAT IT WAS WAY TOO FAST FOR THAT ROAD AND
(INAUDIBLE).

CAN'T SAY SPEED EVEN GUESS

DETECTIVE
GARDNER: OKAY.

SGT. ADAMS: I'M A FAIRLY DECENT DRIVER I THINK AND IT I WAS DRIVING
FAIRLY CLOSE TO THE MAX OF MY POTENTIAL AT THAT POINT.

DETECTIVE
GARDNER: GOTCHA. OKAY I'M SORRY TO INTERRUPT GO AHEAD AND.

SGT. ADAMS: NOPE NO PROBLEM. SO WE HEADED DOWN THIS ROAD WE DIDN'T
GO VERY FAR, I'M NOT SURE HOW FAR IT WAS. BUT THEN HE
TAKES A HE TOOK A RIGHT TURN KINDA HEADED UP THE HILL
WITHIN.

DETECTIVE
GARDNER: UM, HM.

SGT. ADAMS: THE ROAD PARALLELS THE SIDE OF THE HILL KINDA CUTS INTO
THE SIDE OF THE HILL AND FOLLOWS IT AROUND. AND THEN HE
TOOK A RIGHT TURN AND KINDA WENT UP THE HILL. UM SO TO

*LINE IS IN 444 S.W. HANCOCK TOWNSHIP 15.20 PM
ADAMS IS IN HIGH PERFORMANCE REAR WHEEL
DRIVE POLICE CRUISER STREET CAR*

A564

STATE POLICE 26011 10:50 PM 1987

SGT. ADAMS: SO I DIDN'T KNOW THAT IT WAS UM MARTIN IVY AND I DIDN'T HEAR HIM AT ANYTIME BROADCAST A LICENSE PLATE TO THE VEHICLE SO.

DETECTIVE GARDNER: GOTCHA.

SGT. ADAMS: I WANTED TO YOU KNOW I REALLY HIT THE GAS WHEN WERE GOING UP THAT HILL HOPING TO HOPING TO GAIN GROUND ON THE TRUCK.

DETECTIVE GARDNER: OKAY.

SGT. ADAMS: AND GET THE LICENSE PLATE AND AT LEAST GET THAT INFORMATION OUT THERE, I DON'T KNOW IF IT'S A STOLEN VEHICLE OR.

DETECTIVE GARDNER: SURE.

PUT SOME DISTANCE

SGT. ADAMS: WHAT THE SITUATION IS. SO HE HAD UH PUT SOME DISTANCE BETWEEN US WHEN HE HAD MADE THAT HARD RIGHT TURN BECAUSE THE ROAD WAS SO ROUGH AND I HAD REALLY HAD TO WORK TO GET MY PATROL CAR UP IT. UM SO I HAD A LOT OF SPEED THAT I WAS CARRYING UP THE HILL AND UP AHEAD OF ME I SEE THE TRUCK JUST TURN TO THE LEFT AND COME TO A STOP. SO AT THAT POINT I'M IMMEDIATELY WORRIED THAT NOW I'M DRIVING INTO AN AMBUSH BECAUSE THE TRUCK HAD MADE A LEFT HAND TURN, TURNED SIDWAYS KINDA TO THE LEFT OF THE ROADWAY UM SO THE DRIVERS DOOR WAS FACING BACK TOWARDS ME AND IT'S IT'S A PERFECT AMBUSH WITH ME FLYING UP A HILL AND HIM GETTING OUT OF THE TRUCK. SO UM I'M QUICKLY UM DYNAMITING THE BRAKES TRYING TO GET STOPPED SO THAT I CAN BAIL OUT OF MY VEHICLE CAUSE I DON'T WANT TO BE IN MY VEHICLE IF I'M GETTING AMBUSHED BY SOMEBODY WITH A FIREARM. AND JUST AS I AM SLOWING DOWN AT THAT TIME I'M GETTING READY TO THROW IT INTO PARK I SEE THE TRUCK UH REVERSE LIGHTS COME ON AND THE TRUCK JUST DRIVES BACKWARDS AND SLAMS IN THE FRONT OF MY PATROL CAR. AND SO I DIDN'T KNOW AT THAT POINT. IT REALLY FELT LIKE HE HAD HIT MY CAR PRETTY DARN HARD BUT THAT ROAD WAS SO ROUGH AND I WAS CARRYING SO MUCH SPEED THAT UH MY CAR WAS REALLY THRASHING AROUND. SO I DIDN'T REALLY KNOW BUT. UM HE HIT ME AND THEN PUT IT IN DRIVE AND HEADED UP THE ROAD AGAIN. UM SO AT THAT POINT I GOT ON

REALLY HAD TO WORK
LOT OF SPEED

DYNAMITE BRAKES

SLAMS

THRASHING

ADAMS STATED THE TRUCKER'S TRUCK HAD
BEHIND HIS CABINOR ((PATROL VEHICLE))
WHY DIDN'T ADAMS GIVE THE VEHICLE
THE SIGNALS OF A PA SYSTEM?

HE JUST COMES TO A DEAD STOP WHERE THIS ROAD CRESTS UP THERE. AND I SEE THAT THERE'S A THERE'S A LANDING TO OUR LEFT THAT HAS A TRAVEL TRAILER ON IT AND UM I STILL HAVE BANK ON MY LEFT AND STEEP BANK ON MY RIGHT WITH TREES IN IT. AND AS SOON AS HE COMES TO A STOP I'M (INAUDIBLE) AGAIN AND THE CYNICAL SIDE OF ME IS SAYING WELL YEAH THAT IS A BETTER AMBUSH SPOT THAN THE ONE HE WAS JUST AT AND SO I WAS YOU KNOW I WAS EVEN MORE WORRIED THAT HE HAD PICKED A JUST HE DECIDED TO PICK A BETTER SPOT THE ONE THAN THE ONE HE WAS AT. AND SO UM I MANAGED TO GET STOPPED THIS TIME AND HE WAS STILL PARKED IN FRONT OF ME AND THERE WASN'T TOO MUCH DISTANCE, HE WAS PROBABLY I WOULD GUESS FIFTEEN FEET BETWEEN THE MY PATROL CAR AND THE FRONT AND THE BACK OF HIS HIS TRUCK. SO I PUT IT IN PARK AND I BAILED OUT OF MY VEHICLE AND MOVED BACK BEHIND MY PATROL VEHICLE, I STILL HAD MY RIFLE WITH ME. UM AND I MOVED BACK PROBABLY FIFTEEN TWENTY FEET BACK BEHIND MY PATROL CAR, I WANTED TO HAVE SOME DISTANCE BACK THERE CAUSE THERE WAS REALLY NOWHERE FOR ME TO GO. I CAN'T GO ON MY PASSENGER SIDE CAUSE I DON'T KNOW HOW CLOSE I AM TO THAT STEEP BANK AND IT'S YOU KNOW I CAN'T MOVE AROUND IN THERE. AND SO WHEN I MOVED BACK TO THE BACK OF MY PATROL CAR I UH FLIPPED ON MY UH FLASHLIGHT ON MY RIFLE AND PUT IT UP AND PUT IT ON HIS TRUCK SO I COULD SEE IF HE WAS MOVING AROUND AND STARTED YELLING AT THE TRUCK. UM I HAD NOT TURNED ON MY SIGHT TO MY RIFLE I HADN'T HAD TIME TO DO THAT. UM SO AFTER I TURNED ON MY RIFLE I RAISED IT UP UM I FLIPPED THE FLASHLIGHT ON, I WAS REACHING UP TO TURN ON MY SIGHT SO THAT I I WOULD HAVE THE SIGHTS ON ON MY RIFLE AND HE HITS THE GAS AND HE TURNS AROUND ON THE PLATFORM SO HE'S FACING BASICALLY THE OPPOSITE DIRECTION OF ME KINDA LIKE HE WAS IN AN OPPOSITE LANE OF TRAVEL BUT SITTING UP ON THE PLATFORM.

