

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

STATE OF WASHINGTON )

Respondent, )

v. )

James Michael Densmore  
(your name) )

Appellant. )

No. 66150-7-1

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

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

Additional Ground 1

see additional pages attached to this sheet.

Additional Ground 2

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

Date: 3/22/2011

Signature: James Densmore

## Assignment of errors

1. Court erred in denying the transcript hearing and the motion to suppress physical evidence.
2. I received ineffective assistance of counsel.
3. The court erred in its numerous rulings, thereby not allowing the defense to finish their sentence there is breaking there train of thought.
4. The court erred in not giving the W.P. 26's testimony of an account of what happened to the jury.
5. The prosecutor committed prosecutive error by making the state and affidavits of the state's witnesses. Ms. [Name] also shows the factiveness of [Name] and [Name] to the jury.
6. The court erred in not giving the entire trial transcript Sub# 102 8/2/2010.
7. The court erred in not giving the entire trial transcript Sub# 102 8/2/2010.
8. The court erred in not giving the entire trial transcript Sub# 102 8/2/2010.



## Issues Pertaining To Assignments or Errors

2. Counsel was ineffective sub# 72 5/17/2010 in the Defendant's Trial Brief page 2 Lines 11, 12 & 13  
Andrea Huntley further told by her in a subsequent interview that she overheard Beumon say to another un-named individual about her "they did Jays Market."  
Yet on page 3 of 5 of Detective Lambert's Investigations Report from Jays Market incident number 09-00353, 2<sup>nd</sup> paragraph first sentence states "Huntley went on to say that a few days she was at Byron and Jim's house and heard Byron tell an unknown subject during a phone conversation that he had done the burglary at Jays Market.  
On page 3 of 10 of the Affidavit for search warrant written by Detective Montgomery is the same statement quoting the word "He" not "they" if Mr Cantor had read the discovery and reviewed the affidavit for the search warrant he wouldn't have made this mistake of confusing the word "He" for "they." Another report written by Detective Lanasa, Snohomish County Supplemental Report Snohomish County Sheriff case number 09-05268 dated 4/23/09 page 2, 5<sup>th</sup> paragraph the last sentence, she maintained that she knew they came into Jays because Ben said something on the phone "someone I'm not going there since I did Jays."  
Given defense counsel's experience when the prosecutor asked to be allowed to have Detective Lambert sit at the prosecutors table as a case manager, in agreeing to that he should have stipulated that Detective Lambert be



## Issues pertaining to Assignments of I. Merritt

Defense counsel did not call Michael Pevers  
Mr. Pevers' attorney to testify, yet an order  
for expert services was requested for and granted  
on two different occasions Sub# 31, 10/21/2010  
and Sub# 31, 4/22/2010, Mr. Pevers charged  
\$40000 and a total of \$2,00000 was paid to him.  
That breaks down to 10 hrs of service. It is hard  
to believe that that much time was necessary to  
produce the information. Defense counsel makes  
no objection during the trial to the exhibits in  
numbers 7 and 10 which basically accuse the  
writer for the sole purpose of producing the  
defense involved Michael Pevers - and that is  
in no evidentiary issues of the trial. In  
trial - Sub# 72, 5/17/2010 the brief reads as follows  
The defense counsel wants the court to believe that  
The defense counsel believes I'm guilty. In Sub#  
113, 9/24/2010 on page 6 starting on line 14  
"I am a criminal and my being in trouble is  
the true question. I had to defend myself  
- and that is how Michael Pevers was  
attorney for Jesse Carter and that is why  
I was not called to the stand."  
Which is a lie. The only entry issues  
of S. Cell Tower had would have included the  
fact that the tower was built in 2006-2007  
2006-2007. I am not a criminal. I've  
thought I paid the bill on the tower for the  
phone. We are not in a trial. I've  
thought I paid the bill on the tower for the  
phone. We are not in a trial. I've  
thought I paid the bill on the tower for the  
phone. We are not in a trial. I've

## Issues Pertaining To Assignments of Error

To her friend, ...  
The trial transcripts page 27 line 13 and 14.  
In another transcript, ...  
The prosecutor, the ...  
...  
... coincidentally was the only objection made  
by the defense counsel during the trial - a  
time ...

