

61402-9

61402-9

No.61402-9-1  
IN THE COURT OF APPEALS  
DIVISION ONE  
OF THE STATE OF WASHINGTON

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WILLIE McCOO,

Appellant,

v.

STATE OF WASHINGTON,

Respondant.

---

APPEAL FROM CONVICTION IN SUPERIOR COURT

IN THE COUNTY OF KING

IN THE STATE OF WASHINGTON

The Honorable Judge Palmer Robinson.

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STATEMENT OF ADDITIONAL GROUNDS

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COA DIV I  
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NR

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### ASSIGNMENT OF ERROR

No.1, The Seattle Police Officers involved in the case at hand failed to preserve potentially exculpatory evidence in bad faith as a matter of fact. And in doing so left exposed many examples of bad faith for which the appellant is fairly certain Justice Stevens would likely agree that the Appellant is fortunate to be able to show the bad faith that entitles him to the relief available. Arizona v. Youngblood, 109 S.Ct. 333, 339 (1988). Because, just because a person might not have the ability to meet the showing of bad faith requirement, that doesn't mean that bad faith wasn't a factor: at all!

- (a) Did the SPD fail to preserve potentially exculpatory evidence?
- (b) Were the actions of the SPD, in bad faith?

No.2, The Police in the particular case at hand committed arbitrary action in the course of the investigation of this case clearly, and under CrR 8.3(b) this case requires dismissal in the furtherance of justice because a new trial will not cause the "potentially exculpatory evidence to be replaced.

- (a) Was the S.P.D. Homicide CSI unit's refusal to report to the scene to process evidence arbitrary?

No.3, Failure of police to collect potentially exculpatory evidence in bad faith in violation of U.S.C. Amendment XIV and Arizona v. Youngblood, U.S. , 109 S.Ct. 333, 102 L.Ed.2d 281 (1988).

- (a) Was the SPD failure to collect evidence done in bad faith?

No.4, The appellant's constitutional right to a fair trial was violated when the state attorneys knowingly allowed false testimony by its own witness to go uncorrected on the record.

- (a) Was the appellants right to a fair trial violated when the state failed to correct false testimony from a state witness to go uncorrected?

No.5, The trial Court failed erred by failing to excuse a juror who had a mental defect incompatible to with proper jury service in violation of RCW 2,36.110.

- (a) Did the trial Court error in failing to excuse a juror from service after a mental defect manifested itself during trial?

No.6, Unauthorized communication between the victim/witness and a jury member in the presents of the victims advocate whom had a personal relationship with the jury member in question.

- (a) Was the communication between the victim/witness and juror unauthorized?

(b) Was the previously undisclosed relationship between the victims advocate and the jury member a conflict of interest?

(c) Would the unauthorized communication between victim/witness and a jury member prejudice the jury denying the defendant the right to due process and a fair trial?

(d) Is the victim advocates previously undisclosed relationship with a jury member a conflict of interest, or otherwise prejudice the jury and deny the defendant the right to due process and a fair trial?

ASSIGNMENT OF ERROR (continued)

defendant the right to due process and a fair trial?

No.7, The Seattle Police Department and Detectives involved in the investigation of the case, as representatives of the state and member's of the prosecutions team, failed to preserve Exculpatory evidence, violating defendants due process right to a fair trial.

(a) Did the state fail to preserve exculpatory evidence?

No.8, Implied jury bias.

No.9, Ineffective assistance of counsel.

(a) Was counsel's performance deficient.

(b) Was counsel working under divided loyalty between the defendant and the state?

No.10, Cumulative Error Doctrine,

### STATEMENT OF THE CASE.

I, Willie J. McCoo, have received and reviewed the opening brief prepared by my appellate 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 by on the merits.

STATEMENT OF ONE VERY IMPORTANT FACT THAT WILL HELP THE COURT MUCH CLEARER UNDERSTAND THIS WHOLE CASE.

Some time after the alleged victim in this case Tammy Joiner was released from Harborview Medical Center which is reported to have been on 9-19-2005 she hooked up with Detective David Duty, the lead Homacide detective assigned and involved in the case and supplied this Seattle Police Detective with my jacket that she actually or he actually did contaminate said jacket by some method and means with this so-called victims blood. And then after that transpired, said detective potentially accompanied by Tammy Joiner and potentially other members of the Seattle Police Department, did as a matter of fact, plant the jacket in question and in evidewnce, on the floor of the alleged scene in question, under the black roller suitcase and took staged photographs of my jacket that I asked Tammy Joiner to ask Mekaba Oatis if I could leave over at her house for safe keeping on about 9-5-05. I had three very good reasons for wanting to park my jacket there. One, I've for many years since age 19 or 20 have known that the Creston Park Apartments was infested with roaches. see Exhibit #1. And I dont mess around with roaches, therefore I asked her to ask her friend (Mekaba) if it was okay if I left my jacket over at her place which seemed clean. Secondly, it was very warm during that september of 2005. A jacket wasn't needed at any time during the day or night. The weather was perfect, and too hot during the day to be wearing a jacket I realized the day I requested if I could leave it over at Makaba'a who lived at in september of 2005, about one block East bound up Creston Street, on the left hand side of the road when traveling East bound right to the left side of that dirt unusually long (for the city) driveway depicted in defendants exhibit #123. I believe the house was white at the time and she had a biege and white colored pitt-bull chained to the left hand side of her porch when one is walking up the porch steps. Tammy walked the jacket into the house with me following behind, we walked through the kitchen and up a flight of steps which turned to the right at the top and lead

directly into Makeba Oatis bedroom which her bed was resting on the floor on a box spring mattress with a soft top mattress which Makeba Oatis was sitting on at the time absorbed taking a crack hit out of a straight shooter style glass pipe with her head and said pipe cocked to her left and angled slightly downward! The third reason I left the jacket over there is because I knew that the bedroom actually belonged to Anthony Green who was Tammy Joiners official boy-friend at the time. So despite Tammy Joiners attempt to get me to venture into her bedroom for sex, I never would go inside that bedroom, so they can not be wholly removed from one another. So as a solution to the dilemma, the appellant is going to merely focus on showing the bad faith requirement for relief in ground one and then cite the case law or whatever else I have to back that up and then (also in the interest of brevity merely cite one or several instances of where my due process rights have been breached under each ground although the violation of each ground will be and is self-evident in ground one.

GROUND ONE.

THE SEATTLE POLICE OFFICIALS INVOLVED IN THE APPELLANTS CASE FAILED TO PRESERVE POTENTIALLY EXCULPATORY EVIDENCE IN BAD FAITH.

There were four blood-spots apparent on the white window-blinds in the bedroom belonging to Tammy Joiner, supposed victim of an alleged violent assault as she slept in her bed at approx. 1:05 in the morning on September 15, 2005. see, Certification for Determination of Probable Cause, submitted and signed by Detective David W. Duty #4002, the state's trial memorandum page three. One of the responding/ investigating Primary Seattle Police Officer's involved who in addition happens to be a 29 year veteran police officer, David Bauer alleges that he took the crime scene photo's of the window-blinds that depict the four blood-spots on the blinds. The photographs show two blood-spots on the exterior and two on the interior. see State's Exhibits #20, 32 and 29. Also see (2-7-2008) RP.979, Ln.4 to 980, Ln.3. The state's attorneys consistently strived to minimize, the fact that Bauer been in police work for almost three decades. RP.973,compare (8-9-2006) RP.196' 12 to RP.196. Ln.18 and (2-7-2008) RP.979, Ln.19-23. Here officers bauer lies in his testimony by making the false statement that he doesn't "recall" whether or not he was present or not when Officer Villanueva was looking for fingerprints around the window. see RP.987, Ln.2-8 and compare RP.971, Ln.5-17 and (8-9-2006) RP.205, Ln.5-15. Now, next Officer Bauer shows his true colors i.e. bad faith by testifying in what is another example of pure bad faith, that he has seen the appellant before in apartment 301 when he knew full well that that was a false statement. see RP.977, Ln.10-13.

Sorry, I've just run across another example of Officer Bauer testifying during the same testimony that he testified that he didn't recall whether or not he was present when Officer Villanueva looked for finger prints on the slidingglass windows. see RP.969 Ln.21to 970, Ln.7. Yep! And the appellant has just run across yet another example of what is proof of what is the

opposite of good faith in the investigation of this case from Officer Bauer, see (4-2-2007) RP.122, Ln.23 to RP.123, Ln.9 and compare that Statement to (2-7-2008) RP.987, Ln.2-8; Now, I've run directly into soome more of it. see (4-2-2007) RP.128, Ln.20 to RP.129. Ln.23. Now compare all the above statements to this whopper!see (2-5-2008) RP.584, Ln.23 to RP.585, Ln.3; and review again, State's Exhibits# 20, 32, and 29. I don't know how there could possibly be required any more bad. The appellant can't imagine easily how any more bad faith during the course of an investigation on behlf of the police need to be shown, to be granted to avail available relief that the appellant has shawn, however I will draw the Court's attention to just a couple more examples for good measure.

see SV. (2-5-2008( RP.583, Ln.23 to RP.584, Ln.20; and RP.579, Ln.4-6; RP.572, Ln.4-20.

And for the record, Officer Villanueva was the primary officer, however, watch him race to minimize this fact the same way Bauer strived to minimize his many years of service (2-4-2008) RP.524, Ln.11-14.

As for the manifest obvious lie Officer Villanueva testified to about not bringing any fingerprint dust, First and foremost he would not be looking for finger prints without finger-print dust. Thats as absurd as him claiming that the reason he didn't examine the blood-spot on the outside because he was on the inside of the blinds. And that far before you factor in the fact that there is a couple of blood-spots on the inside of the blinds and thefact thatr i.e. he was facing th bloodspots, how could he Bauer an Villanueva apply "the dust" when Villanueva testified that theyu didnt bring any to the scene. see (4-2-2008) RP.129, Ln.20-23. And just to get the part about whether or not the significance of the bloodspots on the blinds. see (2-4-2008) RP.512, Ln.15; and RP 522, Ln.3-5; RP.588, Ln.9 MW. Q:"Do you

know how many exposures to a roll?" RP.588, Ln.10 SV. A:"No, not at all." see (2-4-2--8) RP.512, Ln.12 MB Q:"And how are you employed." RP.512, Ln.13 A:"regence Blue shgield." RP.512, Ln.14 MB. Q:"What do you do for regnce blue sheild?" RP.512, Ln.15 SV: Q:"Accounts manager on several of several of the association accounts there. And again as for Villanueva's claim of not bringing dust. see (2-5-2008) RP.579, Ln.1-6. And for villanueva claiming that he thinks that dusting for prints makes for good T.V. drama but he doesn'y know if it specifically works out there in the real world, so that's the reason why he didnt dust for prints." RP. 572, Ln. 18-20; and compare RP.578, Ln.8 SV. A:"Well, I had collected fingerprints from other crime scenes prior to this incident.

And again, as for Villanueva testifying that he was on the inside of the blinds so therefore he did evaluate the blood-spot on the outside of the blinds even though nothing was ever mentioned about that couple of spots on the inside that he would have actually necessarily had to have had his face about a foot away from at least, The appellant offers this ( 2-4-2008) RP.557, Ln.20-21: and also see(4-2-2007) RP.121, Ln.22 to RP.122, Ln.2 DB. A:"I was looking for any evidence of the crime, and that could be any number of things. And for the record all of the evidence on the scene was in the control and therefore the possession of the SPD i.e. the State. see (2-7-2008) RP.962, Ln.16 DB. A:"Initially, after we cleared the apartment, no, we sealed the apartment, and we called for a supervision to call for homicide.

#### DETECTIVE DUTY'S BAD FAITH

. Talking about the jacket. see (2-5-2008) RP.726, Ln.10-18, Q:(by Ms. Berliner) "How did she give it to you. do you remember?" RP.726, Ln.20 DDD. A:"It was in a paper bag." see (2-5-2008) RP.727, Ln.8 to RP.728, Ln.5; RP.727, Ln.25 Mw. Q:"I thought Detective, you said it was in a paper bag?

"

see RP.737, Ln.17 to RP.739, Ln.8. here Detective Duty admits to taking photographs of the alleged scene on 9-21-09, but those photographs have never surfaced! see RP. 710, Ln.10 to RP.712, Ln.8

And of course, the appellant must also point out the manifest facts that these seattle police Officers and Detectives involved in the appellants case clearly failed to preserve the fingerprints from the crime scen in the same way that they failed to preseve the bloodspots off of the bblinds. ITS clear enough. They were lying about the fingerprint issue completely! No one needs to see them to recognize the clear fact that the date annd time in question.

see State's Trial Memorandum, filed 1-28-2008) page 2 Ln.19; "Other people also "crashed" at the apartement from time to time. RP.2 Ln.20. The Creston Park Apartments is known as a high crima are, particularly for drug dealing. In fact, Anthony Green sold drugs from the window of his beedroom in apartment 301. People often wqent in and out through the window so as not to disturbed Mr. greem. One resident. RP.2, Ln.23; describes it as the "window of happiness".

See Defendants Exhubit #82 which is a tape recorded intervem of Tammy Joiner taken(4-24-2006).

RP.6, Ln.8 TJ. A:"And then that day when we came home, I have -- I came -- I went -- in through into the house, because when I left \_ I normally woul only go through the window if I left out through the window, ok. but in this case.

RP.4, Ln.5 UNKNOWN: Somebody came through the window there, a friend I dont know. she can tell it to you. I wasnt in there, somebody cut her. Hello?"

RP.4, Ln.9 UNKNOWN: It ... he might have jumped out the window."

So it's clear, these officers failed to preserve potentially exculpatory

fingerprint evidence in bad faith."

They have every excuse and lie in the world but what they dont have is any finger-prints, blood samples, bed clothing, no overall photographs of the small bedrooms out of the full two rolls of 35mm film; (2-7-2008) RP.965 10MB. Q;"And is there a pitchure including in those photographs of sort of the whole room and every soingle thing in tit? RP.965, Ln.12 DB. A:"No, It would all be partially views around the room."

And one thing absolutely nude for sure, see State's Exhibit 25. behold the finger printed marking all across the top of that microwave oven!

I've said this in writing to the superior court Judge Robinson and i'll say it probably for the second time in this 10.10 The SPD did in fact find fingerprints Exhibit #25 again. Finger-prints don't come that way. Fingerprint dust powder has been applied to that. Likely came out the same bottle as the stuff on the blinds in State Exhibit #32, Unless there has been a house fire, that black compound isn't dirt! Or unless someone detached those blinds and held them over the exhaust pipes of a D.C. 10 bulldozer. A person can see the stuff on the wall and the seal.

When Tammy Joiner turned the jacket over to Detective Duty, whatever the original crime scene photographs looked like they had to disapear, because there was a small problem: the jacket that Joiner turned over wasn't in any of the photographs; therefore, to date, the appellant hasn't seen those photographs via one trick or another. The fingerprints went by a similar or wrong way. The appellant believe fully, that the SPD found and collected fingerprints, however, being that the appellant has never touched "the window of happiness" or ever entered apartment 301, they didnt find a one that belonged to the appellant, but wasn't about to let this obstace stand in the

way so they removed the obstacle, the appellant knows for fact. The appearance of that jacket in a scene photograph eliminated all need for clairvoyance on the part of the appellant.

The SPD, again, had every reason to understand that the bloodspot on the blinds were evidence!

see (8-9-2006) RP.216, Ln.22-23; and RP.217, Ln.9 MF. Q:"Now, you also became aware in the course of this investigation that Ms. Joiner's window was open to people coming in and out?"RP.217, Ln.12 DB. A:"Yes." RP.216, Ln.19-23; also (4-2-2007) RP.122, LN.25 to RP.123, Ln.2.

Now, it doesn't ma'am.

Now its established in this particular case that the SPD homicide and robbery division who is also responsible for major assaults was fully informed about the alleged incident, their assistance was requested and they refused to respond. see (2-7-2008) RP.963, Ln.3 MB. Q:"And did you yourself contact the homicide unit or was it your sergeant?

RP.963, Ln.5 DB. A:"No. it is the supervisor's responsibility.

RP.963, Ln.6 MB Q:"And is it your understanding that homicide declined declined to come out?

RP.963 DB.That was what I was told.

RP.981 Ln.22 MW. Q;'And when you thought it was the supervisor that CSI or Homicide come out, you made that recommendation; isn't that right?"

RP.981, Ln.25 DB. A:"Yes, we did request that he contact homicide, yes."

RP.982, Ln.1 MW. Q:"So when you arrive on the scene, you determined, based on your experience, that we need to get some experts out here, is that correct?"

RP.982, Ln.4 DB. A:"Yes".

See RP.991, Ln.5-10 (4-2-2007) RP.130, Ln.8 DB. A:" Homicide. We called Homicide. Once homicide makes a decision to come out, once they arrive at the

scene. they would make the determination whether or not they wanted a CSI unit to come out, if they didnt call them, they wouldnt come out, because its the follow-up units responsibility to contact the CSI. And they would respond for them."

RP.132, Ln.7 MF. Q:"I just want you to clarify now. Does the homicide unit do major assaults as well that dont result in homicide? RP.132, Ln.10 DB. A:"Yes."

RP.132, Ln.14 MF. Q:"But at some point you were aware through a supervisor at the scene that they wernt coming out?"RP.132, Ln.17 DB.Yes."

Now, it seems clear to the appellant that when homicide and robbery refused to respond. They broke [proceedure]

To be honest, its even clearer that event that state's attorneys themselves believe the police acted in bad faith and they did accuse them of it. see:(1-31-2008) RP.332, Ln.10-15; Because of the bad faith of the Seattle Police Department and it's officers involved in this case, the appellant has been prejudiced by being charged, arrested, and subsequently convicted for a crime that he did not do. And because of that same bad faith the appellant has been denied a fair trial by being denied the above material evidence that had the potential to prove his innocence of this charge that he now stands wrongly convicted of.

Citing the statement of the case, and the facts in ground three, ground four, and five and I'm also citing the facts in this ground to those grounds.

For the forementioned reasons, the appellant's conviction must be dismissed or reversed and dismissed or reversed. Arizona v. Youngblood,109 S.Ct. 333, 337 (1988)[1]. Also citing the Constiution of the United stated: Amendments XIV; V and VI;and

Also the Constitution of the state of Washington: Article I §§ 3, 21, and 23,

GROUND TWO.

THE POLICE INVOLVED IN THE CASE AT HAND COMMITTED ARBITRARY ACTION IN THE COURSE OF THE INVESTIGATION OF THIS CASE IN VIOLATION OF CrR 8.3(b)

Because of the arbitrary actions of the seattle police department in Ground one i.e. citing Ground one, the appellant has been prejudiced by being arrested, charged, and subsequently convicted for a crime that he did not do, and therefore prejudiced. The appellant has in addition been prejudiced because he did not have the potentially exculpatory evidence for his defense that he should have had, had the Seattle Police Homicide and Robbery unit sent the Seattle Police CSI unit to the scene to preserve the potentially exculpatory evidence that was on the scene. therefore, it's clear, the appellant's conviction must be dismissed.

State v. Michielli, 132 Wn.2d 229, 243, 937 P.2d 587 (1997).

Simple government mismanagement satisfies the "misconduct" element.

Blackwell, 120 Wn.2d at 831.

If it would please the Court, in State v. Michielli, 132 Wn.2d 229, 937 P.2d 587 (1997) the appellant would like to the Court to review head note [7], where for the record the appellant would like to cite everything on page 239, and ending on page 40 at State v. Cannon, 130 Wn.2d 313, 328, 922 P.2d 1293 (1996).

Further, In State v. Michielli, 132 Wn.2d 229, 237, 932 P.2d 587 (1997) the Court said that : Legislative intent is derived first and foremost from the language of the statute. see, Electric lightwave, inc. v. Utilities & transp. Comm'n, 123 Wn.2d 530, 536, 869 P.2d 1045 (1994). When the words in a statute are clear and unequivocal, this Court must apply the statute as written. see, King County v. Tax Payers of king County, 104 Wn.2d 1, 5, 700 P.2d 1143.

And for the record, under Michielli, supra. The appellant is not citing State v. Price, 94 Wn.2d 810, ... in suport of his argument. Id. at 239.

[7]  
(1997)  
132 Wn.2d 229, 239, 937 P.2d 587

81 Wn. App. 773, 778, 916 P.2d 458 (1996)

However, under Michielli, supra. The court stated that "An ambiguous statute is construed strickly against the state and in favor of the accused. citing State v, Jackson, 61 Wn.App. 86, 93, 809 P.2d 221 (1991).

And in conclusion, the appellant is citing the Constitution of the United States, Amendment XIV; V, and VI, as well as: the Constitution of the State of Washington, Article I §§ 3, 21, 22; And the appellant is citing the above United States Amendments, and Constitution of the State of Washington above Article I, subsections to all the grounds in this statement of additional grounds.

GROUND THREE.

FAILURE OF POLICE TO COLLECT POTENTIALLY EXCULPATORY EVIDENCE IN BAD FAITH IN VIOLATION OF U.S.C.A. AMENDMENT XIV.

The appellant respectfully would like to direct the Court's attention to the specific instances of the police personnel involved in this particular cases failure to collect potentially exculpatory evidence. The failure to collect evidence that the for mentioned police did in fact have ample reason to suspect that the evidence was material to this case is manifest in a very clear way within each of the officers testimony, save one (Officer Polhemus, the K-9 officer). So, the way that I'm going to go about this is by bringing to the Courts attention the raw false testimony, subterfuge, evasions, and the outrageous manner in which the evidence was not collected by taking note of the malfeasance /bad-faith from the testimonies of each of said officer's, one at a time, working backwards starting with their testimonies in trial three on this same case to trial one on this case.

OFFICER BAUER TESTIMONY FROM 2/7/2008.

Officer Bauer on (2-7-2008) during the appellants second retrial on this charge unveiled the false statement against the appellant that on 9-7-05, one week prior to the alleged incident in question, that he came in contact with me while I was standing outside of Tammy Joiners bedroom window which is the alleged crime scene, and that during this contact I was wearing a blue denim jacket. see (2-7-2008) RP.977, Ln.10, by MB. Q:"Where have you seen him before, other than court?" RP.977, Ln.11, DB. A:"In apartment 301." RP.977, Ln.12 Mr. Womack Q:"I'm sorry, in apartment 301?" RP.977, Ln.13 DB. A:"At apartment 301." RP.977, Ln.14 MB. Q:"When was that?" RP.977, Ln.20 DB. A:"On September 7." RP.977, Ln.21 MB. Q:"And where exactly did you see him? you said apartment 301; can you --." RP.977, Ln.23 DB. A:"It was actually right out-side the window that is depicted in the photographs -- that window." RP.978, Ln.1 MB. Q:"And do you recall what officer -- I'm sorry, what the defendant was wearing when you contacted him on September 7?" RP.978, Ln.6 DB. A:"He was wearing a blue denim jacket. He was wearing blue pants with red patches on them, and at the time, when we talked to him on the seventh, he also had braids in his hair." RP.978, Ln.10 MB. Q:"And was he with anybody when you contacted him on the seventh?" RP.978, Ln.12 DB. A:"Yes, he was." RP.978, Ln.13 MB. Q:"Who was he with?" RP.978, Ln.14 DB. A:"Ms. Joiner."

The testimony about the jacket was a false statement. That contact that officer David Bauer testified about in the foregoing was in reality an arrest, not a mere contact! see (1-29-2008) RP.45, Ln.12 to RP.46, Ln.8, and then please see appellants Exhibits # 501 through 506 in the Appendage. The appellant received the property sheet in the mail the same night of his conviction. see letter that contained the property sheet from that booking in the Court files/records FILED on March 6,2008. In Appellants Exhibit #501, in the designated space for the number of coats/jackets, **nothing!**

In the designated space reserved for pants: Tan, which would not fit/match whatsoever with the red and blue patchworked pants!

Not one of the three patrol officers involved in this case, who responded/ dispatched to the scene in question, Officer Bauer, Officer Villanueva, or Officer Probst, who were all present during the arrest on 9-7-05, ever, in any of the prior trials, mentioned one solitary word about the appellant wearing a denim/jean jacket during that contact/arrest. see Officer Bauer answering question from Mr. Ferrell in trial two at (4-2-2007) RP.123, Ln.11 to RP.124, Ln.13. And Bauer under direct by Mr. Ferrell in the first trial at (8-9-2006) RP.205, Ln.19 to RP.208, Ln.1. And now showing Officer Villanueva, in trial three. see (2-4-2008) RP.540, Ln.23 to RP.542, Ln.10. And trial two. see Officer Villanueva again (4-2-2007) RP.96, Ln.19 to RP.99, Ln.9. And Villanueva in trial one. see (8-10-2006) RP.99, Ln.19 to RP.100, Ln.15. And Officer Probst during trial three. see (2-6-2008) RP.795, Ln.11 to RP.796, Ln.11. officer Probst inn trial two. see (3-29-2007) RP.151, Ln.11 to RP.152.10.

So,beyond any reasonable doubt the statement given in trial three by Officer Bauer about the appellant having been wearing a denim jacket on 9-7-05 when him, and the other two officers made contact/ arrested the appellant was perjury, and in point of fact, when officer Bauer responded "In apartment 301." (2-7-2008) RP.977, Ln.10 MB. Q:"Where have you seen him before, other than in court?" RP.977, Ln.11 DB. A:"In apartment 301." RP.977, Ln.12 Mr. Womack, Q:"I'm sorry, in apartment 301?" Witness Bauer: At apartment 301. It's completely manifest that Officer Buaer knew exactly what he had said the first time and that it was far from the truth, was said maliciously and proves bad faith!

Anyhow, the appellant seen Officer Bauer huddled up with the state's attorney's when the appellant was being escorted by two guards into the

court-room, and he was on the edge of the wooden bench in the hallway, leaning forward listening to the prosecutor so intently that despite the spectacle of the appellant being lead right passed him by two armed guards, he didn't even look in are direction.

Anyway, indeed, the false statement about the denim jacket was "key" to the state's theory of the case and to them gaining a conviction against the appellant after failing to do so in trials one and two, beyond any reasonable doubt I believe. Please see Tammy Joiner under direct by Mr. Kalish, (1-3-2008) RP.371, Ln.8 to RP. 372, Ln.7. And I finally found this crucial element. see state's closing argument (2-12-2008) RP. 1321, Ln.5 to RP.1325, Ln.13. I see I'm dead aim right! The false testimony about the appellant having been contacted with the jacket on was most crucial to the state's theory of the case.

There is a lot of reasons why Officer Bauer had every reason to know that certain evidence that wasn't collected was material to the case /incident! The appellant will be showing a bunch of that and an abundance more of Officer Bauer's bad-faith and diabolical false testimony. see MS. at (2-7-2008) RP.954, Ln.5-7. Then please see DB. at (2-7-2008) RP.953, Ln.1 A. and MB. at RP.953, Ln.19-24. see RP.954, Ln.7; RP.962, Ln.7; RP.962, Ln.16; RP.963, Ln.3-5; RP.963, Ln.8; RP.963, Ln.15; RP.964, Ln.4; RP.964, Ln.6; please see also RP.965, Ln.2-23; RP.967, Ln.18-23; RP.968, Ln.15; RP.968, Ln.17-25. And then RP.969, Ln.1-24; please see RP.970, Ln.3, 6 & 8; RP.971, Ln.1-8 MB. Q:"Now, did you look around this area?" (see state's Exhibit 32), the exterior for prints as well?" RP.971, Ln.10 DB. A:"Yeah. yes we did." compare with (2-5-2008) RP.583, Ln.14 to 584, Ln.15. And RP.584, Ln.16 MW. Q:"And there is obviously no dust or anything there, correct?" RP.584, Ln.17 SV. A:"Dust?" RP.584, Ln.18 MW. Q:"Like dust to find finger-prints?"

RP.584, Ln.19 SV. A:"Well we didn't bring it out to the scene, so there wouldn't have been." RP.584, Ln.21 MW. Q:"So it's not in the pictures?" RP.584, Ln.22 SV. A:"NOt that I can see." RP.584, Ln.23 MW. Q:"is it safe to assume you did not consider that to be possible finger-prints? You said you looked very closely for finger-prints?" See please RP.971, Ln.18 to RP.972, Ln.22; RP.585, Ln.1 SV. A:"Well yeah, this right here is on the outside." RP.585, Ln.2 WM. Q:"Okay." RP.585, Ln.3 SV. A:"I was on the onside." RP.585, Ln.4 MW Q:"Okay, so you didn't look for anything on the outside of the window that might have been --." RP.585, Ln.6 SV. A:"Not that I recall." RP.585,

Ln.7 MW. Q:" -- related to the crime?" RP.585, Ln.8 SV. A:"Not me specifically."

Okay. Back to Bauer (2-7-2008) again RP.971, Ln.11 MB. Q:"Did you see anything?" RP.971, Ln.12 DB. A:"We didn't see anything. The dirt -- the window was very dirty. It was used quite frequently, so -- the shiny surfaces aren't really shinny anymore." RP.971, Ln.15 MB. Q:"But you saw nothing that looks like a finger-print or partial print; is that right." RP.971, Ln.17 DB. A:"No." see RP.971, Ln.18 to RP.973, Ln.25; see RP.975, Ln.19-24. "story" as we've learned being the key word and the wink!

#### CROSS-EXAMINATION.

By Mr. Womack (2-7-2008) RP.979, Ln.3

Please see RP.979, Ln.4-14; and RP.979, Ln.24 to RP.980, Ln.18; and see RP.981, Ln.2 to RP.982, Ln.1. Note Please review RP.987, Ln.18-25. Look at this whopper; from RP.990, Ln.11-25; see RP.991, Ln.1-5; RP.992, Ln.1; RP.992, Ln.8-20. And see this nice one, RP.992, Ln.20 to RP.993, Ln.1.

(2-7-2008) RP.990, Ln.4 MW. Q:"Now Officer, you testified that -- just a minute. You testified that you didn't take any swabs?" RP.990, Ln.6 DB. A:"No,I did not." RP.990, Ln.7 MW. Q:"And if you knew, sir, that -- I think your reason for that was that you said you weren't trained to do that, is that fair to say." RP.990, Ln.10 DB. A:""Yes." RP.990, Ln.11 MW Q:"And isn't it true that obviously blood is a biohazard, and your trained -- I'm sorry, is that a yes?" RP.990, Ln.13 DB. A:"That is true." RP.990, Ln.14 MW. Q:"Okay,and you are trianed, despite your job as an officer, when you take risks -- but you are trained to take precautions to avoid risks like that, correct?" RP.990, Ln.17 DB. A:"Yes." RP.990, Ln.22 MW. Q:"Okay, so part of the reason you didn't collect that evidence was that -- you know, officer safty, wouldn't you say? RP.990, Ln.24 DB. A:" That's true." please compare trial one (8-9-2006) RP.200, Ln.14 MF. Q:"Did you ever see any clothing that had blood on it?" RP.200, Ln.16 DB. A:"There was blood over most of the stuff that was in there. There was blood all over the floor, and there was splatter." RP.200, Ln.19 MF. Q:"Okay." RP.200, Ln.20 DB. A:"Several items in there had blood on them." RP.202, Ln.24 DB. A:"There was a lot of clothing in the room." RP.202, Ln.25 MF. Q:"There was?" RP.203, Ln.1 DB. A:"Yeah." RP.203, Ln.11 MF. Q:"All right. Did you dig through that to try to find --." RP.203, Ln.13 DB. A:"We looked through everything trying to find a weapon, yes." RP.203, Ln.15 MF. Q:"All right. Did you notice any

clothing that may have had blood on it?" RP.203, Ln.17 DB. A:"Like I said before, yeah, there was a lot of items in the room that had blood on them." RP.208, Ln.3 MF. Q:"Was there a thought during this investigation to call in the major assault unit?" RP.208, Ln.5 DB. A:"We actually called then in, yes." RP.208, Ln.6 MF. Q:"And the CSI unit -- is there a CSI unit?" RP.208, Ln.7 DB. A:"yes, there was." RP.208, Ln.8 MF. Q:"Okay. And to your knowledge, did they send anybody out?" RP.208, Ln.10 DB. A:"they declined to respond." RP.216, Ln.15 AK. Q:"and you had -- by that time, had you surmised there had been someone who had been stabbed, correct -- cut, as you said?" RP.216, Ln.18 DB. A:"That was the report." RP.216, Ln.19 AK. Q:"And you -- did you know about the -- where the person went that was supposedly the perpetrator at that point?" RP.216, Ln.22 DB. A:"According to the 911 caller, the person had left through the window." see please, RP.218, Ln.18-25. RP.219, Ln.21 AK. Q:"And in the hallway, on the bathroom floor, on the walls, and there was blood around the window; correct?" RP.219, Ln.23 DB. A:"Yes." RP.219, Ln.24 AK. Q:" That would be where people came in and out of the apartment?" see please, RP.220, Ln.16-25; and RP.213, Ln.2 to RP.214, Ln.7; RP.217, Ln.9 to RP.222, Ln.5.; RP.232, Ln.4-25; Oh, the appellant nearly forgot. Please see (2-7-2008) RP.964, Ln.5 to RP.966, Ln.10; please review RP.968. Ln.6 to RP 971, Ln.10.

**OFFICER VILLANUEVA THIRD TRIAL DIRECT EXAMINATION.**

Questioning by Ms. Berliner:

(2-4-2008) RP.512, Ln.17 MB. Q:"Were you ever employed by the seattle police Department?" RP.512, Ln.18 SV. A:"Yes, Ma'am, I was." RP.512, Ln.24 MB. Q:"Did you have any information when you were first dispatched about whether you believed or had information that the suspect in this incident was still at the apartment or at the residence when you were dispatched?" RP.522, Ln.3 SV. A:"According to the CAD report here, the caller says: unknown male must have come through the window. Female then jumped out the window." RP.522, Ln.17 MB. Q:"So, this was your understanding when you went to the scene?" RP.522, Ln.18 SV. A:"Yeah." RP.522, Ln.19 MB. Q:"Okay, what time did you arrive, do you recall?" RP.522, Ln.20 SV. A:"Yes, I arrived at 1:14." RP.524, Ln.15 MB. Q:"So what does that mean to be a primary officer?" RP.524, Ln.16 SV. A:"You essentially take the lead in collecting information and assigning other officers to specific duties at the scene." RP.533, Ln.19 MB. Q:"How long were you in the apartment before you went down and spoke with

those people?" RP.533, Ln.21 SV. A:"From my recollection, five minutes, 10 minutes." RP.544, Ln.4 MB. Q:"What did you see when you went into the apartment?" RP.544, Ln.6 SV. A:"What did I see? Obviously what is in the report. I saw the large pools of blood." RP.544, Ln.12 SV. A:"Also blood around the window of the back bed-room."

See please RP.544, Ln.13-18: RP.548, Ln.4 MB. Q:"Was the bed -- do you recall if there was a bed in that room?" RP.548, Ln.6 SV. A:"To be honest, I cant even recall if there was a bed in the room." RP.548, Ln.9 SV. A:"there was stuff everywhere." He's lying I believe. see Tammy Joiner's witness statement taken on (9-23-05) by Detective David Duty. see page 4 of 9, last line, the statement being on the Court record. My point is that there isn't any telling what happened in that bedroom and from her statement it's clear enough that Tammy Joiner very well may not have been assaulted in her sleep as she claims which would explain a unbloodied bed, material exculpatory evidence, which is the only logical reason, in reality why the SPD hasn't produced a photograph of the bed! The bed in question having allegedly held a female, who was allegedly stabbed in the back of the neck while sleeping on it at 1:05am in the Morning!

It's a no brainer! No photograph of the bed out of two rolls of 35mm film shot? And I believe it's 26 exposures to a roll. That's 52 Pictures taken in a very small apartment bedroom, minue the photo's of the out-side window, front door, bath-room and hallway! see (8-14-2006) trial RP.15, Ln.15 Det. Duty, A:"It's 10x10, or 9x10. From the photo's that I have, those out-side the room photo's add up to a total of only 15. Plus 15 of the inside that I have for a total of 30, so 22 photo's are missing! see (2-4-2008) RP.557, Ln.11-20; and see RP.571, Ln.18-24; and see (8-10-2006) RP.110, Ln.22-25; and please see State Exhibit #25. Those are finger prints in an abundance all over the top of that microwave oven, all day long; obviously! And you can see some in front of that dirty looking plate. Moreover, finger-prints are not naturally black and do not naturally leave black marks!

Obviously, the compound that causes finger-prints to turn blackish is finger-print powder!

So, they did find finger-prints. But they did not find even one that belonged to the appellant. Which rendered every finger-print they found material exculpatory evidence, so they were suppressed, the exact same way as the photo's of the full room and the bed went bye bye! Joiner lived in that

bedroom, so obviously her fingerprints would have been all over that microwave, that cup, that ashtray, and the window. And as a matter of fact, we don't by any means need to see them to know for a fact that they had to be there and that they were there, even though thanks to the assistance of fingerprint powder, we "actually can see them." You can also view the fingerprint impressions in the states Exhibit #32! Apparent on the glass of the window-panes from those having been dusted, and it's pretty smoking gun obvious that is finger-print powder all over the bottom support bar and the two bottom slates that are being supported by it!

Look at that! And notice the difference between those two slates and the bar. Compare it to the unmolested white of the upper slates. And would you have a look at the staged photograph, that is state's exhibit #28. AhhHH, Come on, Pleeeeee give me a break. Nooooway! Your Justices! Please understand. That fake blood is purplish!

I even myself just realized 12:01am 6-17-09, how purple that fake blood actually is! oh my goodness. would you please have a good look at that special stuff. Human blood simply is not that color! Grape? If someone bleeds blood that color, then their an alien from outter space! And if the Court would like to go in for a raw look at the personal personality of Detective Duty. Take it from the appellant and feast your eye on State's Exhibits #57, 59, 61 and 62! There ya go.

Now, where do you imagine you've seen that interesting substance before? Like the powder in state's Exhibit #32. That isn't natural. Oh, you want to know why the SPD did that? Of course, I,m sorry. Enter the outrageous, Ms. Sonja Denise Oatis. see (8-10-2006) RP.54, Ln.8 to RP.57, Ln.10. And RP.26, Ln.19 to RP.31, Ln.16. So you have people saying that the alleged assailant jumped out joiner's bed-room window which is depicted in State's Exhibit #32 (do you know where I'm going?) and that window has apparent blood on it (that looks more real than the purple fake blood on the inside) and you have a window in the rear that Sonja Denise Oatis claimed she witnessed me leap out of, and that window also has apparent blood on it: haunted house style, for which this stuff was also photographed by the person with the procise photographic skills. And if you look at state's Exhibit #56, in that arbitrary photograph of Detective duty's soft soled boots, you can actually behold the snipper behind the trigger of the camera flonting those skills. Yes. that's Correct! It is exactly the only thing it could be! An insult!

Yep. they're calling me one foot tall! well, whatever, just so long as they dont call me fool!

On with Officer villanueva (2-5-2008) RP.571, Ln.18 to RP.572, Ln.20 Compare RP.969, Ln.4-6, and (8-10-2006) RP.110, Ln.20-25; and (2-5-2008) RP.578, Ln.6 to RP.579, Ln.12, specifically RP.579, Ln.7 MW. Q:"Okay, so in this case did you use dust to try to help lift a print anywhere?" RP.579, Ln.9 SV. A:"Well, as the report state's, we tried to find a print and didn't locate a print, so dust was not used." RP.579, Ln.11 MW. Q:"So that is no?" RP.579, Ln.12 SV. A:"That is no." RP.583, Ln.14 (by Mr.Womack)"showing you state's Exhibit #17, state's 36, 24, 25, and 26 -- I'm sorry, I didn't put it -- I will just hand it to you." Please continue reading from RP.583, Ln.14 to Rp 584, Ln.19 RP.584, Ln.18 MW. Q:"Like dust used to find finger-prints?" RP.584, Ln.19 SV. A:"Well, we didn't bring it out to the scene, so there wouldn't have been."

So the appellant would like to know what Officer Villanueva planned to do with a finger-print if he had found some with allegedly no way to extract finger-prints from the scene!

We need not 20 witnesses to know conclusively that he's lying about not bringing dust to the scene! And this crucial, basic part of collecting evidence, we know that any living quarters: not to mention this particular bed-room would be full of finger-prints. he's lying! Please read RP.584, Ln.21 to RP. 595, Ln.3; RP. 585, Ln.3 SV. A:"Yeah, I was on the inside." At this juncture please review states Exhibit's 25, 32, and 20 gives a special view of the finger printing job that was done on those windows. And, of Course it was done!

That isn't a truck stop and the cement walkway isn't a dusty road.

Please read RP.585, Ln.4 to RP.586, Ln.8: Imagine this. RP.588, Ln.9 MW. Q:"Do you know how many exposures to a roll?" RP.588, Ln.10 SV. A:"No, not at all." The man's an accountant! see RP.586, Ln.11-14; and see RP.589 ,Ln.2-8.

DETECTIVE DUTY THIRD TRIAL UNDER DIRECT.

By Ms. Berliner

(2-5-2008) RP.692, Ln.8 A:"David W. Duty. The last name is spelled D-U-T-Y." RP.692, Ln.11 MB. Q:"How long have you been with the police department?" RP.692, Ln.12 DDD. A:"A little over 32 years." RP.692, Ln.18 DDD. A:"Yes, 10 years as a detective." RP.692, Ln.21 MB. Q:"So you are currently in the

homicide unit, is that right?" RP.692, Ln.22 DDD. A:"Yes, Ma'am." RP.699, Ln.2 MB. Q:"What did you know about what had occurred?" (here comes some perjury/ false testimony right from the begining.) First the report did not say anything about "some type of disagreement" and secondly, it did not, and couldn't have contained one word about who Joiner thought stabbed her. Duty received the report on 9-15-05 at 6:45PM. So the report could not possibly have contained that information. see RP.696, Ln.5-12; and the first statement that was taken from Joiner didn't take place until 9/19/05. see RP.699, Ln.10 to RP.701, Ln.16.

see RP.699, Ln.2 MB. Q:"What did you know about what had occurred?" RP.699, Ln.3 DDD. A:"Well, according to the police report that I was provided with, Ms. Joiner was staying at the Creston Park Apartments, and an acquaintance of hers -- and her -- and her got into some type of disagreement, and later she was attacked by that individual -- who she thought was that individual -- and the individual -- and the individual fled the scene, and Ms. Joiner was taken to the Hospital."

See please, RP.708, Ln.16 to RP.709, Ln.4; RP 709, Ln.2 DDD. A:"Oh, I'm Sorry, she said she didn't clearly see his face. She had her hands up trying to protect herself while she was being slashed."

See RP.710, Ln.10-17.

And please remember these up coming false statements are all for the sake of the SPD trying to make it appear reasonable that they could have looked over the jacket and all of them Bauer, Villanueva, and Probst told a similar lie. However, Joiner had roaches, but as you can actually discern from the photographs despite the staged food, pot pie, and coffee cup, (which by the way it would be implausible for it to land like that.) her bed-room was not in such a state.

Detective Duty takes this false testimony and runs with it in a similar fashion as a frisky dog would take a bone you've offered him, and run away with it. But, then again, he has the most to hide and cover up out of them all! He's the one person who had to have taken the jacket into apartment 301 to create the staged photograph of the jacket (very implausibly) lying under the wheels of the roller suitcase! in fact, thinking of those wheels has just triggered a healthy thought, in fact, a couple! If the roller suitcase was a part of this (totally imaginary barricade) in order for it to have fallen down off what obviously would have had to be the top of the microwave, ah,

the thing would necessarily would have needed to be sat up there on it which is ridiculous! However, what's even more ridiculous is the fact that the staged photographs would very much appreciate it if you would believe that the pot pie and the ashtray and the cup got knocked down off the top of the microwave oven! However, being that obviously that there is absolutely nothing else in sight that the suitcase could have fallen from or the ashtray or the cup (yep) the suitcase would have needed to be on top of the microwave, and the ashtray, cup and full pot pie would have had to have all been put on top of the suitcase! Okay. We all remember sessumie street, I'm sure! Which one of these things don't belong? yep, basic education/ common sence. see Tammy Joiner (1-31-2008) RP.387, Ln.20 to (and she's laying it on lavishly thick!) RP.391, Ln.12. (Like the prosecution, the Court knows she is laying it on "thick"/ lying wildly!) see (1-29-2008) RP.24, Ln.9-17.

But see Detective Duty RP.712, Ln.23 to RP.713, Ln.23; And RP.716, Ln.5-10: RP. 716, Ln.10 MB. Q:"Detective Duty, did you do a thorough search for finger-prints of that apartment when you went back on the 21st?" RP.716, Ln.13 DDD. A:"I would say more like a casual search would be more appropriate."

See RP.716, Ln.18 DDD. A:"It was saturated. The pathway between -- there was just a pathway between -- there was just a pathway through the hallway to the -- or excuse me, from the bed-room door to the bed and to the window - -kind of a narrow pathway." Okay. Please review state's Exhibit #26. Yep! he's off to the races and lying again. Please read RP.723, Ln.16-17. Discussing the handing off of the jacket from joiner to Duty. Also RP.726, Ln.18, by Ms. Berliner, Q:"How did she give it to you, do you remember?" RP.726, Ln.20 DDD. A:"It was in a paper bag."

#### VOIR DIRE EXAMINATION.

By Mr. Womack: RP.727, Ln.25, Q:"T though,, Detective, you said it was in a paper bag?" RP.728, Ln.1 DDD. A:"We put it in a paper bag to protect it and a plastic --."