DETECTIVE GARDNER: THIS WOULD BE LIKE ABOVE YOU ACTUALLY?

SGT. ADAMS: YEAH.

DETECTIVE GARDNER: (INAUDIBLE) UNDERSTAND IT?

SGT. ADAMS: YEAH.

DETECTIVE GARDNER: KAY.

OF AROUND 8:30 PM...
STATES EVIE TURNED AROUND AND CAME TO A DEAD STOP

SGT. ADAMS: HE WAS ABOVE ME CAUSE I WAS DOWN THE HILL BEHIND MY PATROL CAR WITH THE ONLY PLACE OF COVER THAT I HAD.

DETECTIVE GARDNER: SO HE HAD NEVER LEFT THE VEHICLE UP TO THAT POINT?

SGT. ADAMS: NO HE NEVER LEFT THE VEHICLE UP TO THAT POINT.

DETECTIVE GARDNER: OKAY.

SGT. ADAMS: SO HE TURNS AROUND ON THE PLATFORM AND HE'S FACING THE OPPOSITE DIRECTION FROM ME AND HE COMES TO A DEAD STOP UP THERE ON THE PLATFORM.

DETECTIVE GARDNER: OKAY.

SGT. ADAMS: UM SO I'M QUICKLY TRYING TO DECIDE WHAT I'M GONNA DO THERE. I DON'T WANT TO I DIDN'T WANT TO GO AROUND THE PASSENGER SIDE OF MY CAR BECAUSE I FIGURED IF HE CAME OFF AND RAMMED MY CAR, MY CAR AND ME ARE GOING OFF THE BANK AND I HAVE NO IDEA YOU KNOW HE'S GONNA SQUISH ME IF THAT HAPPENS. AND I DIDN'T REALLY WANT TO RUN UP TO THE FRONT OF MY PATROL CAR BECAUSE HE HAD JUST BEEN THERE (ALL'S HE HAS TO DO IS PUT IT IN REVERSE AND RUN RIGHT BACK) IT JUST DIDN'T SEEM LIKE A VIABLE OPTION TO ME. BUT THE ONE THING THAT MY PERCEPTION AT THE TIME WAS THAT WHEN HE TURNED AROUND UP ON THE LANDING THAT HE HAD PULLED FAR ENOUGH FORWARD THAT THE TRAVEL TRAILER WAS IN HIS WAY TO GO ANY FARTHER, I THOUGHT THAT FOR HIM TO PULL FORWARD OR TO TURN AROUND UP THERE THAT HE WAS GONNA HAVE TO BACKUP AND THEN GO FORWARD TO TURN AROUND.

DETECTIVE GARDNER: SO IT SO THE RADIUS OF HIS TURN WOULDN'T THE TRAILER WOULD HAVE GOT IN THE WAY OF THAT?

SGT. ADAMS: THAT'S CORRECT. HE WOULDN'T HAVE HE WOULDN'T HAVE BEEN ABLE TO MAKE THAT TURN.

DETECTIVE GARDNER: OKAY.

EVIE ALREADY TURNS AROUND YET ADAMS SAYS HE NEVER LEFT THE VEHICLE UP TO THAT POINT IN RELATION TO A.D. ADAMS?

STATES 14E IS OFF FROM MY VEHICLE FROM WINDOW
CLOSED

up to platform

SGT. ADAMS: AND SO THAT WAS DEFINITELY TO MY ADVANTAGE BECAUSE HE CAN'T MAKE THAT TURN AND SO BECAUSE I COULDN'T GO ANYWHERE ELSE REALLY I DECIDED THAT I WAS GONNA GO UP THE BANK AND GET ON THE PLATEORM BECAUSE IF I COULD GET UP ON THE PLATFORM WHERE HE WAS I COULD BE A LOT MORE MOBILE, I COULD MOVE AROUND AND AND UH WHETHER HE BACKED UP OR PULLED FORWARD I COULD MOVE AND I DIDN'T HAVE SO MANY TACTICAL DISADVANTAGES AT THAT POINT.

DETECTIVE
GARDNER: OKAY.

SGT. ADAMS: UM SO I DECIDED TO GO UP THE BANK AND I'M NOT SURE HOW HIGH THE BANK WAS BUT FROM WHERE I WAS STANDING I COULD JUST BARELY SEE THE TRUCK ABOUT WHERE THE ABOUT WHERE THE WINDOWS ARE ON THE SIDE OF THE TRUCK, SO THE LANDINGS UP YOU KNOW AT LEAST HEAD HEIGHT.

DETECTIVE
GARDNER: UM, HM.

SGT. ADAMS: SO I HAD TO GO THAT FAR UP THE BANK AND THE BANK WAS ALL COVERED IN SALAL AND OTHER OTHER STUFF I MEAN I KNEW I WAS GONNA HAVE TO KINDA WADE THROUGH IT TO GET UP THERE. BUT IT SEEMED LIKE THE BEST OPTION. SO I STARTED GOING UP THE BANK AND AS SOON AS I COULD GET HIGH ENOUGH THAT I COULD CLEARLY SEE THE TRUCK I PUT MY RIFLE UP, I TURNED MY LIGHT ON, AND POINTED IT RIGHT AT THE SIDE OF THE TRUCK CAUSE I WAS JUST TO THE SIDE OF THE THE DRIVER WELL I WAS OUT FROM THE SIDE OF THE DRIVERS DOOR SO I COULD SEE KINDA OF IN FRONT OF THE TRUCK BUT OUT FROM THE SIDE OF IT. AND WHEN I PUT THE FLASHLIGHT ON AND STARTED YELLING FOR HIM TO SEE HIS HANDS WHILE I'M TRYING TO MOVE UP THE BANK HE TURNS AND HE LOOKS I MEAN HE JUST LOOKED RIGHT AT ME AND JUST STARED RIGHT AT ME EYES AS BIG AS SAUCERS. AND HE LOOKS RIGHT AT ME, MAKES EYE CONTACT, DOESN'T FOLLOW ANY ANY COMMANDS AND THEN HITS THE GAS. AND STARTS HE TURNS STRAIGHT AT ME UM.