On page 21 of the trial transcripts line 19  
The court grants the demand of a  
issue #4 prohibiting the introduction of other  
evidence into the trial. Yet the defense counsel  
allows and does not object to Detective Montgomery  
being called in a state exhibit #21. Detective  
Montgomery did not do any investigation in the  
case at Toia, he was only a cop in the state's  
exhibit #21 a state release form that was used  
to release an automobile that Detective  
Montgomery claims in his affidavit for search  
warrant to subject 49 page 100, that it  
was used in a residential burglary. It was never  
told to the jury how the police obtained the  
automobile, leaving it open to the imagination.  
And making the inference that there were other  
charges. Is this a court error in not clarifying  
Detective Montgomery's reason for testifying  
as well as how the state obtained the  
exhibit in the first place. Is it prosecutorial  
misconduct for trying to backdoor information  
past defense evidentiary issue #4.

## Issues Pertaining To Admissibility of Evidence

On page 20 of the Trial Transcript on line 2 and 3  
"It becomes relevant that Mr. Cantor has admitted  
that "they had done Jays Market." This statement  
was made in the presence of the jury and in the  
presence of the defense. The  
statement alone would cause some to believe that  
that there was a co-defendant who had identified  
others as assisting him in committing this crime.  
Name is identifying me, James Densmore, the point  
I want to make is that a statement like that  
may have tainted the court's decisions and  
rulings throughout the trial." Kim had  
already touched on the issue but I would like  
show me other evidence that would show  
some where that the best proof of what he actually  
believed was shown by what he actually did.  
Defense counsel Jesse Cantor replaced Charles  
Markwell on 12/30/2008 Sub 44. In an  
interim meeting at the jail between Charles  
Markwell, Jesse Cantor and myself, I was inquired  
as to Mr. Cantor's qualifications to be a prosecutor and  
Mr. Markwell. I was given a brief summary of  
Mr. Cantor's career. He had been a public defender  
in the federal court system and was wanting to  
join a private practice firm. I believe that  
Mr. Cantor was trying to make friends in the  
Snodgrass Court room and therefore  
was representing me far below his experience  
level. This is shown in his failure to object to  
to ensure the jury heard the information.

## Issues Pertaining to the Arguments of Counsel

questions he was objecting to. This is also shown in his questioning of the witness. They seemed to be more in line with questions a prosecutor would ask or in this case didn't ask. Mr. Carter seemed very upset in my asking for a new trial based on his performance and expressed his opinion that I should not file the motion. I believe defense counsel Jesse Carter was unprofessional and ineffective in his representation of this case.

3. Did the court error in its numerous interruptions of both counsels. When you interrupt someone who is speaking you are interjecting your own beliefs and ideas into what is being said. In the court room, properly placed interruptions could mean the difference between a conviction and a trial that leans towards the belief of the one doing the interrupting. In this case the court.
4. The court erred in obtaining the WPI C 61 testimony of an accomplice instruction to the jury. In that testimony's admission, he makes claims to knowing the crime was going to be committed beforehand. On cross-examination, the witness testified on line 16. The prosecutor Mr. [unclear] asks him, "Did you ever, anybody talk to you about it ahead of time, saying they were planning on doing it?" A. "No." Q. "Did you know, when you went to pick up Mr. [unclear] and [unclear], that they had just committed a [unclear]?" A. "I knew that they had committed a [unclear]. I wasn't exactly sure that it was the Jay's Market at first."

## Issues Pertaining to Assurances of Fact

but it had been implied in the past by the jury that that was something that he would do. At this point Leanne could have better objects to the one answer that would have insured a 100% 6.03 instruction. Ms. Hunter was just let the court know that at some point in the trial she knew the crime was a 100% charge and she put her into the category of an accessory. She knew now that a 100% had not been one of the crimes. All of this was a 100% providing transportation. She was paid for her assistance with money from the crime. 4. Ms. Finley was the only person to be in possession of stolen goods from days 10-12. She had no other evidence to provide of involvement in the crime. The prosecution argued misconduct regarding statements and that in testimony that indicates the possibility of a 100% charge. 4. The transcript says - "I don't know" say "I have to queued up" say "I have to queued up" the video evidence to the jury. On page 16 of the transcript (Print) find a copy of the transcript. Mr. Rezzano say "I apologize" say "I apologize" because I really want to show you through the video. On page 18 lines 7, 8, 9, 10, Rezzano says "I'm going to use this surveillance video" say "I'm going to use this surveillance video" but we'll see what did. Yet on page 19 on line 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

## Issues Relating to Assignment of Error

Ms. Reznicek says that it is not the only thing that might be confusing to the jury. She says that she was a witness in a case where the children had been forgotten in a car and she had been told by the police that she could not go to the hospital. Her attitude in respect of the child was very negative to the child's parents and professionals. She says that she was not the judge of the child's pattern of behavior. She says that she was playing to the family of the jury.