#### CROSS-EXAMINATION OF DETECTIVE DUTY

by Mr. Womack. please see, RP.733, Ln.17 to RP.734, Ln.25; he basically lied twice just that quickly. There isn't anything about slashing anywhere in that report! Also see RP.739, Ln.19 to RP 742, Ln.24; and from RP.743, Ln.1 to RP 744, Ln.5: and RP.744, Ln.6 MW. Q:"Okay, did you observe the bed in this case?" RP.744, Ln.7 DDD A:"Which time, sir." RP.744, Ln.8 MW. Q:"At any

time? Did you observe the bed in this case?" RP.744, Ln.19 DDD. A: "Sure, a couple of times." RP.744, Ln.10 MW. Q: "Did it appear to have any blood on it?" RP.744, Ln.11 DDD. A: "Yes." RP.744, Ln.12 MW. Q: "Do you think it might have been helpful to have a picture of that?" RP.744, Ln.14 DDD. A: "Sure." Please see RP.745, Ln.18 to Rp.749, Ln.1.

#### RE-CROSS EXAMINATION

By Mr. Womack:

RP.762, Ln.13 to &65, Ln.17.

See (2-5-2008) RP.711, Ln.1-19. Okay, First the story about the camera malfunction is grossly fake and the same with the garbage about the day after or soon after! They allegedly had issues getting inside: They would have and should have went right back with another camera! This was their case! Also germane, of course is that this is the second alleged camera issue in as many days! There is no shortage of drama surrounding the picture! And there never has been in this case! see RP.741, Ln.21 DDD. A: "I don't recall when I got those photo's to review, and like I say, I dont recall if the blood was there on the 21st or not. I think it had something to do with the fact that we had a named suspect." Look how he doesn't answer AK's question about the pictures during trial one. (8-14-06) RP.24, Ln.7-13; RP.26, Ln.3 AK. Q: "And was your intention to take a picture of the entire room or the scene at that time?" RP.26, Ln.5 DDD. A: "yes, it was." RP.28, Ln.12 AK. Q: "Now Detective Duty, did you inspect the room -- even though your camera malfunctioned; we won't dwell on that -- but --"

Let me go back and address Duty's lies about the amount of clothing in the room.

see (8-14-2006) RP.29, Ln.5-11; then RP.39, Ln.17 to RP.40, Ln.4. Now please review )2-5-2008) RP.716, Ln.24 DDD. A: "Nothing distinguishable other than blood and carpet, ma'am." And lastly (8-14-06) RP.25, Ln.11 DDD. A: "Yes, ma'am, he would if you were inside that room, you were on debris."

And a for Officer Villanueva allegedly not locating any finger-prints? see (8-14-2006) RP.26, Ln.25 DDD. A: "You would probably have to have a armed guard at that particular bed-room door to keep people out of the bed-room.

see (8-9-2006) RP.217, Ln.9-12. Then RP.219, Ln.21-25; and RP.220, Ln.5-7; and please see (8-10-2006) RP.46, Ln.18 MF. Q: "Are you familiar with the window in apartment 301?" RP.46, Ln.19 (Sonja Oatis) SO. A: "Yes." RP.46, Ln.20 MF. A: "tell us about that." RP.46, Ln.21 SO. A: "The window that never

closes? It's called the "happy window." People come in and they go right back out." see (8-9-2006) RP.216, Ln.22 DB. A:"According to the 911 caller, the person had left through the window." please see (8-9-2006) RP.213, Ln.2-5; Now, I'm absolutely sure that your Justices didn't forget that Officer Villanueva alleged that they didn't bring any finger-print dust to the scene! moreover, common sense told me and should tell anyone with it that it calls for dust to lift/ extract a finger-print, just in the exact same way that common sense would tell anyone with common sense that dust is also used to make finger-prints become visible to the eye i.e. to help locate finger-prints! I think I've discovered something important. please see RP.969, Ln.19-22.

And for primary Officer villanueva's outlandish, preposterous lie that he didn't bring any finger-print dust to the scene in question, see (2-5-2008) RP.584, Ln.16-20; see (2-5-2008) RP.579, Ln.1-10; and compare with (4-2-2007) RP.129, Ln.15-23. That was of course Bauer answering each time. And as for Villanueva's other preposterous claim. see RP.584, Ln.21 to RP.585, Ln.3. and compare RP.971, Ln.8-14! "The dirt"? like the lie about the alleged contact and the denim jacket, this is the first the records have ever hear about "dirt" being an issue! see state's Exhibit #25 and compare (8-14-06) RP.25, Ln.11. And even more to the appellants meaning , compare state's Exhibit #25 to (8-14-06) RP.39, Ln.17 to RP.40, Ln.4.

So! The volume of clothes was beyond all comprehension? If everyone in the courtroom got naked and threw all our clothes in the middle of the floor, it would be twice that many clothes in the room, strewn all the way up the wall, bags.

There was lots of trash in the room. And there was blood over half that clothing laying around the bed. on the floor, I think it was carpeting, but I couldn't tell you for sure.

See (2-5-2008) RP.739, Ln.5-8; RP741, Ln.3-24; and RP.762, Ln.15 to RP.765, Ln.25; and Officer Bauer and villanueva's claims of CSI allegedly having declined to respond to the scene!

see state's exhibit #14 and read the box in the bottom corner please! of course!

Yep! those officials are CSI! yes, your Justices, it means that not only did the patrol officers finger-print smooth surfaces in that room and every inch of those window-panes, but in addition CSI did apparently investigate

the scene after and came up with not one print belonging to the appellant! despite Duty's lie about the appellant allegedly being in that bed-room and his story about how finding finger-prints of the appellant's in that room wouldn't mean anything because He'dallegedly been in that bed-room before: despite that lie and lies told by Bauerand Villanueva like it, even if Duty isn't the brightest Detective on earth, no official police detective would fail to understand that he/she didn't have any evidence tying me to the alleged scene!

Officer Bauer, Villanueva and Probst testified that they arrested me in front of Tammy Joiner's window! But they never at any time accused that they seen me with my hands on that window: allegedly called the Window of Happiness. That's the wildest lie I ever heard told in my life next to her Sonja Oatis other mighty fantastic, pure, manifest, unabridged lies! And of course Joiner's lies are no less sensational. There is so much bad faith from these officer's embodied in the case that they could corner the market! And these officer's failure to collect evidence in this case prejudiced me by denying me evidence that apparently would have prevented me from being convicted! see (2-7-2008) RP.990, Ln.11-24; and compare (8-9-2006) RP.200, Ln.14 to RP.203, Ln.18; and compare to (2-7-2008) RP.973, Ln.1-6; and RP.973, Ln.22; and lastly see RP.964, Ln.17 to 965, Ln.12-17. The area with other purple blood in state's exhibit #28 and see the piece of paper in state's Exhibit #25. RP.989, Ln.18 MW. Q:"So as to the unit, there is no forensic evidence that you are aware of indicating that -- identifying a person of interest, correct?" RP.989, Ln.21 SV. A:"We did not collect any." Please review what Mr. Womack said in opening statement. (I've just run into it) Mr. Womack makes the point that I was attempting to make in the foregoing, in respect to what Bauer stated. (2-7-2008) RP.965, Ln.17 DB. A:"I took photo's of the area where Ms. Joiner was the most concerned!" Compare (1-31-2008) RP.338, Ln.10 MW. during opening: unlike the state's rendition of the facts, we believe the evidence will show that she indicated she was on the bed sleeping when she was stabbed." RP.387, Ln.12 to RP.#88, Ln.10 (1-31-2008). You will not see a picture of a bed or blood or anything near the bed to suggest it ever took place. You will need to look at the Officer's and ask them, why?

Exactly, Why? Their is no apparent rational reason "why" Bauer would have failed to take at least one photograph of the bed in the bed-room, of a

female stabbing victim who's assailant apparently had come through the bedroom window and stabbed her in her neck, so seriously that the officer didn't know if she would live or die at one O'clock in the morning when the bed (that is totally missing from evidence in every respect; no photographs, no sheets, no pillows or pillow-cases, no blankets collected, nothing! All this stuff would have been saturated in blood!

There is no way with in reason that a 28 year veteran police officer would fail to bag and tag the bed clothes or fail to photograph the bed by mistake.

In point of fact, the bed was the crime scene and it's apparent that it was exculpatory evidence do to Joiner's and Detective Duty's testimony about it, and do to the fact that we can't see any blood on what little part of the mattress we do see in State's exhibit #26. And do to the fact that we can't see any blood that we conclusively would be seeing in state's exhibit #26 if Joiner had in fact been stabbed in her bed during her sleep as she claims even though that is purple blood: we can clearly and conclusively see that it starts about 12 inches to the wrong side of that brown and white back-pack, period! Compare (2-5-2008) RP.712, Ln.18 to RP.713, Ln.23. Hanging on the door? Unbelievable!

See State's Exhibit's #19, 20, and 28.

RP.750, Ln.11 DDD. A:"My recollection mostly is confined to the bed and the clothing area around it. It was saturated ...

RP.751, Ln.1 DDD. A:"I didn't look specifically for that. I just know that it was a blood saturated area."

See please (2-5-2008) RP.739, Ln.19 to RP.740, Ln.3.

#### OFFICER PROBST TRIAL THREE.

Please review (2-6-2008) RP.777, Ln.1 to RP 780, Ln.1; and RP.82, Ln.7-16; and (8-9-2006) RP.781, Ln.6-14, RP.781, Ln.19-21; RP.798, Ln.8-19; and see RP.799, Ln.20-24; and RP.803, Ln.5-9, and Ln.17; Re-cross by Mr. Womack (2-6-08) RP.809-16-21.

see (8-9-2006) RP.88, Ln.17 AK.:"Your Honor, Mr.McCoo would like to have the opportunity to see those pictures again before there is testimony."

See (1-31-2008) MB. during opening RP.332, Ln.6-15;Then MK. during closing (2-1-2008) RP.1277, Ln.10; Did the police officer's do a good job in this case? No, of course not. Should they have done a lot more? yes. they should have.

Opp's, I've just recognized and remembered something else. see state's Exhibits #2 and take notice of the date feature and the date in the upper corner of the exhibit. Then please take notice of the feature and the date of state Exhibit #51. Obviously, that's one of the detective's camera's. Therefore, Detective Duty's camera didn't have a very serious malfunction but apparently only a temporary malfunction (And the appellant does in fact know exactly what caused that malfunction. see (2-5-2008) RP.741, Ln.21 DDD. A:"I don't recall when I got those photo's to review and like I say, I don't recall if the blood was there on the 21st or not. I think it probably had something to do with the fact that we had a named suspect in mind.") Temporary only for enough time for him to claim a camera malfunction that is! The other thing is of course that the meat laying there in state's Exhibit #28, powder coated in purple fake blood was put there by members of the SPD lead by Detective David W. Duty in order to cause the jurors to jump to the conclusion that it was neck meat that was "twisted and twisted" out of the back of Joiners neck during the alleged assault. see (8-8-2006) RP.129, Ln.17-23; then (4-3-2007) RP.127, Ln.22 to RP.128, Ln.14; then (1-31-2008) RP.387, Ln.20 to RP.388, Ln.10. [INAUDIBLE] Mr. Womack:"Objection, non-responsive." RP.389, Ln.12-18; and RP.389, Ln.23 to RP.390, Ln.5; I'm sorry, but thats the ugly truth of this matter. see state's Exhibit #28. Then see #17. Ah, what does the court imagine is transpiring here? Of course! Ah, you dont know too many females in our life-time who parks one of those toilet huggers in her bedroom and you dont know too many single toilet dwellings with two of those toilet hugger laying on the floor of such a dwelling at one time! Especially with what appears to the appellants eye to be the same size 10 double D wide police whomper stomper style police boots that this appellant took notice of when Officer Bauer clumped up on to the witness stand wearing during my first trial on this charge. Yep! Those particular tread; belong to none other! And while the appellant is sitting here transfixed by state's exhibit #17. I guess it's best that I sit it on out there where it belongs and just express the fact that the appellant does not need the assistance of a blood splatter expert to explain to me that the stuff that appears to be blood in state's exhibit #17 didn't get there from an arterial squirt of a T-rex if the naked truth pleases the court. And to be clear for the record (even though it's self evident) the failure of the Seattle Police Department to collect this evidence prejudiced the appellant

because for example: had they collected the blood on the shades, because the blood potentially was that of the person's who allegedly actually broke into Tammy Joiner's bed-room and assaulted her; had that blood been collected, that blood very likely would have completely exonerated the appellant and caused the jury to become hung at the minimum.

The fact that Officer Villanueva implied through his testimony that he was not even aware that there was blood on the outside of the blinds simply because he was on the other side of the blinds or on the inside of the window (see 2-5-08 RP.583, Ln.12 to RP.585, Ln.3) was a disrespectful, outrageous, dirty, diabolical blatant lie and in and of itself proves bad faith.

Those blinds i.e., the blood-spot is literally outside the window/building, literally in the air, over the walkway approximately 2 feet and 4 inches away from the front door of which the police did enter the apartment through.

It's plain as daylight Officer Villanueva could not have in anyway have failed to recognize the blood hanging over the sidewalk on the blinds. see state's Exhibits #32, 20, 36, and 33; then see (4-2-07) RP.76, Ln.13 to RP.77, Ln.1; and then see state's Exhibits #5, 16, 15 and Defendant's Exhibits #123. As Your Justices can see: that is the apartment in question, #301. See states Exhibit 331 and (2-7-2008) RP.956, Ln.17 to RP.958, Ln.4. So, the appellant has been prejudiced by the police failure to collect this evidence and all the other formentioned evidence that they failed to collect from Tammy Joiner's bedroom. And that absolution includes every last piece of potentially exculpatory evidence that the S.P.D., C.S.I. unit could have collected. As a matter of fact, this case was hung twice before the latest trial.

The appellant would like to call to the Courts attention yet another example of bad faith. see (2-7-2008) RP.992, Ln.8-19. These Officer's arrived on the scene in record time after they were dispatched. Five minutes! How could the blood spot on the blinds possibly have been dry? And look at this dirty, diabolical lie. see (2-7-08) RP.972, Ln.20 DB. A:"There is a bloodspot smear on the blinds, yes" The appellant would very much like to know what makes that bloodspot on the blinds in state's Exhibit #32 a smear? No, that is clearly and absolutely not a smear! We do have the photograph The only clear smear here is the dirty smear inside Officer Bauer's, Detective Duty's, Officer Villanueva's and Officer Probst heart's! How boldly they lie! These

police feel so above the law that they tell their vicious lies directly in the face of photographic evidence to the contrary! Instead of lying, officer Bauer might as well have just run down off the witness stand and slapped the appellant in the face, for all these nasty lies told by the SPD involved in this case (save the actual up-right officer Ian Polhemus) were like slaps in the appellants face that were actually far more diabolical and malicious than an actual slap, for these officers obvious intent was to rob the appellant of his constitutional right and his liberty! see (2-7-08) RP.968, Ln.10-13. Then see RP.973, Ln.1-4; and RP.973, Ln.22-25; and see RP.970, Ln.20 to RP.971, Ln.1 And for the record, see RP.957, Ln.10 to RP.958, Ln.4.

The appellant would like to draw the courts attention to Officer Probst. Officer Probst arrived on the scene in what may be the SPD's record breaking time ever. He was the first to arrive on the scene and the very last Officer to leave it. Immediately after he arrived he went directly up the staircase and looked through the blinds and seen some blood on the interior of the bed-room. While looking through the blinds, the forensic evidence i.e., the plainly apparent blood on the blinds would have necessarily been mere inches from the officer's face, literally. And by the way and in point of fact there are two apparent blood-spots on the blinds! Actually there is only one apparent blood-spot because the blood-spot on the bottom slate is very obviously three bloody finger-prints, unsmeared, especially the excellent looking, prime example of a bloody finger-print in the middle of the other two! see (2-7-2008) RP.973, Ln.1-6. Anyhow, if Officer Probst looked through that hole in the blinds with the missing slate his face would have necessarily come within three inches of that blood-spot/ forensic evidence. Officer Probst stayed on the scene longer than all the other Officers: a hour and can remember all kinds of minute details: like the blinds in slate 32 having been wrinkled, but he inexplicably, allegedly doesn't remember those bloody finger-prints which are actually, literally hanging right out there suspended in the open free air! If it was a rattle-snake it literally would have bit officer Probst in the face. Lets be honest here, the only officer out of two other officers and a full fledged detective involved in this case who can remember those bloody finger-prints/ blood-spot is Officer Bauer! And it is just as clear that the only reason he's recalling seeing that forensic evidence is because he's the police officer who allegedly took the pictures of it. Other-wise, he'd be saying: A:"To be honest, I don't recall

seeing that! I was on the inside and that appears to be on the outside! see (2-6-2008) RP.773, Ln.12-16; RP.778, Ln.21 CP. A:"I was dispatched at 1:07 in the morning. RP.778, Ln.23 CP. A:"I arrived at 1:09. RP.779, Ln.4 CP. A:"No, I was the first to arrive." see RP.781, Ln.7-21; see (4-7-2007) RP.140, Ln.13-21; and then see (8-9-2006) RP.83, Ln.4-18; see (2-6-2008) RP.798, Ln.8-19: RP.798, Ln.18 MW. Q:"Do you recall the reddish mark on the blinds?" RP.798, Ln.19 CP. A:"I don't recall seeing that." RP.804, Ln.2 WM. Q:"Did you stay throughout the time the police involvement was there? I mean were you there from the beginning, literally, to the end of the police involvement?" see RP.804, Ln.5

The appellant has to the best of his ability as a layman to the law directed the Courts attention to many many examples of bad faith clearly and beyond any reasonable doubt.! And an abundance of those examples far surpass colorable. Beyond a reasonable doubt many of those examples prove bad faith standing on there own and viewed collectively in the opinion of the appellant no reasonable person could actually harbor a shadow of a doubt. Just as foresurely as when the space shuttle leaves the ground Nasa has lift-off, we have and the appellant has shown the bad faith required by law in order to receive the relief available in this case. In Miller v. Vasquez, 868 F.2d 1116, 1120, 1121 (9th Cir, 1989) <sup>105</sup> as the courts recent opinion in Arizona v. Youngblood, \_\_\_ U.S. \_\_\_, 109 S.Ct. 333, 102 L.Ed.2d 281 (1988)(Youngblood), ... Miller also argues, however, that the policies failure to collect Dariens blood stained jacket and photograph his arms was motivated by bad faith. Miller argues that Allen harbored animosity toward him because Allen knew of Miller's prior criminal record because Allen believed Miller to be a former member of the aryan brotherhood.

[6] hold that a bad faith failure to collect potentially exculpatory evidence would violate the due process clause. As the Court in Youngblood observed, limiting the scope of the due process clause in this context to a bad faith failure to collect such evidence, both limits the extent of the polices obligation ...to reasonable bounds and confines it to that class of cases where the interest of justice most clearly require it, i.e., those cases in which the police themselves by their conduct indicate that the evidence could form a basis for exonerating the defendant." Id.

This is exactly the situation in the appellants case to a fault. The appellant can't conceive of how more of a showing of bad faith failure to

collect evidence could possibly be demanded of him to be granted the relief available.

To be sure that no mistake is made, the appellant is absolutely saying to the Court that the officers involved failure to collect the forementioned evidence was as a matter of absolute fact motivated by bad faith. Unlike in the reading in the remainder of Miller v1 Vasquez on page1121. the appellants bad faith claim is not merely colorable, but the appellant has shown the required bad faith in the foregoing a number of times. Indeed this case must be dismissed or reversed and dismissed under Miller V. Vasquez, citing the Constitution of the United states of America: Amendment XIV § I CITIZENSHIP RIGHTS NOT TO BE ABRIGED BY STATE.

"... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the united states; nor shall any state deprive any person of life. liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law." ID.

Citing the Constitution of the State of washington Article I § 3 PERSONAL RIGHTS. "No person shall be deprived of life, liberty, or property, without due process of law."

Like the appellant has said: whether taken as a whole or taken in one of the many examples in we have bad faith in this case. For a good example, Officer Bauers manifest false statement when he alleged that the appellant was wearing a denim during the 9-7-05 contact/ arrest. see (2-7-2008) RP.978, Ln.6. Not only does the property sheet/ appellant Exhibts #501, 502, 503, 504, and 506 prove his perjury, but until the forementioned statement/ , testimony, there has been no other testimony or statement given by him or any of the other officers involved in the 9-7-2005 contact/ arrest alleging that during the contact/ arrest that the appellant was wearing a denim jacket on 9-7-05.

More telltale is the fact that these specific officers allege that on the date in question that they were told that the appellant fled the scene with the denim jacket in question. see (2-7-2008) RP.975, Ln.19-24. But there is no notation in Oficer Villanueva's follow-up report about the appellant having been arrested while wearing a denim jacket a week prior in the follow-uy report.

GROUND FOUR

THE APPELLANT'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL WAS VIOLATED WHEN THE STATE KNOWINGLY ALLOWED FALSE TESTIMONY BY IT'S OWN WITNESS TO GO UNCORRECTED.

Tammy Joiner plainly gave false testimony in all three trials held on this case when she claimed in each that the appellant carried three knives at all times. see (1-29-2008) RP.24, Ln.13-17, RP.29, Ln.24 to RP.30, Ln.15; RP.38, Ln.9 to RP.43, Ln.25, see (1-31-2008) RP.368, Ln.24, M.K. Q:"And did he bring those knives with him some of the time or all of --." RP.369, Ln.1, T.J. A:"All of the time." This was not the truth as the state's attorney's well knew or should have known.

They knew! see (1-29-2008) RP.45, Ln.12 to RP.47, Ln.8. And of course that was the arrest/contact previously mentioned which leads directly to Appellant's Exhibit's # 501-506. As the Court can see, in the place in 501 designated for knives there is no knives marked in the box. However, the appellant in fact did not necessarily need defendant's exhibit #501 to prove the fact that the state knew that joiner was giving false testimony when alleging that the appellant always carried three knives, because plainly had three knives been found on the appellant during the September 7,2005 contact/arrest the state would have moved the court to have that evidence admitted during all three trials, and those motions would have been very successful. Therefore, the state did know Joiner's testimony was false because it has long known all about that arrest and well should have, and the question of whether the appellant possessed three knives would have been and likely was the first question the prosecution asked Officer's Bauer, Villanueva and Probst.

During trial three, the state witness Sweetie Eshmon testified (as she did in all three trials) that on the date and time in question, that she observed the appellant running away from the Creston Park Apartments wearing the very same jacket that Tammy Joiner claims she found on the scene after she was released from the hospital after the alleged incident and tuined over to the lead detective, Detective Duty, which is the same jacket depicted in State's Exhibit's 25, 27, 28, 66, 114-118, and 120 which are of course, the scene photograph's taken allegedly by Officer Bauer minutes after the

alleged incident even though in reality they are staged photographs. So, so-called Sweetie Eshmon could not have in any possible way have witnessed the appellant running away from the scene with the jacket that Eshmon testified she saw him leaving the Creston Park Apartments wearing immediately following the alleged assault one in question. see (2-6-2008) RP.918, Ln.22 to RP.921, Ln.14. So that the appellant is clear, it was in fact false testimony and the state's attorney's in fact, at the time it was given, knew that it was false testimony.

Furthermore, this scenario happened the same way at trials one and two and the state failed to correct the record during those trials also.

Switching back to Joiner. see (1-31-2008) RP.365, Ln.16, M.K. Q:"Okay. And after the time that you met him -- I guess how long was it, do you think, from the time you met him to the time that you were stabbed." RP.365, Ln.19, T.J. A:"It was like less than two weeks. It wasn't that long." RP.365, Ln.20, M.K. Q:"And did you guys, after meeting him, and I guess for the time period of two weeks, did you two spend a lot of time together." RP.365, Ln.23, T.J. A:"Yes, we did." RP.365, Ln.24, M.K. Q:"And how many, I guess, days a week, would you say that you spent with him." RP.366, Ln.1, T.J. A:"We spent all day every day." RP.366, Ln.2, M.K. Q:"And how about at night, did you spend night with him." RP.366, Ln.3, T.J. A:"Yes." RP.366, Ln.7, M.K. Q:"Is it fair to say you guys were around each other essentially nonstop for those couple of weeks." RP.366, Ln.10, T.J. A:"Yes." Okay. So. That was false testimony, and the state's attorney elicited it and knew he was eliciting false testimony. see (1-29-2008) RP.45, Ln.12 to RP.47, Ln.8. So they knew it was false because they well knew the appellant was arrested and went to jail on 9-7-2005 and well know and should've known that the appellant wasn't released that night or the next day. So joiner could not have possibly been with the appellant every night and day for the alleged two weeks and this the state conclusively knew, clearly!

During trial three, Officer Bauer maliciously and diabolically gave the false testimony that during his 9-7-2005 contact with the appellant, that the appellant was wearing at that time a denim jacket. This contact was in fact an arrest, and as the Court can clearly see from looking at the designation for a coat/jacket on the property sheet from that 2005 arrest, Officer Bauer's testimony about the appellant having on a denim jacket during that contact was in fact false. This false testimony prejudiced the appellant

because it was specifically and intentionally elicited from Officer Bauer by the prosecution to cause the jury to conclude that the state's witness, the alleged Sweetie pie Eshmon was merely mistaken when she testified that she witnessed the appellant fleeing the alleged scene with a patch-work jacket on as opposed to committing perjury, and if that false testimony had not been elicited and given: the appellant could have been exonerated or gained a hung jury. see (2-7-2008) RP.977, Ln.10 to RP.978, Ln.9; see(2-6-2008) RP.919, Ln.2 to RP.921, Ln.14; see (4-2-2007) RP.46, Ln.21 to RP.47, Ln.4; RP.51, Ln.16 to RP.53, Ln.16; see (8-8-2006) RP.41, Ln.25 to RP.49, Ln.6; see (8-10-2006) Sonja Otis RP.78, Ln.5 to RP.84, Ln.17; and see (4-3-2006) RP.79, Ln.17 to RP.80, Ln.11.

And for the record; Sweetie Eshmon's false testimony about seeing the appellant fleeing the scene with the jacket prejudiced the appellant by working to keep him from being exonerated or gaining a hung jury and obviously Joiners testimony worked to prejudice the appellant in the same way.

Obviously Officer Villanueva gave false testimony when he testified that they didn't bring any fingerprint dust to the scene. see (2-15-2008) RP.584, Ln.4 to RP.584, Ln.22. Then immediately after that he told another lie that was and is manifest and unbelievable and outrageous! see (2-5-2008) RP.584, Ln.23 to RP.585, Ln.3; RP.571, Ln.18-24; RP.572, Ln.4-20; Ans see RP.578, Ln.23; and RP.579, Ln.1-9.

Of course Officer Probst told a manifest lie when he testified that he never even seen the bloodspot on the blinds even though he was the first Officer to arrive on the alleged scene and the very last to leave it and even though he approached apartment 301 at least twice, which because of the location of the bloodspot on the blinds means that he approached the bloodspot at least twice! see (2-6-2008) RP.779, Ln.13 to RP.782, Ln.18; RP.783, Ln.23 to RP.789, Ln.21. So! That is at least three times on the night/morning in question that Officer Probst walked immediately past the bloodspot on the blinds. Moreover, the bloodspot on the blinds was angled facing towards Officer Probst! Therefore, when he took a left at the top of the steps, the bloodspot would have been right there in his face! see State's Exhibit's #3, 5, 10, 15-16, and 32. see (2-6-2008) RP. 798, Ln.8-19; (specifically) RP.798, Ln.18, WM, Q:"Do you recall the reddish mark on the blind." RP.798, Ln.19, CP. A:"I don't recall seeing that." BANG! Thats

clearly false testimony. He could not have possibly have missed it or have forgotten it.

Now it's time for the appellant to address Eileen Bulger M.D's malicious false testimony and her providing false documents to the state and giving perjured testimony in addition, about the wound on the back of the alleged victim's neck.

The appellant has it from memory of the trial testimonies and it's on the record that the first people to see Joiner injury to her neck clearly testified and remembered the wound having been on the front of Joiners neck.

As a matter of fact, not only did the Medic Brian Smith and Doctor Robert Tostenrud testify that Joiner neck injury was on the front of her neck, but the certificate of probable cause on this case itself states that Joiner's injury was to the front of her neck. That's three to one by the appellants math. Oh, excuse me, my math was off, the false evidence of the injury to the back of Joiner's neck that is in fact not a injury made by some imaginary street knife with jagged edges allegedly wielded into the back of Joiner's neck by the appellant! see (2-5-2008) RP.596, Ln.15 to RP.597, Ln.25. The good doctor said the injury was unusual and that's why she remembered it. Yeah, a little too unusual. She is lying as the state's attorney's well know! see RP.598, Ln.10 to RP.602, Ln.4.

Now, Your Justices, please listen to a witness who is being honest speak, and Medic Smith is likely alittle tired of being steered away from the fact that he is saying that Joiner's wound is and was on her left neck! Not her left posterior neck! Medic smith is a very calm natured human being. A innocent witness: and what I mean by that is that he was, young and as yet uncorrupted. But these state's prosecutors have non the less been trying to influence his testimony since trial one. But, him being unwise to the prosecutors sneaky ways: this is the most spark that he ever issues out of all three trials. Please note how he expresses himself carefully. see(2-7-2008) RP.1070, Ln. 8, MB. Q:"And I want to talk to you about Ms. joiner's injuries. Can you describe the injuries she --." Note: Medic Smith actually cuts the prosecutor off to make his statement and such rudeness is not his nature, but he's tired of the game. RP.1070, Ln.10, BS A:"Certain injuries she suffered from I remember vividly. She had a pretty significant knife wound to the left side of her neck that I remember." Now, maybe one could assume that he's speaking of that scalp wound on the back of her neck. But

that's a surgery opening and that's exactly what he's not talking about. and my attorney and the state's attorney's all know that there is a significant difference between a left neck and the back of the neck. Especially when your a Medic discussing the location of a stab wound that you remember vividly! I want to point out a couple of things in addition. I want the Court to note: that not once during any of Medic Smiths testimony does he say one solitary word about a stab wound being located in the back of Joiner's neck. Not once! And the appellant is indeed talking about all three trials. Medic smith doesn't understand the reason why a significant neck wound to the left neck doesn't satisfy the state's attorneys! He doesn't understand or know whatsoever, that Joiner is alleging that she witnessed the defendant stab her in the back of the neck! And, at no time to the best of the appellants recollection did the prosecution show Medic Smith or Doctor Robert Tostenrud, any of those photographs of the back of Joiner's neck and ask, "is that the wound."

This would be inexplicable if it were not for the fact that this particular appellant has just explained it! see (4-2-2007) RP.12, Ln.9-23.

The Court should take note of the fact that when Medic Smith told the prosecution were he remembered the wound being, and that this revelation did not surprise the state's attorney's one bit. He did not even pause in the proceeding on the transcript. And again, Medic Smith never says she had a stab wound in the back of her neck. see RP.29, Ln.12, and RP.30, Ln.1; RP.32, Ln.17; RP.33, Ln.7; RP.33, Ln.9; RP.33, Ln.15. And please see, RP.34, Ln.23 to RP.35, Ln.13. Now that is cause for the Court to clearly see exactly what the appellant is talking about. I quote! "Off to the side, right in this region just off to her throat line." see (2-5-2008) RP.597, Ln.1-6. Common sense tells this particular full-fledged American Appellant that if you cut into muscle in the manner that Joiners perjuroniously testified that the appellant broke into her bedroom and twisted and twisted a jagged edged street style switch blade folding knife into the back of her neck several things would have been different. one, they would have had to sew the muscle back together in her neck. Otherwise they wouldn't have merely gotten it on the record that her voice was going out (for which by the way I/appellant heard Joiner during trial and her voice works as ever) but they would have gotten it on the record that she couldn't hold her head up in an erect position! Ah, they would have had her coming into the courtroom walking with

her head resting on her left shoulder. Now, the third thing is that whatever happened to Joiner, it must obviously was not what she testified about once again despite her false perjured testimony: see (1-31-2008) RP.387, Ln.18 to RP.388, Ln.1. She was apparently not screaming.

There was no report of any screaming whatsoever from any of the three witnesses who were inside the apartment with Joiner and there is and was no screaming on the 911 tape and one person who was apparently in the apartment, June Johnson only woke up when Officer Bauer apparently woke her up! see (2-7-2008) RP.959, Ln.19 to RP.960, Ln.13. Now, Mr. Charles Green, the 87 year old gentleman who died from Luekemia: not from Alzimers decease. He had all the mental faculties about himself that can be expected from a guy his age and a lot more of that mental faculty then a great munber of the state's witnesses which is a matter of court record as manifest. Note his Death Certificate, see (2-6-2008) RP.824, Ln.6-24; RP.830, Ln.11-20; see (1-31-2008) RP.388, Ln.1, TJ. A:"And I am screaming --..." see (4-3-2007) RP.127, Ln.12, TJ. A:"I was screaming." RP.177, Ln.18, TJ. A:"No. After that I just remember I kept screaming. I didn't -- I didn't look back." see (1-31-2008) RP.448, Ln.5 to RP.449, Ln.4; RP.448, Ln.8, TJ. A:"I couldn't scream, my throat was cut." RP.448, Ln.13, TJ. A:"I couldn't scream. He cut my throat first." RP.449, Ln.4, (pause in proceedings. Witness crying)

Of course, Joiner's crying because she doesn't appreciate getting put on the hot seat about her lies. It's her way of avoidance. And because of the foregoing facts, it is as a matter of absolute fact, a lie cry! it's a tactice and it's acting/drama. see (4-3-2007) RP.177, Ln.9-22.

See (4-5-2007) RP.17, Ln.19-22, TJ. A:"That was him doing the yelling, Willie McCoo.

Now, in further showing proof of Eileen Bulger, M.D.'s perjured testimony about the scalp made wound on the back of Joiner's neck the appellant would like to draw the courts attention to Robert Tostenrud, M.D.'s testimony. see (8-9-2006) RP.133, Ln.3 to RP.144, Ln.23.

Then see RP.744, Ln.25, RT. A:"Multiple injuries include left neck, upper lip, left hand, and incubated for difficult breathing." See RP.144, Ln.25 to RP.156, Ln.25, RT. A:"So there is the chest wound, the neck wound, the hand wound. Then down below. there is more detailed sections for the face and hand. So we have the neck -- left neck wound on here and the cut to the lip. And then the cut on her left hand." The doctor stopped in mid sentence and

corrected himself. He was trying to tell the Court and jury where that injury was at, and did in fact. Left neck! Any person not blinded by Doctor Bulger's station can in fact merely look without blinded eyes at state's Exhibits #44, 45, 46, 47, and 75, and clearly and plainly and irrefutably observe two things. And if the court has already looked at them as the state's three attorneys involved in this case have, then the Court knows exactly where the appellant is going with this. It's plain and crystal clear from looking at the forementioned exhibits. That one, the wound was created with a scalpel. And two, it's a maximum of one inch deep.

I was born, only that birth didn't happen yesterday. just look at states Exhibit's #45, 46 and 75. They most definitely expose the state's secret.

The appellant would like the Court to make good not of the great distance between that ugly and gruesome half inch deep wound and the silver staples in front of Joiner's ear! The Court can also compare them in state's exhibit #44.

I mean, Wow! I've just noticed another thing, because in fact, the Court can plainly see as the appellant can that the wound is pointed towards Joiner's brain in state's Exhibit #44. That the angle of the wound overshoots the last staple by her ear. For good measure, behold state's Exhibit #47. Indeed, the State's attorney's and Detective Duty had some assistance from a very special source that a juror would never suspect. Behold, Doctor Bulger!

Whatever type of wound that is alleged to have been on the front of joiner's neck has been destroyed! Both, equally by Doctor Bulger scalpel and the everyday lying for a living crack addict, allegedly named Tammy joiner's lies! Even if Joiner was in fact stabbed and did in fact have a stab wound. For all intents and purposes at this point for the case she has no stab wound. Of course and very obviously, joiner's testimony about her screaming, her throat being cut, being stabbed in the back of her neck are false and the state has long known these facts. The biggest tip off to the appellant that Bulger was lying is that her false story backed up Joiner's, and Joiner is a well known pathological liar! see (1-31-2009) RP.387, Ln.16, MK. Q:"And that is crack cocain." RP.387, Ln.17 TJ. A:"It's not crack, it is just pure coke." That lie, was reversible error in this particular case. see RP.387, Ln.20 to RP.388, Ln.18.

And absolutely, apparently Doctor Ted Kohler also gave up some malicious

false testimony. see (2-4-2008) RP.481, Ln.25 to RP.482, Ln.4; RP.482, particularly RP.482, Ln.3, DTK. A:"Just a little bit of the anterior or the front portion of the artery wall was intact.

Here's some perjury by Detective Duty. see (2-5-2008) RP.711, Ln.17 to RP.712, Ln.8. The lie is manifest. Here Detective Duties outrageous lie. see RP.712, Ln.24 to RP.713, Ln.23; RP.716, Ln.15-21; and see state's Exhibit #26. That is clearly not a narrow pathway! see RP.709, Ln.2, and 4. And compare RP.734, Ln.5 with RP.734, Ln.25. Now! The Court should review, because there's nothing in that police report about slashing any place, I dont believe, which is state's Exhibit #84. see (1-31-20088) RP.389, Ln.25 to Rp.390, Ln.5. Notice that she says a "dish"! However, there is one thing that she is not tossing into her fiction that she didn't fail to leave out in trial one and two, and that is the wire rack against the wall with the tall cup on it. She finally realizes not to repeat this lie. She omits this perjury from trial three. see RP.395, Ln.14-24. Nowhere does she make the mistake of mentioning the wire rack in her fiction in trial three. She's been coached! Moreover, I believe she was coached by the state's attorneys who I believe was warned by Mr.Womack, because I pointed out this devastating point to him and he failed to impeach her on this point via the transcripts from trial one and two, and for another very good reason I have. see (8-9-2006) Tammy Joiner one -o- one. RP.38, Ln.13, 17; RP.41, Ln.13-21. see (8-8-2006) RP.123, Ln.20 TJ. A:"he carried one in his pocket, carried one in his shoe, in his "sock," and one in his back pocket." RP.123, Ln.22 MF. Q:"So he carried multiple knives?" RP.123, Ln.23 TJ. A:"Yes." Anyway, please see state's Exhibit #26. Notice the tall potato chip container. That rack has not been touched, let alone been used as part of the make believe barricade she crafted with her imagination! Of course, that alleged meat the SPD likely put there to cause the jury to assume that it was quote "twisted and twisted" out of Joiner's neck! The Court has seen the scalpel hole! That wound on the back of Joiner's neck would not render near that amount of meat.

The state's witness, the Washington State Patrol Crime Laboratory's Supervising Forensic Scientist gave the false testimony given diabolically and in malice when he alleged that two individual's blood had been discovered on the jacket that he is testifying about in trial three. This false testimony prejudiced the appellant because it told the jury that "two individuals" blood was discovered on the jacket: Joiner's and the

appellant's, and false testimony alone necessarily had to have went a long ways towards helping bring about the appellant's conviction. See (2-11-2008) RP.1170, Ln.9-23; RP.1106, Ln.5-8. Now, please review Katherine Woodard's WSP's forensic scientist in the Washington State Patrol Crime lab. see (2-7-2008) RP.1003, Ln.7 to RP.1014, Ln.16. So there you have it. Reversible error. The alleged esteemed terry McAdam gave some false testimony that was in fact of an extremely damaging nature to the appellant's case that the state's attorneys absolutely recognized as false at the time it was given and failed to correct the witness. Beyond any reasonable doubt this helped bring about the appellant's conviction. No place in Katherine Woodards testimony does she testify that anyone other than Joiner's blood was discovered on that jacket that Joiner testified that the appellant was wearing at the time the appellant allegedly attacked her by plunging a knife in the back of her neck while she slept! see (1-31-2008) RP.445, Ln.20 MW. Q:"Okay, you have previously testified that while you were being attacked, the defendant had the jacket on; is that right." RP.445, Ln.23 TJ. A:"Yes, he did." RP.445, Ln.24 MW. Q:"Okay, and today your testimony is that while he was stabbing you, he had the jacket on; isn't that right." RP.446, Ln.1 TJ. A:"That is correct." RP.445, Ln.8-19. In the up coming Joiuner alleged that she made some comment about the appellant's mother who has passed away and that the appellant was infuriated by this alleged comment. see (2-5-2008) RP.623, Ln.3-14. However, during the first trial she testified that she didn't remember the reaction from the then defendant that she was given. see (8-8-2006) RP.119, Ln.7-22. This went unchecked by the state's attorney and her allegedly speaking badly of the appellants mother is the implied motive for the alleged assault. This like all lies, especially in this particular case in point by helping cause the appellant to be convicted.

Here's an additional lie by Joiner that the state's attorney's knew of but allowed to go uncorrected on the record. see (1-31-2008) RP.443, Ln.19 MW. Q:"Correct me if I'm wrong, but you testified that you and Mr. McCoo had one beer, Budweiser or something that day, correct." RP.443, Ln.22 TJ. A:"Yes, that is correct." Compare with (8-8-2006) RP.120, MF. Q:"Do you know if the defendant was drinking that day." RP.120, Ln.4 TJ. A:"No, he wasn't really much of a drinker;... .

Anyways, the appellant has found another part of Doctor Robert Tostenrud's testimony that he wants to draw the Courts attention to and

again, the prosecutor attempts to go past the proper designation, but Doctor Tostenrud is innocent to the states scam to hustle me out of my liberty, and once again he innocently corrects the state's attorney! see (4-3-2007) RP.150, Ln.9-15; RP.150, Ln.13 MF. Q:"So the depth to the back of the neck is approximately 7 centimeters?" RP.150, Ln.15 DT. A:"That's the anterior, yes." I said Doctor Tostenrud is innocent to the state's attorneys intentions of robbing the appellant of his liberty, not Annie Kenefick, Not Mickeal Danko, and not by a long shot James Womack! This case was hung twice with the appellant's attorney in fact trying to see the appellant convicted! The very smallest of errors could have stopped the appellant from receiving a hung jury. It takes not mental push for any reasonable person to understand that the foregoing false testimony prevented the appellant from being exonerated and from gaining a hung jury.

As for the false evidence, which is the photographs of allegedly the back of Joiner neck, state's Exhibits #37,44-46 and 75, and Eileen Bualer M.D.s and Ted Kohler M.D.s medical reports. Harvard or no Harvard, the documents that allege that Joiner was stabbed in the back of her neck are absolutely false pieces of evidence that the prosecution did know during the last trial was false evidence, should've known and had to have known in point fact. And I have genuine documents with both Robert Tostenrud, M.D. and Eileen Bulger M.D.'s Signatures on them and these documents say that Joiner suffered a left neck wound! The document that has the honest Tostenrud's and Bulger's signature on it was signed and dated 9-15-05 at 0609! Apparently immediately after surgery! Before Doctor Bulger got infected by the crooked Detective Duty and the state's attorneys. The documents are marked State's Exhibit #79, but they are in addition marked Appellant's Exhibits 507. And in fact the documents that are marked with both state's Exhibit and appellants that have a circle at the beginning of the word appellants are genuine documents that are not false evidence. And in turn, the documents with both Appellant's Exhibit's and State's Exhibits that are false evidence will be marked with a X in front of State's Exhibit. The photographs will simply stay marked only state's Exhibts. And in fact state's Exhibits #37, 44-47, and 75 are false evidence. Now. I've been keeping things 100% true with the Court, which is extremely easy. Especiallt when I have every reason to tell the truth. The Appellant simply did not realize that he possessed Appellants Exhibits #507 to 514 until after the Appellant started writing about the state's false

evidence documents. I knew I had those, but for some reason I didn't recognize what I actually received in my Court record boxes. I did not at all recognize that I has so many official documents pointing to Joiner's left neck and they are powerful evidence. That I've been being framed, however, is nothing new to the Appellant nor any of the trial attorneys! Please behold Appellant's Exhibits 507 through 514.

Okay, the false evidence are the photographs of the back of Joiner's neck, Exhibits #37, 44-47 and 75. And the false evidence / documents which is state's Exhibits #515 through 522. As to the forementioned false evidence, I respectfully draw the Courts attention to Miller v. Pate, 87 S.Ct. 785, 786, 787, 788 (1967). Just as in Miller v. Pate, in the appellant's case there were no eye witnesses to this supposed crime that the appellant stands wrongly convicted of according to the evidence on the record. However, unlike Miller, the appellant's case has gained two hung juror's and therefore the difference between the appellant being convicted and gaining another hung jury, was beyond a reasonable doubt,"onion skin thin." It is manifest in addition that had the state's attorney's been honest and corrected their witnesses and the record that the appellant could have and likely would have and certainly should have been completely exonerated. Make no mistake about the facts in addition that the appellants attorneys were skillfully, playing a professional roll, some with more acting skill then others, but they one and all indeavored to skillfully strip the appellants case of its strength, and had they applie one-third of the evidence that the appellant is showing the Court in this 10.10, The appellant wouldn't be setting her striving to get the Court to understand these absolute facts because the appellant would have never been convicted. The forementioned false evidence prejudiced the appellant because it got him convicted beyond any reasonable doubt as any error in the appellants case could have brought about a conviction. But unlike Miller's xase where he only could point out to a single piece of false evidence: the appellant has shown a completely overwhelming amount! The appellant has clearly shown many many many more pieces of false evidence of the type to cause at least a hung jury in some of the most overwhelming cases in the world had the state's attorney's not allowed the false evidence to go falsely presented and the false testimony to go uncorrected. In this case: in point of fact, the appellant, beyond any reasonable doubt, surely would have been exonerated had the gruesome photographs of the surgical wound on the

back of the alleged victim's neck not been admitted in to evidence and labeled as exhibits for the jury to view, and had the abundance of false testimony had not gone uncorrected. In the appellant's particular present case, unlike Miller supra. case, because of the amount and the magnitude of the shown forementioned given false evidence and false testimony the appellant's strongly believes that this particular case should be reversed and dismissed. But certainly by all means reversed or reversed and remanded under Miller v. Pate, supra. And Hayes v. Brown, 399 F.3d 972, 981, 983, 984, 985, 986 (9th Cir. 2005) P.981 [1,2] [3]. Citing P.983, starting at the paragraph at the bottom of the right side of the page, the whole page 984 and 985 down to the second paragraph on the right above the B. Citing P.986 left side, second paragraph, starting with the word "That" and ending with "depend."