DETECTIVE
GARDNER: WAS HIS WINDOW OPEN? OR COULD YOU TELL?

SGT. ADAMS: NO HIS HIS UH DRIVERS DOOR?

DETECTIVE
GARDNER: RIGHT.

THIS IS IMPOSSIBLE

SGT. ADAMS: NO IT WAS CLOSED.

DETECTIVE
GARDNER: OKAY ALRIGHT.

SGT. ADAMS: YEAH IT WAS CLOSED.

DETECTIVE
GARDNER: ALRIGHT.

SGT. ADAMS: AND SO HE TURNS AND AND JUST BASICALLY TURNS AND HITS THE GAS. INITIALLY AND THIS KINDA PUT ME BEHIND THE CURVE, INITIALLY I WAS STILL THINKING HE'S NOT GONNA BE ABLE TO MAKE THIS CORNER SO I WASN'T SUPER CONCERNED. ABOUT HALFWAY UP THIS BANK IN THE SALAL AND I'M TRYING TO GET UP THERE AND IT'S ABOUT THAT TIME THAT I REALIZE OH HOLY CRAP HE ACTUALLY CAN MAKE THE CORNER. AND UM SO BY THE TIME I REALIZED THAT HE CAN MAKE THE CORNER I'M NOT SURE HOW FAR IN FRONT OF ME HE WAS BUT I DON'T THINK IT COULD HAVE BEEN MORE THAN LIKE TWENTY FEET. I MEAN IT'S JUST IT REALLY MY PERCEPTION WAS IT WAS NOT FAR AT ALL. HE'S BASICALLY ALL'S I SEE IS UP ON TOP OF ME A SET OF HEADLIGHTS AND A BIG GRILL BARRELING STRAIGHT DOWN ON ME. AND I I TRULY THOUGHT I WAS GONNA GET SQUISHED. I MEAN I DIDN'T I DIDN'T THINK THAT I WAS GONNA BE ABLE TO GET OUT OF THE WAY IN TIME.

HEADLIGHTS AND
BIG GRILL BARRELING
RIGHT AT ME

DETECTIVE
GARDNER: SO AT THAT POINT IN TIME THERE'S NO DOUBT IN YOUR MIND THAT THAT VEHICLE WAS COMING STRAIGHT AT TOWARDS YOU?

SGT. ADAMS: OH NO.

DETECTIVE
GARDNER: OKAY.

SGT. ADAMS: NO DOUBT AT ALL.

DETECTIVE
GARDNER: NO DOUBT, OKAY.

X
SGT. ADAMS: I WAS STILL I WAS STILL BEHIND MY VEHICLE AND I WAS ON THAT BANK AND I MEAN HE WAS I MEAN I WAS PRETTY MUCH CENTERED RIGHT IN THE MIDDLE OF THE TRUCK AND HE WAS
CHANGES STORY AGAIN / NOW HE IS BEHIND HIS
VEHICLE AGAIN AND HE IS BARRELING AT

BARRELING AT ME. I KNOW HE SAW ME, HE LOOKED RIGHT AT ME.

DETECTIVE

GARDNER: OKAY WERE YOU STILL POINTING YOUR WEAPON AT HIM WITH THE LIGHTING THAT THAT WAS ON THE WEAPON?

SGT. ADAMS: I HAD UNTIL HE TURNED THE CORNER.

DETECTIVE

GARDNER: OKAY.

SGT. ADAMS: AND AT THE POINT THAT I REALIZED THAT HE WASN'T GONNA MISS THAT TRAILER AND HE WAS COMING RIGHT AT ME.

DETECTIVE

GARDNER: OKAY.

SGT. ADAMS: UM I WAS I WAS ABSOLUTELY CERTAIN HE WAS GONNA SQUISH ME. I JUST DIDN'T THINK I COULD MAKE IT OUTTA THERE IN TIME. UM I DIDN'T FOCUS ON ANYTHING AT THAT POINT OTHER THAN JUST TRYING TO GET OUT OF THE WAY OF THE FRONT OF THE TRUCK. SO I MOVED DOWN THE BANK UM KINDA SIDEWAYS ON THE BANK. I DIDN'T MOVE DOWN THAT WOULD HAVE KEPT ME IN THE LINE OF LINE OF TRAVEL I DIDN'T WANT TO DO THAT, BUT THE THE SALAL IS KINDA THICK IN THERE AND IT JUST FELT LIKE I WAS MOVING IN QUICKSAND BECAUSE I'M TRYING TO GET THROUGH THIS BRUSH AND THE TRUCK IS COMING DOWN ON ME. UM I MOVED FAR ENOUGH THAT I KNEW THAT THE FRONT OF THE TRUCK WAS GONNA MISS ME. BUT THE PROBLEM IT REALLY MY PERCEPTION WAS THAT THIS IF HE HITS THE GAS AT ALL CAUSE HE'S JUST BEEN DRIVING LIKE A MAD MAN HE'S GONNA GO SIDEWAYS OFF THIS BANK AND IT WOULD HAVE BEEN HIS TRUCK, ME, AND THEN MY PATROL CAR.

MOVING DOWN BANK

X

DETECTIVE

GARDNER: IN BETWEEN THE TWO HUH?

SGT. ADAMS: YEAH SO I I STILL EVEN THOUGH I KNEW THAT THE FRONT OF THE TRUCK WAS GONNA MISS ME BUT I THAT I WAS JUST SURE THAT THAT TRUCK WAS GONNA COME OFF SIDEWAYS AND SQUISH ME IN BETWEEN THE TRUCK AND MY PATROL CAR. UM AT THAT POINT ALL'S I I NEEDED TO STOP HIM FROM ACCELERATING HIS TRUCK BECAUSE IF HE I MEAN HE HITS THE GAS AT ALL HE WAS LOSES CONTROL AND I GET SQUISHED. SO AS I'M MOVING SIDEWAYS ACROSS THE BANK I PUT MY RIFLE UP UNSIGHTED AND