In Ms. Reznicek's direct examination of the witness in the trial transcript at page 19 line 144-15, the witness makes reference to the fact that she was the child's parent. She says that she was on page 87 starting from line 144. She says that she brings up the fact that the child was a witness who had been told that she was a ten year old child. She says that the child's age in the case is 10 years old. She says that the fact that the child was 10 years old should be taken into account.

She says that the lack of an objective fact is a fact that is not a fact.

Ms. Reznicek asks the jury to consider the fact that the child was 10 years old. She says that the fact that the child was 10 years old is a fact that should be taken into account.

Is it prosecutorial misconduct to use the states witness's with or without their knowledge to make statement that will be used to mislead the jury into believing something happened that

## Issues Pertaining To Assignments or Errors

was not in the evidence, nor was it testified to by any of the State's witnesses. On page 112 starting on line 1 thru line 21 Ms. Rozzano tells the jury that the police are across the street and the only way past them is to call Ms. Huntley. On line 194-20 Ms. Rozzano tells the jury "they're right across the street, remember - - without drawing their attention, after he had just committed a burglary." At this point I went to the dictionary and looked up the word "lie" something that you say or a lie that you know is not true, is the definition I found. There is no mention anywhere in any reports written by the police that they were across the street at the time in question. Nor was there any testimony from any officers stating they were across the street. Nor did Ms. Huntley say "Yes there were police across the street." In Washington's Rules of Professional Conduct (RPC), Title 3 Advocacy 3.8 Special Responsibilities of a Prosecutor, in the comments to these rules it says (1) or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4. Rule 8.4 is misconduct and says, "It is professional misconduct for a lawyer to: (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;" which is what Ms. Rozzano was doing when she testified "they're right across the street" scenario.

## Issues Pertaining to Assignments of Errors

- c. The court may have erred in allowing for the motion to be heard, the court and the prosecutor Ms. Rozzano changed their mind on allowing for the transcript of the trial to be made available to my substitute attorney Mr. Pandher. On page 190 of the trial transcripts, June 22, 2010 (Motion hearing) Line 1 thru 6 Ms. Rozzano says "I have discussed the matter with Mr. Fine from my office, and he believed that being able to get a complete record of the trial with respect to that issue would be better than waiting for the hearing, so we're not going to be opposing the request for a new attorney to brief and argue the issue of ineffective assistance of counsel." In sub # 4 on 1/12/2010 in the verbatim report of proceedings on page 3, line 445 the court asks Mr. Pandher "Would you actually need the transcript or would a discussion with Mr. Carter suffice?" Line 6 thru 10 gives Mr. Pandher's response, "I spoke to Mr. Carter, to get the transcript, you know, I actually came into view the trial and I saw Ms. Rozzano's closing and I saw Mr. Carter's closing. I think there may be issues in the closing as well. So I think the transcript is going to be necessary." At this point there is no argument about cost never mind mentioning that cost could be a deciding factor in granting the request for the transcript. Note sub # 102 5/2/2010 I don't have the transcript of that hearing, I have asked for it but with no luck.

## Issues Pertaining to Attainment of Errors

At the hearing to request the funds to pay for the trial transcript, Ms. Rozzano changes her mind from earlier and decides to pay for the transcript. Ms. Rozzano also says that Mr. Pandher only wants the transcript for the reason of going through them to find mistakes made by Mr. Canter and herself. My argument is this - as not an experienced attorney, so my knowledge of any mistakes that could occur as an attorney, to become ineffective is extremely limited. Mr. Pandher in the 2/12/2010 hearing tells the court on page 3, line 14, 15, 16, "so I understand what the issue is that we're talking about here, but I think there may be another issue involved." We will never know what the issue was. By limiting the information available to Mr. Pandher, he was limited in his ability to prepare the motion for a new trial based on ineffectiveness of counsel. So by limiting Mr. Pandher did the court cause him to be ineffective as a substitute counsel for the purpose of filing the new trial motion. If so then at this point what is the remedy.

7. The conviction should be overturned on the grounds that there is no evidence to implicate me in the crimes charged. The States only witness Ms. Huntley never says I know who committed this crime, it was Mr. Bennett. Nor is there any physical evidence that connects me to this crime.