The bottom line in the appellant's case is that Hayes' case was reversed and the witness who gave the false testimony didn't even know that he was giving false testimony. And therefore, the appellant's case must be reversed because it's plain that many of the state's witnesses gave false testimony and that they knew that they were giving if and most if not every last little bit of this false testimony was extremely material to the appellant's case and it worked to the prejudice of the appellant and brought about his conviction.. Therefore, because of the very egregious violations of the appellant's rights: this particular case absolutely should be reversed and dismissed and at least reversed and remanded The appellant has been in fact prejudiced by an outrageous amount and degree of false testimony and outrageous degree's of false evidence to the maximum. That the highly intelligent state's attorneys absolutely knew was false evidence and testimony. It was highly material, not cumulative and could not have possibly have been of a more material nature both independently and especially combined.

Unlike in either the Miller or Hayes cases where only one example of false testimony intitled them to the relief available, the appellant's present case is littered with false statements. And the case as a whole smells like seven week old unrefrigerated dead fish if no other case ever has.

See (8-9-2006) RP.36, Ln.6 by Ms.Kenefick: Q:"I'm going to set up the Elmo for you, Ms. Joiner, so you can see better. RP.36, Ln.9, The Court: "Mr.

Ferrell, could I ask you to cant the TV a little bit so Mr. McCoo can see from a comfortable position. see (8-9-2006) RP.88, Ln.11 by Mr. Ferrell, RP.88, Ln.12, Q:"Handing you whats been marked and identified as state's -- they are all out of order. Sorry, one second -- 29, 30, 31, 32, 33, 34, 35, and 36.

Without showing the jury, can you leaf through these pictures, just briefly?" RP.88, Ln.17, Ms. Kenefick; Your Honor, Mr. McCoo would like to have the opportunity to see those pictures again before there is testimony. RP.88, Ln.20. The Court: "This has all been produced in discovery, has it not?." RP.88, Ln.22, Mr. Ferrell, A:"Yes, Your Honor." RP.88, Ln.23, The Court:"I think we should proceed. We are losing time. RP.89, Ln.8, The Defendant: "Are you going to put them on the screen?"

Citing the Constitution of the United States of America Amendment 14 § 1  
CITEZENSHIP RIGHTS NOT TO BE ABRIGED BY STATES.

"All persons born or naturalized in the United States, and subjvt to the jurisdiction thereof, are citezens of the United States and of the state wherein they reside No state shall make or enforce any law which shall abridge the previleges or immunities of citizens of the United States; nor shall any state deprive any person of the life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the eqaul protection of the laws." Id.

Also, citing the Constitution of the state of washington, Article I § 3  
PERSONAL RIGHTS.

No person shall be deprived of life, liberty, or property without due process of law." Id.

And citing the Constitution of the United States of America AMENDMENT 6  
RIGHT TO SPEEDY TRIAL, WITNESSES ETC.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." Id.

## GROUND FIVE

THE TRIAL COURT FAILED TO DO ITS DUTY AND EXCUSE A JUROR WHO HAD A MENTAL DEFECT THAT MANIFESTED IT-SELF BY WAY OF A PHYSICAL DEFECT THAT WAS INCOMPATIBLE WITH PROPER AND EFFICIENT JURY SERVICE IN VIOLATION OF RCW 2.36.110.

During the 2008 trial a male juror almost fell out of his juror chair and actually almost completely out of his juror chair and actually almost completely out of the jury box in a dead faint from simply looking at a cartoon-like anatomical drawing of the inside of the upper half of the human body showing the routes of veins with words written inside the drawing naming the features depicted. The judge was the closest court official and spotted the juror about to faint before he fainted. And for the record he was about to fall out of the whole jury box, his seat being at the end of the box, middle row closest to the bench. The judge had to immediately send the rest of the jury running back to the jury-room and water this extraordinary, hyper sensitive juror down immediately. see (2-4-2008) RP.481, Ln.20 to RP.486, Ln.14. That juror was manifestly unfit to be a juror. Especially in this particular assault one case, but also any assault case that included so much as a bruse on the alleged victim. This was a very nice man, innocent and simply a beautiful person. However, he was clearly not suitable for efficient juror service in the appellants case. He would be much better suited for non assault misdemeanor cases.

Indeed, the juror himself said that he didn't know whether or not he was fit to serve.

He certainly beyond any reasonable doubt could not look upon, for example state's Exhibits #43 through 47, and 75 very likely for more than five seconds, not to mention long enough to give his innocent, unsuspecting mind a chance to realize and register the fact that the wound on the back of joiner's neck was created by a surgeon's scalpel, not some alleged street knife, and the fact that it doesn't extend to where the artery is, which is located ndirectly beneath the widest point of the staples on Joiner's left neck without fainting flat out on the jury room floor. The juror in question manifest unfitness denied the appellant a fair trial made up of an impartial jury and in the belief of the appellant worked to help bring about the appellant's present conviction in violation of RCW 2.36.110. And under State v. Boiko, 138 Wn. App. 256, 265, 156 P.3d 934 (2007) [1,2] ¶ 22, ¶ 23 n8. The

appellants conviction must be reversed and the case set for a new trial, because the appellant's guaranteed protected due process rights under Amendments Five, Sixth, and Fourteenth to the United States Constitution, in relevant part, states:

**Amendment V:**"No person shall ... be deprived of life, liberty, or property without due process of law ..."

**Amendment VI:**"In all prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

**Amendment XIV § I:**"... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the states; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

Furthermore, the Washington State Constitution provides, in relevant part:

**Article I § 3 PERSONAL RIGHTS.** : "No person shall be deprived of life, liberty, or property, without due process of law."

**Article I § 22 RIGHTS OF THE ACCUSED.** : "In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witness against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy and public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases."

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n.8, Notably, RCW 4.44.180 is archaic. It has been amended only once since 1881. A 2003 amendment expanded challenges for cause. LAWS OF 2003, Ch.406 § 7, Martiniv. State, 121 Wn.App.150, 168, 89 P.3d 250 (2004).

## GROUND SIX.

### UNAUTHORIZED COMMUNICATION BETWEEN A WITNESS AND THE JURY.

See (1-31-2008) RP.399, Ln.1-21, which continues again at RP.401, Ln.20 to RP.403, Ln.23. Then see RP.409, Ln.5 to RP.412, Ln.13. First of all, the appellant would like to point out the obvious, which is it's a fact that communicating does not in any way need to be done verbally, because it completely obvious and universally understood as admitted by the victims advocate herself that when Joiner was going "um-hum, um-hum, um-hum," insistently in the affirmation of what the jurors were discussing, and was obviously directed directly at the jurors.

For a shinning Example: see RP.412, Ln.20. This not very complicated. The victim did in point of fact, communicate with the jury. Further, it's very apparent beyond any reasonable doubt and beyond any doubt whatsoever in the appellants mind that what those jurors were discussing had something to do with Ms. Cranstans family member being a victim of some type of crime that was very potentially serious assault, which obviously would have been of direct baring on the trial.

Furthermore, even if the victim jury communication had not occurred, which it obviously did.

Her victim's advocate getting on an elevator with the jury was a denial of a fair trial in the thinking of the appellant.

And also beyond any reasonable doubt and certainly beyond any doubt at all in the thinking of the appellant, Joiner's "um-hmu, um-hum, um-hum," was obviously a slick way in her mind of circumventing the direction and warning that her victims advocate had just given her immediately before they all boarded the elevator. Also the victim's advocate being called forward as a witness to the incident doesn't cause the incident to become lawful or help the state disprove possibility of prejudice in any way, shape, form or fashion. Obviously the victims advocate as being the victims advocate is clearly a individual who would clearly automatically be very very prejudiced towards the appellant (Duty of loyalty to the client/Victim)against the defendant beyond any reasonable doubt whatsoever! And still Further, a victim advocate is far from being a bailiff. Joiner's insistant "um-hum, um-hum, um-hum," was clearly intended to influence the juries verdict, because she was attempting to create a personal connection with the jury outside the courtroom. Clearly and plainly this is well within the range of sufficient

evidence to trigger the presumption of prejudice and created the potential for prejudice and indeed the scenario in the appellant's case by any reasonable analysis does in fact appear highly prejudicial.

The topic discussed by the jurors on the elevator whatever it was exactly had a great potential to reflect positively on Joiner's credibility in the minds of the jurors, because whatever it was about the juror's family member that the jurors were discussing, Joiner did as a matter of fact communicate an adamant affirmative supportive response about the heart of the conversation. In no way shape or form, or fashion did the state, by calling the victim's advocate Ms. Griffith as a witness make harmlessness appear! Nothing in Mattox suggest that for the rebuttable presumption of prejudice to attach, the substance of the extrinsic contact must factually relate to the trial even though by all reasonable appearances what the jurors were talking about in the elevator, in the appellants case at hand was in fact some type of wrong that was perceived by at least Ms. Cranston to have happened to her family member and clearly Joiner who's the alleged female victim of an assault in the first degree was clearly expressing her heart felt support. Beyond a reasonable doubt the subject of something that happened to Ms. Cranston's family member came to the surface because of the appellant's trial and was related, and thus became related to the appellant's trial when it became a open conversation amongst the jurors, which the victim took part in. Another great factor is the identity and role at the appellants trial of the parties. The identity and role at the appellants trial of Tammy Joiner and Cindy Griffith doesn't leave a lot of room for anyone to easily imagine a more prejudicial jury witness contact and communication! Plainly the contact in the appellants case met completely the requirements of being possibly prejudicial to warrant reversal of the appellants conviction and the Judge certainly did not hold the state to its heavy burden of proving that the contact was clearly not prejudicial.

Neither the trial Judge, nor the prosecution made any showing whatsoever that the contact and communication between Joiner and the jury was harmless. In fact, they showed the opposite. This was a case that had seen "TWO" hung juries before the conviction in this third and last trial. The difference between conviction and another hung jury was clearly Omion skin thin. At all times the very smallest thing or error could have changed the outcome of the trial and that's just as clear and plain as such a thing could possibly be.

be. see Caliendo v. Warden, California Men's Colony, 365 F.3d 691, 696-699 (9th Cir. 2004). In Caliendo, The Court reversed the conviction because of unauthorized communication between the Detective on the case and the jury.

The appellant's case also warrants reversal because of the unauthorized communication between the witness and the jury. Although in this case the communication and contact did not transpire between the jury and a Detective as in Caliendo, it did infact transpire between the jury and the alleged female victim of a serious assault who's status as a victim was being advocated at the time in question by the presence her victim's advocate, who for the record knew the juror Ms. Cranston personally by her own admission. It's completely and utterly plain that the contact and communication was improper and totally fraught with extremely high probability of prejudiced influence.

Only if the subject of the conversation between Ms. Cranston and her fellow jurors were revealed could there have been any chance of the communication between the sole alleged female victim herself and the jury be made to appear harmless. In the appellants particular and unique case: for all intents and purposes the length of time of the communication is irrelevant. Moreover, the exact subject of the communication has never been revealed by the prosecution.

And clearly, only if the exact subject of that communication was revealed, could any chance of showing of harmlessness be possible. Caliendo v. Waarden, California Men's Colony, 365 F.3d 691, 699 (9th Cir. 2004) The prejudicial effect of an extrinsic contact "may be substantial even though it is not preceived by the juror, and a juror's good faith cannot counter this effect." see also Jeffries v. Wood, 114 F.3d 1484, 1491 (9th Cir. 1997)(en banc)(quoting United States V. Williams, 568 F.2d 464, 471 (5th Cir. 1978)).

And for the record the contact and communication possibly prejudicing some of the jury swaying them to vote guilty, thereby denying the appellant the right to a fair trial by an impartial jury. Therefore, the appellant's conviction, like Caliendo, supra. should be reversed and remanded. In Caliendo, supra. He received a hung jury on the first trial, and was convicted on the second, then it was reversed on appeal. In the instant case, the appellant received "two" hung juries, on trials one and two, before finally convicted on the third. It was this third trial in which the unauthorized contact and communication occurred, and the jury was tainted,

denying the appellant the right to trial by an impartial jury. Citing the 6th and 14th Amendments of the United States Constitution, and Article I § 22, of the Washington State Constitution.

GROUND SEVEN.

THE STATE FAILED TO PRESERVE MATERIAL EXCULPATORY EVIDENCE.

Detective Duty and Detective Duffy, failed to preserve "Material exculpatory evidence" from the alleged victim's bedroom in this case. The material exculpatory evidence that the appellant is addressing is the alleged victim's bed that was in her bedroom: said bedroom being the alleged scene of the alleged crime in addition to the bed itself.

The alleged victim Tammy Joiner alleged to Detective Duty and his partner Detective Duffy on 9-19-2005 that she had been stabbed in the back of her neck with a six to eight inch long bladed knife. see (9-8-2006) RP.122, Ln.21 to RP.123, Ln.16. well, at least I'm assuming that she alleged that she was attacked while sleeping in her bed on 9-19-2005 to Detective's Duty and Duffy after I finished writing RP.123, Ln.16. I went searching through the records that I have been provided and I've discovered on 7-25-09, that I dont have Detective Duty's witness statement of Joiner from 9-19-05.

It wasn't provided to me and therefore I don't believe that I have adequate records for appeal for which I am Constitutionally entitled to. However, I have the statement from Joiner taken by these Detectives on 9-23-05. It reads see pg 4 of 9. On the 9-23-05 statement form of Joiner. Duty: So you were back up in your apartment and then all of a sudden you were awoken by what?

Joiner: I was awoken, I don't know what I, I don't even know if I had went to sleep. All I know is, I was in alot of pain.

Duty: And someone's slashing you?

Joiner: Somebody started slashing at me.

Duty: Okay.

Joiner: All I know is I felt some pain. He either hit me and I fell back or he's started cutting me. I don't know exactly what place it took.

Duty: And your, your arms are obviously cut so, you had your arms up trying to protect yourself.

Joiner: yes.

Duty: And could you see his face well?

Joiner: I couldn't see, I dont remember seeing his face.

So, apparently Joiner doesn't even know if she was awake. That would explain state's exhibit #26. The alleged blood on the carpet ends completely

right immediately where the black strap of the backpack is, and that's completely and totally apparent. And if one looks at state's Exhibit #28, one can apply common sense and completely and totally recognize that any wound that allegedly was pumping out that amount of alleged blood in that short of time period, would not have and could not possibly have left an untouched open stretch, wide spreading surface of the carpet uncontaminated with blood. Driving directly to the heart of the issue from this Juncture.

One can behold the manifest reality of this case and understand beyond any reasonable doubt and beyond a shadow of a doubt that the twin-bed which is in fact on the left side of that wire-rack does not have any of that alleged blood that is on the carpet, on it whatsoever. Furthermore indeed, it is completely apparent that the alleged blood also has an ending at the boarder of the photograph closest to the microwave.

During her testimony in trial, under cross examination by Annie Kenefeck, Joiner testified that the wire-rack was part of the wire barricade. So, the bed was material exculpatory evidence that the police / state failed to preserve. In addition, plainly not one drop of blood can be seen either. see State Exhibits #34 and 37.

So, because by every appearance neither the mattress or anything in state's Exhibit's #34 or 37 has any blood on them, they were material exculpatory evidence that clearly had to have been apparent to Detective's Duty and Duffy before it was destroyed by not being collected in bad faith, clearly! The idea that the police would take a picture of that junk and not the blood soaked bed of an alleged female stabbing victim who was allegedly stabbed while sleeping in her bed at approximately 1:05am is utterly preposterous! So behold the ugly truth. The Court is looking at an official S.P.D staged alleged crime scene and some official staged photographs.

For the record, the following false malicious testimony is also what causes the forementioned evidence to be "material exculpatory evidence." see (2-5-2008) RP.711, Ln.18 to RP.71, Ln.23. Detective Duty had reason to recognize and have known that the bed and the stacked up baskets full of clothing were all material exculpatory evidence because it was and is clear that his understanding on 9-23-2005 was that Joiner was assaulted while sleeping in her bed, as is self evident and documented on the "Certificate of probable cause," which is part of the record on appeal. see index to clerks papers, No.\_\_\_\_.

Needless to point out, but for the record, the intentional failure of Detective's Duty and Duffy to preserve the forementioned evidence, denied the appellant a fair trial and due process of law. Had the Detectives preserved the evidence, the appellant could have used the evidence to prove the false testimony of the state's witnesses Bauer, Villaneuva, Detective Duty, Joiner and Probst, and that material exculpatory evidence could have caused the appellant to have been exonerated or in fact, not to have ever to have been charged with this alleged crime. Detective Duty and Detective Duffy did gain official access to the interior of the apartment #301, and Joiner's bed-room on 9-21-09. see (2-5-08) RP.710, Ln.10-16. Therefore, on 9-21-05, when they got the understanding that Joiner had been stabbed while sleeping in bed, the two detectives knew that nobody had been stabbed while sleeping in that bed, because that bed, as we can clearly see in state's exhibit #26 could not have been and was not bloodied by any of the alleged blood. And in addition to all the clothing, if there's a piece of clothing in that stuff laying around the bed are lacking any signe of blood. And there is no sign of the bloodied clothing hanging on the door to which Detective Duty falsly testified were hanging on the bed-room door when he and Duffy gained access to unit #301 on 9-21-05. see (2-5-08) RP.713, Ln.22-23. The notion is preposterous!

Who would hang bloody clothes on the door? I was born, it just wasn't yesturday.

Please see, State v. McReynolds, 104 Wn.2d 560, 577-578, 17 P.3d 608 (2000) [16] all the way to and ending after state v. Wittenbarger, 124 Wn.2d. 467, 475, 880 P.2d 517 (1994). Under the parts of state v. McReynolds that the appellant has cited, because the police detectives involved in the case failed to preserve the forementioned material exculpatory evidence, the appellant's conviction should be reversed and the case dismissed.

Citing the Constitution of the United States, V, VI, and XIV Amendments.  
And;

Citing the Constitution of the State of Washington, Article I § 3, and § 22.

GROUND EIGHT.

IMPLIED JUROR BIAS.

The alleged victim in the case at hand was represented by a victim's advocate Ms. Griffith who had a co-worker or personal close friend, Ms. Cranston who was serving on the jury in the appellant's 2008 trial. This fact was not brought to the attention of the Court until after the trial was in session, during a recess that occurred in the middle of the alleged victim Tammy Joiner's testimony. The witness/victim's advocate Ms. Griffith is in direct employment of the state's attorney's office, and its apparent from the record that she was at the time of the jury communication incident that inadvertently brought the fact of the relationship between Ms. Cranston, the juror, and Ms. Griffith, victim's advocate working in close tandem with the state's attorney's, to the attention of the court and the record. see (1-31-2008) RP.409, Ln. -22.

The State's attorney apparently had Ms. Griffith's direct phone number. see (1-31-2008) RP.399, Ln.1-12; and RP.401, Ln.20 to RP.412, Ln.24. At no time during jury selection or the alleged victim, Tammy Joiner's testimony, did the prosecution, Ms. Cranston, nor Ms. Griffith, inform the Court of this relationship and conflict of interest and ground for challenge for cause, which was clearly of a highly prejudicial nature and obviously implied bias. The victim's advocate is a representative of the state and as a victim's advocate she is also a party to the state's action. And in point of the raw fact of the matter, she was in fact deployed on assigned task, and she did in fact meet that assigned task which is her sole function, mission and job. If Ms. Griffith did not strategically position her and her group, i.e. her assignment in the path of the jury, she could have as a matter of fact found herself without a job. In point of fact, her sole purpose for being at the appellant's trial was to prejudice the jury against the appellant, otherwise she should have known better than to allow the victim to even get on the same elevator with the jury member's. It is even a very distinct possibility that Joiner had never met the victim's advocate until minutes before the starting of Joiner's testimony. The victim's advocate in essence was nothing less prejudicial to the then defendant than a torpedo.

The juror and victim advocates factual circumstance of a personal relationship is plainly a prejudicial situation that creates a valid

challenge for cause. see, State v. Boiko, 138 Wn.App. 256, 260-261 and 265, 138 P.3d 934 (2007) [5] ¶22, ¶23, n.8

The bias at issue worked to help prevent the appellant from enjoying a fair trial by an impartial jury, and worked to bring about the appellant's conviction instead of his exoneration or from receiving a third hung jury. Based on the holding of State v. Boiko, supra. The appellants conviction must be reversed and remanded for a new trial.

Also citing: The Constitution of the United State of America, Amendments :V, VI, and XIV. And:

The Constitution of The State of Washington, Article I, §3; §21; and §22.

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n.8 Notably RCW 4.44.180 is archaic. It has been amended only once since 1881. A 2003 amendment expanded challenges for cause. Laws of 2003 ch.406 § 7; Martini v. State , 121 Wn.App.150, 168, 89 P.3d 250...(2004)

## GROUND NINE

### INEFFECTIVE ASSISTANCE OF COUNSEL.

The appellant is going to prove to the Court that working in conjunction with the prosecution that his court appointed trial attorney James Womack deliberately failed to impeach the state's witness instantly by simply citing ground one & six: for a start, and also drawing the Courts attention to state's Exhibits #25, 43, 46, 75, 45, 47, 44, 29, 32, 28, 26, 34, and 37 in the indext, Appellant's Exhibits #513, 512, 511, 509, 508 and 507. All these exhibits indicate that the alleged victim Tammy Joiner was stabbed in the left neck except for the photograph exhibits. The photograph exhibits show a wound that was cut into Joiner's neck by nothing less than a surgeon's scalpel. Much more than likely that scalpel was being controlled by Eileen Bulger M.D. herself, and none other. For the record and to state the facts plain: all the exhibits in the index the appellants trial attorney possessed at the time of the appellant's last trial, but the appellants trial attorney was only masquarading as if he was attempting to beat the case against the defendant and he did not use the evidence to impeach the state's lying witnesses. This could not conceivable have been part of a reasonable defensive tactic. It was not! All the real tactics that the attorney knew, he was as a matter of fact used on the appellant bith before and at trial. At trial he repeatedly demanded the appellant and chastised him by giving harsh staggged whispers to the appellant's left face actually going intentionally around the ear so that the juror's would not miss this interaction. And because the attorney had already fronted the appellant off in front of the jury, the appellant abandoned his composure and raised his voice in order to check the attorney about the tactics he used against me that was going to do it's intended prejudicial damage whether I simply sat there and observed these assa or not. The nearest jurors chair was within arms length from the appellants chair. Anyway, the forementioned photographs the appellant never got a close look at until the appellant recieved them during this appeal, and the appellant can clearly see why the double dealing court appointed attorney's, James Womack, Micheal Danko and Annie Kenefeck, kept then from the appellant. They are very strong pieces of evidence that were in fact being muffled by all the appellants trial attorneys and being presented as false evidence by the state. Mr. Womack failed: intentionally to impeach Officer Bauer, Villanueva, Probst and Detective Duty. All these officers and Detective Duty all testified that Joiner's bedroom had blood all over it and

that the photographic exhibits of the inside of the bedroom were the crime scene photograph taken on the date in question and that the photographs show blood in them. However, what state's Exhibit 28 is as a matter of absolute fact is a staged photograph.

And the purple food coloring looking stuff is absolutely not blood. The appellant can imagine hearing his little beautiful smart mouth baby sister calling it just like she see's it.

"I'm sorry, but human blood is not purple." Is she wise beyond her years. No! she's not! she's only my little sister. But unfortunately , but what she is, is not color blind. Behold the very ugly absolute truth. God made blood a certain color and a fluorescent, violet purple, don't cut it. I was born, only it just wasn't yesterday. I have long told my sneaky, creeping and sliding attorney's that those are staged photographs of the interior Joiner's bedroom were staged, they all knew that the photograph depict a staged alleged crime scene. On 9-15-2005 my jacket was not under that roller suitcase lying on the floor of that roach infested nasty apartment building, but up the street one block at Makabia Otis's house as I've explained from the start. That's the jacket obviously turned inside out. moreover, state's Exhibit 46 is clearly rock solid evidence that Doctor Eileen Bulger was committing perjury.

That's an alleged knife wound that has been alleged by Eileen Bulger to be so deep that the knife that allegedly cause it or sharp surgical instrument cut the artery in front of the neck.

RP.601, Ln.21 "Exhibit 75 is admitted."

RP.601, Ln.25 MK. Q:"Can you tell me what that is doctor?"

RP.602, Ln.4 DE. A:"That is the picture of the posterior view of the stab wound."

RP.605, Ln.3 DE. A:"Well, we were concerned about the wound so we got a cat scan that showed the track of the -- and the injury to the -- and the injury to the artery with blood running around it."

RP.605, Ln.7 DE. A:"It is a x-ray study where you can get three - demensional reconstruction of the neck."

RP.607, Ln.10 MK. Q:"Okay, and how did you treat the wound?"

RP.607, Ln.11 DE. A:"Just washed it out and then packed it, because again, because of the depth of the wound, we were concerned about closing and having an infection developed around theory so.

... that a doctor or nurse would press his or her finger's on to take a persons pulse. Moreover, Eileen Bulger alleged that it looked to her like it could have been caused by a twisting of a knife!

Obviously, if a knife was wide enough to cause the scalpel wound by an alleged "twisting and twisting" of an alleged six or seven inch long knife that would necessaril have to be wide enough to cause a hole that wide . Anyone viewing state's Exhibits #46, 45, and 75 would be able to see directly through to her carotid artery that Doctor Ted Kohler was called in to repair allegedly. see (2-4-2008) RP.476, Ln.12 to RP.477, Ln.9; and RP.481, Ln.18 to RP.490, Ln.16.

RP.598, Ln.13 MK. Q:"And cam you tell us what those are."

RP.598, Ln.14 DB. A:"These are pictures of Ms. Joiner."

RP.598, Ln.15 MK. Q:"And her injuries."

RP.598, Ln.16 DB. A:"Yeah,these are after surgery."

RP.598, Ln.23 DB. A:"Well the long staple line there is the exposure that we did to repairthe carotid artery, so that is our incision.

RP.599, Ln.14 MK. Q:"Okay. showing you now what is 44, can you tell me what that is?"

RP.599, Ln.16 DB. A:"That is the picture of the actual stab wound to the back of the neck. You can see where it is relevant to the staple line, which is in front."

So, my point is that Mr. Womack did not impeach Doctor Eileen Bulger for testifying that the wound on the back of Joiners neck was a stab wound when in fact what it is in reality is obviously and clearly a scalpel wound i.e. a insission that clearly doesn't extend to the carotid artery. He did not impeach her testimony with this evidence and there can not possibly be a tactical reason for not doing it. The reason for not doing it. the reason for not doing it is deficient performance that prejudiced the appellant. The deficient performance was far below any objective standard of reasonableness. There is an extremely strong probability that, for Womacks unprofessional error both in not impeaching Doctor Bulger and not drawing the jurors attention to this fact in any way, that the result of the appellant's trial would have been different. Richey v. Bradshaw, 498 F.3d 344, 361 (6th Cir. 2007).

"To establish ineffective assistance of counsel, ... petitioner must show both deficient performance and prejudice" under Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.ED.2d 674 (1984). "A lawyer is deficient when his performance falls below an objective standard of reasonableness. A defendant is prejudiced by his lawyers deficient performance where there is "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different" Id. at 694, 104 S.Ct. 2052. "A reasonable probability is a probability sufficient to undermine the confidence in the outcome." ID.

For the record, "all" the appellants trial attorney's who were assigned to represent the appellant were in reality only masquerading to be fulfilling their duties of loyalty to the then defendant when in fact and in reality what they, one and all were doing was striving to dismantl the extremely strong natural defense that the case came with when it was assigned to them. see (2-11-2008) RP.1114, Ln.25 to RP.1122, Ln.9.

see (8-9-2006) RP.135, Ln.1 to RP 139, Ln.7; RP 139, Ln.7 DT.A:"There is a small wound near her lip, one in her left neck, one on her left chest, one on her left wrist."

RP.139, Ln.8 MF. Q:"Okay. can I have you approach over here and have you over here and I'll take the document, Please."

RP.144, Ln.25 DT. A:"Multiple injuries include left neck, upper lip, left hand and intubated for difficulty breathing."

RP.150, Ln.14 DT. A:"The report from radiology, I think, said that it was below the level of the bifuraction;"

RP.150, Ln.11 MF. Q:"Could you tell us -- is there any way you can tell on this diagram where the stab wound occurred on the back of the neck?"<sup>1.</sup>

RP.150, Ln.14 DT. A:"The report from radiology, I think, said that it was below the level of the bifuration; that is, the split, so somewhere down in this area approximately."

RP.150, Ln.17 MF. "Okay. The record should reflect that the witness is pointing to the middle of the diagram below the point that's entitled "Internal Carotid Artery."

<sup>1.</sup>The Court should note the double talk of the states attorney and in doing so note that there can be no reasonable doubt that the state knew exactly where the stab wound actually was for Doctor Tostenrud had just told him where it was and there was never mention of there being two stab wounds on

the neck.

2.The Court like all the attorneys involved can clearly recognize from states 47 that if anything that half or one inch deep wound is pointing upwards! see 46, 75, and 45 also.

As a team James Womack and Mr. Kalish manifestly conspire to make short work out of Doctor Tostenrud and his nasty little habit of trying to make it clear where Joiner's injury on her neck was. Of course, them having read the transcripts "they knew" that Doctor Tostenrud in each prior proceeding that Joiner's stab wound was on her left neck and they "did not" want him to testify that the stab wound was on her left neck again. behold the evidence and in essence the physical evidence: the transcript themselves. Your Justices might want to do the experiment that the appellant did and separate the 12<sup>1</sup>/<sub>2</sub> pages of Doctor Tostenruds testimony of 2008 from the bulk of that trials testimony and weigh that in your fingers. its not that short because he had nothing of significance to testify about, but the other way around. It's that way because what he had to testify about if it had been brought out properly to the light by defense attorney was more than enough to send the state's case limping to the side lines of the courtroom waiting to die from an infliction of a massive wound. What reasonable tactical reason could even an attorney as intelligent and slippery as even Mr. Womack possibly have for not driving the fact that tostenruds memory was that Joiner's wound was in the back of her neck, that his primary duty as a doctor on the date in question was to assess the injuries of patients brought in to Harborviews emergency room and that all the medical documents that tostenrud signed state that Joiner's injury to her neck was to her left neck. see appellants Exhibits #507 through 512.

They: the state's attorney and trial counsel wanted Doctor Tostenrud on and off the stand. As a team they were working their special magic tricks. I dont mean to insult your Justices intelligence by pointing out the obvious. However, the Court can perceive clearly that Womack like, Danko and annie Kenefeck decidedly chose not to address this gaping hole in the state's case against the then defenant. What the state's attorney did, that the defendants attorney excepted consistantly in every trial is "play past this hole". Which is nothing more than a tactic that a trick at its core. And it was very successful! why? Because of the fact that the defenandts attorneys were in essence prosecutors in disguise :If statement of the ugly truth of the matter

please the Court. Strickland v. Washington, 104 S.Ct. 2052, 2064 (1984) [2]

Counsel, however, can also deprive a defendant of the right to effective assistance of counsel, simply by failing to render "adequate legal assistance," Cuyler v. Sullivan, 446 U.S. at 344, 100 S.Ct. at 1716. Id., at 345-350 Id., at 345-350, 100 S.Ct., at 1716-1719 (actual conflict of interest adversely affected lawyer's performance renders assistance ineffective).

Strickland v. Washington, 104 S.Ct. 2052, 2066 (1984) [12] thus, a court deciding an actual ineffectiveness claim must judge ... In making this determination, the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case."

Strickland v. Washington 104 S.Ct. 2052, 2066, 2067 (1984). The purpose of the sixth Amendment guarantee of counsel is to ensure that a defendant has the assistance necessary to justify reliance on the outcome of the proceedings. Accordingly, any deficiency in counsel's performance must be prejudicial to the defense in order to constitute ineffective assistance under the constitution, [16] In certain Sixth Amendment context, prejudice is presumed. Actual or constructive denial of the assistance of counsel altogether is legally presumed to result in prejudice. [17] Prejudice is presumed only if the defendant demonstrates that counsel "actively represented conflicting interest" and that "an actual conflict of interest adversely affected his lawyer's performance." Cuyler v. Sullivan, supra, 446 U.S., at 350, 348, 100 S.Ct., at 1719 (footnote Omitted)).

Strickland v. Washington, 104 S.Ct. 2052, 2069 (1984) [19].

Your justices, this is where James Womack suppresses the then defendant's forensic expert deliberately in order to see me convicted! see RP.77, Ln.20 to RP.80, Ln.6 (by Mr. Womack) There are quite a number of -- I think my expert indicated the most intriguing piece of evidence in terms of blood that he has seen in 32 years of law enforcement in case analysis, which, you know, all begs the question of whether this particular jacket has any relevance whatsoever to this case<sup>3</sup>. see RP.78, Ln.20 to RP.80, Ln.22; RP.94, Ln.20 to RP.107, Ln.12

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n.3 Hearing those words come out of Womack's mouth was like yet another slap seemingly soft but malicious to the defendant's face (which you know, all begs the question of whether this particular jacket has any relevance whatsoever to this case:) The jacket has an abundance of relevance. It's a huge piece of staged evidence: That's exactly why Womack muffled Grimsbo.

The appellant would like to draw the Courts attention to the fact that Dr. Grimsbo told the state's attorneys that he didn't think the jacket in the photograph was the jacket he reviewed, and that he had a good reason for saying that. Yes, indeed, he did have a very good reason for saying that and that reason is the same reason that the appellant informed the Court about in the statement of the case.

Before the beginning of trial two, during a pre-trial hearing in front of Judge Kessler. The appellant informed the Court that he had directed Michael Danko to hire a forensic blood-splatter expert at that hearing/ proceeding, and Judge Kessler inquired into the matter by asking Danko what was going on. Danko never had to respond because of all people, his best friend Jim Ferrell responded and told Judge Kessler that he and Mr. Danko had talked and they decided to have a state expert examine the evidence instead! That's how Terry McAdams was created as a weapon for the state against the defendant! Before trial one i.e. the first trial, the state's theory of the case was that the then defendant had worn the jacket in evidence during the alleged stabbing/assault and the only reason that it ever came to light that the jacket was not worn during the alleged stabbing assault is because the appellant asked Michael Danko to hire an independent forensic scientist to examine the jacket. The original i.e. the testing that Terry McAdams conducted on the jacket was accurate. However, Terry McAdams himself was still a state witness and necessarily hostile and prejudiced against the then defendant i.e. he is the opposite kind of witness than the then defendant requested! Anyhow, the point is that had I not spoken up during that omnibus hearing it's clear from the record of that omnibus hearing that the then defendant would have been being accused of having been wearing that jacket in trial two, with nothing to prove that the jacket wasn't even worn during any stabbing attack and the then defendant tried to have the dirty lawyer, Danko taken off my case many times, both before and during trial two. That's correct! Bingo! all three of these attorneys were sell-out attorney's all the way to the bone. There is no other reasonable explanation for their lack of action in impeaching the state's witnesses and through one form of trickery or another they all succeeded in denying me an forensic expert and certainly a fair trial. The evidence of this fact is on record. By reading Terry McAdams laboratory report of his analysis of the jacket, a layman can see exactly why the suppressed scientist Grimsbo told the prosecutor that he

didn't believe the jacket in the photograph was the same jacket that he'd reviewed, and that the jacket was the most intriguing piece of evidence, in terms of blood, that he has seen in 32 years of law enforcement! The appellant has always been far from mistified.

The Jacket has blood on it going left, right, north, south, each, west, on the inside of it going north, south, east, west, right ,left all manner of different types of bloodspatter. Impact blood-stains, cast-offblood-stain, contact Blood-stain, drip blood-stain. see state's Exhibits #121, in Appendix No.\_\_\_\_. All these interesting types of bloodstains, but yet and still, "No blood-stains that might suggest that the jacket was worn during a stabbing assault, were observed on the cuffs or inner sleeves. Then once you combine these facts with the fact that the alleged victim testified in (2008) that she maraculously, allegedly discovered the jacket on the scene two weeks after the date in question or so but cant "recall" if it was the 23rd or 26th. And then you combine that with the funny crime scene out of an alleged two rolls of 35mm film. And Detective Duty alleged in ability to "recall" when that jacket was given to him. And then the alleged second camera problem of taking proper photos of the scene added to the fact that no normal crime scene photographs were ever taken and especially Officer Villanueva's not seeing the blood-spot on the blinds because he was on the inside of the window and add that to all the other lies and subterfuge etc. You must come to one single realization.

The appellant was always right on target, right down the line and that the SPD with the blessing of the states attorneys did frame the appellant. And not only does this constitute an additional defensive theory that womack would have discovered had he investigated the case more thoroughly but it is in addition the truth.

The SPD, layed that jacket down, put the suit-case on top of it and commenced to taking staged photographs of the jacket. The Court held in Richey v. Bradshaw, 498 F.3d 344, 362 (6th Cir.2007), that,[9]"A lawyer who fails adequately to investigate, and to introduce into evidence information that demonstrates his clients factual innocents, or that raises sufficient doubts as to that question to undermine confidence in the verdict, renders deficient performance." citing Reynoso v. Giurbino, 462 F.3d 1099, 1112 (9th Cir. 2006)(quotinng Lord v. Woods, 184 F.3d 1083, 1093 (th Cir. 1999)); Richey v. Bradshaw, 498 F.3d 344, 363 (6th Cir 2007).

Neither Mr. Womack nor Mr. Danko, or did Annie Kenefick make any effort whatsoever to challenge Doctor Eileen Bulger's false testimony alleging that Joiner had a stab wound on the back of her neck when they all had highly substantial, very compelling reasons to do so. see Dugas v. Coplan, 428 F.3d 317, 331 (1st Cir. 2005)(stating that challenging the state's arson case was crucial where defense counsel was aware of problems with the arson evidence.)

Officer Villanueva testified falsely that he didn't examine the blood-spot on the blinds because he was on the opposite side of the blinds during his cited testimony in ground one. However, this was a manifest lie which could have been impeached extremely easily and shown clearly to be the lie that it was. see State's exhibit #29 in Appendix No \_\_\_\_.

It's apparent that there is blood on the blinds even from the interior. Therefore, for Officer Villanueva to testify that he didn't investigate is even more outrageous than it was already understood to be, before the appellant received the photographic evidence on appeal. However, James Womack had access to all the exhibits and he failed to point out that there was blood on the inside of the blinds or ask Officer Villanueva why didn't he examine the blood on the inside! James Womack just expected Villanueva's unsatisfactory answer. see (2-5-2008) RP.593, Ln.12 to RP.585, Ln.3; see RP.584, Ln.23 MW. Q:"Is it fairly safe to assume that you did not consider that to be possible finger-prints?" You said you looked very closely for finger-prints?"

RP.585, Ln.1 SV A:"Well yeah, this picture right here is on the outside."

RP.585, Ln.3 SV. A:"Yeah, I was on the inside."

See (8-17-2006) RP.3, Ln.4-15; RP.11, Ln.13-22; RP.12, Ln.3 to RP.14, Ln.17; RP.22, Ln.14 to RP.23, Ln.6.

Annie Kenefick had only one reason in mind when she requested that the jury keep deliberating, and that reason was to see the appellant convicted! She had done nothing in the opinion of the appellant to give a reasonable doubt to the jury. She knew that it was 11 to 1 against the then defendant and in essence what she was attempting to do was push the jury over the edge by requesting that they keep deliberating. And the appellants point is that all his attorneys who were assigned on this case possessed the exact same disloyalty. Strickland v. Washington, 104 S.Ct. 2052, 2065 (1984) [7]

"Representation of a criminal defendant entails certain basic duties. Counsel's function is to assist the defendant, and hence counsel owes the client a duty of loyalty, a duty to avoid conflicts of interest. see Cuyler v. Sullivan, 446 U.S. at 346, 90 S.Ct., at 1717. From counsel's function derive the overarching duty to advocate the defendant's cause."

James Womack did ask the appellants sister Rose McCoo who had recently before the appellants trial had been car-jacked and had both of her legs broken from being run over by her own car during the car jack, who thus had no car and who legs were still healing, doing the foot work and private investigator work that he had been assigned as a private investigator from OPD to do things like investigate these man, the attorney james Womack did direct and allow my sister Rose to travel up to Harborview Medical Center in pusuit of My medical records under my brother Tyrone McCoo's name, when he was assigned as investigator who should have been doing thid work. The exact reason that my sister Rose was searching for the medical records of my knee imjury under my brother Tyrone's name was becsause from the beginning, I had asked Mr. Womack to go up to Harborview and retrieve the medical record of my knee injury to prove beyond a shadow of a doubt that I couldn't possibly have leaped from a three story high bedroom window as the state witness Sonja Otis had falsely testified to having witnessed me do on the date and time in question. Well, what happened was that Womack had came to see me after I had instructed him to go up to Harborview Medical Center and get the medical record of the knee injury.

When I asked this mascarading attorney whether or not he had gotten the medical records. He told me that he didn't find any medical records in my name. And he repeated himself. So after sitting there for a mionute trying to wrap my mind around the unexpected developement that had just blin-sided me, I told Womack that if it wasn't in my name it had to be in my brothers name then because I knew that I wouldn't have used any other name even though I couldn't remember using my brothers name, so I told him to go look under my brother Tyrone McCoo's name. For which he explained to me he would have to send Tyrone a release of information form in order to get the medical records. To which I said, fine, go ahead and supplied him with my brothers information. So this guy Mr. Womack sent my brother a release form knowing full well that he had never gone up to Harborview looking for medical records in the then defendants name in the first place! This was approximately two

months or a month and a half before my third trial and what James Womack was doing as a matter of fact was a ruse.

It was a stall tactic. He in fact was only trying to stall so he could get the appellant, then defendant, to trial, run his slippery snake's games and see the appellant convicted! I didn't understand at the time that he needed a release of information form filled out by me in order to get my medical records. And I never gave it any thought because I assumed since he was my attorney that if it required a release of information form, he would have told me that I had to fill one out! Moreover, I had never even heard of such a thing as a release of information form until Womack told me that my brother had to fill one out in order for Womack to get the medical records. So, James Womack; as it turned out was simply working to destroy the extremely strong defense that my case had always had! He kept playing me and my family for suckers all the way to and obviously even during trial and in fact it worked.

The appellant never realized that he himself needed to fill out a release of information form until my sister sent me one after my conviction because we had found out that no record of a knee injury was under my brother's name. So I didn't realize fully what had happened until I received the release of information form in the mail! The medical record is now resting behind me in my files/boxes. I probably can't show the Court but I can and will show the bar association.

Under the forementioned case laws on this ground, individually the case requires reversal. The defendant was badly prejudiced during his last trial by his super dirty lawyer, and by all the forementioned ineffective assistance of counsel examples I the appellant have shown. I was prejudiced by them because if it wasn't for them and the fact that my attorney was a hired gun (for the state) working against me, the appellant surely wouldn't have been convicted and would have obviously, absolutely been totally acquitted.

So under the forementioned case laws this case conviction against the appellant requires reversal. Also citing the Constitution of the United States of America, Amendment XIV, V and VI. And the Constitution of the State of Washington, Article I § 3, 21, and 22.

GROUND NINE

CUMULATIVE ERROR DOCTRINE

Finally, if the Court is not convinced that any individual error is reversible on its own, the Court should reverse the conviction based on the cumulative errors. see State v. Coe, 101 Wn.2d 772, 784, 684 P.2d 668 (1984); U.S. v. Necocchehen, 986 f.2d 1273, 1281 (9th Cir. 1993); U.S. V. Frederick, 78 f.3d 1370 (9th cir. 1996), and cumulative omissions of counsel, see Strickland 466 U.S 695/696; Turner v. Duncan 158 F.3d 449, 457; Harris v. Woods, 64 f.3d 1432, 1438-39 (9th cir, 1995)

REQUESTED RELIEFE.

Ruested that this Court reversed my conviction and grant a new trial, or vacate my conviction with prejudice.

OATH OF PETITIONER

I declare under the penalty of perjury under the laws of the state of washington pusuant to RCW 9A.72.085, and the laws of the United states, pursuant to U.S.C.28 section 1746, that the following is true and correct.

Respectfully Submitted on this 9 day of August 2009.

X Willie J. McCoy # 953064

CRESTON PARK  
APARTMENTS  
10500 SISI AVE. S.