de

SQUISH BETWEEN TRUCK AND CAR

VOLLEY



POINTED IT TOWARDS THE TOWARDS THE DRIVERS DOOR AND FIRED A VOLLEY OF ROUNDS AT THAT POINT. UM RIGHT AFTER I HAD FIRED THE VOLLEY OF ROUNDS I STEPPED OFF THE BANK AND RIGHT AFTER I HAD FIRED THE TRUCK STRAIGHTENED OUT BUT IT WAS STILL IT HAD IT HAD KINDA LOOKED LIKE IT WAS TURNING LIKE HE WAS TRYING TO GET DOWN THE ROAD BUT THEN IT STRAIGHTENED OUT AND HE COMES DOWN OFF THE BANK RIGHT THE TRUCK RIGHT BEHIND MY PATROL CAR. AND I MEAN HE JUST MISSED MY PATROL CAR, HE WENT WHERE I WAS STANDING THE TRUCK WENT RIGHT OVER THE TOP OF IT. IF I HADN'T BEEN ABLE TO GET OUT OF THE WAY OR IF I'D FALLEN ON THAT BANK OR ANYTHING HE WOULD HE WOULD SQUISHED ME I JUST WAS LUCKY ENOUGH TO BE ABLE TO GET OUT OF HIS WAY. UM AFTER HE CAME WHEN HE STARTED COMING OFF THE BANK I TURNED AND BROUGHT MY RIFLE UP AGAIN AND PUT MY LIGHT ON AND I COULD SEE THAT HE WAS LEANING FORWARD IN THE SEAT AND HE HAD TURN HIS HEAD WAS TURNED TOWARDS THE PASSENGER SIDE. AND MY PERCEPTION AT THE TIME WAS THAT HE'S HE'S GONNA GET BEHIND MY PATROL CAR, HE'S GONNA HEAD DOWN THIS HILL. (AND I KNOW THAT JUST NOT TOO LONG BEFORE I PUT OUT THAT HE'D RAMMED MY VEHICLE.

DETECTIVE GARDNER: UM, HM.

SGT. ADAMS: BILL HAD ALREADY BEEN YOU KNOW HAD HIS PROBLEM THERE, THE SITUATION HAD REALLY ESCALATED, AND THAT BILL WAS GONNA BE FLYING UP THAT ROAD AT ME. AND WHEN I TURNED AND SAW THAT I I DIDN'T THINK THAT HIS I THOUGHT THAT HIS TRUCK WAS GONNA BE ABLE TO MAKE THE MAKE THE TURN OFF THAT BANK AND GET ON THAT HILL BEHIND ME AND WITH BILL COMING UP THE HILL I MY IMMEDIATE THOUGHT AT THAT POINT WAS I HAVE GOTTA STOP THIS GUY OR HE'S GONNA KILL SOMEBODY COMING UP THIS HILL. I'VE JUST GOTTA STOP HIM NOW AND SO I BROUGHT MY RIFLE UP AT THAT POINT UM FIRED ANOTHER VOLLEY OF ROUNDS. AFTER AFTER I HAD FIRED THE SECOND TIME I COULD SEE HIM I SAW HIM ARCH UP IN THE SEAT, PUSH BACK INTO THE DRIVERS SEAT.

VOLLEY

DETECTIVE GARDNER: UM, HM.

SGT. ADAMS: THE ACCELERATION IMMEDIATELY STOPPED AND THE TRUCK JUST WENT STRAIGHT ACROSS THE ROADWAY AND OFF THE BANK ON THE OTHER SIDE.

ADAMS DOESN'T KNOW WHAT HAPPENED WITH THE TRUCK AND HILL?

DETECTIVE

GARDNER: SO INERTIA INERTIA JUST CARRIED IT OVER AT THAT POINT?

SGT. ADAMS: YEAH YEAH. HE HE HAD CARRIED ENOUGH SPEED AND HE WASN'T STEERING OR ANYTHING AT THAT POINT BECAUSE HE HAD JUST SAT BACK IN THE SEAT AND THEN IT HAD JUST CARRIED ENOUGH SPEED GOING OFF THE OTHER SIDE.

DETECTIVE

GARDNER: OKAY.

SGT. ADAMS: SO AT THAT POINT HE WAS OFF THE ROADWAY UM THE TRUCK KINDA WENT DOWN THE BANK AND AND CAME TO REST DOWN THERE. AS SOON AS THE TRUCK CAME TO REST DOWN THE BANK I HEARD UH CRASHING IN THE BRUSH AND OF COURSE MY IMMEDIATE THOUGHT WAS WELL NOW HE'S BAILED OUT OF THE VEHICLE AND THE FIGHTS GONNA BE ON AGAIN. SO UM I STOPPED REAL QUICK, UM I ANNOUNCED ON THE RADIO THAT WE HAD SHOTS FIRED, I TURNED THE LIGHT ON ON MY RIFLE SO THAT I WOULD HAVE MY SIGHTS ON AT THAT POINT CAUSE I STILL DIDN'T HAVE THEM ON. UM TURNED MY SIGHTS ON AND THEN SLOWLY STARTED MOVING DOWN THE ROADWAY. UM I KINDA MOVED LIGHT ON LIGHT OFF CAUSE I WAS REALLY WORRIED MY PATROL CAR STILL HAD IT'S LIGHTS ON AND THAT I WAS BEING LIT UP AS I MOVED DOWN THE ROADWAY SO I WAS CONCERNED.

*SOMEONE BE ON AGAIN
WHAT FIGHTS? →*

DETECTIVE

GARDNER: SILHOUETTED HUH?

SGT. ADAMS: YEAH I WAS CONCERNED THAT I WAS BEING SILHOUETTED BY MY OWN CAR. UM I DIDN'T TAKE ME TOO LONG I MOVED FAR ENOUGH THAT I COULD SHINE MY LIGHT AT THE CAB OF THE TRUCK AND I COULD SEE HIM IN THE CAB OF THE TRUCK. UM I ISSUED HIM COMMANDS AT THAT POINT TO SHOW ME HIS HANDS, UH HE STARTED YELLING BACK TO ME THAT HE WAS THAT HE WAS INJURED, THAT HE'D BEEN SHOT AND THAT HE NEEDED HELP. SO AT THAT POINT UM I HAD ANNOUNCED I THINK TWICE ON THE AIR THAT I HAD SHOTS FIRED AND I DIDN'T I DIDN'T HEAR ANYBODY RESPONDING BACK TO ME. AND THE UNFORTUNATE REALITY IS IS OUR PORTABLES DON'T WORK WORTH ANYTHING UP IN THE LAKE CUSHMAN AREA SO I JUST MADE THE ASSUMPTION THAT I COULD HEAR STUFF BUT I WASN'T GETTING OUT.

DETECTIVE

GARDNER: UM, HM.

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SGT. ADAMS: AND SO I DIDN'T MAKE MUCH EFFORT AT THAT POINT. I BUT BECAUSE I DIDN'T KNOW WHERE I WAS AT I REALLY I REALLY FELT LIKE I NEEDED TO MAKE SURE THAT SOMEBODY KNEW WHERE I WAS AT. I KNEW THAT BILL WAS PROBABLY COMING BUT LIKE I SAID MY PERCEPTION WAS THAT WE WERE WE TOOK THE ONLY ROAD THAT THERE WAS BUT I KNOW THAT YOU KNOW SOMETIMES THERE'S SIDE ROADS AND YOU NEVER KNOW WITH ALL THESE DIRT ROADS SO I WASN'T A HUNDRED PERCENT SURE. I WENT BACK UP TO MY PATROL CAR. UM I GRABBED MY GPS UNIT AND I GRABBED MY MEDICAL BAG, UM I'VE GOT A BIG MEDICAL BAG THAT'S FILLED WITH GUNSHOT TRAUMA.