## INVESTIGATIONS REPORT

AGENCY NAME <b>LAKE STEVENS POLICE DEPARTMENT</b>	INCIDENT CLASSIFICATION <b>Burglary 2<sup>nd</sup> Degree / Theft 2<sup>nd</sup> Degree</b>	INCIDENT NUMBER <b>09-00353</b>
NAME OF VICTIM(S) <b>Jays Market</b>		

## INITIAL FOLLOW-UP INVESTIGATION:

On 02/17/09 at about 0450 hours, three subjects broke into Jays Market on Main Street in Lake Stevens and stole a little over \$4,000.00 dollars. The subjects wore gloves and masks and had knowledge of the security system in place in the store. The safe had been cut open with an unknown type of tool. The point of entry was found next to the backroom storage area loading dock doors. The sheet metal had been pried away to gain access to the store.

The surveillance was accessed and it showed three suspects enter the store at about 0450 hours based on the time of the surveillance camera. The three suspects entered the store on their stomachs to avoid the motion detector that was facing the back loading doors. It shows the three suspects crawl on the ground all the way to the office.

One of the suspect's then move's the camera on the office wall and climbs into the office. The store owner stated the only doors that the alarm is hooked up to, is the main front door, the rear loading doors, and the office door.

At about 0457 hours the suspect who had entered the office climbs back over the office wall and the three suspects crawl back to the rear storage area. Once back in the storage area two of the suspects stand up and walk around the area looking around, while the third subject crawls out and exits the store.

At about 0459 hours, the two other subjects walk to about ten feet from the back doors and then get on their stomachs and crawl out of the store.

Based on the video surveillance two of the three subjects were wearing gloves and all three had masks on to cover their heads.

While talking with the store owner I asked if they had any employees who had inside knowledge of the security in the store. He said the store night manager Bridgette Martin tends to hang out with "shady" people and she might be involved.

I reviewed the surveillance video from the days prior to the burglary and saw that another employee, Samantha Hanson, has talking with and in fact went on her lunch break the day before the burglary (about 1450 hrs on the 16<sup>th</sup>) with a male subject that was wearing the identical shoes, pants and black jacket as one of the subjects in the video of the burglary. The man's height and build was also very similar and I suspected that Samantha might have known the subjects and in fact told them in some way with the details of the security system.

It seemed that the three subjects knew ahead of time to come in at section of the wall that was nearer to the floor and belly crawl across the back room to avoid the sensor, a detail that could only have been

*I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.*

OFFICER NAME/NUMBER <b>Detective Jeff Lambier #104</b>	APPROVED BY
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# Snohomish County Supplemental Report

## Snohomish County Sheriff

Case Number  
**SO09-05268**

Incident Classification 1 <input checked="" type="checkbox"/> Burglary 2nd Degree		<input type="checkbox"/> Attempted	Offense Code <b>BURGT</b>	Incident Classification 2 <input type="checkbox"/> Attempted		Offense Code	
Incident Classification 3 <input type="checkbox"/> Attempted		Offense Code	Type of Report				
Address/Location of Incident			Premise Type/Name		Code		
Officer Assault/Safety	Responding To	Type of Assignment	<input type="checkbox"/> Force <input type="checkbox"/> No Force	Reporting Area	Beat		
Occurred on or From (Date/Time/DOW)		Occurred To (Date/Time/DOW)		Reported On (Date/Time/DOW) <b>04/23/2009 Thursday</b>			
<b>Persons/Businesses</b> 9-Suspect, V-Victim, R-Runaway, RE3-Respondent, RO-Registered Owner, PET-Petitioner, SK-Suspect-Known, SU-Suspect-Unknown, W-Witness, GC-General Contact, VP-							
No.	Non-Disc.	Name (Last, First, Middle)			Race	Ethnicity	Sex
<b>W-1</b>	<input type="checkbox"/>	<b>Huntley, Andrea Lynn</b>			<b>W</b>		<b>F</b>
DOB/Age	Height	Weight	Hair	Eyes	Residential Status		
<b>05/27/1983 25</b>	<b>5'03"</b>	<b>145</b>	<b>Brown</b>	<b>Hazel</b>			
Street Address				Residence Phone	Business Phone		
<b>12411 16th ST NE #C, Lake Stevens, WA 98258</b>							
Social Security No.	Driver's License	State	Employer/School				
	<b>HUNTLAL172K7</b>	<b>WA</b>					
No.	Non-Disc.	Name (Last, First, Middle)			Race	Ethnicity	Sex
<b>O-1</b>	<input type="checkbox"/>	<b>Flock, Brandy L</b>			<b>W</b>		<b>F</b>
DOB/Age	Height	Weight	Hair	Eyes	Residential Status		
<b>02/08/1982 27</b>	<b>5'04"</b>	<b>130</b>	<b>Brown</b>	<b>Brown</b>			
Street Address				Residence Phone	Business Phone		
<b>Transient, Everett, WA 98201</b>							