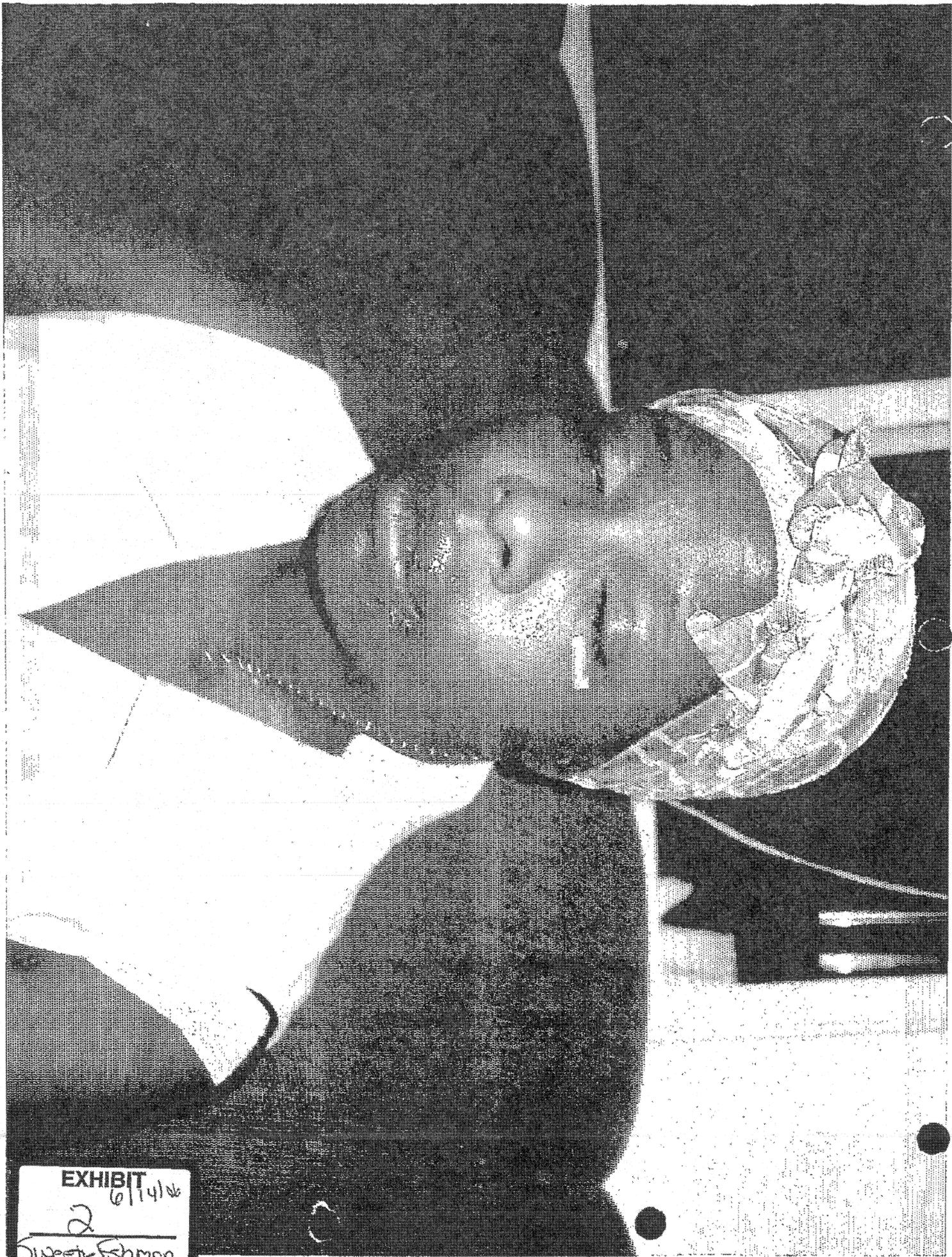


EXHIBIT  
6/14/06  
2  
D. Westra Shimon

RECEIVED

MAR 26 2008

JUDGE PALMISTO  
KC. SUPERIOR COURT

Superior court of Washington for King Co.  
The State of Washington

The State of Wash.  
Plaintiff

No. 05-1-13048-9-SEA

vs

Motion for  
Dismissal

WILLIE James McCoope Jr.  
Defendant

Comes now the defendant comes now  
the defendant in the above entitled  
cause. Your Honor! Please take steps to  
seize the jacket in question it also  
can be tested by someone other than  
Mr. James Wornack has tampered to  
be prove to be staged evidence. Of course  
it's meanibe tested inside a FBI Forensic  
Crime Laboratory! And they along with  
analyzing the bloodstain like the WSP Lab.

PAGE 1

did by blood splatter analyst, the blood should also be tested for the presence of the pain killer Tammy Jainer was prescribe at Harborview Hospital! If the FBI finds Oxycotin, which is what she testified she was prescribe at Harborview in her blood that prove that she put her own blood on that jacket!

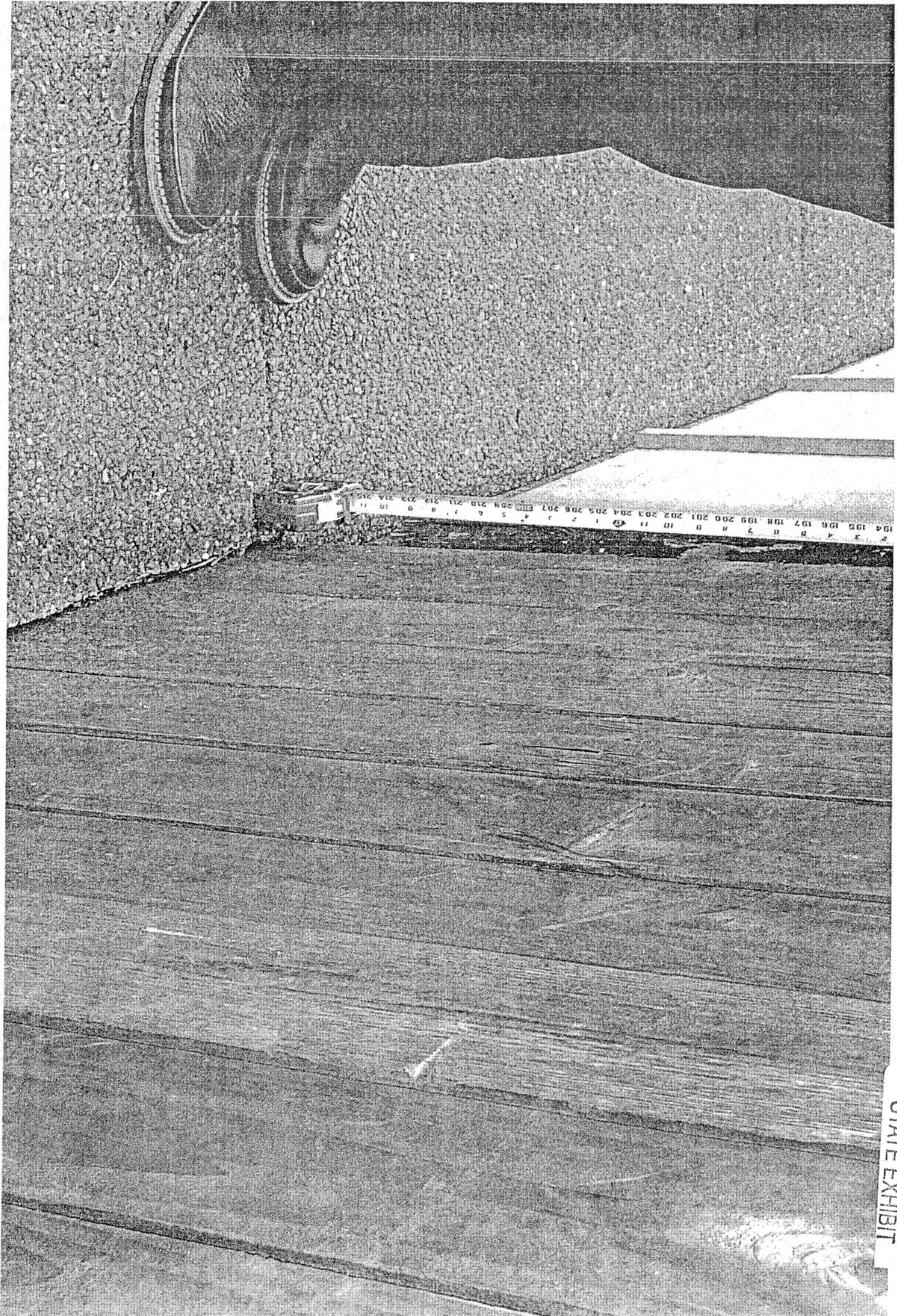
And it's on record at OPD that I told James Womack this months ago!

And if the proof that Jainer did what I'm telling you on my honor as a man she did do then that proves beyond any doubt that the Seattle Police staged those pictures and therefore conspired to frame me for this bogus crime! No one would write this stuff in a motion under the penalty of perjury if they didn't know it absolutely to be true and it absolutely is! Judge Robinson please don't let the act like they just happened to lose the patched jacket in the evidence room or something.

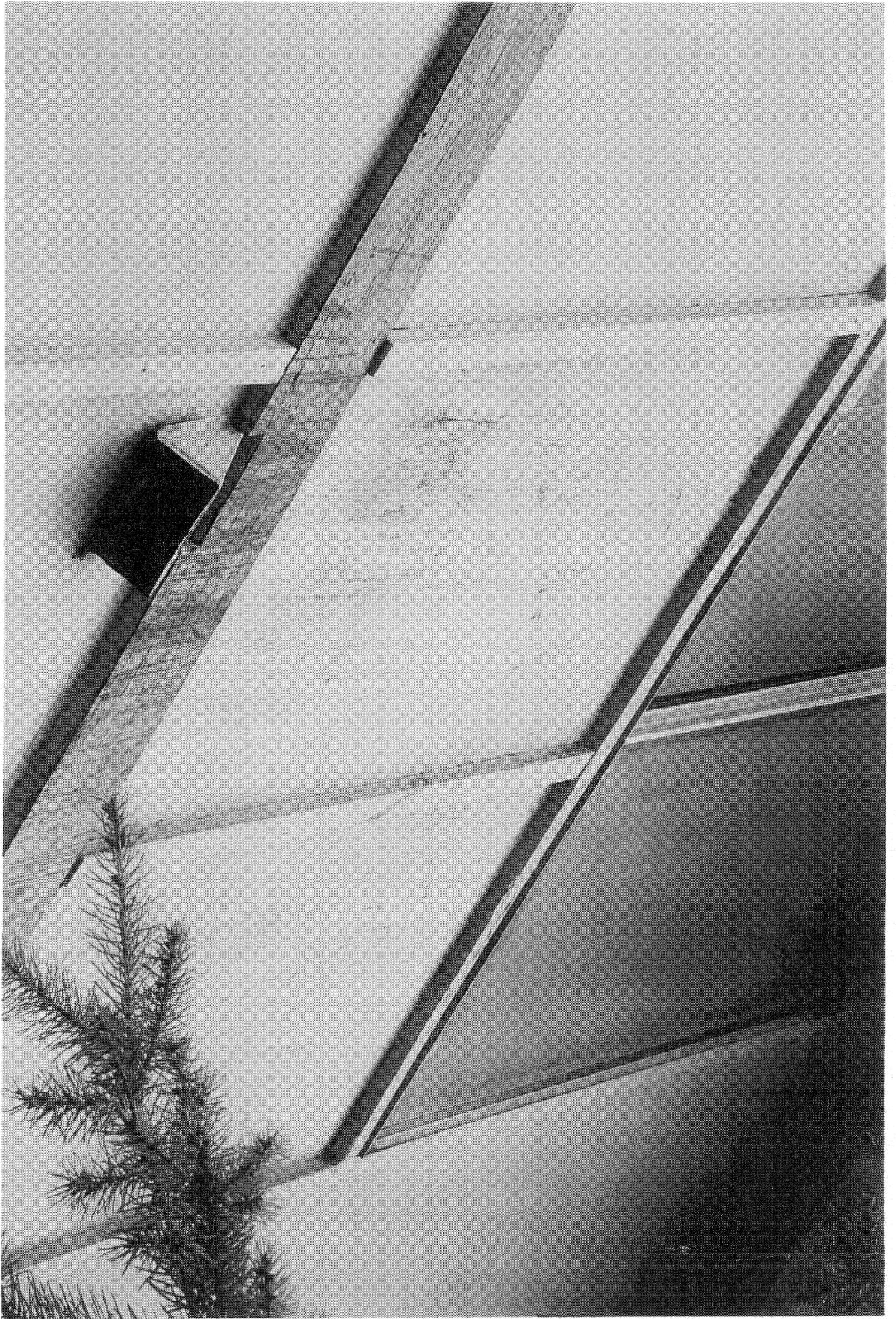
- Comes now if there is a violation of this my 14<sup>th</sup> and 6<sup>th</sup> Amendment right to a fair trial, I would not and could not receive a fair trial!

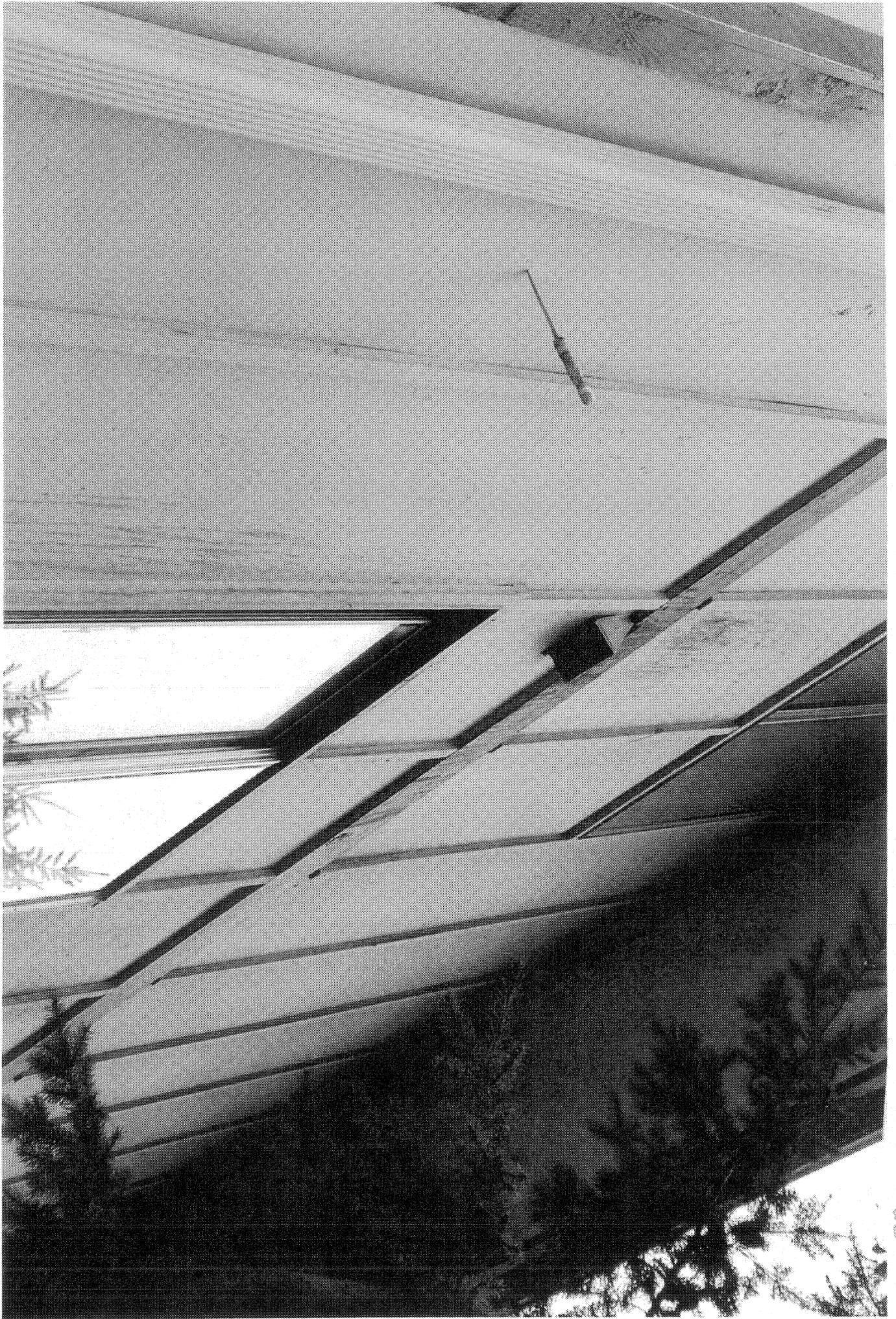
I Willie James McCoo, Jr. on this day 3-7-2008 do declare under the penalty of perjury of the law of the state of Washington for King County, that the foregoing is true and correct to the best of my knowledge and belief.

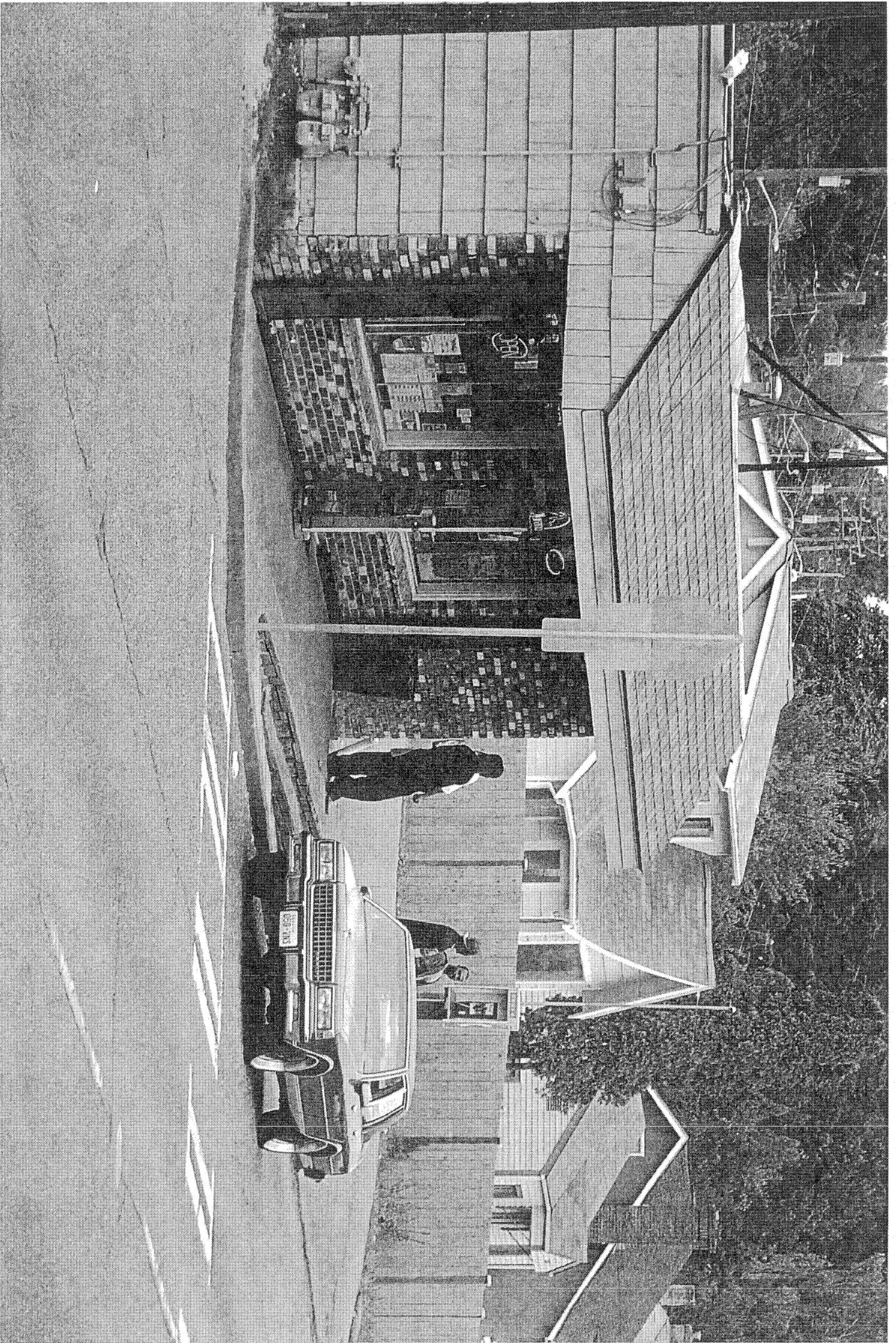
Submitted by Willie J. McCoo, Jr.  
X Willie J. McCoo Jr. 3-7-08

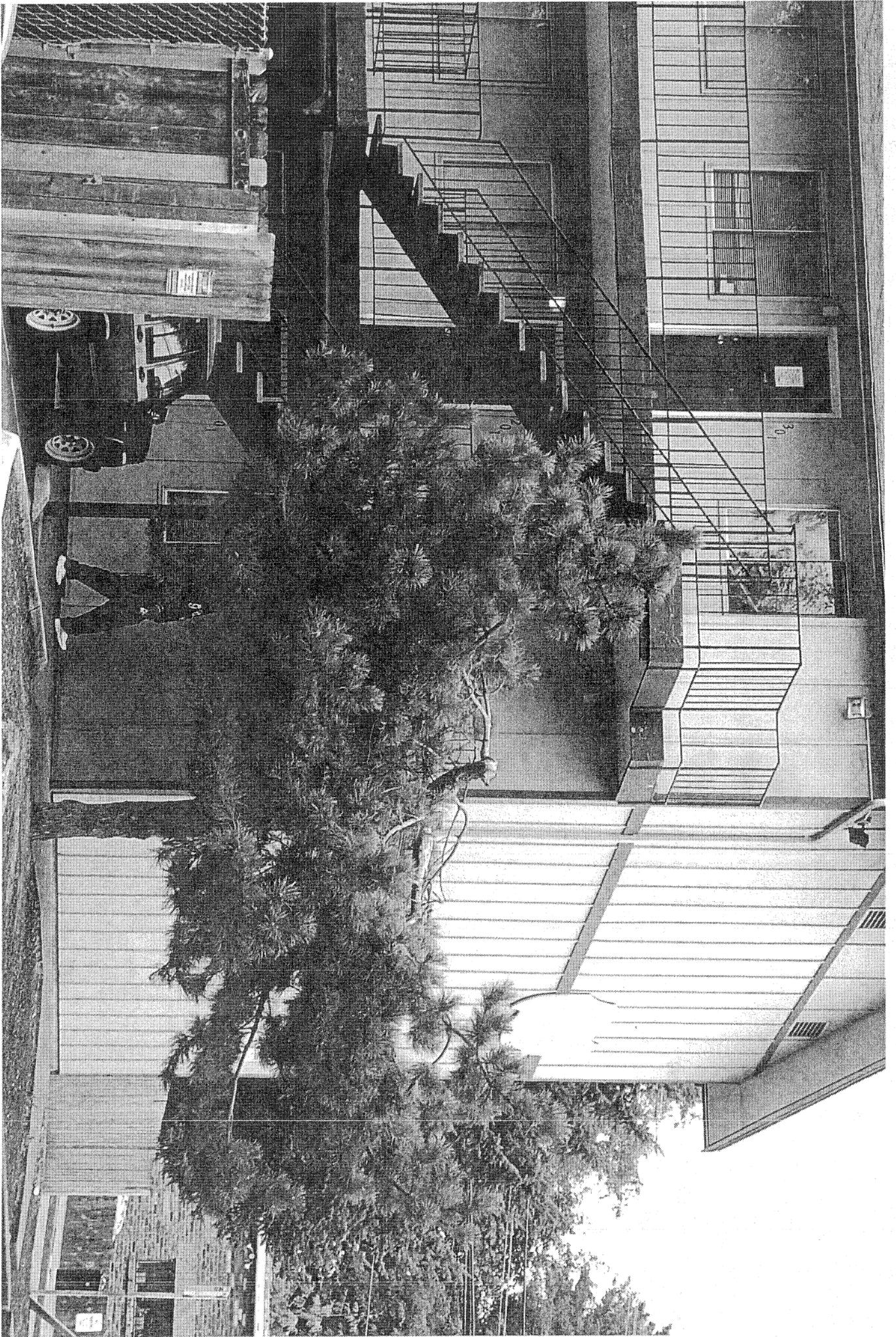


STATE EXHIBIT  
516

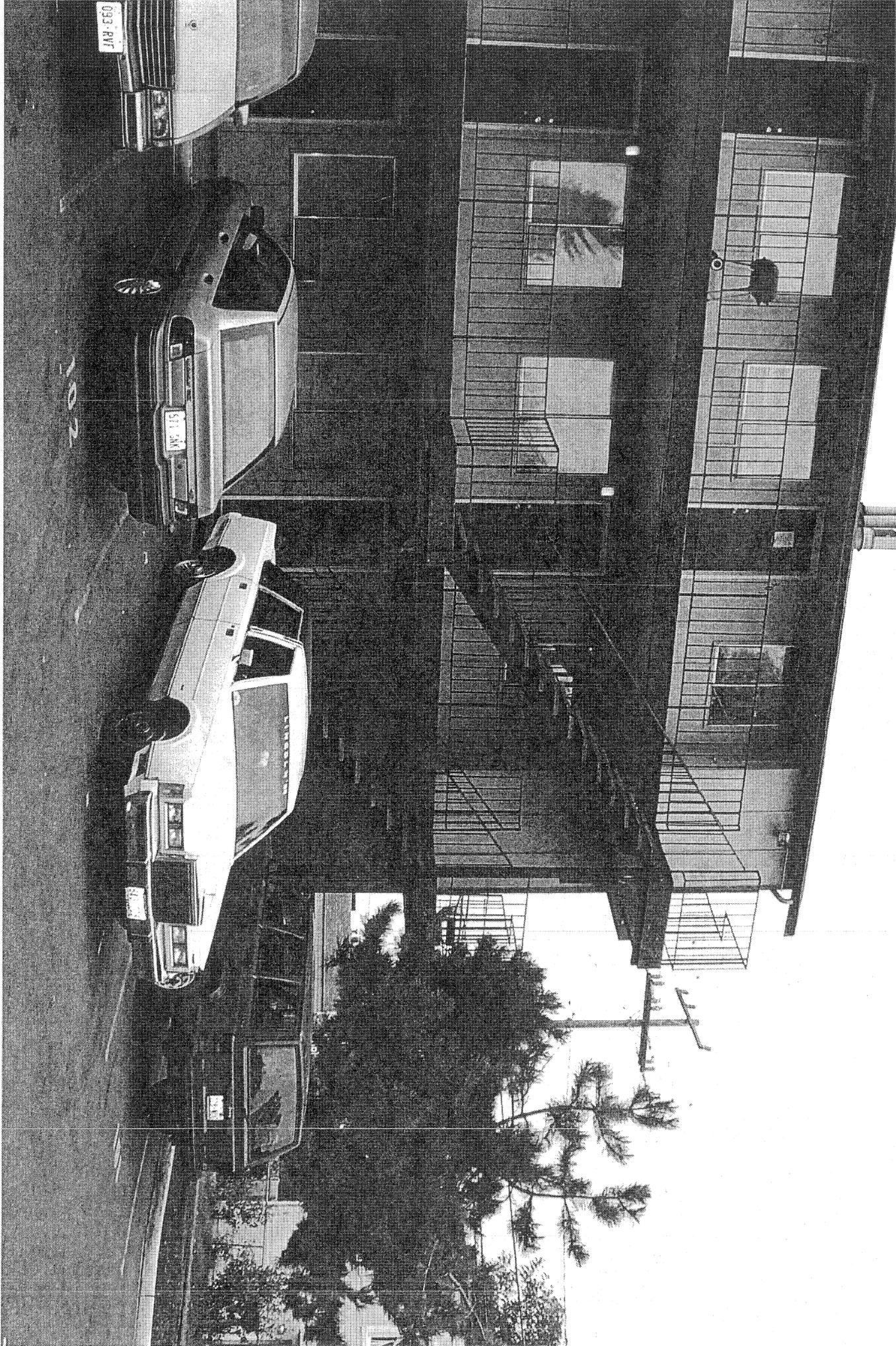








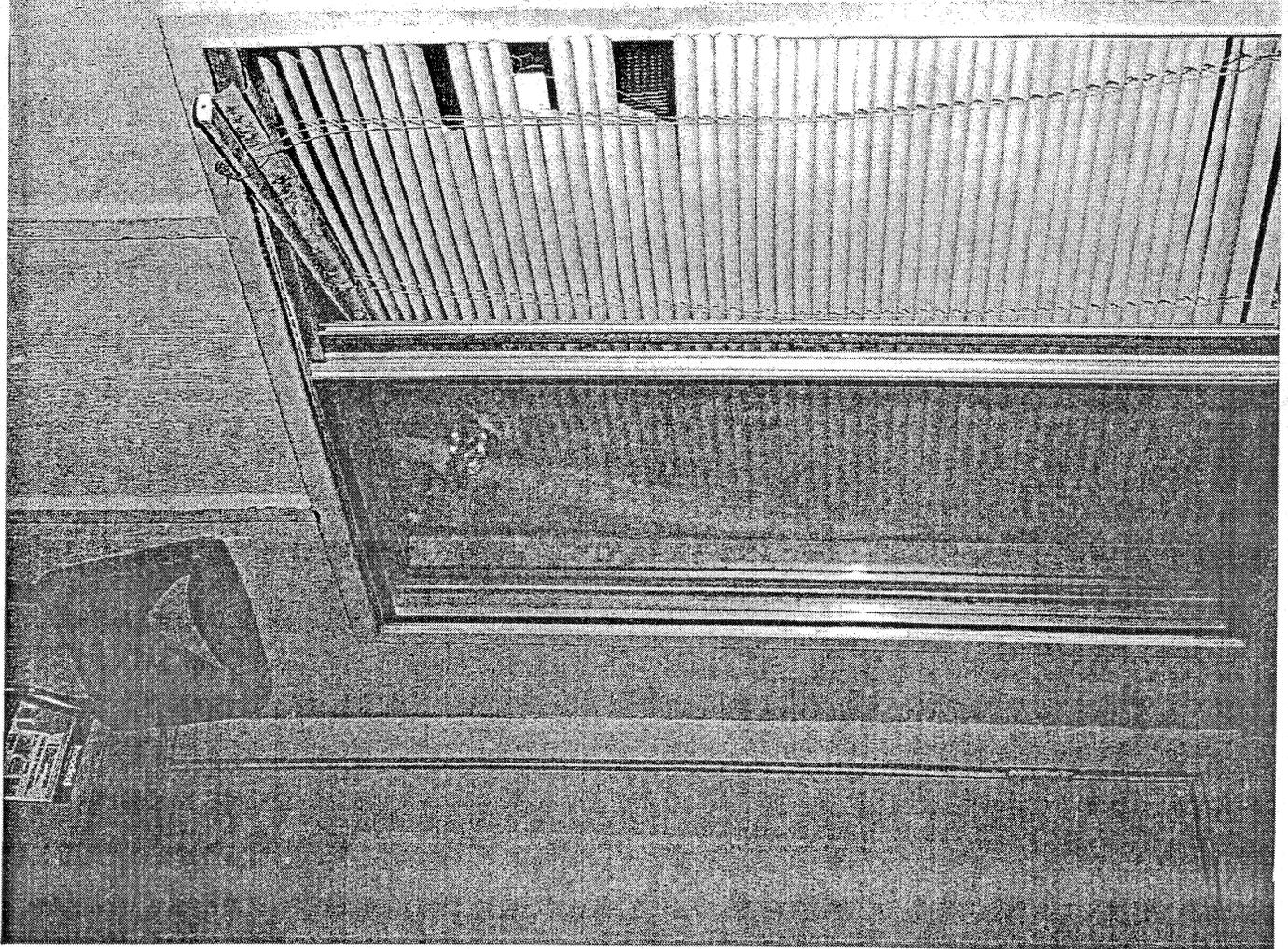
STATE EXHIBIT 4







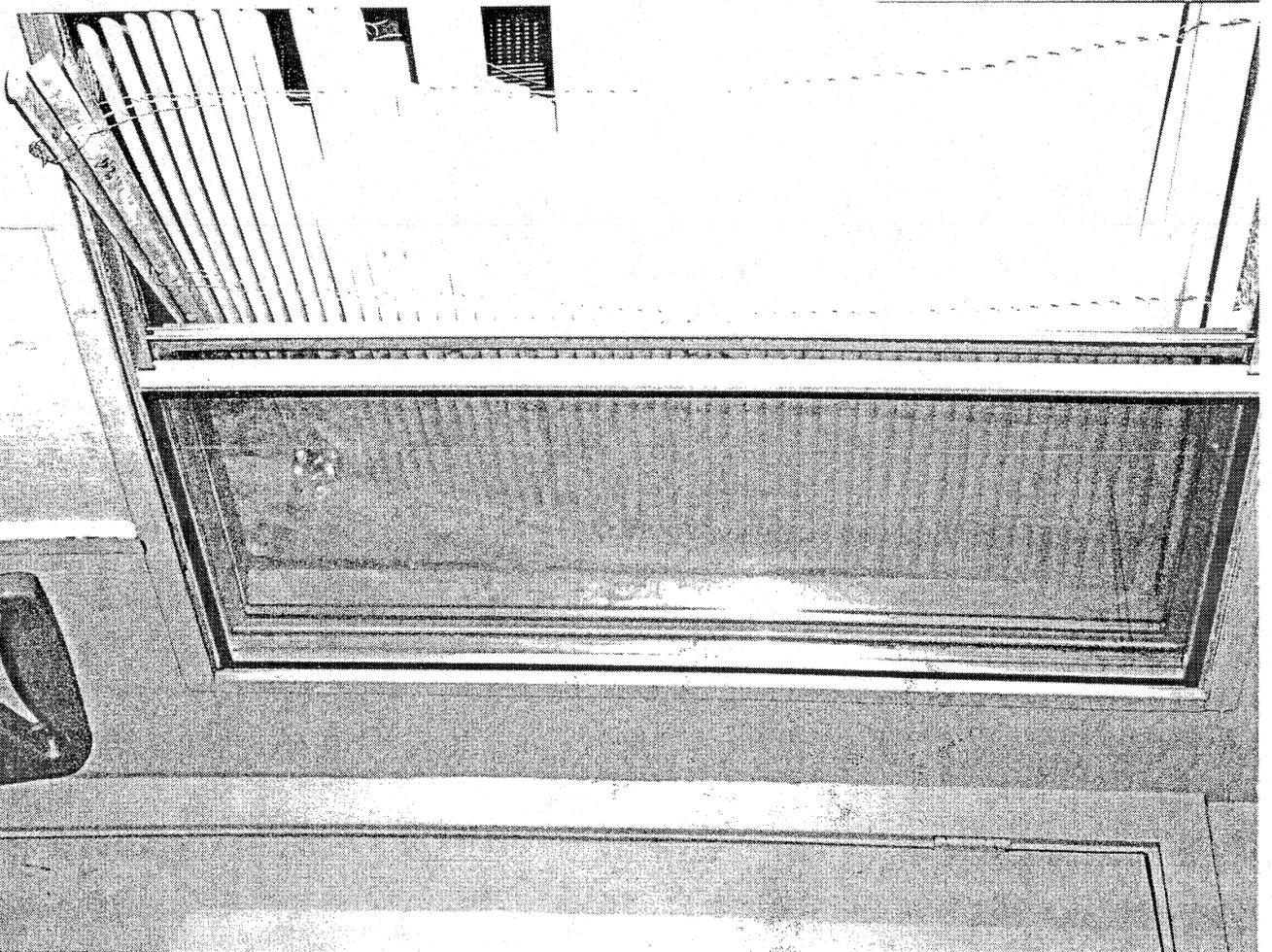
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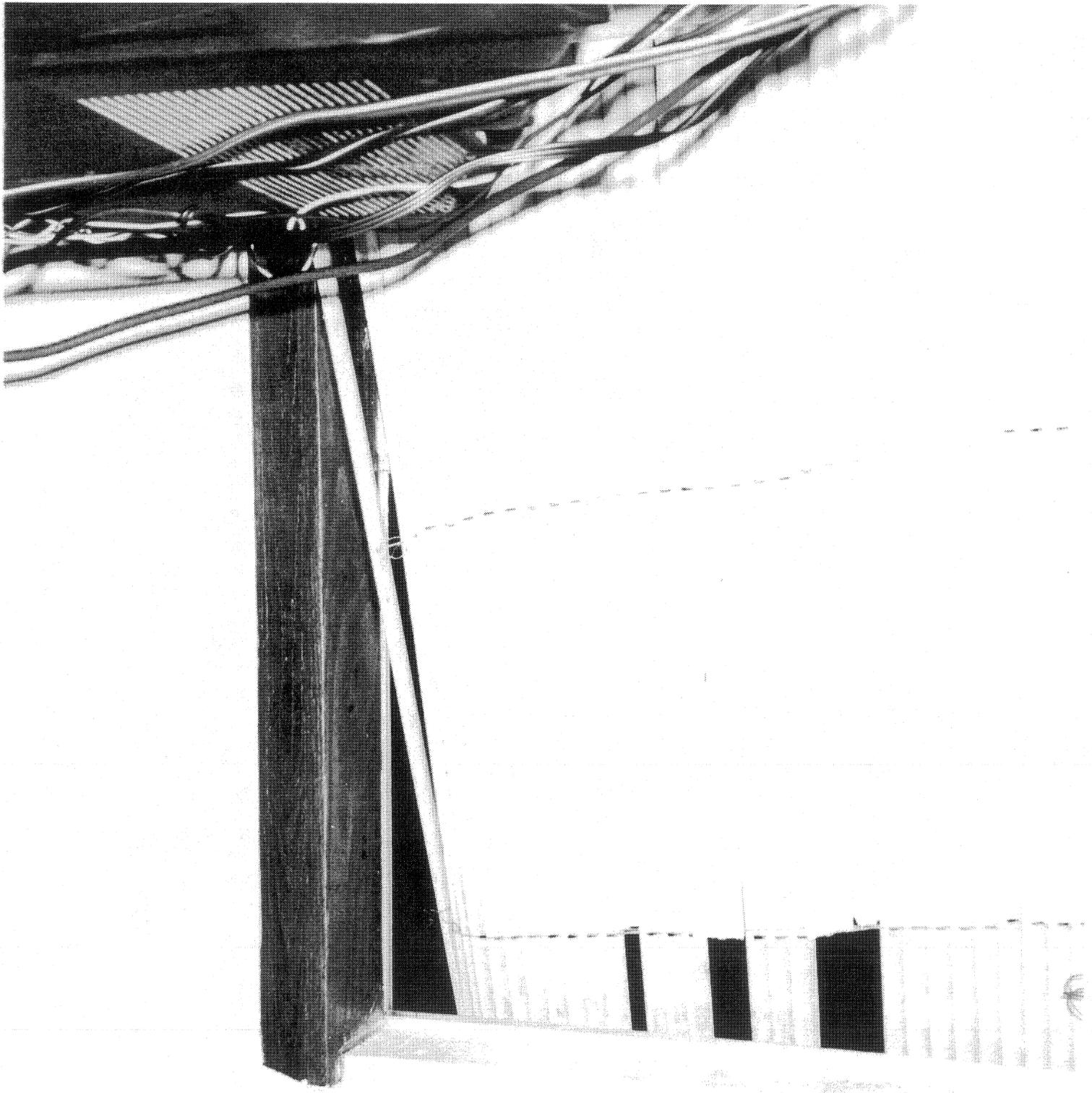


STATE EXHIBIT

36

10



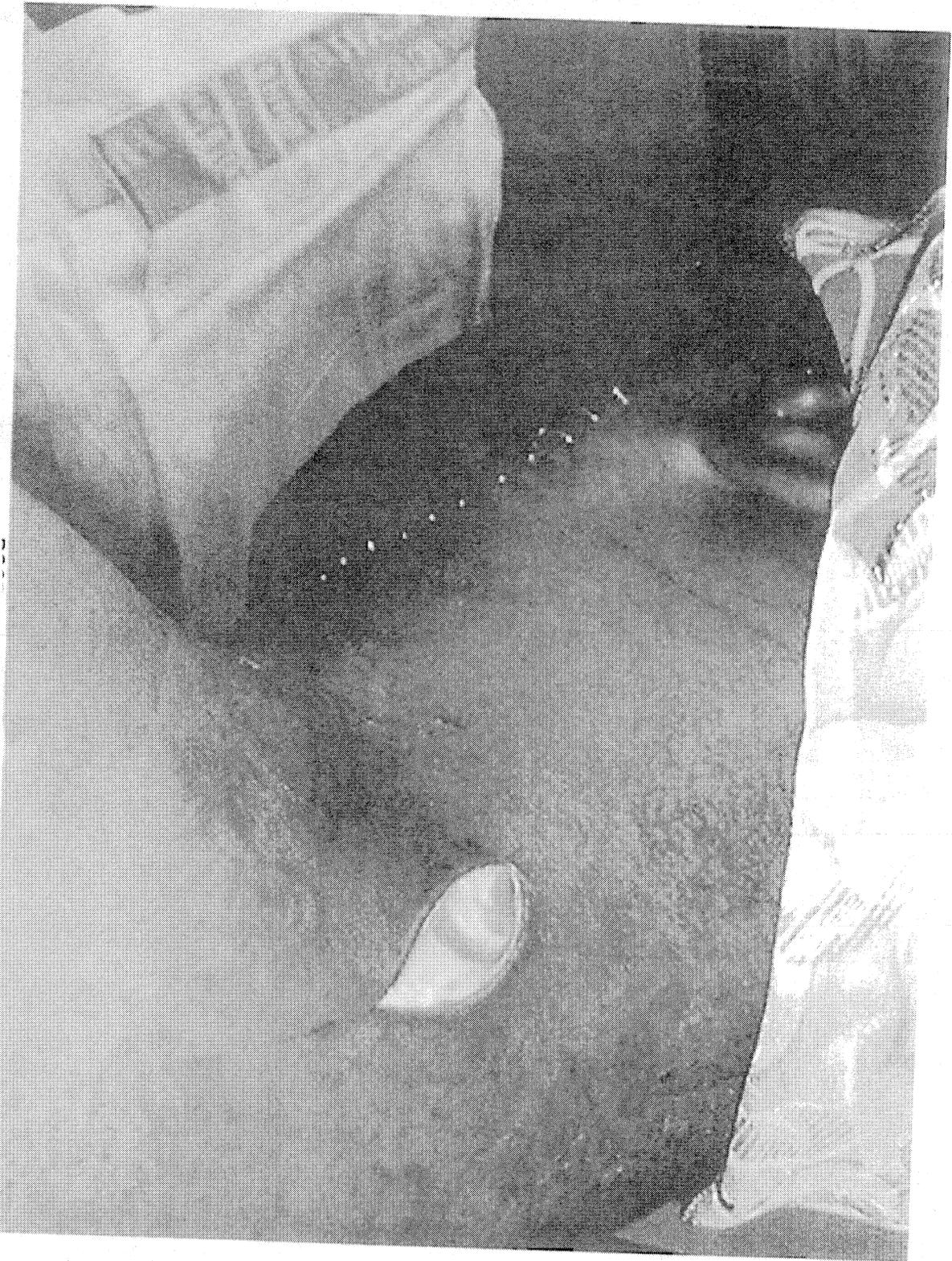


STATE EXHIBIT 29

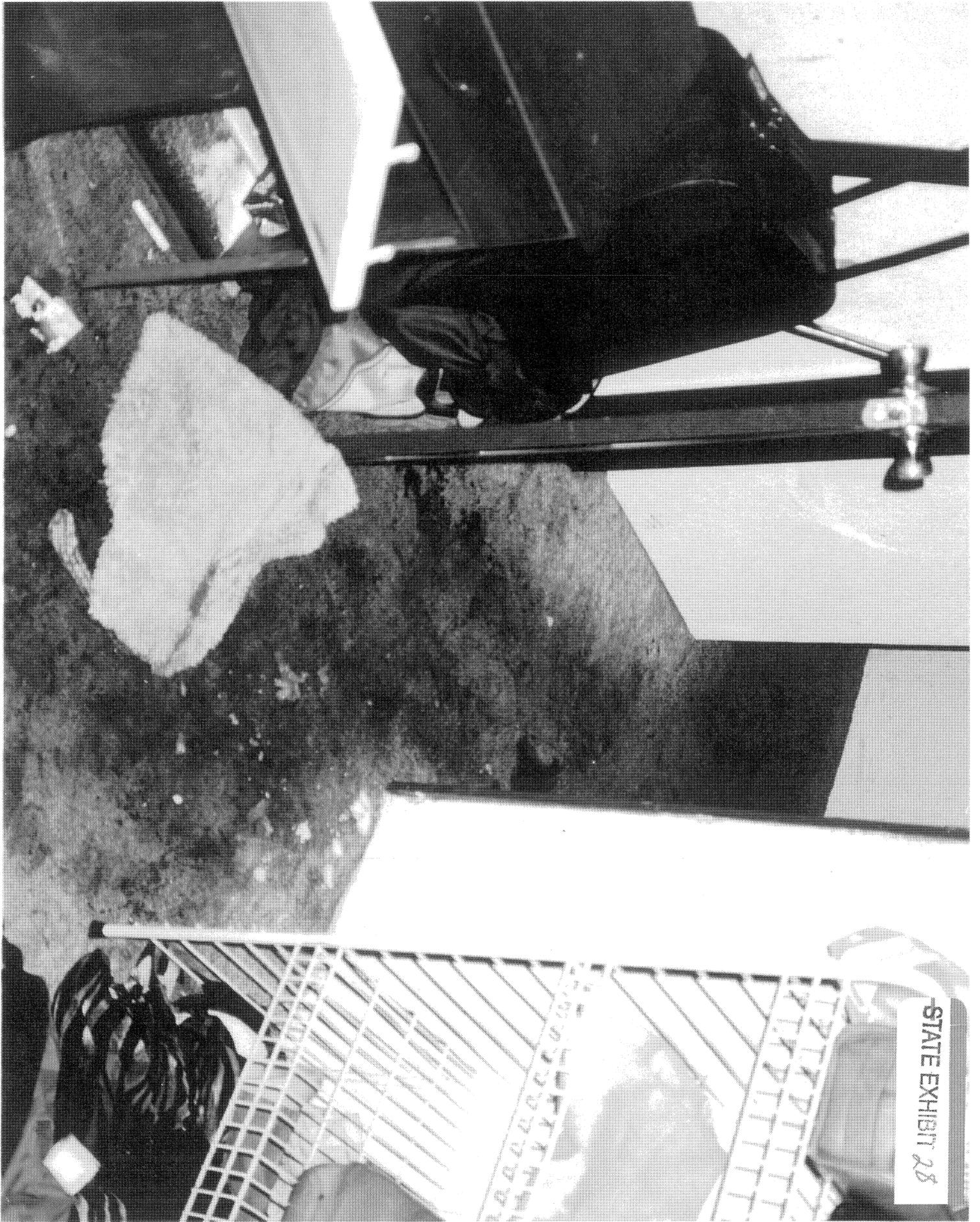


STATE EXHIBIT

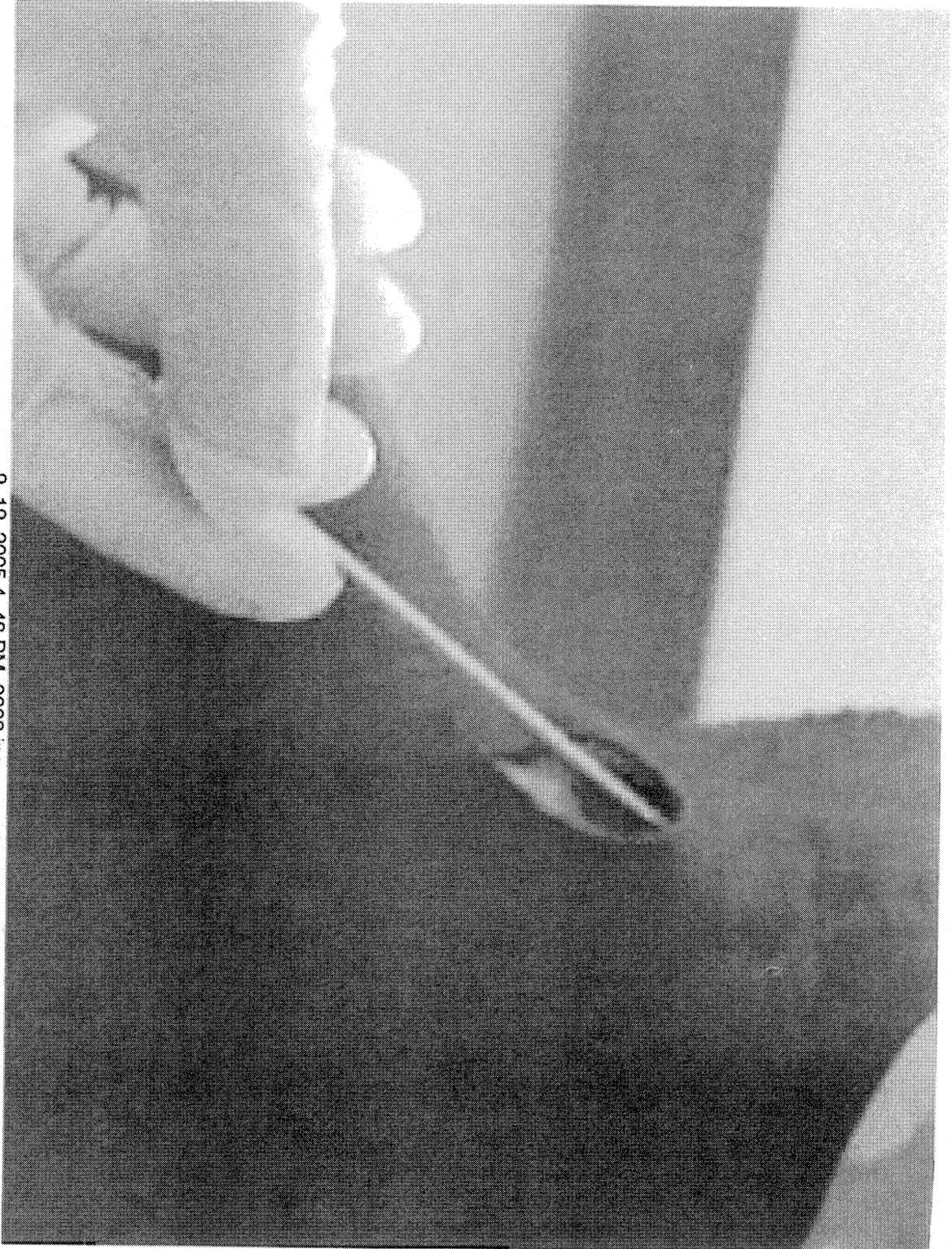
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STATE EXHIBIT 44