DETECTIVE
GARDNER: UM, HM.

SGT. ADAMS: UH MEDICAL EQUIPMENT SO THAT UM I COULD REMEDY UH MEDICAL AIDE WHEN I GOT BACK DOWN THERE. UM I GOT MY GPS ON. I GOT UH A TEN DIGIT, I WAS ABLE TO GET BILL ON THE RADIO.

DETECTIVE
GARDNER: UM, HM.

SGT. ADAMS: UM HE WAS COMING BUT I STILL WANTED TO GET THE TEN DIGIT FROM MY GPS TO HIM. SO I PUT THAT OUT TO HIM OVER THE AIR AND THEN I HEADED BACK DOWN THERE. UM (INAUDIBLE) I APPROACHED THE TRUCK KINDA CAUTIOUSLY CAUSE I STILL HADN'T BEEN UP THERE YET AND I WASN'T SURE WHAT WAS GOING ON STILL. UM WHEN I GOT UP TO THE TRUCK I COULD TELL THAT THERE WAS NO UM HE DIDN'T HAVE ANY WEAPONS IN HIS HANDS I COULD SEE BOTH OF HIS HANDS AND HE WAS JUST SITTING THERE UM, IT WAS OBVIOUS THAT HE WAS BLEEDING AND HE SAID THAT HE HAD BEEN SHOT. AND SO UM I WENT AROUND TO THE DRIVERS SIDE OF THE CAR AND I COULD SEE THAT THE DRIVERS SIDE WAS SMASHED IN BECAUSE HE HAD HIT A TREE I GUESS GOING OFF THE BANK AND I COULDN'T GET THAT OPEN. UM SO I DID A I PUT MY GLOVES ON DID A QUICK ASSESSMENT ON THAT SIDE AND DIDN'T SEE ANY OBVIOUS INJURY AT THAT POINT. I WENT BACK AROUND TO THE PASSENGERS SIDE, I GROUNDED MY RIFLE AT THAT POINT AND JUST HAD MY MEDICAL STUFF. WENT AROUND TO THE PASSENGERS SIDE UM THERE WAS A TREE JUST OUTSIDE THE PASSENGER DOOR ONLY ABOUT A FOOT AWAY FROM THE DOOR BUT I MANAGED TO KINDA WEDGE MYSELF IN THERE AND GOT UP IN THERE. UM AND I JUST BASICALLY STARTED GOING THROUGH

SUPPLEMENTAL INCIDENT NARRATIVE

Case Number: 12-01779

On 02/17/12 I met with V/John N. Murray and his wife at the Mason County Sheriff's Office reference this case and obtained a recorded statement regarding ownership issues and if any sort of permission was given to Martin S. Ivie or anyone else to harvest and wood or even be on the property in question off of N. Dow Ridge Road. Murray informed me and stated he had not given any permission to anyone. I showed Murray two different photographs of Ivie and asked him during the statement if he recognized Ivie? Murray's response was "No".

Murray informed me he had been elected the property spokesman for the property's in the area and provided me with copies of emails. All subjects answered questions surrounding their knowledge of Ivie and his right to the property. See copies of email for additional information.

Following the statement I drove to the theft site with John Murray and his wife. I showed them the remnants of the stolen maple tree and walked the property with them. While walking we discovered at least two additional maple trees that had been recently fell.

Mr. Murray informed me the chain usually stretching across his driveway had been cut. This is the only usable road from N. Dow Ridge Road to the theft site. I also photographed the clearly posted "No Trespassing" sign on one of the trees the driveway chain was attached to.

To Prosecutor for review and consideration of the following charges against Martin S. Ivie. Malicious Mischief 3rd for damage to the driveway chain, Criminal Trespass 2nd for ignoring the clearly posted "No Trespassing" sign and entering the Murray property, to illegally harvest the maple tree and Harvesting specialized forest products without permit. ** No Theft **

See Photographs of scene. Photo disc entered into evidence and copies to

To Prosecutor

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

Dated: 02/21/12

Name/Per#: J. Sisson #1157

Signed in Mason County, Washington by:

J. Sisson #1157
Signature of Deputy

R. Potts #1095 (CIC)
Supervisor

A: 75

The document to which this certification is attached is a full, true and correct copy of the original on file and of record in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this 10th day of April, 2012.

REC'D & FILED
MASON CO. WA.

2012 APR 10 1P 3:19

PAT SWARTOS
County Clerk and Clerk of the Superior Court of the State of Washington, in and for the County of Mason.

PAT SWARTOS, CO. CLERK
BY [Signature] DEPUTY

By [Signature] Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR MASON COUNTY

STATE OF WASHINGTON,) NO. 12-1-00064-6

Plaintiff,)

vs.)

MOTION AND ORDER FOR
DELIVERY OF PRISONER

MARTIN S. IVIE,)

Defendant.)

MOTION

The Prosecuting Attorney for Mason County, moves the Court for an order directing the Superintendent of the Stafford Creek Correction Center or any other correctional facility to deliver the custody of MARTIN S. IVIE, DOC #307402 to the Sheriff of Mason County prior to April 16, 2012 at 9:00 a.m. This motion is made for the reason that it is necessary he appear in regards to Trial Status & Show Cause the Defendant being presently incarcerated at the Stafford Correction Center on another charge, and the Defendant's presence in court can only be compelled by proper order of this Court.

[Signature] WSBA 23644
MICHAEL K. DORCY, #31968
Prosecuting Attorney
32

A: 76

RECEIVED & FILED

(12) MAR - 5 2012

The document to which this certification is attached is a full, true and correct copy of the original on file and of record in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this _____ day of _____, 20_____.

PAT SWARTOS, Clerk of the Superior Court of Mason Co. Wash

PAT SWARTOS
County Clerk and Clerk of the Superior Court of the State of Washington, in and for the County of Mason.

By _____ Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR MASON COUNTY

STATE OF WASHINGTON,)	NO. 12-1-00064-6
)	
Plaintiff,)	
)	
vs.)	MOTION AND ORDER FOR
)	DELIVERY OF PRISONER
MARTIN S. IVIE,)	
)	
Defendant.)	

MOTION

The Prosecuting Attorney for Mason County, moves the Court for an order directing the Superintendent of the Stafford Creek Correction Center or any other correctional facility to deliver the custody of MARTIN S. IVIE, DOC #307402 to the Sheriff of Mason County prior to March 12, 2012 at 9:00 a.m. This motion is made for the reason that it is necessary he appear in regards to Omnibus the Defendant being presently incarcerated at the Stafford Correction Center on another charge, and the Defendant's presence in court can only be compelled by proper order of this Court.