**Narrative**  
**26-09**

Suspects Andrea Huntley and Brandy Flock were arrested by Deputies pursuant to a Vehicle Prowl, Theft 2 and Identity theft complaint (09-6152). Following their arrest both suspects were brought to the North Precinct for interviews. I confirmed with the arresting officers that both suspects had been advised of their rights per Miranda. Dep Hostetter also told me that they may have information about other crimes in the area and that Huntley told him she knew who "the robbery on 128th at the Irsih Pub." I first interviewed suspect Flock with Det Koziol. She provided a taped interview regarding the incident. Following our interview Det Vinson interviewed her regarding an incident in the City of Marysville.

I next interviewed suspect Huntley regarding the theft. She was admitted to prowling the vehicle and using the credit card at the Target store. following our conversation about the vehicle prowl she told me "I know who did the McGees robbery." She went on to say that "they" were doing business burglaries and "grinding the safes" in Snohomish County and Seattle. She explained that they would break into a strip mall through an empty business because they usually wouldn't have an alarm and then kick through the drywall into the other businesses. She also told me that they would "crawl on the floor to avoid the motion detectors." "They" told her they "Did every Taco time and Buzz Inn". I asked her how she knew they did McGees Pub. She then told me that about a month ago they called her and and told her to look at the internet. When she saw the video of the person looking up she recognized him. Initially she was reluctant to provide any names. We continued our conversation and she went on to tell me that she knew they also broke into Jays market in Lake Stevens and the

<b>Status</b>		<b>ORIGINAL</b>	
Officer Name/Number		Unit	Approved By Number
Officer, D L #1107			
<input type="checkbox"/> Once <input type="checkbox"/> Anti/A <input type="checkbox"/> Anti/J <input type="checkbox"/> Insult/Closed	<input type="checkbox"/> Unfounded <input type="checkbox"/> Exc/A <input type="checkbox"/> Exc/J <input type="checkbox"/> Closed/Other	Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN	<input type="checkbox"/> DOC <input type="checkbox"/> CPS <input type="checkbox"/> DSMS <input type="checkbox"/> HD <input type="checkbox"/> JUV <input type="checkbox"/> MH <input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> PAT <input type="checkbox"/> PROACT <input type="checkbox"/> Court <input type="checkbox"/> Other
Entered RMS		Entered WACIC/NCIC	
Date	Initials	Date	Initials

204

**Snohomish County Supplemental Report  
Snohomish County Sheriff**

Offense Classification 1 <b>Burglary 2nd Degree</b>	Case Number <b>SO09-05268</b>
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Buzz-Inn in Arlington. I asked how she knew this and she told me that they called her for a ride. She picked them up in the bushes by Jays Market and they gave her \$150 to drive them out of there. Another time they told her they did the Buzz-Inn. They told her they did the KFC in Snohomish but they didn't get anything. She told me "Tylers dad showed me the crow bar" and at that point she identified the suspects as Byron Bowman, the father of her friend Tyler, and "Jim". She did not know "Jim's" last name. I asked about the Buzz-Inn and she told me that they called her for a ride and gave her \$200 to drive them to the Casino. During the ride they told her that they got \$10,000 from the Buzz-Inn. One of the suspects had just been released from prison approx 5-6 months earlier. One night within the last few months she was at their residence when Byron Bowman, who she now referred to as "Bam", "reached down and picked up a 'big bar'" and told her "Meet Burk... We snap safes off the floor with this."

I contacted the Lake Stevens Police Dept and spoke to Det Lambier regarding the Jays Market burglary and Det Montgomery who was assigned the McGees Pub burglary. Det Lambier responded to the our North Precinct and we then interviewed Huntley together.