STATE EXHIBIT 28



9\_19\_2005 4\_48 PM\_0008.jpg

STATE EXHIBIT 47

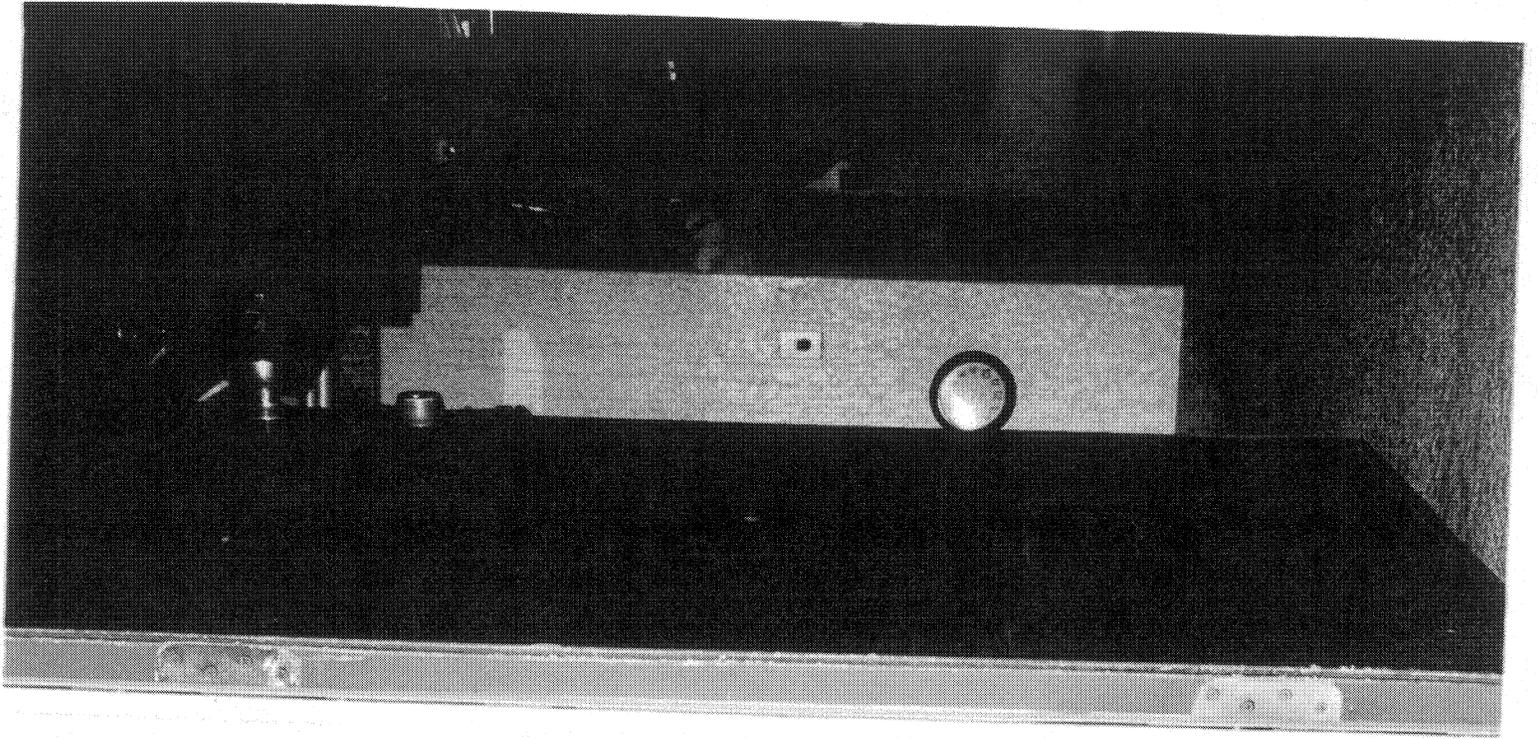


DSCF0029.JPG

STATE EXHIBIT 76



STATE EXHIBIT 46



103

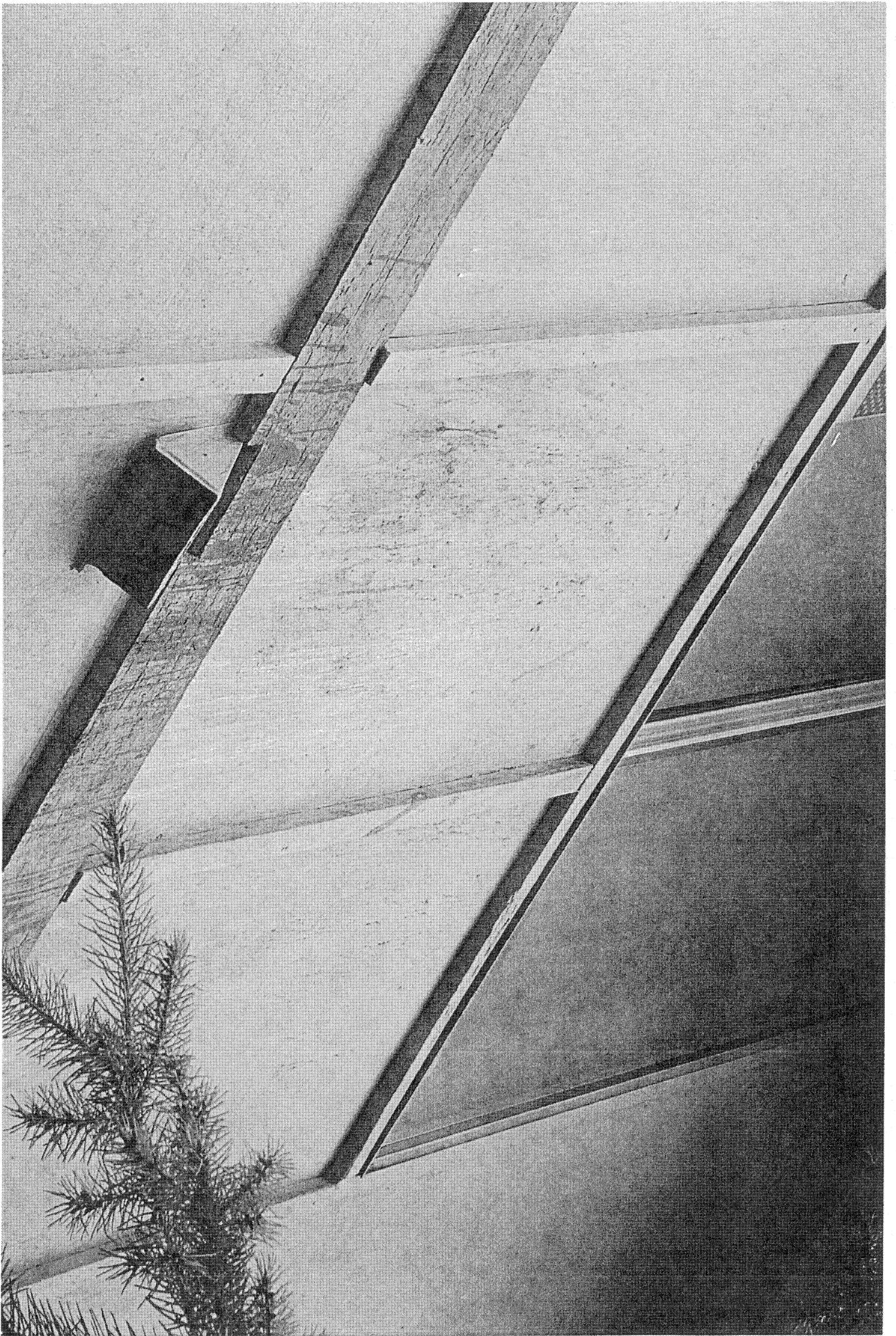
STATE EXHIBIT

31

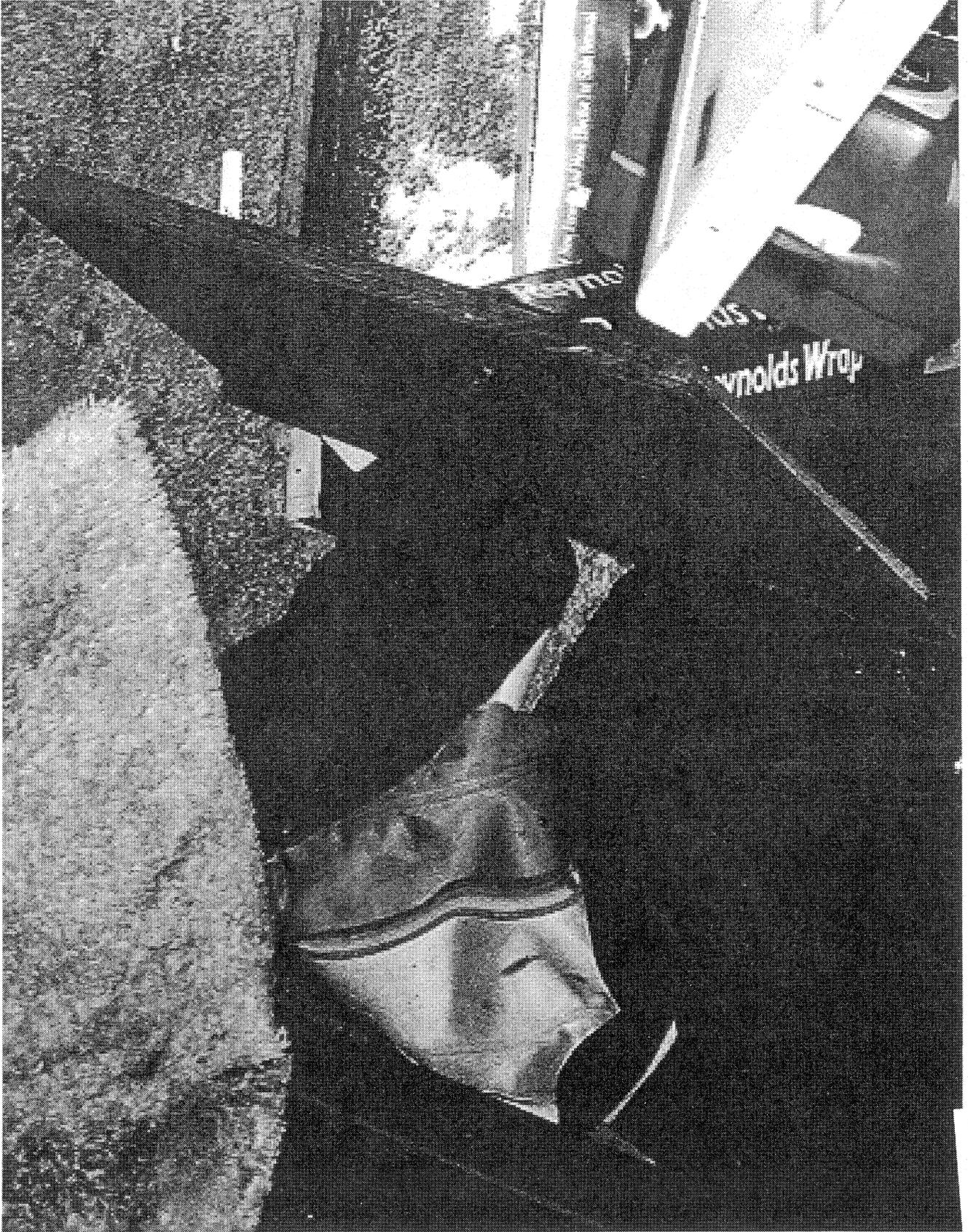




STATE EXHIBIT 37 -





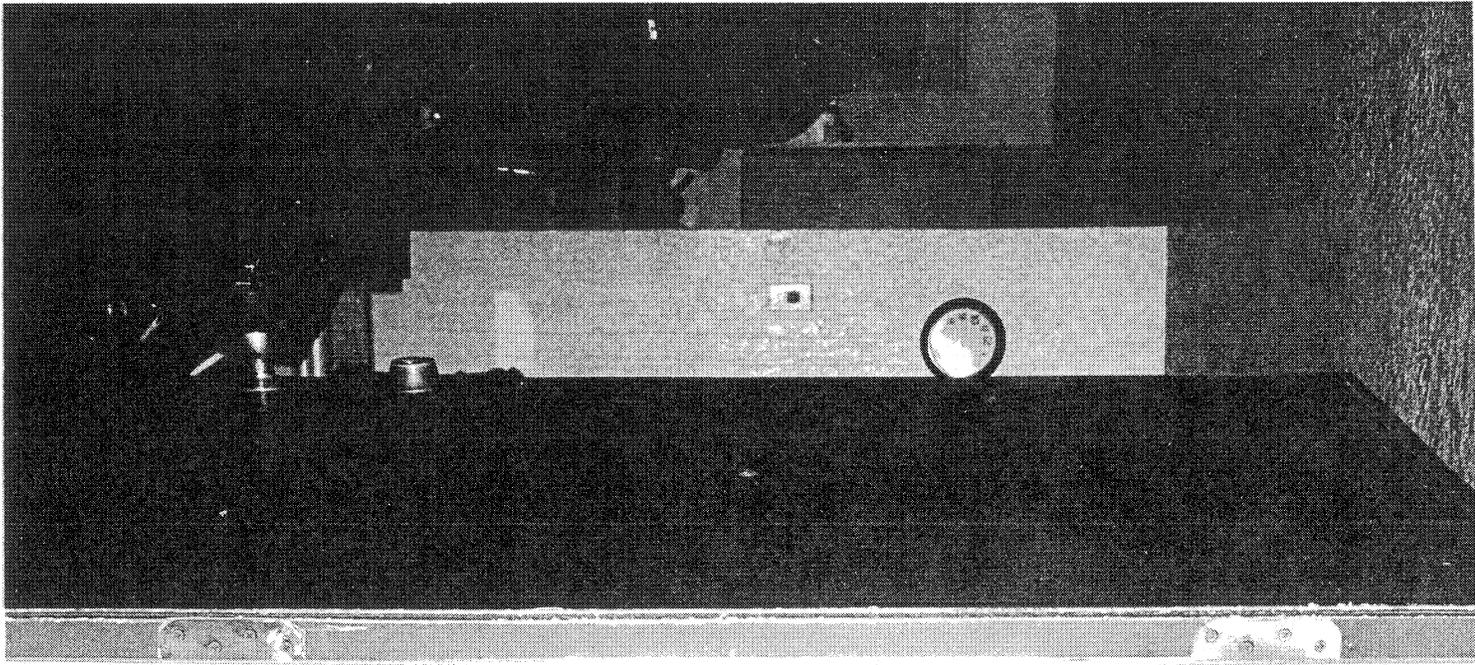


STATE EXHIBIT 17



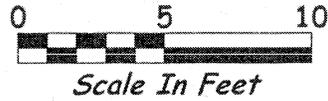
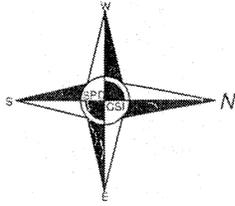






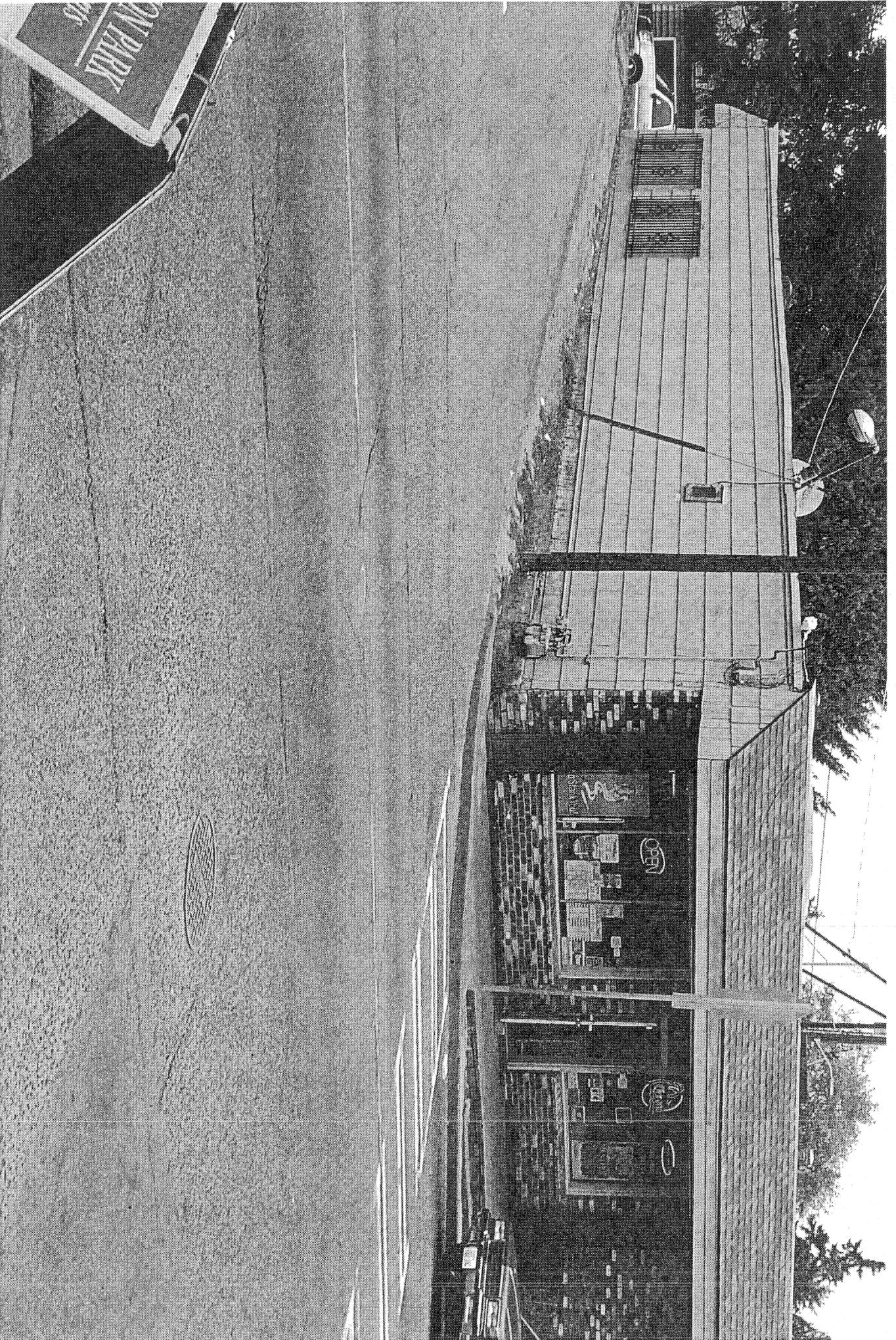
103

10500 51st Ave. S. Apt. #301  
Seattle, WA. 98178-2159

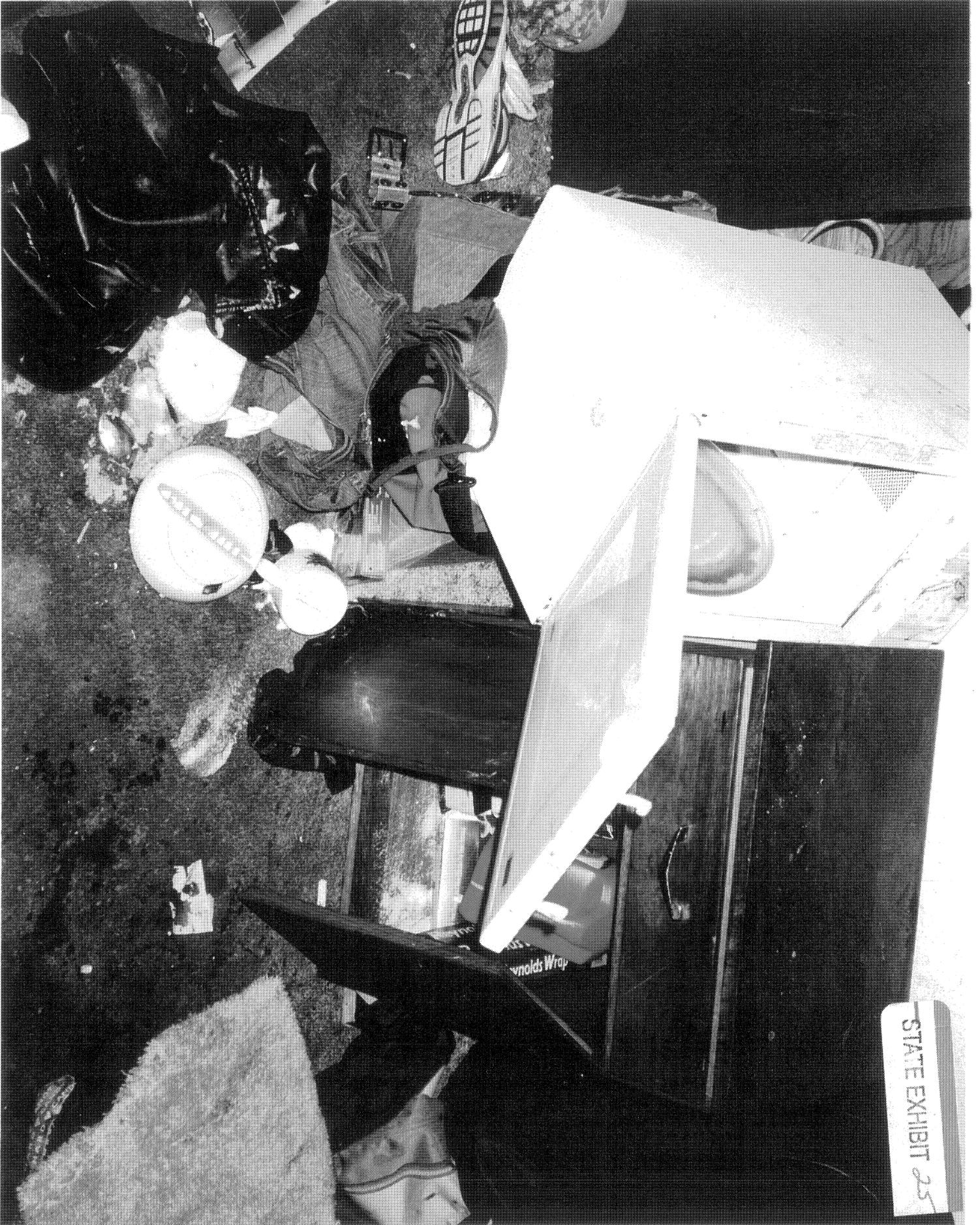


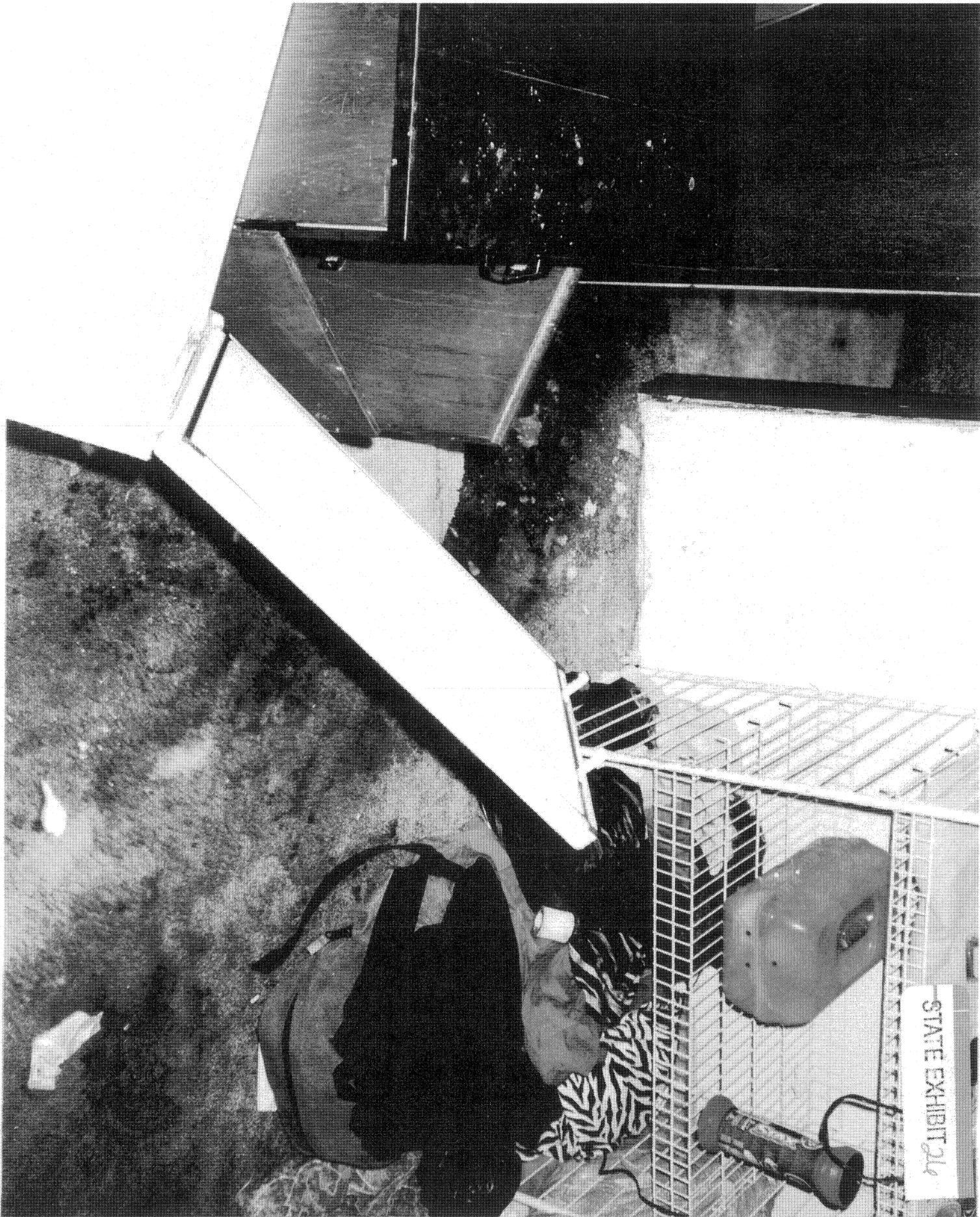
**CSI** Seattle Police Department  
Crime Scene Investigation Unit

SPD Case:	05-395573	CSI File:	06-1298
Aggravated Assault			
Drawn By:	Det. M. Hanf #4735	Date:	11/08/06
Approved By:	Sgt. M. Hay #4389	Date:	11/08/06
Drawing Title:	Scene Diagram		



STATE EXHIBIT 8





STATE EXHIBIT 24





DEFENDANT EXHIBIT

123

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MAPQUEST.

An AOL Company

★ 10500 51st Ave S

Seattle, WA 98178-2101, US

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STATE EXHIBIT (2)



Willie  
King County Correction Center  
500 5th Avenue  
Seattle WA 98104



SEATTLE P&D

02-29-08 18:23:26



BA 20160041211

TO: Honorable Judge Palmer Robinson  
King County Courthouse Rm 158-835  
516 3rd Ave  
Seattle, WA 98104

Superior Court of the State of Washington  
For the County of King

Palmer Robinson  
Judge

King County Courthouse  
516 Third Avenue, E835  
Seattle, Washington 98104

March 5, 2008

Mr. James M. Womack  
Attorney at Law  
2001 6th Ave Ste 1707  
Seattle, WA 98121-2536

Ms. Jessica Berliner  
Deputy Prosecuting Attorney  
516 Third Avenue #554  
Seattle, WA 98104

Mr. Daniel Kalish  
Deputy Prosecuting Attorney  
516 Third Avenue #554  
Seattle, WA 98104

Re: **State of Washington v. McCoo**  
King County Cause #05 1 13048 9SEA

Counsel:

Enclosed please find a copy of a "Motion to have this Information put on the Record." that court received from Mr. McCoo on March 3, 2008. Mr. McCoo is being represented by counsel and it is not appropriate for me to respond and I do not intend to do so. Accordingly, I am filing Mr. McCoo's motion in the court file without any action being taken.

Very truly yours,



Palmer Robinson  
King County Superior Court Judge

PR: cdc  
Enclosure  
cc: Mr. Willie McCoo

**FILED**  
KING COUNTY, WASHINGTON

MAR 06 2008

SUPERIOR COURT CLERK  
BY TANNER M. COLE  
DEPUTY

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

STATE OF WASHINGTON

Plaintiff/Petitioner,

vs.

Willie McCoo

Defendant/Respondent.

NO.

05-1-13048-9

SEA  
 KNT

Correspondence

is attached.

RECEIVED

MAR 3 - 2008

JUDGE PALMER ROBINSON  
K.C. SUPERIOR COURT

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

STATE OF WASHINGTON  
PLAINTIFF

NO. 05-1-13048-9 SEA  
12-28-08

VS.

WILLIE J. MCCOO JR,  
DEFENDANT

MOTION TO HAVE THIS  
INFORMATION PUT ON THE  
RECORD.

Comes now Willie J. McCoo Jr. defendant in the above entitled action who is defending himself against the state and his attorney Mr. James Womack who is in bed with the state and has been all throughout and long before my trial and conviction moves this court to put the following information on the court records.

For this case my attorney Mr. James Womack has been pretending to be doing his job as my attorney while all the while what his goal actually was was to use all his long years of P.I.

experience and schooling to railroad me and make fools and suckers and victims of injustice cloaked as justice out of me and my family. I'm going to try to make my points: Your honor as quickly as a dare and than try to stop all the memories of how this man betrayed my trust and played me for his own personal <sup>p</sup>ool and took my case which has always been strong in my eyes and intentionally, deliberately, and professionally weakened it just enough for the prosecution to gain a conviction, because his betrayal of me and the huge injustice of his betrayal to me and my family makes me sick and very very very sad. By not properly defending me this man who I know for a absolute <sup>f</sup>act is absolutely guilty of exactly what I'm saying he's guilty of. He's a chameleon. What I mean by that is he played judge jury, Seattle Police, prosecuting attorney and lawyer. Some attorneys need to be one kind of attorney, because I was forced to sit and watch and experience the horror and helplessness of watching my very dishonorable, lying lying lying and forever lying just a little bit more attorney morph into all those things during my trial. Is he out of his natural mind? During his questioning of the states witnesses / cross examination of the states witnesses, this straight up

friend of a dirty rotten to the core defense  
who can't separate his duty as a pro-temp  
judge from his job as (at least a pro-bono)  
defense attorney actually placed me in the  
neighborhood that the alleged crime allegedly  
occurred on the date in question! To my all  
out horror! I couldn't believe it and I  
couldn't do nothing about it, because one of  
the dirty rotten scandalous professional dirty  
trick that this so-called defense attorney used  
on me is that he would hand me a pad and  
pen and tell me to write down notes which  
he would act like he was considering what  
I was writing down but it was all just a  
act, a show, he didn't care one bit how  
potent and important my notes were because  
the mans true aim was to see me convicted  
and Mr. Wamack the next time you look into  
my face remember that I KNOWWWWW  
Sir that you're a dirty dirty dirty rotten  
lawyer and there for could not possibly be  
a honorable judge, but only projecting the  
outward image of being honorable. Anyway,  
during cross examination Mr. Wamack gave  
credit to the state perjurious eye witnesses  
'stories / lies by basically and for all in-  
tents and purposes placing me on the scene on  
the date in question! He would ask the

witness a question something like this. Q.

When Willie out the store what was he doing, or drinking or whatever. The point is that my attorney did ask the witness

! When Willie allegedly came out the store what did he allegedly do next? And he didn't clean it up in closing either because to the best of my memory he didn't clean up this gross mistake in closing argument either! In fact what I

believe the man did was place me on the scene again during closing giving credit the states lying alleged I witnesses

! How in the Wide World of Sport would Mr. Womack know if I was at Bobs Market or not? How could Mr. Womack if I did anything or not in the neighborhood of the

Creston apartment building on the night in question? Mr. Womack failed to point out

to the jury the the alleged victim claimed/ testified that she didn't know the name of

Bobs Market, and that Bobs Market is a little store that might be a little over 45 feet away from the apartment house she

live in for months and he didn't point out (as any reasonably intelligent defense attorney

would have who was serious about is obligation to his client) that months before

moving in with the Greens that Tammy Joiner lived for months in her own apartment with her kid immediately next door to the Greens / the apartment in question so how on earth could she not know the name of the little neighborhood store?

More over Mr. Womack fail outright and totally to use the transcripts from the first to trials to impeach this perjurer! Those transcripts are legal and binding!

In each trial the first and the second Joiner / the alleged victim talked about Bobs Market, used the name Bobs Market to describe Bobs Market several times or more in each trial. Yet Mr. Womack didn't use the transcripts to check this lie from her and he didn't use the transcripts to check and make clear many many other a lot of other extremely significant lies that she told, because that one was significant, but it was only the extreme tip of the ice burg! Note: The glacier that he refused to touch in my defense and you can believe I pointed this out to Mr. Womack as soon as he got back to the defense table after that questioning. Yes! You know it and that exactly right he not only failed to impeach her about this he

flat out refused to do it. For God sakes  
the Joiner girl testified in trial one that  
I carried three and four knives on me at  
all times. She said / claimed under freakin'  
oath that I carried one knife in a "side"  
pocket of my jeans. (I want even mention  
the fact that I never in my life owned  
the type of painter pants type jeans  
that she discrible) She also testified  
that at the sametime / the date in quest-  
ion that I had one in my back pocket,  
one for goodness sake in my "sock" and  
one in my "shoe". My shoe. No reasonable  
person is going to believe that that  
somebody is actually going to be walking  
around with a knife stuffed down inside  
his or her tennis shoe! That's totally  
perposterous. This lie is extremely obvious  
it stands all on it's own. By that I mean  
it doesn't need 4 5 and 6 I witnesses to  
prove that it's perjury in a juries eyes!

It's perjury plan and simple committed  
by the states chief allegeded I witness  
and a lie of any type from her and any  
inconsistences would by very important to  
the defense, but this lie is pricelessly  
valueable to because she lying about the  
weapon that is the assumed means of this

P.L

whole entire super super bogus assault and charge and conviction against me. My totally bunk attorney Mr. James Womack failed to use the availability of the legal and binding trial transcripts to impeach Joiner about this despite the fact that I pointed this whole thing out two him at least 6 times before trial started. Aint nobody going to put even a pair of small fingernail clippers inside their tennis shoe between the shoe and a sock foot and take more the 2 or 3 steps without taking it out after hopping on one foot from the bite of the thing up against the bones of the foot. Not to mention a six or seven inch long folding knife of any type or make. Yeah. This is extremely exculpatory and yeah Mr. Womack knew all about it and simply refused do his job for his broke, poor, pro-bono client Willie J. McCoo Jr. The man straight flatout told me to my face when I ask him why he did come to visit me after he promised he would that he had paying clients to deal with. I don't need to make up lies on this professional pretender. The facts speak loud and clear as a bell. Note: My attorneys friends the prosecutors involved in this case never directed Tammy Joiner

P. 7

the alleged victim to correct her obvious lie / untruth about allegedly not knowing what the name of the little store across the street is as it is their job and duty to do so. They just let it ride when they could not have possibly have failed to recognize their witness lie immediately and instantly after it was told. Oh yes! There is so so so much more that I would like to put inside this motion but it's 5:00 am I've been writing since 11:00 pm and I want this to make it in the mail so I'm about to try to rush it.

OK, long before my last trial started I told my pretender Mr. Womack that I thought that he should obtain a copy of my property sheet from my 2005 arrest that accrued seven days before the date in question to prove to the jury that the alleged victim Tammy Joiner was lying when she testified in trial one that I carried multiple knives at all times. Mr. Womack being every last bit of what I'm saying he is told me after that the property sheet was irrelevant and did not take the fundamental step that any reasonable

complaint attorney would have taken in the defense of his client and did not obtain this important evidence to use in my trial to impeach the so-called victim. So therefore I could not have gain the evidence of the property sheet before trial or during my last trial to use in that trial because my attorney refused to deal with it in the exact manner that I've just pointed out! The booking sheet not only impeaches the so-called victim but it impeaches the SPD as represented by patrol Officer Villanueva who committed first degree felony perjury in my last trial by testifying under oath to the jury who convicted me that I was wearing a blue jean jacket when he arrested me a week before the date in question! Look at the sheet! No Knife no freakin jean jacket and the jean jacket is also very significant because suppose to be taken by the jury to be the jacket that Joiner claimed I was wearing

underneath the patched jacket  
in evidence and the other reason  
why the DA coached Officer  
Villanueva into telling that  
lie was to trick the jury  
into think that Ishmond simply  
got that jean jacket confused  
with the patched jacket that  
she could not have possibly by  
no stretch of the imagination  
have see me or anybody else  
fleeing the scene wearing on  
the date in question. I'm simply  
not your sukka Mr. Womack  
I just look this way! You burnt  
my by intentionally and deliberat-  
ely by leaving the back door  
upon for the prosecution and  
you forsure know it! You  
may can fool judge Robinson, but  
you sick disturb person you  
know I know that you know  
what you did to me and my  
family!

It is my fundamental right of the constitution of the United States and states in the 14th Amendment that 'noone' be denied life liberty or property in any court of law in the US and to be 'guaranteed' a fair trial by an 'impartical' Jury or Judge. Comes now 'if there's a conflict of interest between me and my attorney and ineffective assistance of counsel I will not have full representation which in turn violates my 6th Amendment rights that is inbeded in the 14th Amendment'.

I Willie James McCoo Jr. On 2-28-08 do declare under the penalty of perjury of the law of the state of Washington for King County that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted by Willie J. McCoo Jr.  
X Willie McCoo.

KING COUNTY DEPARTMENT OF ADULT DETENTION

Appellant's Exhibit 501

PROPERTY FORM

INMATE PROPERTY

I- 974788

McCoo

NAME (LAST, FIRST, M.I.)

Willie

BIA #

McCoo, WILLIE

2050 35103

DATE	SEX	RACE	D.O.B.	BIN	BAG	SEALED VALUABLE #	TRANSFER DATE	INITIAL
	M	B	12-07-05		17	25A		

Cash Received At Booking: \$ 0 Booking Off. #:

ITEM	QTY.	DESCRIPTION	VER.	ITEM	QTY.	DESCRIPTION	VER.
CHECKS / M.O.S.				HAT / CAP			
VALUABLE CURR. / COIN				SHIRT / BLOUSE	1	WHT	
CHECK / SAVINGS BOOK				SWEATER / SWEATSHIRT			
CASHIER / TRAV CKS.				T-SHIRT / KNIT SHIRT			
FOREIGN CURR. / COIN				SHOES / BOOTS			
FOOD STAMPS				TENNIS SHOES / OTHER	2	TAN	
MEDICAL COUPONS				PANTS / SLACKS			
POSTAGE STAMPS				JEANS / OTHER	1	BLU	
MAJOR CC		VISA		DRESS / JUMPER			
		MASTER CHG.		SKIRT / CULOTTES			
WALLET				SUIT		2 PC.	
PURSE / HANDBAG				SUIT		3 PC.	
PASSPORT				TIE / SCARF			
I.D.	2	(1) WA (1) DC		COVERALLS / OVERALLS			
PENS / PENCILS				WARM-UPS			
KEYS	1			COAT / JACKET			
LIGHTER				OVERCOAT / RAINCOAT			
WATCH		Y / M W / M OTHER		VEST / BOLERO			
NECKLACE		Y / M		SHORTS / SWIMWEAR			
		W / M		BELT / SASH	1	BLU	
		OTHER		SUSPENDERS			
BRACELET		Y / M		GLOVES / MITTENS			
		W / M		BRIEF / ATTACHE CASE			
		OTHER		BOXES			
EARRINGS		Y / M		SACKS			
		W / M		PAPERS			
		OTHER		BOOKS			
RINGS		Y / M		MISC.			
		W / M					
		OTHER					
GLASSES		CLEAR DARK					
MEDICATION							
KEYS							
KNIFE							
				PROPERTY IN EVIDENCE		YES NO	
				AGENCY			

I RECEIVED MY ORIENTATION HANDBOOK AT BOOKING: THIS IS AN ACCURATE RECORD OF MY PROPERTY:

*[Signature]*  
(INMATE'S SIGNATURE)

AT RELEASE: I ACKNOWLEDGE RECEIPT OF MY PROPERTY:

*[Signature]*  
(INMATE'S SIGNATURE)

CLAIM MISSING ITEMS:

*[Signature]*  
(INMATE'S SIGNATURE)

X *[Signature]*  
(BOOKING OFFICER'S SIGNATURE)

X  
(WITNESS)

X  
(PROPERTY OFFICER)

X  
(WITNESS)

DATE TIME

Proof of Knowledge of property sheet before trial

# Service Request Kite



Name Willie McCoo

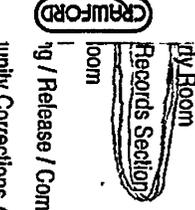
BA# 2N150441

Date 1-19-08 Time 10:00 pm

Location FALB-7

Mark one (1) recipient per kite from the list below:

- Officer
- Sergeant
- Commissary
- Inmate Funds/Accounts
- Library
- Legal Materials Service
- Corrections Program Administrator (CPA)
- Recreation
- Programs Office
- Veterans
- School / Education
- Chaplain / Religious Services
- Food Services
- Pre-Trial Services -  County  Seattle



Room  
ing / Release / Commitments / ITR

Community Corrections (MER Work Release, EHD Electronic Home Detention, Work Crew, and Day Reporting)

Print your request or change of emergency contact name and phone number.