MICHAEL W. DORCY, #31968
Prosecuting Attorney

14

A: 77

CERTIFICATE OF MAILING AND SERVICE

Pursuant to Washington Court Rules, General Rule 3.1(a)(b)(c), I the undersigned hereby declare and certify that, I have placed, "Motion for Court Order for Production of Attorney/Client File and Materials, in State v. Ivie, Mason Co. Superior Court Case No. 12-1-00064-6", into sealed envelopes with first class prepaid postage affixed thereto, having turned over to a Correctional Officer, employed at the Washington State Penitentiary, for the purpose of logging as "Legal Mail" and direct deposit into the United States Mail, on this ___ day of ___, 2013, having been addressed to the following parties:

MASON COUNTY SUPERIOR COURT

Attn: Court Clerk

P.O. Box X

Shelton, Wa. 98584-0078

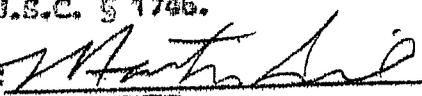
MASON COUNTY PROSECUTOR

P.O. Box 639

Shelton, Wa. 98584

cc: Martin Ivie

SIGNED and EXECUTED this 24th., day of March, 2013, under the penalty of perjury, pursuant to RCW 9A.72.085, and 28 U.S.C. § 1746.

SIGNED: 
MARTIN IVIE
307402
Washington State Penitentiary
1313 North 13th., Avenue
Walla Walla, Wa. 99362-8817

1111
1111
1111

Telephonic Hearing Information
Gregg Robinson 509-524-7652
A: 78

IN THE WASHINGTON STATE SUPERIOR COURT

IN AND FOR THE COUNTY OF MASON

* * *

STATE OF WASHINGTON,

Plaintiff,

v.

MARTIN IVIE,

Defendant. /

CASE NO. 12-1-00054-6

NOTICE OF MOTION TO DOCKET

(Clerk's Action Required)

TO: Mason County Superior Court Clerk,

Fed Ex Box X
Shelton, Wa. 98584;

Mason County Prosecutor,

P.O. Box 639
Shelton, Wa. 98584.

PLEASE TAKE NOTICE THAT, the Defendant, hereby files the attached "Motion for Attorney/Client File and Materials", to be heard on the 13th day of May, 2013, at 09:00 a.m., or at the Court's earliest convenience.

SIGNED and EXECUTED this 22nd., day of March, 2013, under the penalty of perjury, pursuant to RCW 9A.72.085, and 28 U.S.C. § 1746.

SIGNED:

Martin Ivie

MARTIN IVIE

307402

Washington State Penitentiary

1313 North 13th., Avenue

Walla Walla, Wa. 99362-3817

DEFENDANT/PRISONER IN PROPER PERSON

A:79

1111

Telephonic Interview/Hearing Information:

Gregg Robinson 509-524-7652

A:79

Superior Court of the State of Washington
for the County of Mason

AMBER L. FINLAY, Judge
Department No. 1
TONI A. SHELDON, Judge
Department No. 2



Commissioners:
Robert Sauerlender
Richard C. Adamson
Lynn K. Hayes
Patricia L. Morgan
Stephen T. Whitehouse

Robyn Lockwood, Court Administrator

P.O. Box "X"
Shelton, Washington 98584
(360) 427-9670 Ext. 206

April 16, 2013

Martin Ivie #307402
Washington State Penitentiary
1313 N 13th Ave
Walla Walla, WA 99362-8817

Re: State of Washington vs. Martin Ivie
Mason County Cause No. 12-1-00064-6

Dear Mr. Ivie:

Your Motion for Court Order for Production of Attorney/Client File and Materials was noted for hearing April 15, 2013, however, it was stricken by the court yesterday because arrangements had not been made for your appearance.

Please re-note your motion for a Monday court day, and if it is your intention to appear telephonically for the hearing, please note that on the notice of hearing. Also, please provide your counselor's contact information to assist me in arranging the telephone call.

Sincerely,

Carolyn Putvin
Carolyn Putvin
Judicial Assistant

:cp

cc: Superior Court file
Michael Dorcy
Charles Lane

A: 80

THE LAW OFFICE OF
CHARLES W. LANE IV, P.L.L.C.

1800 COOPER POINT RD SW, #3
OLYMPIA, WASHINGTON 98502
FACSIMILE (360) 956-3391

(360) 352-8887

April 25, 2013

Martin S. Ivie #307402
Washington State Penitentiary
1313 North 13th Avenue
Walla Walla, WA 99362

ATTORNEY/CLIENT PRIVILEGED

RE: State of Washington vs. Martin S. Ivie
Case No. 12-1-00064-6

Dear Mr. Ivie:

Per your request, enclosed please find a redacted copy of your file in connection with the above case.

Thank you.

Very truly yours,



NAVIEVE K. VAN HOOF
Paralegal to Charles W. Lane IV

Enclosures

A: 81

Superior Court of the State of Washington
for the County of Mason



AMBER L. FINLAY, Judge
Department No. 1
TONI A. SHELDON, Judge
Department No. 2

Commissioners:
Robert Sauerlender
Richard C. Adamson
Lynn K. Hayes
Patricia L. Morgan
Stephen T. Whitehouse

Robyn Lockwood, Court Administrator

P.O. Box "X"
Shelton, Washington 98584
(360) 427-9670 Ext. 206

May 21, 2013

Martin Ivie #307402
Washington State Penitentiary
1313 N 13th Ave
Walla Walla, WA 99362

Re: State of Washington vs. Martin Ivie
Mason County Cause No. 12-1-00064-6

Dear Mr. Ivie:

Your Motion for Court Order for Production of Attorney/Client File and Materials which was set for hearing May 13, 2013 was set over to May 14, 2013, then continued to June 3, 2013 to allow for Mr. Lane's presence and also for arrangements to be made for your telephonic appearance.

I have now made arrangements with your counselor for your court appearance and I am notifying Mr. Lane of the new court date by copy of this letter.

Sincerely,

Carolyn Putvin
Carolyn Putvin
Judicial Assistant

:cp

cc: Superior Court file
Mason County Prosecutor's Office
Charles Lane

A:82

Marked Original to Mr. Lane in the Legal
Mail on 5-28-13 May 15th 2013
Mr. Lane.

Thankyou for sending me the
attorney/client file. However
it is missing most of the
photographic evidence and site
diagrams depicting the ballistics
and vehicle locations etc.

It also was missing the audio/video
evidence and the theft report
or complaint from the alleged
owner of the tree.