We talked about McGee's pub. She told me that Jim was going to buy her car, a black Q45 Infinti. She called Byron and asked if Jim was going to buy her car and during the conversation he told her "Have you watched the news? Those people are trying to make me a movie star." He then directed her to the KIRO News website that had the video released from the burglary. She told us she looked at the video and "When he looks at it's 'Oh Shit that's Bam'." Later during the interview she provided a short written statement regarding the conversation and her identification of suspect Byron Bowman.

We asked about Jay's Market. She told us that they called her and asked her to come and pick them up. She identified "them" as Byron Bowman and "Jim". They were hiding in the bushes near the market when she picked them up. They all returned to her house and they dumped the money out in her kitchen and counted it. She insisted that it was just the two of them and she did not think Tyler was involved. Det Lambier showed her photos suspect Tyler Bowman crawling on the floor in the store and she stated "That's my friend, thats fucked up." She pointed to another person in the video and stated "Thats Bam." She maintained that she knew they broke into Jays because "Bam said something on the phone to someone 'I'm not going there since I did Jays.'" Huntley gave Det Lambier a statement regarding the burglary of Jays Market.

While Det Lambier and I interviewed Huntley, Det Vinson interviewed Flock. She also provided information regarding "Bam" and "Jim". She related that she was called to go into Mukilteo to pick up their car because they fled a burglary leaving their vehicle behind when they saw the police watching it. When she met up with them later they told her they ran through the stickers and then stole a truck to get out of the area. Flock described picking up breaker bars, sledge hammers and grinders for them. She also described their kicking through the drywall to enter businesses. She provided Det Vinson a written staement regarding her observations (attached).

Following the interviews Huntley agreed to show us where the suspects are living and directed us to the address 11717 41st Ave SE.

**ORIGINAL**

02-27-09

I searched Flocks vehicle pursuant to a search warrant. In Andrea Huntleys purse I found a camera reported

Officer Name/Number <b>Zander, D L #1107</b>	Unit	Approved By Number	Date
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205

**Snohomish County Supplemental Report**  
**Snohomish County Sheriff**

Event Classification 1 <b>Burglary 2nd Degree</b>	Case Number <b>SO09-05268</b>
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stolen in Poulsbo (Poulsbo Case #H09-0084) during a similar commercial burglary i.e. drywall kicked through and the suspects on video low crawling on the floor. Huntley came into the precinct to retrieve property from the car and at that time I showed her a picture of suspect Densmore. She positively identified him as the person she knows as "Jim". When Flock came to the precinct to retrieve her car she also identified Densmore from the photo as the person she referred to as "Jim".

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

04/22/09 MAILYSUELL WA   
(Date and Place) (Signature)

**ORIGINAL**

Officer Name/Number <b>Zander, D L #1107</b>	Unit	Approved By Number	Date
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706

**INVESTIGATIONS REPORT**

AGENCY NAME <b>LAKE STEVENS POLICE DEPARTMENT</b>	INCIDENT CLASSIFICATION <b>Burglary 2<sup>nd</sup> Degree / Theft 2<sup>nd</sup> Degree</b>	INCIDENT NUMBER <b>09-00353</b>
NAME OF VICTIM(S) <b>Jays Market</b>		

known by either and an employee or by someone who had previously been in the storeroom area long enough to look for and identify any surveillance cameras, sensors and/or alarms. The three suspects seemed to know right where it was on the wall as evidence by their constant looking to the device to see if it was activated. They seemed to know just how low to the ground to keep and that the sensor was only in that part of the room. I believe that they low crawled to the front of that store and back to avoid being seen walking around from the outside/front of the store by a passing patrol unit or pedestrian. This security detail could not have been learned by a simple "casing" of the business prior to the burglary.

In initial interviews with both Bridget and Samantha, they both denied any prior knowledge of the burglary. Samantha did admit to knowing the male subject that she had lunch with but stated that he had never asked her anything about the store.

At about 1941 hrs on the 16<sup>th</sup> two additional male subjects came into the store and can be seen on the surveillance video to be clearly checking out the camera locations and looking around for employee locations. One of the subjects starts to walk into the back room area, where the entry was made to the store the following morning, but turns away when a store employee walks out from the backroom with a load of freight. The two subjects walk around the store a bit more that purchase deodorant and bread from Samantha, who steps away with one of the subjects, appearing to help him with an item selection, then both subjects leave.