How much is it going to cost me for one copy of my property sheet / list from my case 2005 booking and how do I go about arranging the payment?

The Parkland PAPERWORK FOR ZODS HAS BEEN ARCHIVED IT MAY TAKE A WHILE TO TRACK IT DOWN. YOU MAY BE SOLICITING BEFORE WE CAN HAVE IT SENT TO US. THE FEE WOULD BE \$15. YOU SHOULD HAVE RECEIVED A COPY BACK THEN.

Do not use this Kite for Medical Issues (Use a PINK Kite for Medical Service requests)  
KCODAID F-530 Front (Rev. 4/07)

Date \_\_\_\_\_

Directions: Twist dial to raise product and apply as needed. No underarms. Replace cap after use. Cautions: Do not apply to broken skin. Irritation or rash develops discontinue use. Ingredients: Propylene Glycol, Deionized Water, Sodium Bicarbonate, Fragrance, Tricosol, FD&C Blue #1, FD&C Yellow #5. Manufactured for Crawford Supply St. Louis, MO 63132 Made in Canada

ALCOHOL FREE

CAUSE NO. 05 - 1 - 13048 - 9 SEA



**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER	05-395573
UNIT FILE NUMBER	H05-

That David W. Duty is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 05-395573;

There is probable cause to believe that McCoo, WILLIE J. Jr (B-M-12/7/69) committed the crime(s) of ASSAULT.

This belief is predicated on the following facts and circumstances:

On 9/15/05, at approximately 0105 hours, Tammy Joiner reports that she was attacked and stabbed repeatedly by an acquaintance, Willie J. McCoo, at the Creston Park Apartments at 10050 51<sup>st</sup> Ave S. in the Skyway area of Seattle. Ms. Joiner later related that she had been with McCoo most of the day, going to his father's house in Algona, and then later going shopping with them in South Seattle. She said that she returned home and went upstairs to apartment # 301, where she is staying with two friends, Henry and Charles Green. She says that she often uses the window that faces the walkway as access to the apartment, so as not to disturb her friends. Ms. Joiner says that that night, she had left some groceries inside the apartment and then went back outside to where McCoo had been talking to friends. She said she cannot recall a lot about the incident, but vaguely recalls getting into an argument with McCoo, across the street by a store where she had gone to buy beer, and mentioning some disparaging remarks about his deceased mother. Joiner said that she returned to the apartment, went back in thru the window, and then went to bed. Later she was awoken by someone assaulting her with a knife. She said that she had her arms up to block the blows to her face, so she did not get a clear view of the attacker's face, but she did notice that he had on blue plaid jacket, similar to the one McCoo had been wearing earlier that evening. Ms. Joiner also mentioned that the knife looked like one McCoo had been waving around earlier in the day. Two different witnesses reported seeing McCoo running from the apartment building as the police were approaching. The blue plaid jacket with blood on it was later recovered from the victim's apartment and sent to the Washington State Crime Lab. Ms. Joiner was transported to Harborview Hospital where she was intubated and treated for her numerous stab wounds and lacerations. She had a near total transection of the carotid artery on the left side, four clear penetrating stab wounds including those to her left neck, chest wall, back near the clavicle, and her lips. The victim estimated that she had over a hundred staples / sutures to close the wounds / treatment that extended down from her left ear, almost one foot, to the middle of her breastbone, plus the damage to her lips, and her left arm.

This incident took place in the City of Seattle, King County, Washington.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 21<sup>st</sup> day of OCTOBER, 2005, at Seattle, Washington.

Det David W Duty # 4002

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH**

STATE EXHIBIT 87

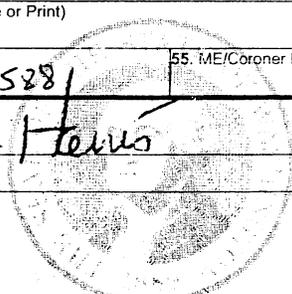
Local File Number \_\_\_\_\_ Washington State Certificate of Death \_\_\_\_\_ State File Number \_\_\_\_\_

1. Legal Name (Include AKA's if any) First Middle LAST Suffix <b>Charles Green</b>				2. Death Date <b>7-30-2007</b>	
3. Sex (M/F) <b>M</b>	4a. Age - Last Birthday <b>87</b>	4b. Under 1 Year Months Days	4c. Under 1 Day Hours Minutes	5. Social Security Number <b>538-32-6479</b>	6. County of Death <b>Pierce</b>
7. Birthdate <b>2-8-20</b>	8a. Birthplace (City, Town, or County) <b>Shady Grove</b>		8b. (State or Foreign Country) <b>LA</b>	9. Decedent's Education <b>9th - 12th grade no diploma</b>	
10. Was Decedent of Hispanic Origin? (Yes or No) If yes, specify. <b>NO</b>			11. Decedent's Race(s) <b>African American</b>		12. Was Decedent ever in U.S. Armed Forces? <b>yes</b>
13a. Residence: Number and Street (e.g., 624 SE 5 <sup>th</sup> St.) (Include Apt. No.) <b>1631 S 35th Street</b>				13b. City or Town <b>Tacoma</b>	
13c. Residence: County <b>Pierce</b>	13d. Tribal Reservation Name (if applicable) <b>NA</b>	13e. State or Foreign Country <b>WA</b>		13f. Zip Code + 4 <b>98418</b>	13g. Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk
14. Estimated length of time at residence. <b>4mth</b>	15. Marital Status at Time of Death <b>Divorced</b>		16. Surviving Spouse's Name (Give name prior to first marriage) <b>NA</b>		
17. Usual Occupation (Indicate type of work done during most of working life. (DO NOT USE RETIRED)) <b>Housekeeper</b>			18. Kind of Business/Industry (Do not use Company Name) <b>Industrial Maintenance</b>		
19. Father's Name (First, Middle, Last Suffix) <b>Rufus Green</b>			20. Mother's Name Before First Marriage (First, Middle, Last) <b>Lillie Shadrick</b>		
21. Informant's Name <b>Charlene Green</b>		22. Relationship to Decedent <b>Daughter</b>	23. Mailing Address: Number and Street or P.O. No. City or Town State Zip <b>1631 S 35th Street Tacoma WA 98418</b>		
24. Place of Death, if Death Occurred in a Hospital: <b>Inpatient</b>			Place of Death, if Death Occurred Somewhere Other than a Hospital		
25. Facility Name (If not a facility, give number & street or location) <b>Tacoma General Hospital</b>			26a. City, Town, or Location of Death <b>Tacoma</b>	26b. State <b>WA</b>	27. Zip Code <b>98418</b>
28. Method of Disposition <b>Burial</b>		29. Place of Final Disposition (Name of cemetery, crematory, other place) <b>Tahoma National Cemetery</b>		30. Location-City/Town, and State <b>Kent, WA</b>	
31. Name and Complete Address of Funeral Facility <b>Southwest Mortuary Inc. 9021 Rainier Ave S- Seattle, WA 98118</b>				32. Date of Disposition <b>8-07-07</b>	
33. Funeral Director Signature X <i>[Signature]</i>					

Part 1 completed by Funeral Director

34. Enter the <u>chain of events</u> - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Add additional lines if necessary.					
IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. <b>Luekemia</b>					Interval between Onset & Death
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST b. <b>Acute Renal Failure</b>					Interval between Onset & Death
c.					Interval between Onset & Death
d.					Interval between Onset & Death
35. Other significant conditions contributing to death but not resulting in the underlying cause given above				36. Autopsy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	37. Were autopsy findings available to complete the Cause of Death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
38. Manner of Death <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Undetermined <input type="checkbox"/> Suicide <input type="checkbox"/> Pending		39. If female <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Not pregnant, but pregnant within 42 days before death <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year		40. Did tobacco use contribute to death? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
41. Date of injury (MM/DD/YYYY)	42. Hour of Injury (24hrs)	43. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)		44. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	
45. Location of Injury: Number & Street: _____ Apt. No. _____ City or Town: _____ County: _____ State: _____ Zip Code+ 4: _____				47. If transportation injury, specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Pedestrian <input type="checkbox"/> Passenger <input type="checkbox"/> Other (Specify)	
46. Describe how injury occurred			48a. Certifying Physician - (Provide only knowledge, training, number of the time, name, and date and title of the physician who performed the autopsy.) <b>X</b>		
48b. Medical Examiner/Coroner - (Provide only knowledge, training, number of the time, name, and date and title of the person who performed the autopsy.) <b>X</b>			49. Name and Address of Certifier - Physician, Medical Examiner or Coroner (Type or Print) <b>Pasternak, Keith - 315 MLK Jr WY -Tacoma, WA 98405</b>		
50. Hour of Death (24hrs) <b>0525</b>				51. Name and Title of Attending Physician if other than Certifier (Type or Print)	
52. Date Signed (MM/DD/YYYY) <b>08/02/2007</b>				53. Title of Certifier <b>MD</b>	
54. License Number <b>MD000365281</b>		55. ME/Coroner File Number		56. Was case referred to ME/Coroner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
57. Registrar Signature <b>X</b> <i>Victor A. Harris</i>				58. Date Received (MM/DD/YYYY) <b>AUG 06 2007</b>	
59. Amendments					

Part 2 completed by Certifier



Affidavit for Correction

Center for Health Statistics
P.O. Box 9709
Olympia, WA 98507-9709
(360) 236-4300

STATE OF WASHINGTON v. McCoo
FOR IDENTIFICATION ONLY

This is a legal Document. Complete in ink and do not alter.

STATE OFFICE USE ONLY

State File Number: 05-1-13048 Fee Number: Initials: Date: Affidavit Number:

Use the section below for requesting any changes on the record.

Record Type: Birth Death Marriage Dissolution

1. Name on record: 2. Date of Event: 3. Place of Event: (City or County)

4. Father's Full Name (For Birth): (Husband for Marriage or Dissolution) 5. Mother's Full Name (For Birth): (Wife for Marriage or Dissolution)

The Record is Incorrect or Incomplete as follows:

6. The Record now shows: 7. The True fact is:

8. 9.

10. 11.

12. 13.

14. I represent the person as: Self Parent Guardian Informant Telephone Number:
Funeral Director Other (Specify)

I declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

15. Signature: 16. Date: 17. Address:

All vital records are registered as received. An item may be changed by affidavit only once. Subsequent changes must be made by court order. The incorrect certificate must be returned within one year of the date it was issued to receive a replacement copy free of charge.

All changes must be established by documentary proof submitted with the affidavit

Table with 3 columns: Examples of documentary proof, Medical Record, School Record. Includes items like Certificate of Naturalization, Hospital Records, Insurance Records, Marriage/Divorce Records, Military Record (DD-214), Birth Record, Passport, Voter's Registration Card, Alien Registration Card.

Birth Certificates:

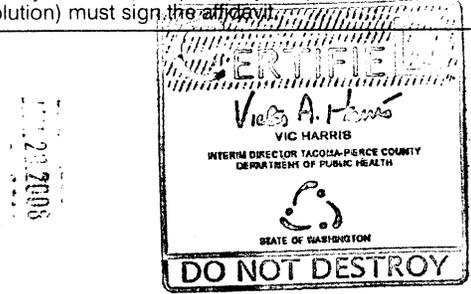
- 1. Only a parent, legal guardian (if the child is under 18), or the adult themselves (if 18 or older) may change the birth certificate.
2. The proof(s) must match exactly the asserted true fact(s).
3. Proof must be five (or more) years old or have been established within five years of birth.
4. Up to age one, the parent(s) or legal guardian may change the child's last name with an affidavit for correction, provided:
- This is a one time only change.
- The new last name may be the mother's maiden name or father's name.
5. Parent(s) may change their child's first or middle name by completing and signing an affidavit for correction (until their child's 18th birthday).
6. This affidavit cannot be used to add a father to a birth certificate. (Use the paternity affidavit - form DOH/CHS 021)

Death Certificates:

- 1. Only the informant, the funeral director, or executors/administrators (if evidence confirming such position is presented) may change the non-medical information.
2. The medical information (cause of death) may be changed only by the certifying physician or the coroner/medical examiner.
3. If it is less than sixty days from date of death please contact the county health department where the death occurred to make changes.

Marriage/Dissolution (Divorce) Certificates:

- 1. Personal fact(s) (minor spelling changes in name, date or place of birth or residence) may be changed by affidavit (with proof) by the person.
2. To change the date or place of marriage or dissolution, the officiant (marriage) or clerk of court (dissolution) must sign the affidavit.



**FILED**  
KING COUNTY, WASHINGTON

JAN 28 2008

SUPERIOR COURT CLERK  
BY TANNER M. COLE  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

WILLIE MCCOO,

Defendant,

No. 05-1-13048-9 SEA

STATE'S TRIAL MEMORANDUM

I. CHARGES

The defendant has been charged with Count I Assault in the First Degree – Domestic Violence with a deadly weapon enhancement. This is the third trial on the case, with the two previous trials resulting in mistrials (hung juries). The Honorable Michael J. Fox presided over the first trial; the Honorable Linda Lau presided over the second trial.

II. TIME ESTIMATES

This trial should last approximately two weeks, including pretrial motions and jury selection.

III. POTENTIAL WITNESSES

Although the State reserves the right to present any relevant witnesses at trial, the State

1 anticipates the following witnesses may testify at trial:

- 2 1. Tammy Joiner
- 3 2. Sweetie Eshmon
- 4 3. Sonya Oatis
- 5 4. Henry Green
- 6 5. Charles Green (deceased, will be requesting to read his testimony from prior trial)
- 7 6. Shenshay Hollingsworth
- 8 7. June Johnson
- 9 8. SPD Officer David Bauer
- 10 9. Former SPD Officer Steve Villanueva
- 11 10. SPD Officer Cameron Probst
- 12 11. SPD Officer Chris Johnson
- 13 12. SPD Officer Stephen Smith, Jr.
- 14 13. SPD Detective David Duty
- 15 14. SPD Detective Dana Duffy
- 16 15. SPD Detective R. Moore
- 17 16. Dr. Eileen Bulger
- 18 17. Dr. Ted Kohler
- 19 18. Dr. Ted Tostenrod
- 20 19. Paramedic Bryan Smith
- 21 20. Katherine Woodard, WSPCL
- 22 21. Terence McAdam. WSPCL

#### 13 IV. FACTS

14 In the summer of 2005, Tammy Joiner stayed at the Crescent Park Apartments in Seattle,  
15 in Apartment 301. The apartment was rented by an elderly gentleman, Charles Green. (Mr.  
16 Green is now deceased.) That summer, Mr. Green's nephew Henry Green and his grandson,  
17 Anthony Green, also stayed at his apartment. Ms. Joiner was Anthony's girlfriend until he went  
18 to jail for a probation violation stemming from a domestic violence charge in which Ms. Joiner  
19 was the victim. Other people also "crashed" at the apartment from time to time.

20 The Crescent Park Apartments is known as a high crime area, particularly for drug  
21 dealing. In fact, Anthony Green sold drugs from the window of his bedroom in Apartment 301.  
22 People often went in and out through the window so not to disturb Mr. Green. One resident  
23 describes it as the "window of happiness."

INCIDENT NUMBER  
05-395573

# AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

(Please print)

I, TAMMY L JOINER as: (check one)  PATIENT  PATIENT'S PARENT/LEGAL GUARDIAN  LEGAL NEXT OF KIN

hereby authorize HARBOVIEW Hb (HOSPITAL / MEDICAL FACILITY) to release the medical records information of: TAMMY L JOINER (PATIENT'S NAME)

(born 2/13/73), for the time period beginning 9-15-05 and ending 12-15-05

I understand that the purpose of this disclosure is to assist in a criminal investigation and/or prosecution. I further understand that certain health care information may be protected under State and Federal Law (42 CFR Part 2 and RCW 70.24). I reserve the right to revoke this authorization (in writing to the address below) at any time prior to the ninety (90) day expiration, except to the extent that the facility which is to release information has already taken action in accordance with it.

## INFORMATION TO BE RELEASED (check all appropriate boxes)

- SUMMARY OF MEDICAL HISTORY / TREATMENT
- RADIOLOGY RECORDS
- RADIOLOGY FILMS
- LABORATORY / DIAGNOSTIC TESTS
- EMERGENCY ROOM RECORDS
- OTHER: Photo

### ANY AND ALL RECORDS CONCERNING THESE SUBJECT AREAS:

- H.I.V./ AIDS TESTING/TREATMENT
- MENTAL ILLNESS / MENTAL HEALTH TREATMENT
- SEXUALLY TRANSMITTED DISEASES
- DRUG / ALCOHOL ABUSE TREATMENT

Health information shall be released to the Seattle Police Department. In addition, medical facility staff may discuss my medical condition and any treatment with the assigned detective or his/her designee. I understand that this authorization expires in ninety (90) days unless otherwise specified:   /  /  . Once disclosed, the recipient may not be required to maintain the confidentiality of the health care information.

[Signature]  
Signature of Witness / Translator

Det David W Duty 2002/715  
Reporting Officer Serial/Unit

9/18/05  
Date

RECEIVED  
SEP 20 2005

(FOR FOLLOW-UP UNIT USE ONLY)

(Please send medical records to:  
**SEATTLE POLICE DEPARTMENT**  
 610 Fifth Avenue, Seattle, WA. 98104-1900

ATTN: Detective DAVID W DUTY / HOMICIDE/ASSAULT Unit

Phone: (206) 634-5557 Fax# 634-5489

425800910

0 Appellant Exhibit 512

State Exhibit 97

From:

To:

Printed: 21-Sep-2005 at 04:33

Patient Admission Data & Summary

ADT Weight/Height (Review Only)

Age: 31 years 9 months 2 weeks  
 Dry Weight: 83.8 kgs 184.75 lbs Source: Bed  
 Height: ft in cm BSA:  
 Predicted Body Weight:  
 Service:  
 Alerts:

c1

Medical Demographics

Admitting Diagnosis: Stab wound to: Lt Neck, Lt Chest, FACE, LUE Forearm, Carotid  
 Mechanism of Injury: Stab wound/s

Chief Complaint/Brief History of Situation Leading up to Admission

Found by medics with L neck lacs, L forearm lacs.

Diagnoses

Date	Description
09/15/05	Near transection Lt Common Carotid with Primary Repair
09/15/05	Repair multipyl Facial Lacerations

Problem List

Date	Description	Status
09/15/05	Pain secondary to multiple stab wounds	Active
09/15/05	Potential for injury:Requires restraint for medical reasons	Resolved c2
09/15/05	Intubated to maintain airway due to swelling	Resolved c3
09/15/05	Inadequate knowledge of injuries, wound care, and activity restrictions	Active

General Demographics

Patient Admitted From: Operating Room  
 Information Obtained From: Chart  
 Patient ID Band in Place: Yes  
 Pt Property Tracking Form: Started in ER

Allergies

Allergy	Type of Reaction
Unable to screen for Latex	

Allergy Band in Place:

Event Summary

Date	Description
09/15/05	Admit from OR into ICU-H. Intubated in feild, TLC placed in OR
09/15/05	S/P Primary repair of Lt Common Carotid near Transection,
09/15/05	S/P Repair multipule Facial Lacerations, Irrigation LUE wounds

DC Plan

Plan discharge to: Plan to discharge home.  
 Assistance needed for DC: None needed, pt has adequate support  
 Current Living Situation:  
 Support after Discharge:

Patient/Family Education Needs

How patient learns best: Doing, Hearing, Reading, Seeing  
 Challenges to Learning: None  
 Primary Language: English  
 Needs Interpreter: No  
 Patient learning needs:  
 Plan of Care reviewed with:  
 Input Solicited from:

Consent Authority/Patient Rights/Legal Concerns

Is Pt. Competent?  
 Advanced Directives:  
 DPOA:

Signature: KCW1	Kimberly C. Wood, RN	ZCZ	Zinnia C. Zarsona, RN
BMS4	Elizabeth M. Schmitt, RN	TJ6	Tanya E. Jones, RN
CKM	Charles K. Mitchell, RN	KMM9	Katherine Macdonald Smith, RN

H 3 88 00 96

JOINER, TAMMY L

MC 03, 1973 F

334 7EH S 09/15/2005

UNIVERSITY OF WASHINGTON MEDICAL CENTERS  
 HARBORVIEW MEDICAL CENTER  
 SEATTLE, WASHINGTON

CHART COPY

Patient History

HMC N 0349 REV OCT 99

Page 1 of 3

From:

To:

Printed: 21-Sep-2005 at 04:33

**atient Admission Data & Summary**

Consent Authority/Patient Rights/Legal Concerns  
Legal Issues:

PER SOCIAL WORK: CONTACT THE FOLLOWING PEOPLE IN THE FOLLOWING ORDER FOR HEALTH CARE DECISION MAKING:

- 1:
- 2:
- 3:
- 4:
- 5:

**Significant Other/Family**

Name	Relationship	Telephone Number	Location
Paul Dunlap	Brother	206-841-0069	
Cleo Butler	Mother	253-826-4865	
Arthur Dunlop	Father	206-527-3118	
Christina Cobb	Sister	206-772-2682	

**Medication History - Please include complementary/alternate medications**

Current Medication	Dose	Frequency	Last Dose

**Disposition of Meds:**

**Patient Health History**

<b>Neurological:</b> Normal.	<b>Cardiovascular:</b> Normal.
<b>Pulmonary:</b> Normal.	<b>Gastrointestinal:</b> Normal.
<b>GU:</b> Normal.	<b>Reproductive:</b> Normal.  LMP:
<b>Endocrine:</b> Normal.	<b>Heme/Oncology:</b> Normal.
<b>Musculoskeletal/Skin:</b> Normal.	<b>Mobility/Home Accessibility:</b> Normal.
<b>Safety:</b> Normal.	<b>Psych/Social:</b> None.

**Pain History**

Pain on admission?:

Signature: CKM Charles K. Mitchell, RN  
TJ6 Tanya E. Jones, RN

H 3 88 00 96

JOINER, TAMMY L

C 03, 1973

F

334 7EH S

09/15/2005

UNIVERSITY OF WASHINGTON MEDICAL CENTERS  
HARBORVIEW MEDICAL CENTER  
SEATTLE, WASHINGTON

CHART COPY

**Patient History**

HMC N 0349 REV OCT 99

Page 2 of 3

09/21/2005 08:52

EMERGENCY NOTES, CONTINUED

Ortho Consult

9/14 HPI: Hand Found by medics to have multiple  
① neck lacer, & ② Forearm lacer

Taken to OR for exploration, found to have  
crushed Art injury. ② Forearm wound copiously  
irrigated

RUE

φ

LVE 2cm wound on ulnar/dorsal forearm  
approx 3 inches prox to wrist, exposed ECU

~~RUE~~ down to structures Ulna.  
superficial dorsal lacer - φ  
tendon involvement

~~LVE~~

~~Back~~ nt

~~Other~~ nt

Paid by

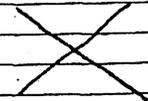
P Surg hr } out

Meds

Allergies

Soc hr

+ Cocaine



Assessment

② Forearm lacer, φ chances tendon involvement

Plan

w → D bid packing  
φ primary closure. Ulna Splint  
IV Amox x 7000 Hand - can follow

Studies

HARBORVIEW MEDICAL CENTER 206-731-3074  
UNIVERSITY OF WASHINGTON MEDICAL CENTER 206-598-4000

DATE 9/1/05

PHYSICIAN SIGNATURE

*Just Fuller*

PT.NO

Jayner, Tammy  
# 388 0096

DOB

University of Washington Academic Medical Center  
Harborview Medical Center - UW Medical Center  
University of Washington Physicians  
Seattle, Washington

EMERGENCY NOTES  
(CONTINUATION)



\*U0076\*

UH0023 REV MAY 01

Received

SEP 21 2005

Patient Data Services  
WHITE - MEDICAL RECORD  
CANARY - EMERGENCY ROOM  
PINK - REFERRING PHYSICIAN

PROGRESS - BLUE

Operative Report

JOINER, TAMMY L - H3880096

Result Type: Operative Report  
Service Date: Thursday, September 15, 2005 00:00  
Result Status: Authenticated  
Result Title: 24309  
Performed By: Kohler, MD, Ted R on Thursday, September 15, 2005 12:14  
Verified By: Kohler, MD, Ted R on Friday, September 16, 2005 15:17  
Encounter info: 360328, HMC, Inpatient, 9/15/2005 - 9/19/2005

**\* Final Report \***

**PREOPERATIVE DIAGNOSIS:**

Stab wound to the left common carotid artery.

**POSTOPERATIVE DIAGNOSIS:**

Stab wound to the left common carotid artery.

**OPERATIVE PROCEDURE:**

Thrombectomy and repair of left common carotid artery laceration.

**ATTENDING:**

Ted R. Kohler, MD.

**SURGEONS PRESENT:**

Ted R. Kohler, MD.  
Deborah A. Lane, MD.  
Eileen M. Bulger, MD.

**ANESTHESIA:**

General endotracheal anesthesia.

**INDICATIONS:**

The patient is a 30-year-old who came to the Emergency Room with a stab wound to the left neck. On CT angiogram she was found to have a laceration of the left common carotid artery with thrombus at this site.

**FINDINGS:**

A near-total transection of the left common carotid artery with thrombus within the vessel, good back-bleeding from the internal carotid artery, and satisfactory interrogation with Doppler ultrasound at the completion of the repair.

**DESCRIPTION OF PROCEDURE:**

After obtaining satisfactory general endotracheal anesthesia the General Surgery Team performed a standard left neck incision for exposure of the carotid artery along the anterior border of the sternocleidomastoid muscle. I entered the Operating Room after the carotid



58 0007/11/05 **MANAGED CARE**

MANAGED CARE

TIME IN 145	DATE 15 Sept 05	ROOM NO. R2	R.N. INITIALS 1605	TRANSPORTED & ACCOMPANIED BY: Medic 28	TRAUMA RESPONSE: <input checked="" type="checkbox"/> RED / Attending <input type="checkbox"/> YELLOW / R3 or R5 <input type="checkbox"/> GREEN / R2
TIME OUT 0855	Pulse: 135 99%	Resp: Vent	BP: 177/140	CURRENT MEDS Unknown	ALLERGIES Unknown
PRESENT COMPLAINT Sw to face, hit clavicle w/leg, hand			SIGNATURE RN B		

URGENT CARE SERVICE  
 MD Critical Care Time  30-74 MINS  75-104 MINS

PERSONAL PHYSICIAN

REVIEW OF SYSTEMS

HISTORY & PHYSICAL FINDINGS: 31 yo female GRRB Medic 28  
 Patient received multiple stab wounds, US in right P140 BP 110/-  
 RR 30 Intubated in field. Partial GCS 1B, Multiple injuries  
 include D hand, upper lip, D hand. Intubated for difficulty breathing  
 CV: IIR  
 Chest: CIA B  
 Abd: soft, w/ DRS  
 Ext: D arm laceration, D hand laceration  
 Neuro: sedated, unable to follow commands  
 recul: eyes closed, equal  
 HEENT: D ear auditory meatus, D Abul, D upper lip cut.  
 Pup: 4-2 D. Flashes nose clear, D auditory meatus  
 D ant neck stab wound, laceration below lower lip  
 2cm deep 1cm wide  
 D ant chest stab wound extends medially w/ 1/2 ft  
 fuscine r/cm.

Social History:  
 Family History:  
 History unobtainable due to patient condition.

DIAGNOSIS  
 1. stab wound D neck 3.  
 2. stab wound D arm 4.

DISCHARGE INSTRUCTIONS  
 Computerized Instructions  
 Personalized Instructions  
 Follow-Up Clinic When:

ADMISSION STATUS:  
 IN-PATIENT/SERVICE Surg OR   
 OBSERVATION/SERVICE  
 ED OBSERVATION

DISCHARGE MEDICATIONS

CONDITION OF DISCH/TRANS.  SATISFACTORY  SERIOUS  CRITICAL

I hereby acknowledge I have received instructions for follow-up care concerning this visit.

PATIENT (OR LEGAL) SIGNATURE  
 091505

PHYSICIAN SIGNATURE  
 H 3 84 00 96

UPIN# DATE TIME  
 9/15/05 0609

PT NO 10154 JACZY L  
 03DEC1973 31 YRS F  
 X2T0100  
 NAME J Owen Tammy  
 DOB  
 PHONE  
 AGE 31

UW Medicine  
 Harborview Medical Center - Emergency - (206) 731-3074  
 UW Medical Center - Emergency - (206) 598-4000  
 Seattle, Washington

EMERGENCY NOTES - PAGE 1 OF 2

Barcode: U0076

UW0076 REV MAR 05

Received  
 SEP. 16 2005  
 Patient Data Services

WHITE - MEDICAL RECORD  
 CANARY - EMER. DEPT. FILE  
 PINK - EMER. DEPT. M.D.

PROGRESS - BLUE

STATE EXHIBIT 97

05-395573

0 Appellat Exh. 507

# AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

(Please print)

I, TAMMY L JOINER AS: (check one) (PERSON AUTHORIZING CONSENT)

- PATIENT
- PATIENT'S PARENT/LEGAL GUARDIAN
- LEGAL NEXT OF KIN

hereby authorize HARBORVIEW Hb (HOSPITAL / MEDICAL FACILITY) to release the medical records information of: TAMMY L JOINER (PATIENT'S NAME)

(born 2/13/73), for the time period beginning 9-15-05 and ending 12-15-05

I understand that the purpose of this disclosure is to assist in a criminal investigation and/or prosecution. I further understand that certain health care information may be protected under State and Federal Law (42 CFR Part 2 and RCW 70.24). I reserve the right to revoke this authorization (in writing to the address below) at any time prior to the ninety (90) day expiration, except to the extent that the facility which is to release information has already taken action in accordance with it.

\*\*\*\*\*

## INFORMATION TO BE RELEASED (check all appropriate boxes)

- SUMMARY OF MEDICAL HISTORY / TREATMENT
- RADIOLOGY RECORDS
- RADIOLOGY FILMS
- LABORATORY / DIAGNOSTIC TESTS
- EMERGENCY ROOM RECORDS
- OTHER: photo

### ANY AND ALL RECORDS CONCERNING THESE SUBJECT AREAS:

- H.I.V./ AIDS TESTING/TREATMENT
- SEXUALLY TRANSMITTED DISEASES
- MENTAL ILLNESS / MENTAL HEALTH TREATMENT
- DRUG / ALCOHOL ABUSE TREATMENT

Health information shall be released to the Seattle Police Department. In addition, medical facility staff may discuss my medical condition and any treatment with the assigned detective or his/her designee. I understand that this authorization expires in ninety (90) days unless otherwise specified:   /  /  . Once disclosed, the recipient may not be required to maintain the confidentiality of the health care information.

[Signature]  
Signature of Witness / Translator

Signature of Person Other Than Patient / Relationship to Patient

Det David W Duty 4002/715  
Reporting Officer Serial/Unit

9/18/05  
Date

RECEIVED

SEP 20 2005

(FOR FOLLOW-UP UNIT USE ONLY)

(Please send medical records to:  
**SEATTLE POLICE DEPARTMENT**  
 610 Fifth Avenue, Seattle, WA. 98104-1900

ATTN: Detective DAVID W DUTY / HOMICIDE/ASSAULT Unit

Phone: (206) 434-5557 Fax# 434-5489

H388009C

Discharge Summary

JOINER, TAMMY L - H3880096

Result Type: Discharge Summary  
 Service Date: Monday, September 19, 2005 20:24  
 Result Status: Authenticated  
 Result Title: 27352  
 Performed By: Shalhub, MD, Sherene on Thursday, September 22, 2005 11:42  
 Verified By: Bulger, MD, Eileen Metzger on Tuesday, September 27, 2005 11:20  
 Encounter info: 360328, HMC, Inpatient, 9/15/2005 - 9/19/2005

**\* Final Report \***

**DATE OF ADMISSION:**

September 15, 2005

**DATE OF DISCHARGE:**

September 19, 2005

**ADMISSION DIAGNOSIS:**

Stab wound to the neck with left common carotid artery transection.

**CONSULTATIONS:**

Orthopedic Surgery

**PROCEDURES:**

On 9/15/2005, thrombectomy and repair of left common carotid artery laceration; neck exploration; esophagoscopy; bronchoscopy; and repair of lip and ear lacerations.

**HISTORY OF PRESENT ILLNESS:**

This is a 31-year-old woman who was reportedly found down in her home, confused. She was intubated for airway protection and transported emergently to Harborview Medical Center. She was found to have four clear stab wounds; one in the posterior triangle of the left neck, one in the anterior chest wall, one in the side at the level of the clavicle, and an ear laceration with through-and-through lip laceration.

**HOSPITAL COURSE:**

She was evaluated emergently in the emergency room, with no evidence of hematoma or signs of vascular injury. She was sent for a CTA of the neck and chest. This identified evidence of a left common carotid injury with extravasation and a hematoma that deviating the trachea. Given the large hematoma and the suspected carotid injury, she was taken emergently to the operating room for exploration and underwent the above-mentioned procedures. Postoperatively, she was in the intensive care unit, intubated overnight, and then she was extubated without any difficulties the next day.

While she was here, she had a CT head on 9/16, which showed no intracranial injury. She also underwent a carotid vertebral artery evaluation (duplex) on 9/16, which showed patent

Operative Report

JOINER, TAMMY L - H3880096

artery had been dissected free.

We further dissected the artery distally and encircled the internal carotid artery and the external carotid artery with vessel loops. The patient was heparinized. We inspected the laceration and found some thrombus on the wall of the artery at the site of the laceration. This was easily removed. A #3 Fogarty catheter was gently passed for approximately 5 cm into the internal carotid artery, and gently pulled back with the balloon inflated to make sure there was no residual thrombus within this vessel, and indeed there wasn't. Back bleeding from the internal carotid artery was brisk.

A similar maneuver was performed for the common carotid artery, and there was no thrombus within this vessel. The artery was nearly transected with only about a quarter of the diameter of the vessel being intact along its anterior wall. The edges of the vessel were trimmed and the artery was closed using 5-0 Prolene suture. Prior to completion of this, the vessels were back bled appropriately, and flow was restored through the carotid artery. Flow was first restored into the external carotid vessels and then into the internal carotid artery.

Interrogation with a continuous wave Doppler ultrasound revealed no increase in the velocity along the repaired segment of the artery, and normal-sounded velocity patterns in the internal and external carotid arteries as well as along the length of the common carotid artery. The suture line was hemostatic.

As this portion of the procedure having been completed, I left the Operating Room. The General Surgeons continued with the remainder of the procedure, which will be dictated separately. This included closure of the neck wound.

Signature Line

Electronically Reviewed/Signed On: 09/16/05 at 15:17

---

Ted R Kohler, MD  
Attending, Department Of Surgery  
Box 358280  
Seattle, WA

Printed by: Seeger, Karen J  
Printed on: 9/29/2005 08:33

15 22:01:00Z/01/00

ABG	LABS	TIME													
ANGIO	TRAUMA	EHP	CBC	M7	LFT	CARD. ENZ.	PT/PTT	COAGS	TXC	units	BC X	time			
ART LINE	BILL	ETOH	OD	BCHG	UA	UTOX	AMY	OTHER	DPL	Time	LP	time			
BB/C-COLLAR	LAB	RESULT	UTOX (+) cocaine												
BAIR	UDIP @ blood														
HUGGER	BAL 113 Amylase 56														
CAMINO	Guaic (+)														
CHEST TUBES	BASELINE M7					CBC					HCT	TIME	RESULT	FLUIDS	
<input type="checkbox"/> L <input type="checkbox"/> R	135 NA CL 105					9.8					FIELD	<input checked="" type="checkbox"/>			
SIZE	K+ CO2 3.7 20					7.8					H1	0146	29.5		
CPR						28					H2	0205	32		
X											H3	0213	37.7 (ADG)		
CT WRN											H4	0225	32		
EKG 12-LD	CARDIAC ENZ					EHP RESULT									
time	CK-MB	MYOG.	TROP	TIME	FIB.	PT	INR	HCT	PLT	FLUIDS/UNITS					
EKG MONITOR	OHR						1.3								
ET TUBE	3HR														
SIZE	6HR														
FETAL MONITOR	VENT SETTINGS					ABG RESULTS					GC SCALE PUPIL GUIDE SEE BACK				
FOLEY	TIME	FI02	RATE	VT	PEEP	TIME	SAT	PH	PCO2	PO2	HC03				
14 Fr	0154	100%	12	600	5	0155		7.34	39.8	396	20.7	BP - 4.0			
GASTRIC LAV.	0202	60%	12			0205		7.37	39	299		BD - 2.2			
IN						0230		7.38	38	191	20.9	BE - 3.6			
OUT	HEENT					THORAX					ALTERED SKIN INTEGRITY				
INHALATION TX	PUPILS: <input type="checkbox"/> PERRL <input type="checkbox"/> DILATED <input type="checkbox"/> FIXED					CHEST: <u>Delusional stab</u>					X=Abrasion <input type="checkbox"/> =Bum				
LEVEL I	UNEQUAL R: 2-4 L: 2-4					<input type="checkbox"/> NRML <input type="checkbox"/> OPEN WOUND <input type="checkbox"/> N/A					OF=Open Fracture F=Fracture				
LUMBAR PUNCTURE	R <input type="checkbox"/> CLEAR <input type="checkbox"/> HEMOTYMP <input type="checkbox"/> OCCLUDED <input type="checkbox"/> N/A					<input type="checkbox"/> CREPITUS <input type="checkbox"/> BRUISING					L=Laceration S=Stab Wound				
NG TUBE	L <input type="checkbox"/> CLEAR <input type="checkbox"/> HEMOTYMP <input type="checkbox"/> OCCLUDED <input type="checkbox"/> N/A					BREATH SOUNDS: <input type="checkbox"/> EQUAL <input type="checkbox"/> CLEAR					G=Gun Shot Wound B=Bruise				
0147 Fr	LOC: <input type="checkbox"/> ALERT <input checked="" type="checkbox"/> UNRESPONSIVE					<input type="checkbox"/> CRACKLES <input type="checkbox"/> WHEEZES					E=Erythema SB=Skin Breakdown				
0152	<input type="checkbox"/> RESPONDS TO VOICE <input type="checkbox"/> RESPONDS TO PAIN					<input type="checkbox"/> DIMINISHED <input type="checkbox"/> R <input type="checkbox"/> L					<p>Left lip Avulsion Delusional stab wound Post neck</p>				
18 Fr	<input type="checkbox"/> N/A					<input type="checkbox"/> ABSENT <input type="checkbox"/> R <input type="checkbox"/> L									
O2 Lper ET	ABDOMEN					EXTREMITIES									
	<input checked="" type="checkbox"/> SOFT <input type="checkbox"/> RIGID <input type="checkbox"/> DISTENDED <input type="checkbox"/> TENDER					<input type="checkbox"/> NRML <input type="checkbox"/> DEFORMED									
	<input type="checkbox"/> PALPABLE MASS <input type="checkbox"/> SEATBELT SIGN					<input type="checkbox"/> BRUISED <input type="checkbox"/> N/A									
	CHEST: <input type="checkbox"/> N/A					MOTOR: <u>flaccid (paralysis)</u>									
	ORTHO BOWEL TONES:					<input type="checkbox"/> MAE <input type="checkbox"/> DIMINISHED <input type="checkbox"/> ABSENT									
	<input type="checkbox"/> NRML <input type="checkbox"/> INCREASED <input type="checkbox"/> DECREASED					<input type="checkbox"/> N/A									
	PERITONEAL LAVAGE: <input type="checkbox"/> ABSENT					<input type="checkbox"/> LUE <input type="checkbox"/> RUE <input type="checkbox"/> LLE <input type="checkbox"/> RLE									
	SPLINT Type: <input type="checkbox"/> N/A					SENSORY: <input type="checkbox"/> NRML <input type="checkbox"/> DIMINISHED <input type="checkbox"/> ABSENT									
	RECTAL: <input type="checkbox"/> NRML <input type="checkbox"/> DIMINISHED <input type="checkbox"/> ABSENT					<input type="checkbox"/> N/A									
	<input checked="" type="checkbox"/> STOOL GUAIC (+)					<input type="checkbox"/> LUE <input type="checkbox"/> RUE <input type="checkbox"/> LLE <input type="checkbox"/> RLE									
	<input type="checkbox"/> N/A					PELVIS: <input type="checkbox"/> NRML <input type="checkbox"/> DIMINISHED <input type="checkbox"/> ABSENT									
	SKIN					OTHER									
	<input checked="" type="checkbox"/> SWARM <input type="checkbox"/> COOL <input checked="" type="checkbox"/> DRY <input type="checkbox"/> CLAMMY														
	DIAPHORETIC <input type="checkbox"/> N/A														
	COLOR: <input type="checkbox"/> NRML <input type="checkbox"/> PALE <input type="checkbox"/> FLUSHED														
	<input type="checkbox"/> JAUNDICED <input type="checkbox"/> CYANOTIC <input type="checkbox"/> N/A														
	CAPILLARY REFILL: <input type="checkbox"/> >3 sec. <input type="checkbox"/> <3 sec. <input type="checkbox"/> N/A														
											BACKBOARD				
											TIME ON	LOG TIME	PAD TIME	TIME OFF	SKIN COND.
											PTA 0207			0207	

PT.NO

NAME

DOB

50516  
388 00  
TAPPY  
1973  
10100

Joined, Tampa  
#3880  
12/3/72

UW Medicine  
Harborview Medical Center - UW Medical Center  
University of Washington Physicians  
Seattle, Washington

RECEIVED

SEP 16 2005

EMERGENCY INITIAL CARE FLOWSHEET - Page 3 of 3



\*H0016\*

HMC0016 REV AUG 03

## Operative Report

Result Type: Operative Report  
Service Date: Thursday, September 15, 2005 00:00  
Result Status: Authenticated  
Result Title: 24163  
Performed By: Bulger, MD, Eileen Metzger on Thursday, September 15, 2005 06:48  
Verified By: Bulger, MD, Eileen Metzger on Tuesday, September 27, 2005 11:21  
Encounter info: 360328, HMC, Inpatient, 9/15/2005 - 9/19/2005

### \* Final Report \*

#### PREOPERATIVE DIAGNOSIS:

Stab wound to the neck with carotid injury and multiple facial lacerations.

#### POSTOPERATIVE DIAGNOSIS:

Stab wound to the neck with carotid injury and multiple facial lacerations.

#### OPERATIVE PROCEDURE:

1. Neck exploration.
2. Esophagoscopy.
3. Bronchoscopy.
4. Carotid repair by Dr. Kohler from Vascular Surgery.
5. Repair of lip and ear lacerations.

#### ATTENDING:

Eileen M. Bulger, MD

#### SURGEONS PRESENT:

Eileen M. Bulger, MD  
Deborah A. Lane, MD

#### ANESTHESIA:

General endotracheal.

#### INDICATIONS:

Patient is a 31-year-old woman who reportedly was found down in her home confused, was intubated for airway protection and transported emergently to Harborview. She was found to have four clear stab wounds, one in the posterior triangle of the left neck, one on the anterior chest wall on the left side at the level of the clavicle, and ear laceration and through-and-through lip laceration.

Patient was evaluated in the Emergency Room. Initially, there was no evidence of hematoma or hard signs of vascular injury, and so the patient was sent for a CTA of the neck and chest. This identified evidence of a left common carotid injury with extravasation and a hematoma that was now deviating the trachea. There was no clear evidence of injury to the subclavian;

CT Head

JOINER, IAMMY L - H3880096

No fractures seen. Sinuses and mastoids are clear.

There is soft tissue injury and swelling in the posterior left neck at the level of C4, with associated subcutaneous emphysema.

Impression:

1. Left common carotid artery injury proximal to bifurcation with active extravasation. Intraluminal thrombus extending into the external carotid artery.

2. Extensive hemorrhage, with clot formation surrounding the carotid artery. There is associated airway deviation and compression of left internal jugular vein.

\*\*\*RESULT DETAIL\*\*\*

Ordering Provider: Esther Fine 247210

Diagnosis: 959.01, E960.0

History: ASSAULT/STAB WOUND

Comment:

Assisting Radiologist(s): Grace Kalish 333570

Operative Report

JOINER, TAMMY L - H3880096

however, further imaging is warranted of this vessel. Given this large hematoma, however, and the suspected carotid injury, she was brought emergently to the Operating Room for exploration.