The Veterinarians report and X-Rays
Could you please obtain these
critical items, to my appeal
and forward them to me ASAP

Thankyou for your time

Sincerely,
Grant Lee

Martin Ivic 307402 E133
Washington State Penitentiary
1313 N. 18th Ave. Walla. Walla.
Washington 99367

P.S. The Copies of the few pictures
I did receive were very poor

Attorney/Client File on 6-3-13 Approx 10
Had Telephonic Hearing Mason County
Superior Court, Judge Amber Finley
Charles Lane ~~to~~ on Motron for
Attorney/Client File. Retrieved Attorney
Client File, on 5-15-13 it was missing
a lot of pictures, diagrams, Audio/Video
Asked the Court to provide, these
Judge Finley responded the Court
did not have them and to write Mr.
Finley requesting them. She said she
would continue the matter Mr.
Lane said he didn't think I could
retrieve the Audio/Video evidence
being how I was in Prison I
told him I could I had a Court
Permit he said he would send
them. I was wrong on that I
found out later, in the day from a
Go So I wrote and mailed on
6-3-13 The same day of the
hearing a request to Mr. Lane to send
them to my Sister Barbara Lynn Green
who I have given power of Attorney
and is assisting with my affairs I
provided her Address 406 Susie St
Chandler Texas, 75758. See info
pages on inventory Attorney Client File

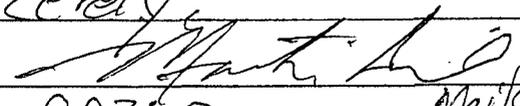
6-6-2013

Mr. Foley: As per Judge Finley's order, on 6-3-2013 to request Attorney/Client file. Would you please send me the missing items from my Attorney/Client file. Mr. Kane sent me what he had, but it was missing most of the photo evidence and site scene diagrams. What I did receive were of very poor copies ^{Quality} hard to make detail out.

If you would please send me everything the file was missing which as far as I can tell is the photographic evidence, the ballistic diagrams and site scene diagrams and Audio/Video evidence, and 25 hand written pages out of the CD I sent and/or handed, "give" to you, are missing also.

Please make sure the quality of the images is viewable, "clear" reasonably acceptable quality. That would be real nice of you, and appreciated! Anything else you may be kind enough to send me, to aide me in getting out of here, I will be greatly appreciated as well. Thank you! For your prompt attention.

Sincerely,

Tomato 307402 BE133 

A:85

W.S.P. Wala, Wala, Wash. 99362 ^{Mailed 6/6/13} copy ~~on file~~ original on file
1913 21 13th Ave. (A:85)

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REC'D & FILED
MASON CO. WA
2012 JUL 12 P 12:54

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

PAT SWARTOS, CO. CLERK
DEPUTY

STATE OF WASHINGTON,)
)
Plaintiff,)
)
MARTIN IVIE,)
)
Defendant.)

NO. 12-1-64-6

CR 7.5 Motion for New Trial

Comes now the defendant pursuant to CR7.5 (a) (2) and moves the Court for a New Trial. This motion is based on the following Affidavit of Counsel and legal argument.

Affidavit of Counsel

On Monday July 9, 2012 I received a phone call from Juror #4 Margy Stinke, she advised me that the Foreperson of the Jury refused to send out questions to the Judge during deliberations. She advised me that both her and another Juror had serious concerns about the law and wanted to ask the Judge some questions. The Foreperson repeatedly refused to send out any questions to the Court. This left Juror #4 without enough information to reach a proper verdict.

Signed under Penalty of Perjury
James P. Foley WSBA 20402

Law

Under CR7.5 (a) (2) Misconduct on the part of the Jury is grounds for a New Trial.

ORIGINAL

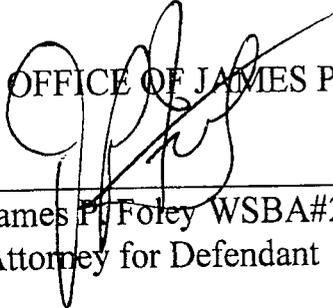
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In the Defendant's case, we have the Foreperson disregarding Jury instruction #32 which instructs the Jury that if they have a question, they should write it down and send it out to the Judge. This misconduct violated the defendant's right to a fair trial and is grounds for a New Trial.

The Defendant respectfully requests the Court Order a New Trial in this case based on the Forepersons misconduct..

Dated this 12th day of July 2012.

THE LAW OFFICE OF JAMES P. FOLEY

James P. Foley WSBA#20402
Attorney for Defendant

RECEIVED & FILED
JUL - 5 2012
PAT SWARTOS, Clerk of the
Superior Court of Mason Co. Wash

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

STATE OF WASHINGTON)
Plaintiff(s),)
vs.)
MARTIN S. IVIE)
Defendant(s).)

NO. 12-1-00064-6
INQUIRY FROM THE JURY
AND COURT'S RESPONSE

JURY INQUIRY:

ATTENTION JURORS: PLEASE DO NOT DESTROY THIS FORM. THIS FORM SHOULD BE RETURNED TO THE COURT WITH YOUR JURY VERDICT.

Re: COURT V, 3RD Degree ASSAULT. IS THIS SPECIFIC TO THE CARS BUMPING, OR ALL ACTIVITIES BETWEEN ADAMS & IVIE, PRIOR TO REACHING SCENE 2

DATE AND TIME RECEIVED: 7/5 1530, ~~05/22 3:33~~

COURT'S RESPONSE: [After affording all counsel/parties opportunity to be heard.]

~~RE: COURT~~

67

Please refer to your instructions

[Signature]
JUDGE

DATE AND TIME RETURNED TO JURY: July 5, 2012 3:33

INQUIRY FROM JURY AND COURT'S RESPONSE JYN/RSP

A: 88

State of Washington vs Martin S Ivie, Mason Co. Cause No.12-1-00064-6, ProMain CD12-126

Description	State of Washington vs Martin S Ivie, Mason Co. Cause No.12-1-00064-6, Prosecutor Mike Dorcy, Defense Attorney James Foley, Judge Amber Finlay Presiding; Clerk M. Churchill/Sharon Fogo---3.5 Hearing <i>4 day before jury trial</i>		
Date	7/3/2012	Location	Main CD12-126