**FINDINGS:**

Patient had a near-complete transection of the common carotids just proximal to the bifurcation. Her esophagoscopy and bronchoscopy were negative.

**DESCRIPTION OF PROCEDURE:**

Patient was brought into the Operating Room and placed supine upon the Operating Room, where she was given a general anesthetic without complication. Once anesthetized, her face, left neck, and anterior chest wall were prepped and draped in the normal sterile fashion. An incision was made along the anterior border of the sternocleidomastoid muscle, and dissection was carried through the platysma using electrocautery. The sternocleidomastoid was mobilized laterally, allowing exposure of the carotid sheath, and doing so we were able to obtain easily proximal control of the common carotid with a vessel loop. We continued our dissection, fully exposing the entire carotid up to the bifurcation and obtaining distal control in this area. We observed a near-complete transection from the stab wound that entered posteriorly through the carotid.

Intraoperative consultation was obtained from Dr. Kohler from Vascular Surgery, who completed the carotid repair as dictated in his note, but further explored the neck, evacuating the large hematoma and controlling some additional venous bleeding. We then performed an esophagoscopy and bronchoscopy, neither of which showed any evidence of injury to these structures, and no blood in the airway or esophagus. This being the case, we copiously irrigated the wound, assured that there was adequate hemostasis, placed a 7-French Jackson-Pratt drain in the base of the wound, and then closed the platysma using a running Dexon suture and the skin with skin staples. The lacerations were all irrigated and closed with nylon sutures for the facial lacerations, and chromic for the lip lacerations.

**DISPOSITION:**

The patient was subsequently taken to the Intensive Care Unit, remaining intubated for airway protection, but in stable condition.

I was present for the critical portions of the procedure and immediately available for the remainder of the procedure.

Edit 09/15/2005 ep

**Signature Line**

Electronically Reviewed/Signed On: 09/27/05 at 11:21

Operative Report

JOINER, TAMMY L - H3880096

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Lileen Metzger Bulger, MD  
Attending, HMC  
Dept Of Surgery, Box 359796  
Seattle, WA

EMB/CLM/EEP  
DD:09/15/05  
TD:09/15/05

24163

FILED

2007 MAY 11 AM 11:41

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

*Plaintiff,*

v.

WILLIE JAMES MCCOO JR,

*Defendant.*

) CAUSE NO. 05-1-13048-9 SEA

) NOTICE OF APPEARANCE AND  
) DISCOVERY DEMAND

) SENT on May 11, 2007  
) VIA FAX FOR FILING IN COURT

COMES NOW, James M. Womack, The Law Group, PLLC, and appears on behalf of the above-captioned defendant, WILLIE JAMES MCCOO JR, and requests discovery in the above-cited cause number of the following items pursuant to CrR 4.7:

The names and address of persons whom the State intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

Copies of any written or recorded statements and the substance of any oral statements made by the defendant or co-defendants;

Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparisons.

The names and authors of any books or documents, and any papers, photographs, or tangible objects which the State intends to use in the hearing or trial or which were obtained from or

NOTICE OF APPEARANCE AND DEMAND FOR  
DISCOVERY  
PAGE 1 OF 2

MAY 11 2007

Faxed to King County Superior Court on

THE LAW GROUP, PLLC  
THE WESTIN BUILDING  
2001 SIXTH AVENUE, SUITE 1707  
SEATTLE, WASHINGTON 98121  
P: (206) 223-1875; F: (206) 223-1887

1 belong to the defendant or co-defendants, together with information concerning the origins of said  
2 papers, photos or objects, including how they came into the possession of the State;

3 The defendant's prior criminal history and the record of prior criminal convictions of any  
4 person(s) whom the State intends to call as witnesses in this matter;

5 Any recording of electronic surveillance, including wiretap, of the defendant's premises  
6 or recordings made of conversations in which the Defendant was a party;

7 The names, addresses, and phone numbers of any expert witnesses whom the State has  
8 retained to assist in this case, the substance of their testimony or assistance, copies of any reports related  
9 to the substance of their assistance or testimony, and curriculum vitae of said experts;

10 Any information regarding conversations between the defendant and any police officer  
11 or agent of the police engaged in undercover work;

12 Disclosure of the relationship to the State, if any, of all witnesses for the State;

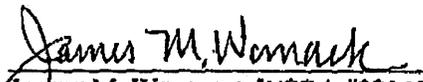
13 Any material or information which tends to negate or would lead to information which  
14 would tend to negate the defendant's guilt in the above-charge;

15 Any affidavits filed in this case supporting any warrant.

16 IT IS FURTHER REQUESTED that the State produce in court any experts, or  
17 technicians whose report, maintenance records, tests, or opinions it intends to rely upon.

18 The above list of discovery demands is not intended to be all-inclusive.

19 RESPECTFULLY SUBMITTED THIS 11<sup>th</sup> DAY OF MAY 2007

20   
21 JAMES M. WOMACK, WSBA #22161  
22 ATTORNEY AT LAW

RECEIVED

MAR 11 2008

JUDGE PALMER ROBINSON  
K.C. SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING  
COUNTY THE STATE OF WASHINGTON

THE STATE OF WASHINGTON, No. 05-1-13048-9 SEA

Plaintiff, Motion for a new

v.

trial based on my  
attorneys abuse of

WILLIE JAMES MCCOO, JR.

discretion

Defendant,

Now comes the defendant in the above  
entitled cause. I'm motioning the court to  
grant me a new trial based on the new  
evidence that I have shown the court  
and am now showing the court and am  
steering the court to my attorneys abuse of  
discretion, outrageous, criminal and corrupt  
ineffective assistance of counsel in this  
case. One, my attorney refuse and failed  
to obtain my property sheet from my one

P.1

booking into King County Jail in 2005 for evidence in my trial. The propect sheet is obviously very important to my defense and yet my attorney refused my demands for him to obtain a copy to be used as evidence in trial on this matter to help prove my innocence of this charge.

My attorney also failed to send P.I. Edgmon to find out if he could get my medical record from Harborview hospital to prove that I have a blown out knee and that I could not have done the things that two alleged states eye-witnesses claimed that they seen me doing while they were under oath. I first told my attorney about my bad knee about 7 or 8 months ago in 2007 about my bad knee! My attorney also lied to my face and told me that he sent the private investigator assigned to my case to get my medical records from Harborview but that the investigator Edgmon said that Harborview said that they didn't have my medical records!

So because Jame Womack told me

P.2

that I assumed that I must have used  
my brother's name over a decade

ago to check into Harborview  
emergency room! Therefore I told him  
to have the P.I. check under my brother's  
name. So my attorney told me that  
he mailed a form to my brother for  
him to release his medical records. But  
then somehow my attorney ended up  
assigning my other brother Carl

and My sister Rose to  
go on a mission in search of my  
medical records at Harborview under  
my brother Tyrone's name instead of  
the private investigator assigned to  
my case by OPA. For that express  
reason. It never occurred to me  
until recently that the P.I. might  
need me to sign something even to  
get my medical record. So I'm  
a little bit embarrassed to say that  
I didn't realize when Mr. Blomack  
first told me that Edmon didn't locate  
my medical records under my name that  
he was lying to me about Edmon  
looking. Or looking at it from his  
corrupt perspective he wasn't lying

because Edgmon didn't look, because he was never directed to by Mr. Womack!

Mr. Womack should have informed the court that he was not ready for trial and asked and informed the court that the trial needed to be postpone until we could finish our pre-trial investigation! However, that is exactly what he did not do to the best of my knowledge!

I have out so many request and complaints about Mr. Womack and for Mr. Womack to OPI because Mr. Womack has a block on his phone and because Mr. Womack won't respond to most of my important directions and questions by mail. Also, he lies to me to my face and tells me that it must be a conspiracy against me because all his other clients can call him collect from jail! And I do have witnesses to prove this.

My friends Alfredo Belt and his wife  
are the witnesses.

Because of Mr. Wamack's phone  
having a block on it for people  
calling collect from jail! I had  
have Alfredo call his wife and  
ask Mr. Wamack why his still  
had not taken step to have the  
block from jail taken off his line  
like he promised me he would and  
that's what this man told Alfredo's  
wife. The conversation between  
Alfredo and his wife when she's  
relating the message to Alfredo for  
him to relate to him is on King  
County Jail phone records. Please  
be my guess and listen to the  
recording of that phone call. If I  
can't call him from jail collect then  
nobody can so that recording is  
proof beyond any possible reasonable  
doubt, that Mr. Wamack doesn't have  
any qualms about lying to me and  
I'm telling you that the man lies to  
me all the time about my case!

P.S.

My attorneys true interest in me is to see me go to prison and help me get there without appearing to!

As further proof of this fact I have in my possession a copy of a notice of appeal form that Mr. Womack didn't bother to send me until after I wrote you about the situation because obviously it was my suspicion that James Womack intended to trick me by telling me and my brother Carthell McCoo and My sister Rose McCoo that he was going to file for my appeal and simply not filing for it! And sure enough it turned out that because James Womack was not doing what he should've been doing which of course that is actually taking steps to file for my appeal my sentencing date needed to be postponed. And as further proof of this mans malicious intent and attorney ineffectiveness and incompetence as my attorney I'm going to direct you to the last line of the appeals form that he sent to me for me to fillout after hearing from you because of my letter to you Your Honor.

It reads as follows: "APPEAL DATA The nature of the case defendant is appealing is: Criminal (Murder)" Now, why don't you tell me? What would've happened if I didn't happen to read past the part on the first page that is marked with a yellow stickem tag with James Womack's hand writing on it that says "sign here" your honor? I suspect the exact something that would've happened if I had not written you about my suspicions, I would have ended up with no right to a appeal. No right to appeal a conviction that I know for a fact is totally unjustified; that carries upward of 26 years in prison. Also the date on the form is 2003.

I could go on and on about Mr. Womack's criminal behavior.

Also, there are some exculpatory statements made by Detective David Doby and others in the discovery of this case that proves prosecuter misconduct and malicious prosecution. I know because James Womack told me himself about some of them. The statements prove for a fact perjury on the part of the states witnesses etc. The statements prove that the state's attorneys did know that their eye witness P. 7 did commit perjury against me in all three trials.

The statement proves for a fact the SPD and the DA's conspiracy to frame me for this assault case. It's very very obvious and waiting for someone who's actually believes in the law and the letter of the law in Washington state and the United States of America unless that person be perpetrating a fraud and are U.S. Soldier who are fighting and dying over Seas who are fighting and dying for this country; it's laws, and it's constitution be dying for nothing! Because it's just like the late great Martin Luther King said for whom's name this County is named after. A injustice committed against one man, and in my case; plus his family! is a injustice to us all. And were the public to know the SPD and these corrupted, criminal officers of the court have used their tax money to frame a man who's actual innocent of the charge against him it would be especially appalled.

So, I ask the court to investigate every last thing that I'm saying for I have no fear at all of my strong accusations! Why? I'll tell you why, It's very very simple! Because it all is the absolute exact gospel's truth that's why! Why else? I'm asking that you P.R also compell the DA's office to turn over

M  
all it discovery and photographic evidence to  
the court and that at least two King  
County sheriff's be deployed to accompany so  
that no photographs or documentation get  
put into a shredder as my dishonorable  
corrupted attorney advised me would happen at  
visiting after my wrongful conviction and rail-  
roading when I ask him 'What about the  
pictures? How come you said you would, but  
you never did get them for me nor  
showed them to me! And being that criminal  
conspiracy is a federal crime I demand that  
the F.B.I. be also called in by a honorable  
person to investigate this federal conspiracy  
between the Seattle Police and all the un-  
fit, corrupted district attorneys and Michael  
Donko and James Womack as soon as  
possible! Immediately! I demand it!

And I want that jacket in question turned  
over to the F.B.I. immediately to be  
analyzed to prove the fact that Tammy Jainer  
did put her own blood on that jacket and  
then turn it over to Detective's Dudy and likely  
Duffy whom did simply lay the jacket  
down on the scene and commence taking  
picture with his police issue camera that  
never malfunction like the corrupted

M

not to overly bright detective did prejudiced himself about on the stand and I demand with all of my American soul that these officers be prosecuted to the fullest extent of the law, before they shoot somebodys innocent family member down in the city street and stick a lighter molded into the shape of a gun in his dead hand and claim that they shot him because he pulled it out on them! Or before one of them stops a unarmed man, grabs his hand and jams it down on his gun so his fingerprints can get on it, so that after his partner shoot the innocent man dead who maybe was getting too lippy with them they can show evidence of the dead mans attempt to grab the officers gun and that mans family having to bury him thinking that he was guilty of such a act. To recognize the staging in the states photographic evidence should be very very simple. All the FBI needs to do is get all the pictures and place all the pictures of the window shades side by side. Same with all the pictures of the jacket laying on the alleged scene. Also the FBI should go over them with me and talk to me!

I'm not simply officially reporting these felonious crimes that have been perpetrated against me and through me my family but I'm declaring it all to be the truth under the penalty of perjury!

The note on the next page was given to my attorney by my sister during my last trial and my attorney supplied it to me. So he new and knows all about my bad leg and obviously I should've noticed and demanded a postponement until we could retrieve my Harborview Hospital records and have a knee doctor thoroughly examine my left knee!

Also Your Honor it would be extremely nice that the judge begins a charge against me he dismisses just as soon as possible. My precious sister is in Church praying and crying her heart and her eyes out for her American born and bred and totally in the right younger brother! And please your honor, would you provide me with a copy of all my motions.

The note that was given to me during trial by Monack from my sister!

P.12

NOTES  
J.R.

What? What?  
Brother I have  
you so much  
on a mission  
to get your medical  
records Cathell  
A-I

Directions: Twist dial to raise  
product and apply as needed  
to underwear. Replace cap after use.  
Caution: Do not apply to broken skin.  
If irritation or rash develops discontinue use.  
Ingredients: Propylene Glycol, Deodorant  
Waxes, Sodium Stearate, Fragrance, Hydroxyl  
FD&C Blue #1, FD&C Yellow #5  
Manufactured for Crawford Supply  
St. Louis, MO 63122  
Made in Canada

Stickle  
Deodorant  
REGULAR  
NET WT. 1/2 OZ. (14g)  
CRAWFORD

Submitted by Willie J. McCas Jr.  
3-9-08  
X 716,000 J. McCas Jr.

I Willie James McCas Jr. On this day 3-9-08  
do declare under the penalty of perjury of  
the law of the state of Washington for  
King County that the foregoing statement  
are absolutely true and correct to the  
best of my knowledge and belief!

Say it is my fundamental right of the of  
the United States of America and states in  
the 14th Amendment that no one be denied life  
liberty or property in any court of law in the  
U.S. and to be guaranteed a fair trial by an  
impartial Jury or Judge. Comes now if  
there is a violation of this guarantee and  
of my 14th Amendment rights that is labeled  
in the 14th Amendment I would not receive a  
fair trial!



STATE OF WASHINGTON

WASHINGTON STATE PATROL

2502 112th Street East, Tacoma, Washington 98445-5104 • (253) 536-4280 • FAX (253) 536-4290

**CRIME LABORATORY REPORT**

LABORATORY NO.: 306-002224  
AGENCY NO.: 05-395573  
REQUEST NO.: 1

AGENCY: Seattle Police Department  
OFFICER: Detective DW Duty  
VICTIM: Joiner, Tammy  
SUSPECT: McCoo, Willie

**Evidence Examined:**

Item # 2: A sealed paper sack labeled "1 - 2XL Blue Suede Jacket recov. by vict. from crime scene bedroom." The garment was a dark blue, light blue and cream, rectangular pattern, with dark blue sleeves, "Godbody" size 2XL jacket with a middle top-to-bottom zipper. The jacket was reportedly associated with a stabbing assault.

**Procedure:**

The item was examined visually and microscopically (up to 25 times magnification) for the purpose of identifying and interpreting any possible bloodstains that might be on the jacket. Blood-like stains were tested with phenolphthalein, a presumptive chemical test for blood. Those stains, which gave a positive result, are referred to as blood for the purposes of this report. Further testing is required to confirm the presence of blood. Technical terms used in the description of the bloodstains are described in a glossary at the conclusion of this report

**Observations:**

- The jacket was in fair condition. Wear marks suggest that the sleeves were normally worn with the cuffs partially rolled up. All pockets were empty.
- No bloodstains, that might suggest that the jacket was worn during a stabbing assault, were observed on the cuffs or inner sleeves.
- Numerous bloodstains were observed on both the outside and the inside of the jacket.
- The heaviest bloodstain was on the inside of the right collar, extending down the zipper and onto the outside of the collar and onto the inside of the right breast area. This was a contact bloodstain where the blood was deposited when the jacket was folded over.
- Another bloodstain, consistent with blood dripping on to the jacket then subsequently the jacket being folded over, was present on the outside of the right breast area.
- Small contact bloodstains were observed along the right front lower hem and some impact stains, with no consistent directional pattern were present along the left front lower hem.
- A heavy dripped bloodstain pattern was on the back of the upper right sleeve. The blood was deposited when the material of the sleeve was folded over.
- A pattern of five small cast-off stains was present on the lower right back hem.
- An impact bloodstain with directionality from left to right was observed on the right upper back area.
- The inside of the jacket also had a heavy contact stain with folded material in the right breast area.
- Adjacent to this stain was a pattern of five impact stains.

*Terence J. McAdam*

Terence J. McAdam, Supervising Forensic Scientist

Date

12-19-06

STATE EXHIBIT

121

Terence J. Mc Adam, Supervising Forensic Scientist  
Date

**Glossary**

- Impact Bloodstain: A bloodstain as the result of blood projected onto a surface.
- Cast-off Bloodstain: A bloodstain as a result of blood cast off a weapon or an object.
- Contact Bloodstain: A bloodstain as a result of contact with a bloody object.
- Drip Bloodstain: A bloodstain(s) as a result of blood dripping onto a surface.

**Conclusions:**

1. Numerous bloodstains were observed on both the outside and the inside of the jacket.
2. No bloodstains, that might suggest that the jacket was worn during a stabbing assault, were observed on the cuffs or inner sleeves.
3. Some of the bloodstains were as the result of contact with a bloody object or of blood being dripped onto the jacket when the material was folded over and the jacket was not being worn.
4. Some of the bloodstains were as the result of blood projected from a blood source when the jacket was not being worn.
5. Some bloodstains were as the result of blood cast of a weapon or an object.

AGENCY: Seattle Police Department  
 OFFICER: Detective DW Duty  
 VICTIM: Joiner, Tanny  
 SUSPECT: McCoo, Willie  
 LABORATORY NO.: 306-002224  
 AGENCY NO.: 05-395573  
 REQUEST NO.: 1

09-02-24  
10:58:33



DEFENDANT EXHIBIT

83

NUMBER  
05-395573

UNIT FILE NUMBER

# STATEMENT FORM

09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF  COMPLAINANT  WITNESS  VICTIM  OFFICER  OTHER

NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: ...W. Duty of the Seattle Police Department Homicide and Assault Unit. I'm here with Detective Dana Duffy and we're at Ms. Tammy Joiner's residence in Sumner, Washington. Tammy, are you aware that I am taping this conversation?

JOINER: Yes, I am.

DUTY: And do I have your permission to do so?

JOINER: Yes.

DUTY: Okay, this is in regards to SPD incident number 05-395573. And assault/stabbing that took place at 10500 51<sup>st</sup> Avenue South, Apartment number 301 on 09/15 of 2005. Ms. Joiner, we had spoken earlier about this incident and you related that, earlier in that day, you and the suspect, a Willie McCoo, had gone somewhere. Could you relate a little bit about what happened?

JOINER: Yes. We caught bus out to Auburn, out to his dad's house and we originally went out there just to check on his dad and so for me to meet his dad. Once we got out there, we was supposed to do some grocery shopping because he had a food stamp card that he wanted to buy some (unintelligible) buy some food for his father. But, once I got out there, I noticed I didn't have his card. So, later that evening, his dad gave us a ride back to the apartment complex, which is the Creston Apartments, gave us a ride, sorry...

DUTY: Let me interrupt just a second. And, we're speaking about Willie McCoo. How do you know Mr. McCoo?

JOINER: I have, I met him, he, I guess he just got out of jail on the 11<sup>th</sup> of August.

DUTY: Right.

JOINER: Yeah, and he was just standing around the apartment complex and we just started talking one day and then we just started kickin' it after that.

DUTY: So he's...

JOINER: I had never seen him before.

DUTY: ...would you classify him as a casual acquaintance or...

JOINER: Yeah.

DUTY: ...a boyfriend?

WITNESS	X		
STATEMENT TAKEN BY Det. D. Duty	SERIAL	UNIT	
TRANSCRIBED BY (Taped / Translated Statements) shan	SERIAL	UNIT	SUPERVISOR SERIAL



# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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JOINER: A casual acquaintance.

DUTY: Okay.

JOINER: Not boyfriend.

DUTY: Okay, so going back to that afternoon, you had gone to his father's house in Auburn and then his father gave you a ride back to the Seattle area, Skyway, to, to get the food stamp card and...

JOINER: Yeah.

DUTY: ...you guys was grocery shopping?

JOINER: Yes, we went grocery shopping down, down to the Safeway, which is located down the street off of Henderson. We went down there, we did some shopping. We stayed there, pretty much, until it was about to close 'cause the lights kept cutting off at close.

DUTY: What time was that about, do you think?

JOINER: Midnight. I, it was probably around 11:30 at night. And then we went back up to the, he, the father drove us back up to the house and I got my, my groceries that I bought for, for the old man that I stay with.

DUTY: In Apartment 301?

JOINER: In, yeah, in apartment 301. And I bought some groceries for him. I got those out and I went up to the apartment. At that time, he stayed outside.

DUTY: You're speaking of Willie?

JOINER: Willie stayed outside. Because also, in the process, I seemed to have torn out one of the lights from the trunk, you know, and so he was down there with his dad trying to get that fixed...

DUTY: Taillight fixed?

JOINER: ...taillight fixed. Though, actually, it was the light. The trunk light. So, I was upstairs to, putting the food away, making preparing some food for Sweetie, well, that's his, that's, that's...

DUTY: That's Mr. Green?

WITNESS	
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X

WITNESS	STATEMENT TAKEN BY Det. D. Duty	SERIAL	UNIT
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# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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JOINER: ...that's Mr. Green. Preparing his food and preparing some for me, freshening up and just doing things that I normally would do after I've been gone all day from a, from a long, from a day (unintelligible).

DUTY: Okay, at some point you went back outside?

JOINER: Yes. Now, let me, ten o'clock, (unintelligible) ten. What did I go outside for 'cause I must've already had alcohol. I went outside for something. (Unintelligible). You know, (unintelligible) do you know what time Safeway close?

DUTY: No, I'm sorry I don't but...

JOINER: Well, I got, we got to find out what time they close 'cause I know that it was during the time that they was about to close.

DUTY: Okay.

JOINER: But the corner store was still open. The corner store close at ten.

DUTY: Okay.

JOINER: Okay. And I know I seen Mama. I probably got to check on that but I know, I did go back outside 'cause I was...

DUTY: And Mr. McCoo was still out there?

JOINER: Yeah, Mr. McCoo was still outside. I didn't know Mr. McCoo was in the house. That's the thing.

DUTY: Okay. So then you went back, at some point in time, you went back up to your apartment by yourself, correct?

JOINER: Yes.

DUTY: Not with Willie?

JOINER: No, I don't, you know, God dang it.

DUTY: How, how do you usually get into your apartment?

JOINER: Well, I normally, okay, this time I went in through the door because I didn't want, because Sweetie, you know, when I, Mr. Green knew I went outside through the door. And normally I go in through my window but...

DUTY: Which is right off the walkway?

WITNESS	<b>X</b>	STATEMENT TAKEN BY	SERIAL	UNIT	
WITNESS		Det. D. Duty			
WITNESS	BY (Taped / Translated Statements)	SERIAL	UNIT	SUPERVISOR	SERIAL
WITNESS					



# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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JOINER: Right off the walkway because I don't want Mr. Green to know...

DUTY: To disturb him?

JOINER: Yes, to disturb and also didn't know that I come out at night because he's a sort of a protector. He was, he said that was a bad area. I never seen nothing bad so I didn't know.

DUTY: Okay. So, so at some point you had made it back to your room and you were in there on the bed and then...

JOINER: Yeah.

DUTY: ...what happened then?

JOINER: All I remember, we, we (unintelligible) I must've said, for one thing, Willie was too controlling and I just got out of a controlling relationship. He wanted to dictate everything I did.

DUTY: So, you guys had some words sometime...

JOINER: Oh yeah, we had some words.

DUTY: Okay, before he, before you went to bed?

JOINER: Yeah, that I got, well, I, I believe I probably went to bed 'cause I didn't remember but we had some words and I don't, I really don't think that I would go to bed knowing that I'm mad at someone that I didn't know really and that...

DUTY: You said earlier you might have said something about his mother?

JOINER: I might have said something about his mother and I was drinking too.

DUTY: And she, she's deceased?

JOINER: She's deceased.

DUTY: So, you think that might have upset him?

JOINER: Some, triggered. I think that triggered something.

DUTY: So, you were back up in your apartment and then all of the sudden you were awoken by what?

JOINER: I was awoken, I don't know what I, I don't even know if I had went to sleep. All I know is, I was in a lot of pain.

WITNESS	<b>X</b>	STATEMENT TAKEN BY	SERIAL	UNIT
WITNESS		Det. D. Duty		
BY (Taped / Translated Statements)	SERIAL	UNIT	SUPERVISOR	SERIAL



# STATEMENT FORM

INCIDENT NUMBER 05-395573
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DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: And someone's slashing at you?

JOINER: Somebody started slashing at me.

DUTY: Okay.

JOINER: All, all I know is I felt some pain. He either hit me and I fall back or he's started cutting me. I don't know exactly what place it took.

DUTY: And your, your arms are obviously cut so, you had your arms up trying to protect yourself?

JOINER: Yes.

DUTY: And could you really see his face very well?

JOINER: I couldn't see, I don't remember seeing his face.

DUTY: But you saw some clothing?

JOINER: But, but I saw clothing.

DUTY: And how would you describe that clothing?

JOINER: It was patches of what, well, like, it's like a stitch put together, different colors of blue. Is light blue, dark blue.

DUTY: Do you know what kind of material it is?

JOINER: Yeah, it's like a cotton, a cotton velvet. It's cotton velvet and...

DUTY: Okay and earlier you mentioned that you thought it might have been a denim jacket that was kind of like...

JOINER: Yeah, yeah, yeah, it was a denim jacket.

DUTY: Okay.

JOINER: But it was the style of a denim but it had different colors of stitches of colors put together. So, it was in the denim and...

DUTY: What about his pants?

JOINER: His pants are blue.

DUTY: And the shoes?

JOINER: The shoes are black Pumas.

WITNESS	<b>X</b>	STATEMENT TAKEN BY	SERIAL	UNIT	
WITNESS		Det. D. Duty			
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# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: And you're describing the guy that was attacking you was wearing this?

JOINER: Was wearing that.

DUTY: And were those similar to the clothes that Willie McCoo was wearing just earlier?

JOINER: Yeah, that's the only outfit he had.

DUTY: A short time earlier he had that same outfit on?

JOINER: He had that same outfit on.

DUTY: And you also mentioned earlier that you've seen Willie with a knife on more than one occasion?

JOINER: Yes. He, he owns several knives.

DUTY: What knife have you seen most frequently?

JOINER: I've seen most frequently the black one. It's a black one with, it's a button that you click and it pops out.

DUTY: And the blade comes out?

JOINER: And the blade comes out.

DUTY: Okay. Since this incident, you had an opportunity to talk to one of your girlfriends?

JOINER: Yes, Saturday.

DUTY: What's her name?

JOINER: Her name is Shay.

DUTY: And she stays at the Creston Park Apartments?

JOINER: She stays at the Creston Apartments.

DUTY: And what did Shay have to say to you regarding this?

JOINER: Shay, Shay told me that it must've been because we had a dispute. And...

DUTY: "We" being you and Willie?

JOINER: Me, me and Willie. And I ran upstairs and I told her, "I know I'm not going to take this shit no more." You know, "I'm going to, I, I can't get in it with him like that no more." You know, basically, she also told me she's seen him leave the apartment. So, after the fire department and stuff arrived. So...

WITNESS
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<b>X</b>	
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WITNESS
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STATEMENT TAKEN BY Det. D. Duty	SERIAL	UNIT
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# STATEMENT FORM

INCIDENT NUMBER 05-395573
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DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: So, how, how long after you, she told, she told you that she, you ran upstairs, saying those things regarding you can't deal with him anymore...

JOINER: She said it was like five, ten minutes.

DUTY: That the police came?

JOINER: That the, the ambulance and the police and the fire department was on the way. But, you know (unintelligible) say five, ten minutes. It could be a half an hour.

DUTY: But, just some time after she...

JOINER: Sometimes after she heard me say that.

DUTY: And then also she mentioned to you that she heard Willie leave?

JOINER: She, she saw him leave.

DUTY: Leave. Just before the police came?

JOINER: She saw him jump out the window.

DUTY: Okay, before the police came?

JOINER: Before the police came.

DUTY: Okay. What type of injuries have you received from this assault?

JOINER: I received stitches, staples on my neck coming from the one part of my ear down to the middle part of my neck.

DUTY: Do you know how many staples you have?

JOINER: Fifty, over fifty staples.

DUTY: And you also have some...

JOINER: And I got stitches on my lips and I got stitches on my ears and I got stitches down a little bit next, on the part of my ear. And (unintelligible) and I got gashes in my, well, the gashes are so, they're big. They, they...

DUTY: Where are the gashes at?

JOINER: The gashes are on my back, above my shoulder blade.

DUTY: And you're pointing to left, upper back.

JOINER: To my left, upper back.

WITNESS	<b>X</b>	STATEMENT TAKEN BY	SERIAL	UNIT	
WITNESS		Det. D. Duty			
BY (Taped / Translated Statements)		SERIAL	UNIT	SUPERVISOR	SERIAL
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# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: And what, any other ones?

JOINER: Yeah, and I got stitches under my cast.

DUTY: And that's, that's one your left arm?

JOINER: On my left arm, underneath my cast. 'Cause I got stitches on my knuckles. Stitches in the middle part of my left arm.

DUTY: And you are very confident that Willie McCoo is responsible for your injuries?

JOINER: I'm very confident. Very confident.

DUTY: There's no doubt in your mind?

JOINER: There's no doubt at all in my mind.

DUTY: Okay. That he's the one that stabbed you?

JOINER: I know he's the one.

DUTY: Okay. Is there anything else that you can think of at this statement that might be important?

JOINER: Um, you already know he slashed part of my artery, right?

DUTY: Right. Right.

JOINER: Okay.

DUTY: Detective Duffy has a question she'd like to ask you.

DUFFY: I just want to clarify. You said you saw Mr. McCoo with knives in the past.

JOINER: Yes.

DUFFY: Did you recognize that, one of those knives were, was the knife that was cutting you that night?

JOINER: That was cutting me, yes, the black one. The one he just got.

DUFFY: Okay, so you recognized particular knife as his knife?

JOINER: Yes. Yes.

DUFFY: Thank you.

DUTY: Had, had you seen him with a knife earlier in that day?

JOINER: Yeah, he carries a knife all the time. That's all he carry is a knife, you know.

WITNESS	<b>X</b>	STATEMENT TAKEN BY		SERIAL	UNIT
WITNESS		Det. D. Duty			
WITNESS		SERIAL	UNIT	SUPERVISOR	SERIAL



# STATEMENT FORM

INCIDENT NUMBER 05-395573
UNIT FILE NUMBER

DATE 09/23/05	TIME	PLACE Sumner, Washington
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STATEMENT OF	COMPLAINANT	WITNESS	VICTIM	OFFICER	OTHER
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NAME (LAST, FIRST, M.I.) Joiner, Tammy	DOB
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DUTY: Where, where did you see that knife earlier in the day?  
 JOINER: Earlier in the day was when he plays with it all the time. He's always snapping it out, snapping it in, snapping it out, snapping it in.  
 DUTY: Was that over at the store, he, someone mentioned that you...  
 JOINER: Yes, yes.  
 DUTY: ... (unintelligible) over to the store and he had a knife out and he was...  
 JOINER: Yes.  
 DUTY: ... kind of making some ornery looking...  
 JOINER: Yes, ornery faces, yes. Yeah.  
 DUTY: ... looks at you.  
 JOINER: Oh, I didn't see, he was making ornery faces at me?  
 DUTY: Pardon?  
 JOINER: He was making ornery faces at me? So, I mean, he wanted to kill me a long time ago then. Shit.  
 DUTY: Okay. That will conclude the statement. The time now is...  
 JOINER: I thought he made ornery faces at other people too.  
 DUTY: ... 2025 hours.

WITNESS	<b>X</b>	STATEMENT TAKEN BY	SERIAL	UNIT
WITNESS		Det. D. Duty		
ANSWER BY (Taped / Translated Statements)	SERIAL	UNIT	SUPERVISOR	SERIAL
har.				

1 911: Hello?

2 UNKNOWN: (Unintelligible).....god damn..... (unintelligible talking in background)....give me  
3 the telephone, hello is this (unintelligible)...

4 911: Yes, uh, radio I have an unknown disturbance. Just a moment sir. This is at  
5 10500 51<sup>st</sup> Avenue South, apartment 301, I had a crying female on the line for a  
6 couple of minutes but I couldn't get any information. What's going on there sir?

7 UNKNOWN: It's a woman got cut here real bad, send somebody out here quick.

8 911: Oh okay you just, she just needs medical attention?

9 UNKNOWN: Yeah.

10 911: Stay on, stay on the line I'm getting the fire department on the line.

11 UNKNOWN: Okay.

12 911: How did she get cut sir?

13 MEDICS: Fire Department, Medic One.

14 UNKNOWN: Yeah, uh, uh, send somebody up here fast, at 10500 51<sup>st</sup> Avenue South, apartment  
15 301.

16 MEDICS: Number 301?

17 UNKNOWN: Yeah.

18 MEDICS: What's going on there?

19 UNKNOWN: A woman got cut some way and it's bleeding real bad.

20 MEDICS: Who got cut?

21 UNKNOWN: I don't know, a woman.

22 MEDICS: A woman?

23 UNKNOWN: Yeah, come (unintelligible, talking to someone in the background)....

1 MEDICS: Is she in apartment 301?  
2 UNKNOWN: Yeah.  
3 MEDICS: How old is she?  
4 UNKNOWN: Oh (unintelligible) a woman.  
5 MEDICS: How old, I mean how---  
6 UNKNOWN: About 33 years old.  
7 MEDICS: How old?  
8 UNKNOWN: About 33 or 34 I don't know.  
9 MEDICS: How did she get cut?  
10 UNKNOWN: I don't know I wasn't here I'm asleep.  
11 MEDICS: Did somebody, did, was it, was there a knife?  
12 UNKNOWN: Will you get somebody out here?  
13 MEDICS: What?  
14 UNKNOWN: Get somebody on out here.  
15 POLICE: Yes sir this is the police we're still on line, too, and we are sending somebody out  
16 there but I---  
17 UNKNOWN: (Unintelligible)...there's a woman bleeding.  
18 POLICE: ---who all the---  
19 UNKNOWN: Well this woman is bleeding bad.  
20 POLICE: Yeah I understand.  
21 MEDICS: Radio I'm gonna go but we're gonna standby until you have (unintelligible).  
22 POLICE: Okay.  
23 UNKNOWN: (Unintelligible), I need a blanket in there....

1 POLICE: All right fire we'll see you there. Sir is there anybody else there besides her and  
2 you?  
3 UNKNOWN: Uh, yeah my nephew here but he's staying with me.  
4 911: So how did she cut herself?  
5 UNKNOWN: Somebody come through the window there, a friend I don't know. You ask her  
6 she can tell it to you. I wasn't in there. Somebody cut her. Hello?  
7 POLICE: Yeah, yeah I'm here. So you're saying the person who cut her is not there any  
8 more?  
9 UNKNOWN: It, (unintelligible)...he might have jumped out the window.  
10 POLICE: Okay sir, uh, we're gonna get somebody there right away. What's your last name?  
11 UNKNOWN: My name Charles Green.  
12 POLICE: All right.  
13 UNKNOWN: And she's bleeding bad. Hello?  
14 POLICE: Yes.  
15 UNKNOWN: You want me to hold the line?  
16 POLICE: Yeah just stay on the line with me for a moment would ya?  
17 UNKNOWN: All right.  
18 [Redacted]  
19 UNKNOWN: It was her hand (unintelligible) wasn't cut at.....  
20 911: What did she cut it on sir?  
21 UNKNOWN: She's cut all over, she (unintelligible)...  
22 911: What, what did she cut it on?  
23 UNKNOWN: She didn't cut it on nobody, somebody cut her.

1 911: Did this happen in the apartment?  
2 UNKNOWN: Yeah.  
3 911: Okay.  
4 UNKNOWN: Shut that door (unintelligible talking in background, I know but whoever did it  
5 went out the window). I know.  
6 POLICE: Okay sir we, we've got police and fire on the way.  
7 UNKNOWN: Okay.  
8 POLICE: All right I'm gonna let you go now.  
9 UNKNOWN: All right thank you.  
10 POLICE: Thank you.

11 End of Statement

12  
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14  
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joinerinterview

22 MS. KENEFICK: No D in there?  
23 MS. JOINER: No, no.  
24 MS. KENEFICK: How are you feeling today?  
25 MS. JOINER: I'm feeling good. I can't complain.

0003  
1 MS. KENEFICK: Let's talk about how -- the first  
2 part is how you knew Mr. McCoo. When did you meet him? What  
3 was the background?

4 MS. JOINER: Well, I had seen him in the apartment  
5 complex, at the Crescent Apartments. I started seeing him  
6 like the first week that I started coming outside. I didn't  
7 come out as much, I just would go to the store and back.

8 MS. KENEFICK: Why weren't you coming out?  
9 MS. JOINER: Because the guy that I was seeing,  
10 before he went to jail, he used to always tell me that --  
11 that those type of people weren't my type of people and that  
12 it wasn't safe for me to be outside, so I was just, you know,  
13 told just to, just to stay in the house.

14 MS. KENEFICK: Okay, he was in jail though at that  
15 point?

16 MS. JOINER: Yeah, he was in jail at the time.

17 MS. KENEFICK: Can you give us his name?

18 MS. JOINER: His name is Anthony Green.

19 MS. KENEFICK: Anthony Green. There are several  
20 reasons I ask. One of the reasons is in the event that he's,  
21 like, a client of mine right now, that would make a very big  
22 difference. As far as I know he's not.

23 MS. JOINER: Okay.

24 MS. KENEFICK: And is he still in jail or is he out?

25 MS. JOINER: No, he's out now.

0004  
1 MS. KENEFICK: All right. Now, do you know what he  
2 was in jail for, Tammy?

3 MS. JOINER: Yes, DV.

4 MS. KENEFICK: Was that with you?

5 MS. JOINER: Yes, it was.

6 MS. KENEFICK: Was it an assault?

7 MS. JOINER: Yes, it was.

8 MS. KENEFICK: Okay. Anyway, tell me -- you said  
9 you had first met Mr. McCoo when you first started going out  
10 of your apartment.

11 MS. JOINER: Yes, well, I just used to see him. All  
12 the time --

13 MS. KENEFICK: Excuse me, where was the apartment?

14 MS. JOINER: The apartment is on 51st and Crescent,  
15 51st Avenue South.

16 MS. KENEFICK: Okay. And which apartment was it at  
17 that time?

18 MS. JOINER: The Crescent Apartments.

19 MS. KENEFICK: Number what?

20 MS. JOINER: No. 301.

21 MS. KENEFICK: At that time it was as well?

22 MS. JOINER: Yes, ma'am.

23 MS. KENEFICK: Had you been in any other apartments  
24 in that building complex?

25 MS. JOINER: Yes, I used to reside in apartment 306.

0005  
1 MS. KENEFICK: Okay. And why were you no longer in  
2 306?

3 MS. JOINER: Because I was in the process of moving  
4 out of this whole apartment complex, so I just moved down  
5 to -- first I sent my kids, I have four, I sent my kids to my  
6 family's house to take them to safety. And then it was just

*CX Injuries?  
Hosp?  
(i.e. scared of him  
cuz he beat her  
up  
CX Anth know abt wk*

*Have kids?  
Where were they?  
Why?*

joinerinterview

7 me, so I was in the process of moving my things from 306 into  
8 storage.

9 MS. KENEFICK: Were you kicked out from 306, Tammy?

10 MS. JOINER: So to speak, yes, I was.

11 MS. KENEFICK: And what was the reason?

12 MS. JOINER: Eviction. I was evicted.

13 MS. KENEFICK: For drugs?

14 MS. JOINER: No, for just rent (inaudible).

15 MS. KENEFICK: So you then got into 301. Now what  
16 was the setup there, how did you get into 301?

17 MS. JOINER: 301 was my boyfriend's grandfather's  
18 apartment.

19 MS. KENEFICK: Okay, and what was your boyfriend's  
20 grandfather's name?

21 MS. JOINER: Charles -- well, they call him Swede,  
22 but Charles Green. Charles Green.

23 MS. KENEFICK: Did anybody else stay in the  
24 apartment?

25 MS. JOINER: At that time, no. I guess, I'm sorry,

0006

1 Henry Green.

2 MS. KENEFICK: And who is he?

3 MS. JOINER: Henry is his cousin. So that's  
4 Mr. Green's nephew.

5 MS. KENEFICK: So Charles was allowing you to stay  
6 in the apartment?

7 MS. JOINER: Yes, he was.

8 MS. KENEFICK: All right. And at that time you met  
9 Mr. McCoo?

10 MS. JOINER: Right, yes.

11 MS. KENEFICK: And what location in the area did you  
12 meet him?

13 MS. JOINER: Well, when I -- excuse me. When I --  
14 when I actually became acquainted with him, I was -- I used  
15 to see him outside. I was in my -- I was in my bedroom and  
16 Henry, Anthony's cousin, had brought him into the house and  
17 said, hey, this is my friend Willie, he is going to come and  
18 chop up some dope. And I said, well Henry, he's not allowed  
19 in my room, take him in your room. So when he went into the  
20 other room, the opposite side, I had went over there and  
21 that's when I became acquainted -- more acquainted with him.

22 MS. KENEFICK: Okay. And that was into Henry's  
23 bedroom?

24 MS. JOINER: Yes.

25 MS. KENEFICK: Okay. Were you doing drugs with him

0007

1 at that time?

2 MS. JOINER: Oh, he didn't do drugs, he just sold  
3 them.

4 MS. KENEFICK: (Inaudible).

5 MS. JOINER: Well, he didn't do drugs, not with me.  
6 He just sold drugs.

7 And Henry was, so to speak, in the closet, and no  
8 one --

9 MS. KENEFICK: No one knew about Henry?

10 MS. JOINER: No one knew about Henry. But he told  
11 on everybody else.

12 MS. KENEFICK: I'll tell you what, Tammy. If you  
13 don't mind, I'm just going to do a very rough sketch of what  
14 may be just a bare outline of the apartment. Could you just  
15 show us where the bedrooms are and the kitchen and where your  
16 room was?

17 MS. JOINER: Okay. This is one of the bedrooms

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18 right here, and that bedroom is on the street that's  
19 facing --

20 MS. KENEFICK: On the street?

21 MS. JOINER: -- on 51st. That's facing the corner  
22 store. And the room where I was at --

23 MS. KENEFICK: Corner store.

24 MS. JOINER: Yeah, like over there that's the  
25 corner store.

0008

1 MS. KENEFICK: Is that across the street?

2 MS. JOINER: Across the street, yes. And you can  
3 see it from the bedroom (inaudible). And next to that is the  
4 kitchen. Then when you walk out, you're going to like next  
5 to the kitchen over there. Okay, and that's the bedroom that  
6 Henry was staying in. (Inaudible) and I ran over to the  
7 corner store.

8 MS. KENEFICK: Okay, good. Where is the front door?

9 MS. JOINER: Okay, and front door is, like you have  
10 the living room right here, and the front door was in the  
11 middle of the living room, okay. And then that's the front  
12 door. Okay, and then say like then you have a closet right  
13 next to -- so that was there and (inaudible).

14 Right next to the closet is the front door, okay, so  
15 I'll just put "closet." But the living room, the front door  
16 is in the living room, and then right next to it is the  
17 closet, so I've probably got it backwards.

18 MS. KENEFICK: That's okay.

19 MS. JOINER: And then you -- the bathroom door is  
20 right here. And right across from the bathroom is the  
21 bedroom that was stabbed in.

22 MS. KENEFICK: That was your bedroom at the time?

23 MS. JOINER: Yes.

24 MS. KENEFICK: Okay. Where was the window that was  
25 closed -- that was opened?

0009

1 MS. JOINER: The window was right facing the parking  
2 lot, the laundry area and the parking lot.

3 MR. TISSOT: Where is the balcony?

4 MS. JOINER: And the balcony is right below, the  
5 balcony's right below the staircases that came up to the  
6 third floor. And then, then it takes you up to the top, to  
7 the balcony part.

8 MS. KENEFICK: Okay.

9 MS. JOINER: Okay, then right there was the window  
10 which went into the bedroom.

11 MS. KENEFICK: Now you were doing drugs with -- or  
12 Henry was doing drugs that day?

13 MS. JOINER: We never did it together. He was  
14 just -- willie was coming in to chop up -- when you have like  
15 a solid piece of rock, okay, and you chop it down for sale.  
16 So you chop it in 10s and 20s, and whatever is left over is  
17 what you would call the crumbs for the house. So that's  
18 what's given to whoever helps you chop the (inaudible).

19 MS. KENEFICK: So you were in Henry's bedroom?

20 MS. JOINER: Yes.

21 MS. KENEFICK: And that's when you first met willie?

22 MS. JOINER: Right.

23 MS. KENEFICK: Okay. And do you remember when that  
24 was approximately?

25 MS. JOINER: I don't remember the date.

0010

1 MS. KENEFICK: Winter? Summer?

2 MS. JOINER: It was summer.

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3 MS. KENEFICK: It was in the summer?  
4 MS. JOINER: Yes. It was shortly after Willie got  
5 out of jail from when he was locked up all the time. So all  
6 this correspondence was between the 11th and the 15th of  
7 September, so it was a short amount of time.  
8 MS. KENEFICK: And at that time you had a  
9 relationship with him?  
10 MS. JOINER: Uh-huh -- I'm sorry, not a  
11 relationship.  
12 MR. TISSOT: What was it?  
13 MS. JOINER: I wouldn't consider it a relationship,  
14 I considered it just an acquaintance, just a party -- a  
15 person to get me out of the house, an acquaintance.  
16 MS. KENEFICK: Were you ever intimate?  
17 MS. JOINER: Yes, I was intimate with him.  
18 MS. KENEFICK: And when was that?  
19 MS. JOINER: I would say like probably two weeks  
20 after meeting. So I don't know the exact date. I would be  
21 speculating because I really don't know.  
22 MS. KENEFICK: And that was just the one time?  
23 MS. JOINER: Yes. We went to a hotel downtown.  
24 MS. KENEFICK: Who paid for that?  
25 MS. JOINER: He paid for the hotel.

0011

1 MS. KENEFICK: And now let's get closer to the time  
2 of the incident. That -- the day before, let's say two or  
3 three days before, had you been with Willie the whole time,  
4 you would say?  
5 MS. JOINER: Yeah, we were together every day.  
6 MS. KENEFICK: And what you were doing?  
7 MS. JOINER: First we would go downtown and sell  
8 drugs. I had never sold drugs before, but he taught me.  
9 MS. KENEFICK: Whereabouts in the downtown area?  
10 MS. JOINER: In the Belltown area, down by the pier,  
11 over by the Seattle Public Market.  
12 MS. KENEFICK: So that was, you would estimate,  
13 what, two or three days before or how long?  
14 MS. JOINER: Probably about -- probably about two  
15 days after me meeting him in Henry's room. So every day  
16 after that.  
17 MS. KENEFICK: And was he staying with you at that  
18 time?  
19 MS. JOINER: No, I wouldn't say he was staying with  
20 me. I would ~~sneak him in through the window~~, but we never  
21 like slept there, we was always gone at night. CX  
22 MS. KENEFICK: It was always what?  
23 MS. JOINER: We was always gone.  
24 MS. KENEFICK: You were gone at night?  
25 MS. JOINER: For the night. And during the day, I

0012

1 would just come back to change clothes and freshen up and  
2 stuff.  
3 MS. KENEFICK: Now, that was pretty much from the  
4 time that you met him until the day of the incident?  
5 MS. JOINER: Yes.  
6 MS. KENEFICK: Now on the day of the incident, was  
7 he staying with you on that day?  
8 MS. JOINER: No. On the day of the incident, we was  
9 out and about all day.  
10 MS. KENEFICK: When did you first meet up with him?  
11 MS. JOINER: I think like we never really slept, we  
12 never really slept. I met up with him, you know, I just  
13 remember just being with him in the morning time and we did a

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14 lot of sleeping on the buses. So we never really was apart  
15 for us to meet up.

16 MS. KENEFICK: Right.

17 MS. JOINER: He was either downstairs in another  
18 apartment while I was getting ready. Then once I became  
19 ready, I would come down to the second floor and then we'd  
20 leave, get on the bus from there.

21 MR. TISSOT: You're talking about the entire course  
22 of the relationship, correct?

23 MS. JOINER: No, just the incident.

24 MR. TISSOT: On the day of the incident?

25 MS. JOINER: On the day of the incident, yes.

0013

1 MR. TISSOT: You met him that morning of the  
2 incident, you went downstairs, he was somewhere else or --

3 MS. JOINER: No, no, no. The day of the -- okay,  
4 the day of the incident, the night prior we was downtown and  
5 then we caught the bus. And on the bus trip, that was when I  
6 was just -- that was when we was -- we fell asleep and went  
7 back to the apartment complex from the bus -- from the doing  
8 the ride home from the bus at the bus stop. And then that  
9 day when we came home, I had -- I came -- I went in through  
10 my window and changed clothes and ate, and then I met him  
11 down on the second floor. And we was also in the process of  
12 trying to recop. Recop meaning get more dope for sale.

13 MS. KENEFICK: You were trying to what?

14 MS. JOINER: Trying to recop. Recop meaning buy  
15 more drugs for that day's sale. So he was on the phone doing  
16 that.

17 MS. KENEFICK: Which apartment was he using?

18 MS. JOINER: Apartment down below, so that would  
19 make it 201.

20 MS. KENEFICK: And who is the person who lives --

21 MS. JOINER: Leon.

22 MS. KENEFICK: Leon. He was the renter or --

23 MS. JOINER: He is the person -- he was the person.  
24 Diablo is the renter, that's his brother.

25 MR. TISSOT: What's his brother's name?

0014

1 MS. JOINER: Diablo. Leon's brother is Diablo.

2 MR. TISSOT: Diablo?

3 MS. JOINER: Yes.

4 MS. KENEFICK: So you started out that day, and  
5 where did you go?

6 MS. JOINER: We went to go see his father in  
7 Pacific, Washington.

8 MS. KENEFICK: In Pacific?

9 MS. JOINER: Yes. So that was a long ride.

10 MS. KENEFICK: How did you get there -- oh, that was  
11 bus?

12 MS. JOINER: Yes.

13 MS. KENEFICK: How long did you stay?

14 MS. JOINER: We stayed for about an hour or two  
15 after that.

16 MS. KENEFICK: What was the reason you went out  
17 there?

18 MS. JOINER: We went out there, mainly he needed to  
19 change clothes himself and check on his dad and get some  
20 groceries for his dad. But I had found out -- well, I found  
21 out I left his -- because he let me hold his IDs and his  
22 cards and stuff, and I left his food stamp card at home, so  
23 we had to go back to the house and get it, so his father gave  
24 us a ride back to the house after our visit.

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25 MS. KENEFICK: Is that the first time you met his  
0015 father?  
1 MS. JOINER: Yes.  
2 MS. KENEFICK: Now, between the time that you were  
3 at Pacific and the time you got home, did you stop anywhere  
4 on the way?  
5 MS. JOINER: No.  
6 MS. KENEFICK: So you had to go to your house, to  
7 your apartment first?  
8 MS. JOINER: Oh, well, actually, no, no. I went to  
9 Keebler's (inaudible) -- I'm sorry, Keebler Holden's house up  
10 the street because that's where my personal belongings were.  
11 MS. KENEFICK: Your personal belongings?  
12 MS. JOINER: Yes.  
13 MS. KENEFICK: Was that your dad's or --  
14 MS. JOINER: Yes, that was right up the street.  
15 MR. TISSOT: From your dad's, huh?  
16 MS. JOINER: I beg your pardon?  
17 MR. TISSOT: From your dad's --  
18 MS. JOINER: No, it was in front of his dad's  
19 house -- no, no, it was up the street from Mr. Green's house,  
20 from where I was living.  
21 MS. KENEFICK: And is that where the food stamps  
22 were?  
23 MS. JOINER: Yes, ma'am.  
24 MS. KENEFICK: All right. So what time did you get  
25  
0016 to his dad's house -- get to his dad's house?  
1 MS. JOINER: I'd say like around 8, had to be like  
2 -- probably like around 7 because it was still daylight when  
3 we got there.  
4 MS. KENEFICK: ??  
5 MS. JOINER: So it was 7, yes.  
6 MS. KENEFICK: And you stayed there how long?  
7 MS. JOINER: Like had to be around 10 because it was  
8 dark when we left. And from the time it took us to get from  
9 Pacific to the grocery store, I know we left the grocery  
10 store around 11:30 because they was closing, and the Safeway  
11 on Henderson closes at midnight.  
12 MS. KENEFICK: What was the store -- which store did  
13 you go to?  
14 MS. JOINER: Safeway.  
15 MS. KENEFICK: Safeway. Where was that located?  
16 MS. JOINER: On Henderson.  
17 MS. KENEFICK: Henderson?  
18 MS. JOINER: Yes, it's in the south end. So it  
19 was -- I want to say it's not quite the street Henderson, but  
20 it's in white Center, I don't know what street.  
21 MS. KENEFICK: So you did leave the grocery store at  
22 11?  
23 MS. JOINER: Yes, it was around 11:30, because they  
24 were closing down and turning off lights and doing the last  
25  
0017 call.  
1 MS. KENEFICK: What did you --  
2 MS. JOINER: He bought like a hundred dollars worth  
3 of food.  
4 MS. KENEFICK: Was that for you, for --  
5 MS. JOINER: It was for his dad, yeah. It was his  
6 stamps.  
7 MR. TISSOT: But you had to go home and get those  
8 stamps first, correct?  
9

joinerinterview

10 MS. JOINER: Yes, well, I had to go to Keebler's.  
11 MR. TISSOT: To Keebler's house to get the stamps?  
12 MS. JOINER: To Keebler's house to get the cards,  
13 yes. I didn't have any IDs or anything on me, I didn't carry  
14 my purse that day.  
15 MS. KENEFICK: Okay, so now you're leaving the  
16 store. Where did you go after you left the store?  
17 MS. JOINER: After we left the store, we went to  
18 Mr. Green's house so his dad could drop us off.  
19 MS. KENEFICK: To?  
20 MS. JOINER: 51st and Crescent.  
21 MS. KENEFICK: And his dad drove you there?  
22 MS. JOINER: Yes. So during that point of shopping,  
23 I also picked up some items but with my own money, my own  
24 card, so I got my stuff out of the back trunk, out of the  
25 back of the trunk. In the process of getting -- excuse me --

0018

1 in the process of me getting my bags out, I had  
2 accidentally --  
3 MS. KENEFICK: You can stop if you want to.  
4 MS. JOINER: I'm sorry.  
5 MS. KENEFICK: Don't strain your voice.  
6 MS. JOINER: Okay, I accidentally pulled out the  
7 tail light cord, and it didn't dawn on me that that was the  
8 first time his rage, he became angry.  
9 MR. TISSOT: Whose car was it?  
10 MS. JOINER: It was his dad's car. And Willie  
11 became real angry.  
12 MS. KENEFICK: Did he say anything to you?  
13 MS. JOINER: Yeah, he was like, how dare you do  
14 that. And I left roughly after that --  
15 MS. KENEFICK: Did you say anything back?  
16 MS. JOINER: It was an accident, I'm sorry. And he  
17 was down there trying to fix it. And I went upstairs to put  
18 the food away, but it didn't -- I didn't stay there long  
19 enough to see him more rage or to see, you know, just the  
20 cockiness, but he fueled up that quick and just over that.  
21 MS. KENEFICK: But you didn't realize that --  
22 MS. JOINER: No, I didn't realize it. He never gave  
23 me no (inaudible).  
24 MS. KENEFICK: (Inaudible).  
25 MS. JOINER: I never -- it wasn't one of those type

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1 of relationships where you saw him, I mean he just didn't fit  
2 the description to have rage like that.  
3 MS. KENEFICK: Were -- had you ever experienced that  
4 before?  
5 MS. JOINER: No, never. He was -- he was  
6 controlling but I could -- since a lot of men I came in  
7 contact with him are a bit controlling, but not overly -- he  
8 was not overly controlling, like a business type controlling.  
9 He was a bit possessive, I saw different bursts of it, but I  
10 thought it was at --  
11 MS. KENEFICK: He was not an abusively controlling  
12 person?  
13 MS. JOINER: No.  
14 MS. KENEFICK: Up until --  
15 MS. JOINER: Up until that night.  
16 MS. KENEFICK: Okay. And you went up to your  
17 apartment, what did you do after that?  
18 MS. JOINER: I went and freshened up, because I was  
19 gone all day, and made some food and went to sleep.  
20 MS. KENEFICK: Were you paying rent, by the way,

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21 Tammy?  
22 MS. JOINER: No, but I bought food and paid whatever  
23 bills needed to be paid. So I went and -- because I also  
24 made food for Swede -- for Mr. and Mr. Green. And so I went  
25 up and made sure he was okay and showed him the food that I

0020  
1 got him. And after preparing his meal, I went to the store,  
2 and --

3 MR. TISSOT: I remind you -- I know you're doing  
4 real good, Tammy, I just want to remind you to speak up.

5 MS. JOINER: Okay.

6 MS. KENEFICK: So you went across the street to the  
7 little corner store?

8 MS. JOINER: To the little store.

9 MR. TISSOT: Why did you go across to the store?

10 MS. JOINER: Because it was last call for the

11 alcohol.

12 MR. TISSOT: I didn't hear that, it must have been  
13 good though.

14 MS. JOINER: Because it was the last call for the  
15 alcohol.

16 MR. TISSOT: Okay.

17 MS. JOINER: All right, to get over there.

18 MR. TISSOT: All right. Okay.

19 MS. JOINER: So I went across the street and I guess  
20 with willie (inaudible) just in order of what took place in  
21 order. But right about -- you know, I've forgotten. Can I  
22 backtrack?

23 MS. KENEFICK: Sure.

24 MS. JOINER: Oh, okay. Prior to me making the  
25 decision not to be with willie anymore, we were downtown,

0021  
1 okay, this is the night -- the night before, before the  
2 incident, okay. He had sold a guy a \$20 rock, and the guy  
3 put it in his mouth and he said, this ain't real. And the  
4 man -- and willie said what, what, and he made a face and he  
5 took out his knife and he cut the man on the arm. And this  
6 happened down like on Second Avenue -- not Second, I'm sorry,  
7 it happened by the hotel. The hotel is like on Sixth. It  
8 was further going towards, I believe it was on Lenora, yes,  
9 on Lenora was the street. And I would know the name if I see  
10 it, but it was like on the Sixth, the Sixth Avenue and  
11 Lenora.

12 MS. KENEFICK: Okay.

13 MS. JOINER: Now, he told me to run. I'm like --  
14 I'm looking at him like, I mean I never seen violence like  
15 that, a man stabbed or shot or anything. I'm looking at him  
16 like, I'm not going to be no accessory, you know. I didn't  
17 stab him, you know. So prior to us running we heard the  
18 ambulance and all that, and that's when went back to the  
19 hotel.

20 So that's -- so going back to the story with the  
21 store, that's what gave me -- what gave -- everything that  
22 led up to the taillight and everything, that's when I started  
23 seeing that he wasn't (inaudible) type. He was -- I told him  
24 I didn't want to be with him anymore, I done that --

25 MS. KENEFICK: At the point when you were going

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1 across to the store?

2 MS. JOINER: Right. Now we'd been drinking quarts  
3 on that day, so I wasn't drunk but I was feeling good. So  
4 after (inaudible) going to the store and whatever words that  
5 was exchanged, I just know that he just always had a problem

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6 with rushing me. I mean I like to -- on a trek to that short  
7 distance to the store I like to socialize. I like talk to  
8 everyone, men, women, and he had a problem with that, you  
9 know. And I just started seeing this, it all happened all  
10 just in the course of a day, you know. And when I told him,  
11 I don't remember how I told him that I don't want to be with  
12 him. But from what I hear, it wasn't nice, it was rude, and  
13 it could have been said in a better way and a lot of my  
14 friends just --

15 MS. KENEFICK: How did he react, if you remember?

16 MS. JOINER: He was mad. He kept flicking his  
17 knife. He was flicking -- he had a problem with doing  
18 that -- and looking at me with -- a lot of men look at me  
19 like that. I didn't think that -- they never -- you know, I  
20 have that effect when I drink, okay. He looked at me with --  
21 with probably a look of kill or a look of hatred or a look of  
22 humiliation, because I was always -- I had a voice, I had a  
23 loud voice, you can hear me drunk a way.

24 MR. TISSOT: At that particular time?

25 MS. JOINER: Yeah, at that particular time I had a

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1 voice, it was a strong voice.

2 MR. TISSOT: When you said this to him do you  
3 believe it was projected loud like that?

4 MS. JOINER: Oh, yes, it was, I know it was, it was  
5 never thin. And that's just something that has always been a  
6 problem with me when I did drink. And -- but I know I didn't  
7 say nothing bad to deserve this, I know that.

8 MS. KENEFICK: How was he reacting to you, flicking  
9 his knife?

10 MS. JOINER: He was just flicking it back and forth.  
11 He had one of those knives that --

12 MS. KENEFICK: (Inaudible.)

13 MS. JOINER: It was black knife about this long and  
14 about this long when it's open, and a long handle and a blade  
15 about probably that big, and you just flick a button, it pops  
16 out, he steps back, flick a button, it pops out, (inaudible)  
17 pops out --

18 MR. TISSOT: So he was doing that?

19 MS. JOINER: Yes, when he was -- he had ended up  
20 doing that, he did that a lot in front of the store, and he  
21 was looking at me.

22 MS. KENEFICK: And he was looking at you?

23 MS. JOINER: Yes --

24 MS. KENEFICK: By flicking, he flicked the button  
25 and then he pushed back into the handle?

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1 MS. JOINER: Yes.

2 MS. KENEFICK: So the handle -- it was concealed  
3 inside the handle until you flick the button, right?

4 MS. JOINER: Right.

5 MS. KENEFICK: Okay.

6 MS. JOINER: And it ridges on it.

7 MS. KENEFICK: Is it what I call a switch blade?

8 MS. JOINER: Right. Instead of it being -- it was a  
9 ridged one. He had two.

10 MS. KENEFICK: Oh, okay.

11 MS. JOINER: He had a lot of knives, that was his  
12 specialty. He had two knives and a box cutter.

13 MS. KENEFICK: Okay. And the one knife that he was  
14 flicking that night had a black handle?

15 MS. JOINER: Yes, and it had ridged -- ridged -- the  
16 blade was ridged. And he had one that was a smooth blade

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17 that was a little smaller. And the black one, he got that  
18 from someone downtown, I was with him when he got that.  
19 MR. TISSOT: He had one knife that was with a black  
20 handle that the blade did not flip in and out on, it was  
21 rigid, it was a straight knife, correct?  
22 MS. JOINER: No.  
23 MR. TISSOT: When you say rigid, is that what you  
24 mean by rigid?  
25 MS. JOINER: No, the blade was ridged, but all of  
0025  
1 them flicked.  
2 MR. TISSOT: What do you mean when you say the blade  
3 was rigid?  
4 MS. JOINER: The blade of a knife, that the black  
5 one, there was a blade of the knife that was ridged and it  
6 had --  
7 MR. TISSOT: Oh, it had ridges on it?  
8 MS. JOINER: Ridges, yeah.  
9 MS. KENEFICK: So serrated, is that what you call  
10 it?  
11 MS. JOINER: Right.  
12 MR. TISSOT: So one of them was black and it had  
13 ridges on it, the blade had ridges.  
14 MS. JOINER: Right.  
15 MR. TISSOT: The other one was -- he had two knives?  
16 MS. JOINER: (Inaudible) and it had a what, and he  
17 also had large one, (inaudible), the blade that comes  
18 (inaudible) the black handle, box cutter, it's a blade that  
19 you put in.  
20 MR. TISSOT: Like a box cutter. And the first two,  
21 the dark blue and the black one are switch blades?  
22 MS. JOINER: Right.  
23 MR. TISSOT: The box cutter is not really a switch  
24 blade, it's just a box cutter?  
25 MS. JOINER: Yes.  
0026  
1 MR. TISSOT: Was it actually a box cutter, is that  
2 what it is?  
3 MS. JOINER: Uh-huh. It was the kind that you use  
4 in a warehouse, yeah.  
5 MS. KENEFICK: Did he have only the one knife with  
6 him that night?  
7 MS. JOINER: No, he had all of them. He carries all  
8 of his knives.  
9 MS. KENEFICK: Where does he carry them on his  
10 person?  
11 MS. JOINER: In his pockets. He has one in his  
12 sock, one in his side pocket. Because he always wore like,  
13 they call them painter pants, yeah. So the little side  
14 pocket on the back of the thigh, he carried one there, he  
15 carried one in his back pocket.  
16 MS. KENEFICK: And what color were they?  
17 MS. JOINER: Blue jeans, denim.  
18 MR. TISSOT: Blue jeans.  
19 MS. JOINER: Yes, a darker color than your pants.  
20 MS. KENEFICK: And do you remember what he was  
21 wearing for a top?  
22 MS. JOINER: Yeah, he had on a white T-shirt like a  
23 wife -- they call them wife beater -- wife beater T-shirts,  
24 that's what they call them, wife beater shirts --  
25 MR. TISSOT: That's with the straps?  
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1 MS. JOINER: Straps, yes.

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2 MS. KENEFICK: Muscle shirts?  
3 MS. JOINER: Huh?  
4 MS. KENEFICK: Like a muscle shirt.  
5 MS. JOINER: Yes, we call them that too. He had on  
6 (inaudible) denims like the same color as your jeans, blue  
7 jacket that was thicker, and he also had (inaudible) --  
8 MS. KENEFICK: Just a second, Tammy. What do you  
9 mean by thicker?  
10 MS. JOINER: It was a thicker jacket, like a blue  
11 jean with -- it was a blue jean but it had inside -- it had a  
12 white inside extra layer, so it was like a coat style.  
13 MS. KENEFICK: Like long or short one?  
14 MS. JOINER: It was like a two sized.  
15 MR. TISSOT: Like what?  
16 MS. JOINER: Like a two sized jacket, had pockets --  
17 pockets on the side.  
18 MS. KENEFICK: Okay.  
19 MS. JOINER: And he had -- and he also had like a  
20 stitched thin jacket, pullover, and it was colors like this  
21 color, color like the color of his jeans and colors like dark  
22 blue, light blue, white, but it was stitched up, you know the  
23 way when you make a quilt and you add the stitches, different  
24 patterns.  
25 MR. TISSOT: Was that underneath his regular jacket?  
0028  
1 MS. JOINER: No, that was on top of his -- of his  
2 jacket.  
3 MS. KENEFICK: Do you remember what the weather was  
4 like at that point?  
5 MS. JOINER: Well, at that time it was like the  
6 weather was like freezing, like (inaudible) Seattle.  
7 MS. KENEFICK: Now, anything else that he was  
8 wearing, shoes, hat?  
9 MS. JOINER: Yes, he had on some light Pumas, white  
10 socks, in his hair he had braids.  
11 MS. KENEFICK: Now there are all sorts of braids --  
12 MS. JOINER: Just braids going back.  
13 MS. KENEFICK: Corn rows?  
14 MS. JOINER: Corn rows, yeah.  
15 MS. KENEFICK: Long? Short?  
16 MS. JOINER: Medium height. They were twisted like  
17 that.  
18 MS. KENEFICK: Okay, now, Tammy, you were outside.  
19 You went to the -- did you go to the store to buy alcohol or  
20 did you buy alcohol?  
21 MS. JOINER: Yes, I did.  
22 MS. KENEFICK: What alcohol did you buy?  
23 MS. JOINER: 211.  
24 MS. KENEFICK: 211?  
25 MS. JOINER: 211 Reserve cans. I bought two cans of  
0029  
1 beer, two cans of 211.  
2 MS. KENEFICK: Did you buy anything for Willard?  
3 MS. JOINER: No, he was -- he had already -- because  
4 he was already outside prior to me coming out.  
5 MS. KENEFICK: Okay.  
6 MR. TISSOT: That was for you then, the 211?  
7 MS. JOINER: Right, right, and I bought some  
8 cigarettes.  
9 MS. KENEFICK: Now, the knife flicking and your  
10 conversation about when you said in a loud voice you don't  
11 want to be with him anymore, was there anything else said at  
12 that time?

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13 MS. JOINER: I probably -- you know, I probably  
14 said a lot of -- I believe I talked about his mama, you know,  
15 I said a lot of mean things.  
16 MS. KENEFICK: Like she's a motherfucker or what --  
17 MS. JOINER: She should be -- (inaudible) she  
18 basically, she should be ashamed for having a son like you  
19 or -- (inaudible) if I said she should have shut her legs,  
20 or -- it was something just mean. And his mom is deceased.  
21 MR. TISSOT: His mom what?  
22 MS. JOINER: His mom is deceased.  
23 MR. TISSOT: Recently?  
24 MS. JOINER: She's been dead for about three years.  
25 MR. TISSOT: Three years.

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1 MS. JOINER: Not quite three years.  
2 MR. TISSOT: Oh, I see.  
3 MS. KENEFICK: Did you ever meet her?  
4 MS. JOINER: No, I never met her before.  
5 MS. KENEFICK: And his reaction, was that before you  
6 went into the store?  
7 MS. JOINER: I don't know.  
8 MS. KENEFICK: You don't know.  
9 MR. TISSOT: Was that before or after?  
10 MS. JOINER: I don't know if it was before or after.  
11 I really don't know. I don't know if it was during the  
12 course. I know that we had some words before I went in and  
13 we had some words afterwards.  
14 MR. TISSOT: So you guys had kind of an ongoing --  
15 MS. JOINER: Yes, it was kind of like one those  
16 kinds when you walk in the store and you're still arguing.  
17 And the door is always open, it's a small store, and the  
18 counter is right next to the front door.  
19 MR. TISSOT: He's outside the door?  
20 MS. JOINER: He's outside the door, walking up back  
21 and forth.  
22 MS. KENEFICK: Tammy, about what time was it when  
23 you finally left?  
24 MS. JOINER: Well, you know, I just don't know,  
25 ma'am. I really don't know on around about time. I know it

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1 was still dark.  
2 MR. FERRELL: Can I ask a question? Do you remember  
3 who, if anybody else was around?  
4 MS. JOINER: Oh, yeah, the whole neighborhood was  
5 out, was around. Elbow, I think I think (inaudible) he's  
6 (inaudible).  
7 MS. KENEFICK: What's his name?  
8 MS. JOINER: Well, they call him Elbow.  
9 MS. KENEFICK: Elbow.  
10 MS. JOINER: He has a real name, he's well known by  
11 the police out there. Chris, a guy named Chris was there.  
12 The store -- the owner of the store, we call her Mama, I  
13 don't know her name.  
14 MS. KENEFICK: Oh, Mama?  
15 MS. JOINER: Yeah. She knows everyone around there.  
16 She heard it, and she saw it -- she saw what was going on.  
17 And a girl named -- a lady named Angie, Sonya, Shay-Shay,  
18 Sylvan.  
19 MR. TISSOT: But mama for sure heard it because she  
20 was working, right?  
21 MS. JOINER: She was working, right. She saw it  
22 all. She saw the whole confrontation from the time I crossed  
23 the street until the time I crawled back to go to the

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24 apartment. And she was still -- she was still at the door  
25 there as well.

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1 MS. KENEFICK: Did you go -- did you tell anybody  
2 else that you were tired of --

3 MS. JOINER: Oh, yeah, I told the whole -- I was out  
4 there, I was running up the steps because we stayed on the  
5 third floor so I ran up -- I was flying up the flight of  
6 steps, and as I was passing people, I know for sure  
7 Shay-Shay, I told her I'm not putting up with this, I'm just  
8 leaving, and if it's a relationship I'm not going to put up  
9 with -- besides (inaudible) I'm not putting up with this  
10 shit. You know, I'm jumping from one frying pan into  
11 another, and it's not worth it.

12 MS. KENEFICK: Okay, I'm not putting up with this  
13 shit, and Shay-Shay heard you say that?

14 MS. JOINER: Right.

15 MS. KENEFICK: Okay.

16 MR. TISSOT: Again I want to remind everybody to  
17 speak up just as a matter of course.

18 MS. KENEFICK: Okay. Now, so that was on the way by  
19 her?

20 MS. JOINER: Yes, after -- after we were in the  
21 store.

22 MS. KENEFICK: And where were you going at the time?

23 MS. JOINER: I was going up to the apartment.

24 MS. KENEFICK: Did you see the Greens at all at that  
25 point.

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1 MS. JOINER: Well, Mr. Green, I think on that night  
2 he was asleep. He sleeps on the couch in the living room.  
3 So I went into the house, because when I left -- I normally  
4 would only go through the window if I left out through the  
5 window, okay. But in this case, I went in -- I went out of  
6 the living room door, so I came in through the door, locked  
7 the front door, and then I went into my bedroom. Now, I  
8 really don't know the exact sequence, but one thing I do  
9 remember is putting that stick in that bedroom window, and  
10 pushing it down to see if it was blocked.

11 MR. TISSOT: So how do you put the stick in the  
12 window?

13 MS. JOINER: Okay, it was one of the older style  
14 windows to where the lock thing was broke off of it, so it  
15 didn't lock by itself. So you get a stick the size -- it was  
16 a double -- the double siding window, you have two -- two  
17 panels of windows.

18 MS. KENEFICK: Were they long windows?

19 MS. JOINER: So they were thick -- yeah, long  
20 windows, the type that a person could climb in and out of.  
21 And the stick was probably about that long. And you just  
22 stick it in diagonally.

23 MR. TISSOT: Diagonally.

24 MS. JOINER: Diagonally, yeah. And I should have  
25 stuck it in down in it, but I didn't have the proper stick

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1 that is properly used for that window. It was a longer  
2 stick, so I had to do it diagonally.

3 MR. TISSOT: Did you test it?

4 MS. JOINER: Well, I just made sure that it was in  
5 there tight enough. I really didn't -- didn't yank on the  
6 window or the -- come to find out, though, the window, all  
7 you have to do is lift the window and it pops it. But I  
8 didn't know that.

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9 MR. TISSOT: How did you find that out?  
10 MS. JOINER: Oh, because it was showed to me after,  
11 when I came back to collect my belongings, on all the many  
12 ways you can get in that window.  
13 MR. TISSOT: You went into the room there, it was  
14 demonstrated how that could happen, is that correct?  
15 MS. JOINER: Yes.  
16 MR. TISSOT: Do you remember who showed that to you?  
17 MS. JOINER: Yeah, Anthony.  
18 MR. TISSOT: Anthony?  
19 MS. JOINER: Yes, he showed me that you can lift it  
20 up from the -- from the -- like a sliding on the rail, all  
21 you had to do was lift it up and it popped it.  
22 MR. TISSOT: When you lift it up, does it come out  
23 or --  
24 MS. JOINER: Oh, yeah.  
25 MR. TISSOT: The window actually comes out?

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1 MS. JOINER: You can pop it out, or you can pop it  
2 to where it you could make a jump to where it comes off the  
3 roller to where you can have access to, if it was locked, or  
4 if there was anything in it, it makes it loose enough so all  
5 you have to do is slide it open.  
6 MS. KENEFICK: And you had -- it was, as far as you  
7 were concerned, was secured that night?  
8 MS. JOINER: Yeah.  
9 MS. KENEFICK: And you didn't know about the popping  
10 business until later?  
11 MS. JOINER: No, I didn't.  
12 MS. KENEFICK: Now, what did you do once you got  
13 into your apartment?  
14 MS. JOINER: Once I got in-- I don't know. I know  
15 I -- I remember doing a line of coke, and after that line of  
16 coke, I just don't know what happened after that. All I know  
17 is I remember waking up to hot heat, thick hot heat running  
18 down my neck, and a big strong pain. And, I remember seeing  
19 your client -- or Willard -- standing over me, and he had a  
20 face, "I got you," you know, and it was a face of the devil.  
21 It was the coldest face, meanest face that I've ever seen on  
22 a human being in my life.  
23 MR. TISSOT: So you actually saw the face you're  
24 saying?

25  
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1 MR. TISSOT: Whose face was that?  
2 MS. JOINER: It was Willie McCoo's face. And he had  
3 the knife in his hands. And all I remember is just, after  
4 feeling all this heat and it felt like it was -- so when I  
5 was laying down on one side it was going in my ears and my  
6 ear was like clogging up and I remember getting up trying to  
7 unbarricade the door so I can get out because he had  
8 barricaded -- during all of this course of me sleeping, he  
9 had tried to barricade the door, he had all this stuff in  
10 front of the door (inaudible), the microwave in front of the  
11 door, I mean everything. Ironing board, the iron and chairs.  
12 So I'm taking this stuff out. And during the time, I just  
13 remember him just putting the knife in the back of my neck  
14 right here and just turning it and turning it every time I  
15 moved, he just kept turning it and twisting it.  
16 And after that, after I got the -- because I'm  
17 trying to get the door unbarricaded to my suite, Anthony's  
18 granddad was on the other side trying to open it. You know,  
19 so he's opening it, and I'm trying to open it and get the

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20 stuff from in front of the door. And eventually he gets it  
21 opened and --

22 MS. KENEFICK: (Inaudible) Tammy, who was Anthony  
23 again?

24 MS. JOINER: Anthony was my boyfriend at the time,  
25 the one that was in jail, that was his granddad's apartment.

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1 MR. TISSOT: Anthony's dad?

2 MS. KENEFICK: Anthony's granddad, I'm sorry. Okay,  
3 I missed that --

4 MR. TISSOT: His granddad, he was trying to open the  
5 door.

6 MS. KENEFICK: Mr. Green?

7 MS. JOINER: Mr. Green, yeah.

8 MS. KENEFICK: He was on the other side?

9 MS. JOINER: Other side.

10 MS. KENEFICK: Okay.

11 MS. JOINER: Because he had heard all the screaming  
12 and stuff. And all I remember is falling down on the ground.  
13 I was remembering him like this after I fell out. And then I  
14 don't know what else happened. Oh, and then I had flashes of  
15 the ambulance, them trying to save me, and crying and telling  
16 them please don't let me die, I've got four kids.  
17 (Inaudible) telling them I changed my life, and just asking  
18 for mercy. And they saved my life.

19 MS. KENEFICK: How long did was it from the time you  
20 first felt the hot heat to the time you got out the door?

21 MS. JOINER: I would say in about -- I don't know,  
22 five (inaudible). I don't know. All I know is it had to be  
23 quick, because I was in a drunken sleep and I didn't have  
24 that much sleep and my body was just exhausted, you know.  
25 And I believe the line of coke, instead of waking me up, it

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1 did different, it just made me more just sedated.

2 I almost (inaudible) because a lady by the name of  
3 Joan, a lady by the name of Joan, she resided in the room  
4 next door to Henry's room. See, Henry will even go north for  
5 the weekend. And somebody -- it was -- oh, that was like a,  
6 kind of like a refugee room. A lot of people --

7 MS. KENEFICK: For Henry?

8 MS. JOINER: No, for that apartment alone. A lot of  
9 people from the apartment or tourists (sic) will come and  
10 stay in that room.

11 MS. KENEFICK: In your room?

12 MS. JOINER: No, in Henry's room, in the opposite  
13 room. And Joan, she slept (inaudible) it on too. She was  
14 the one who gave me the line of coke. She slept -- I won't  
15 be getting anybody in trouble, will I, I mean names? Okay.

16 MR. TISSOT: That's the prosecutor, he's the only  
17 cop in the room right here.

18 MR. FERRELL: Just tell us everything you know.

19 MS. JOINER: Okay.

20 MR. TISSOT: She slept through it, you think?

21 MS. JOINER: Yes, she slept through it. The  
22 ambulance woke her up. So we all must have been knocked out.

23 MS. KENEFICK: Do you remember anything else about  
24 the incident?

25 MS. JOINER: No..

0039

1 MS. KENEFICK: You were in the hospital how long?

2 MS. JOINER: About, I think a couple weeks or a week  
3 and a half. I was -- because I was in a coma for three days  
4 where I was just -- because I was in a coma because I don't

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5 remember nothing.  
6 MS. KENEFICK: Did you have contact with the police  
7 after the --  
8 MS. JOINER: Detective Dave.  
9 MR. TISSOT: Dave.  
10 MS. JOINER: Dave Duty. After I got home, he came  
11 up to my mom's house in Sumner, Washington, and just did a  
12 statement, took my statement. And then Duffy --  
13 MS. KENEFICK: And then -- go ahead.  
14 MS. JOINER: Sorry. Duffy was the other detective.  
15 MS. KENEFICK: Duffy?  
16 MS. JOINER: Yes.  
17 MR. TISSOT: Was Duffy there at your statement?  
18 MS. JOINER: Yes.  
19 MS. KENEFICK: And did you go back to the house at  
20 all since the date of the incident?  
21 MS. JOINER: Yes, I did.  
22 MS. KENEFICK: When did you do that?  
23 MS. JOINER: I would go back like periodically, like  
24 I didn't start going back until my -- because the wounds in  
25 my back and my sides were so big, they had to be -- gauze had  
0040  
1 to be stuffed in them, you know. So it took about a month  
2 for that to heal up to where I didn't have to be dressed  
3 anymore.  
4 So my mom took me over there just to collect my  
5 belongings like about a month and a half after this. So I  
6 went over there twice after that to just get a little bit at  
7 a time, because the apartment had bad roaches; and my mom, we  
8 don't have roaches so --  
9 MR. TISSOT: So one of the returns was a month after  
10 the incident?  
11 MS. JOINER: Yeah. And then a couple weeks  
12 afterwards. And I was also receiving my mail still there.  
13 MR. TISSOT: (Inaudible) after the attack, those  
14 were the only two times you went back?  
15 MS. JOINER: Yeah.  
16 MR. TISSOT: What condition was the bedroom in a  
17 month later?  
18 MS. JOINER: It didn't look like nothing happened  
19 there, that's how clean. They cleaned it up from the way it  
20 looked, you know, from the crime site pictures you could see  
21 the spots of blood on the floor. I could tell that they  
22 tried to clean it up.  
23 MR. TISSOT: You could see that they tried to clean  
24 it up?  
25 MS. JOINER: (Inaudible) Henry and Mr. Green, after  
0041  
1 the police left and all that, they tried to shampoo the  
2 carpet and clean the walls and stuff.  
3 MR. TISSOT: So when you went back there a month  
4 later and looked in, it looked as though they had tried to  
5 clean it up?  
6 MS. JOINER: Yes.  
7 MR. TISSOT: Were things stacked and moved into  
8 order or --  
9 MS. JOINER: Yes, everything was stacked again. The  
10 microwave wasn't on the floor no more, it was on the stand.  
11 But my clothes was just -- you could tell that prior to  
12 wiping of the wall, because where the blood was on the wall,  
13 you could tell where they wiped because one part of the wall  
14 was white and the other part was still dirty. You could tell  
15 that they were -- they tried to clean it.

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16 MR. TISSOT: Tried.  
17 MS. JOINER: Yes.  
18 MR. TISSOT: You initially said nothing happened in  
19 there. Were you saying they cleaned the room up?  
20 MS. JOINER: Yeah, they cleaned the place. And it  
21 looked like a neck was cut and everything that corresponded  
22 with it. And it looked like it was something that tragic  
23 happened there.  
24 MR. TISSOT: Where were your clothes?  
25 MS. JOINER: Hanging up in the closet.

0042

1 MR. TISSOT: Any other items of clothing in there?  
2 MS. JOINER: Just my suitcases and my -- no, just my  
3 coats and -- I didn't have dressers or anything. Everything  
4 was either in my suitcase or it was hung up.  
5 MS. KENEFICK: Anything else that you can recall  
6 about when you went back to the apartment?  
7 MS. JOINER: When I went back to the apartment, I  
8 also collected, it was a denim -- the jacket that he had on  
9 before, that was stitched, I collected that and gave that to  
10 the detective.  
11 MS. KENEFICK: Where was that?  
12 MS. JOINER: That was on the floor next to the  
13 window.  
14 MS. KENEFICK: On the floor in your bedroom?  
15 MS. JOINER: Yes, next to the window. And his IDs,  
16 because he left his -- he had like a little plastic case that  
17 had his ID, his jail -- his jail ID, he had all of his IDs in  
18 it.  
19 MR. TISSOT: Did you figure that he would give you  
20 ID to hold?  
21 MS. JOINER: Yeah, he gave me all of his personal  
22 stuff so --  
23 MR. TISSOT: How did his jacket get in there? Did  
24 he leave it in there at some point.  
25 MS. JOINER: He left it there.

0043

1 MR. TISSOT: Before the incident?  
2 MS. JOINER: No, he didn't go up to the apartment  
3 before the incident.  
4 MR. TISSOT: So how did that jacket get in that  
5 room?  
6 MS. JOINER: He left it in the course, because from  
7 what I understand, when he left the apartment building, one  
8 of the witnesses saw him, was sitting at the bus stop, she  
9 said he ran in front of her across the street (inaudible) the  
10 bus stop with just a shirt -- with just pants on and a shirt  
11 and a bloody T-shirt. So he stripped out of his stuff before  
12 him leaving, in the course of him leaving out of there,  
13 probably because it had -- but he took his bloody T-shirt  
14 with him, the wife beater or muscle shirt T-shirt.  
15 MR. TISSOT: That ID that you keep for him --  
16 MS. JOINER: I had that all along.  
17 MR. TISSOT: Where was that -- you had that all  
18 along?  
19 MS. JOINER: Yes, I had that.  
20 MR. TISSOT: Where was that ID?  
21 MS. JOINER: It was in the nightstand.  
22 MS. KENEFICK: (Inaudible)?  
23 MS. JOINER: In the nightstand, in the drawer of the  
24 nightstand?  
25 MS. KENEFICK: Had he been in your room, your

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1 apartment before, other times?

2 MS. JOINER: Yeah, I would sneak him in my window  
3 and stuff prior.

4 MS. KENEFICK: (Inaudible).

5 MS. JOINER: Yeah. That's how when we ate and I'll  
6 change and then we'll go out downtown.

7 MS. KENEFICK: would he just sit there in your room?

8 MS. JOINER: Yeah, chop up the dope or whatever. I  
9 learned a lot though, but all this wasn't worth that  
10 teaching. I could have -- (inaudible).

11 MS. KENEFICK: Any other conversations with the  
12 detectives (inaudible) they came up to your mom's house in  
13 Sumner?

14 MS. JOINER: Yes, and then I moved into a residence  
15 on -- right, I moved into a residence on 3425 East Florence  
16 Court and I was renting a room there and he came there to --  
17 oh, yeah, to drop off some of the photographs that my dad --  
18 because my dad had took a lot of photos, and my dad had gave  
19 him the whole disc. So he still had the disc because he used  
20 it for the trial, but he gave us a copy of the pictures and  
21 stuff. So that was the first time he came.

22 And second time was when I had got word from my  
23 cousin's husband -- she just got married on my birthday  
24 December 3rd. And she told me that her husband just was  
25 kicking it with -- you know, was having fun that day with

0045  
1 Willie McCoo and knew him personally. And said, oh, he's  
2 always downtown, Pioneer Square, the Farmer's Market, and he  
3 told me what he had on, a brown hoodie with black pants and  
4 some black Pumas. And I relayed that message to Detective  
5 Dave that day. And not too long after that, about three days  
6 later, that's when they caught him down on (inaudible).

7 MR. TISSOT: He had a brown what on?

8 MS. JOINER: A brown hoodie, like a (inaudible).  
9 And that's when --

10 MR. TISSOT: This is the second time, he came back  
11 and got the DNA?

12 MS. JOINER: And he got the DNA. No, I called  
13 Detective Dave with that. And when I called him, about three  
14 days later he came out and took cotton swabs of my mouth.

15 MR. TISSOT: Swabbed it.

16 MS. JOINER: Yeah, swabbed my mouth. And not long  
17 after that, I would say about three or four days later --  
18 well, prior -- during the course of the conversation when me  
19 and Detective Dave was talking about (inaudible) back and  
20 forth and telling me that's his (inaudible) and he'll follow  
21 up on it, apparently the police down in Pioneer Square knew  
22 him, they knew him and didn't know he had a warrant. They  
23 didn't know what he did or anything. So (inaudible) I'm  
24 sorry.

25 MS. KENEFICK: I'll tell you what. If there aren't

0046  
1 any further questions, we'll have to ask at some other time  
2 with Jim's permission, and I can run them through Jim or I  
3 can just have Jan call you directly.

4 MS. JOINER: That will be fine.

5 MS. KENEFICK: If you're willing to do that. It  
6 wouldn't to be intimidate you or to pin you down in any way.

7 MS. JOINER: Yeah, yeah.

8 MS. KENEFICK: It's just because we ran out of time  
9 today.

10 MR. FERRELL: would you say it's okay if Jan gives  
11 you a call?



22 the degree audible, if video or tape-recording) including  
23 questions and answers, and all objections, motions, and  
24 exceptions of counsel made and taken at the time of the  
25 foregoing examination, to;  
0049

1 I further certify that I am sealing the transcript  
2 in an envelope with the title of the above cause thereon,  
3 with the name of each witness, and promptly delivering the  
4 same to the ordering attorney for retention until the time of  
5 trial.

6 IN WITNESS WHEREOF, I have hereunto  
7 set my hand and affixed my official seal this  
8 \_\_\_\_\_ day of \_\_\_\_\_ 2006.  
9

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12 ZOYA O. SPENCER  
13 Notary Public in and for  
14 the State of Washington,  
15 residing at Seattle.

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