Time	Speaker	Note
9:14:53 AM		States Exhibit # 97 marked prior to commencement of court, without jury present
9:18:56 AM	Court	Convenes, all parties above mentioned present,
9:19:39 AM	Court	Indicates Juror #1 Mr. Mallard is excused due to medical emergency, 3.5 Hearing Commences
9:20:11 AM	Dorcy	calls Sgt Dustin Breen to witness stand, sworn in by Court, witness qualified, direct begins
9:32:24 AM		State's Exhibit #96 identified by witness
9:32:35 AM		State's Exhibit #97 identified by witness
9:33:28 AM	Dorcy	request to admit and publish Exhibit #97
9:34:03 AM	Mr. Foley	no objection as to only being heard in 3.5 hearing only
9:34:34 AM	Court	Admits Exhibit #97 and allows Exhibit to be publish for 3.5 hearing only,
9:35:51 AM		Exhibit #97 audio played.
9:49:15 AM	Foley	objection as to this portion of recording
9:49:33 AM	Dorcy	states this portion of recording shows that all statements made from Mr. Ivie are voluntary
9:50:05 AM	Court	over rules objection and recording continues
10:09:29 AM	Dorcy	continues direct examination of witness
10:12:28 AM	Court	Directs Bailiff to allow jury to return in 1/2 hr
10:13:10 AM	Foley	Cross examination of witness
10:13:30 AM		no further questions of witness and excused
10:13:45 AM	Foley	calls Defendant Martin Ivie to witness stand, sworn in by court
10:14:10 AM	Court	Defendants rights advised to Mr. Ivie as to this 3.5 hearing
10:15:50 AM	Foley	Direct examination begins
10:17:34 AM	Dorcy	Cross examination
10:27:17 AM	Dorcy	no further questions of witness
10:27:25 AM	Foley	no redirect, witness excused by court, Mr. Foley request recess
10:27:33 AM	Court	recesses to allow Mr. Foley to check his telephone messages from Tacoma General
10:32:45 AM	Court	Reconvened
10:32:50 AM	Foley	states Tacoma General Hospital has not returned his calls
10:33:17 AM	Dorcy	state indicates that if Mr. Ivie to take witness stand state will seek to impeach Mr. Ivie
10:34:18 AM	Dorcy	request Mr. Breen to retake witness stand for rebuttal, court reminds witness that they are still under oath, rebuttal begins
10:37:35 AM	Foley	no sir rebuttal

A: 89

Description	State of Washington Vs. Martin Ivie #12-1-00064-6 Judge: Amber Finlay Clerk: Sharon Fogo Prosecutor: Michael Dorcy Defense Counsel: James Foley --- Matter came on for day seven of jury trial --- CD #12-127	
Date	7/5/2012	Location MASON SUPERIOR MAIN

Time	Speaker	Note
8:59:09 AM	Court	calls the matter, defendant present & in custody
9:05:19 AM		instructions reviewed
9:08:37 AM	Court	recessed to make additional copies of amended instructions
9:17:33 AM		No objections or exceptions by either counsel to the Court's instructions
9:18:19 AM		Jury enters
9:19:49 AM	Court	reads jury instructions
9:49:56 AM	Mr. Dorcy	closing argument
10:32:31 AM		Jury steps down
10:33:41 AM	Court	recessed
10:45:21 AM	Court	reconvened
10:53:52 AM		Jury enters
10:55:09 AM	Mr. Dorcy	continues closing arugment
11:13:18 AM	Mr. Foley	closing argument
11:28:21 AM	Mr. Dorcy	final closing argument
11:50:21 AM	Clerk	pulled juror #5 as the alternate juror
11:50:56 AM	Court	reviewed instructions w/juror #5
11:52:25 AM		Bailiff placed under oath
11:53:11 AM		jury steps down for deliberation
4:51:40 PM		Jury knocked at 4:40 p.m.
4:51:43 PM	Court	reconvened
4:52:56 PM		Jury enters
4:53:21 PM		Juror #7 lead juror

State of Washington vs Martin S Ivie, Mason Co. Cause No.12-1-00064-6, ProMain CD12-126

10:37:48 AM	Dorcy	notes state has rested, and statement of Defendant was made voluntarily and waived his rights to attorney and impeachment of Defendant
10:46:15 AM	Foley	states client was shot 4 times and wounds were treated and medications were administered;
10:47:22 AM	Dorcy	Rebuttal
10:47:55 AM	Court	addresses parties as to issues; and reviews
10:57:48 AM	Court	Finds Mr. Ivie statement were made voluntarily
10:58:22 AM	Dorcy	will prepare Findings as to courts ruling as to this hearing
10:58:48 AM	Court	questions Bailiff as to where Juror #14 who is now Juror #13 into seat #1
11:00:00 AM	Foley	questions as to scheduling and to let Jurors know
11:00:31 AM	Court	indicates Juror #13 to move to seat #1 and Juror #14 to remain in current seat
11:02:29 AM		Jury panel enters and seated
11:03:25 AM		side bar
11:03:29 AM	Mr. Foley	calls Martin Ivie as witness, sworn in by court, direct examination begins
11:05:00 AM		Defense Exhibit 98 marked by clerk
11:05:18 AM	Foley	Defense Exhibit 98 identified by witness
11:07:19 AM	Foley	moves for admission of Exhibit 98
11:07:29 AM	Dorcy	objection
11:08:05 AM		Overruled - Clerk: Sharon Fogo takes over for Clerk: Marie Churchill
11:08:46 AM		Exhibit #98 admitted over objection
11:25:51 AM	Mr. Dorcy	cross examination
11:26:35 AM		State's exhibit #1 referenced
11:35:05 AM		State's exhibit #96 referenced
11:59:53 AM	Court	reminds jury of cautionary instruction & steps down
12:00:37 PM		Mr. Ivie steps down
12:00:47 PM	Court	recessed
1:13:00 PM		
1:23:29 PM	Court	reconvened
1:23:33 PM		Mr. Ivie retakes the stand - previously sworn to testify
1:23:41 PM		Jury enters
1:25:15 PM	Mr. Dorcy	cross examination continues
1:49:01 PM	Mr. Foley	redirect
1:55:04 PM		Exhibits #46 & 43 referenced
1:56:35 PM	Mr. Dorcy	recross
2:11:52 PM	Mr. Foley	redirect
2:18:35 PM		Mr. Ivie steps down
2:18:52 PM		Defense rests
2:19:02 PM		Jury steps down for afternoon recess
2:19:08 PM	Court	recessed
2:38:42 PM	Court	reconvened

CASE NO. 12-1-00064-6 TRIAL DATE June 26, 2012 HON: Amber Finlay

State of Washington, Plaintiff Vs Martin Ivie, Defendant

Michael Dorcy, Attorney  James Foley, Attorney

7023 Walter Millard (1 st alternate excused due to emergency surgery)	-1-	1433 Ronald Watkins	-2-	1343 Jerald Sparks	-3-	1382 Marjorie Steinke	-4-	1096 Delbert Dove (2 nd Alternate juror)	-5-	1083 Linda Curley	-6-
174 Penny Cory	-7-	1259 Ruth Meservey	-8-	1325 Gail Pyle	-9-	1092 Chris Dickson	-10-	1205 Barbara Kuchno	-11-	1179 Robert Jelich	-13-
								1838 Cathy Strong	-12-	1453 Michael Aiken	-14-

RECEIVED & FILED

JUN 26 '12

PAT SWARTOS, Clerk of the
Superior Court of Mason County

Look at the Date? A:92 Very Fishy Someone has ESP.?