Samantha stated to me that she did not know those two subjects and had never seen them before. Bridget and Samantha agreed to and took polygraph examinations on February 19<sup>th</sup> and 20<sup>th</sup> at the Marysville Police Department. The examination was administered by Lt. Jeff Goldman, a certified Polygraph Examiner in the State of Washington. Lt. Goldman advised me that the polygraph results on both subjects showed truthful answers in relation to not knowing about or otherwise being involved with the Jay Market burglary. I determined at that time that they were not involved with the incident.

**NEW WITNESS INFORMATION PROVIDED BY ANDREA HUNTLEY:**

On Thursday, March 26<sup>th</sup> I received a call from Snohomish County Sheriff's Detective Dave Zander who stated that he had gotten information from Andrea Huntley as to the identities of the suspects in the burglary of Jays Market as well as several other Snohomish County and King County burglaries.

I drove to the Snohomish County Sheriff's Office North Precinct in Marysville and interviewed Huntley who stated in substance that Byron Bowman and James Densmore had broken into Jays Market as well as a lot of other area businesses. I asked Huntley how she knew who had done the burglary and Huntley stated that on the morning of the Jays Market burglary she got a phone call a little after 5:00 AM from Jim Densmore asking Huntley to come and pick himself and Byron Bowman up at the apartments next to the Post Office on Main Street in downtown Lake Stevens. Huntley is also a resident of Lake Stevens and in fact lives less than a city block from the location that Jim was calling her from.

*I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.*

OFFICER NAME / NUMBER <b>Detective Jeff Lambier #104</b>	APPROVED BY
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**INVESTIGATIONS REPORT**

AGENCY NAME <b>LAKE STEVENS POLICE DEPARTMENT</b>	INCIDENT CLASSIFICATION <b>Burglary 2<sup>nd</sup> Degree / Theft 2<sup>nd</sup> Degree</b>	INCIDENT NUMBER <b>09-00353</b>
NAME OF VICTIM(S) <b>Jays Market</b>		

I noted that the area of the Post Office on Main Street is across the street to the South of Jays Market. She said that he was out of breath and seemed nervous. Huntley drove to the area and picked Densmore and Bowman up and drove them back to her house. Once there she witnessed the two men empty out a bag full of money onto the floor and split it between them. She asked them where the money had come from and if it was from Jays Market? They told her not to worry about it and then asked her to drive them to the Lake Stevens Safeway where they had a car parked. Huntley drove Densmore and Bowman to the Safeway Store where they got into a green in color Mazda Sedan and drove away.

Huntley went on to say that a few days she was at Byron and Jims house and heard Byron tell an unknown subject during a phone conversation that he had done the burglary at Jays Market. I told Huntley that the surveillance video showed three suspects inside of Jays Market at the time of the burglary and she said that she had only picked up Byron and Jim that morning. I showed Huntley screen captures (still pictures) from the surveillance video and she identified Densmore and Bowman by their stature and clothing that they were wearing. Huntley identified the third suspect as Tyler Bowman, Byron Bowman's son. Huntley did not know why Tyler was not with Byron and Jim when she picked them up and she said that neither of them ever mentioned Tyler being involved.

I asked Huntley how she knew Byron and Tyler Bowman and Jim Densmore well enough that they would trust her with the knowledge of what they were doing. Huntley stated that she had known Tyler and Byron for a while and she considered Tyler to be one of her best friends. She seemed surprised and upset at the fact that Tyler was involved. Huntley went on to say that she often gave them (Densmore and both Tyler and Byron Bowman) rides to the casino to gamble, which is where they always went after successful burglary's, to party and gamble. I asked Huntley if either of the suspects had legitimate employment and she stated that they stole for a living and remarked that they would joke around about "going to work" in regards to going out and burglarizing stores and restaurants.

Huntley was also able to provide me with a small surveillance video camera that Densmore and Bowman had left at her home. She stated that it came from Jays market and he been left there the morning of the burglary. I confirmed with the owners of Jays Market that it was in fact their video camera; it had not been active and had been on the desk above the safe in the office at the time of the burglary. They had not noticed it was missing until they got in and cleaned up the mess made by the suspects in the office during the burglary.

In addition to the Jays Market Burglary Huntley went on to state that Densmore and Bowman were responsible for a large number of the commercial burglaries in Snohomish County and King County and she knew that they had gone as far south as Puyallup and as far north as Stanwood and Mt. Vernon. She said that Byron Bowman had even talked about taking the ferry to Bremerton to commit burglaries. Densmore and Bowman often talked about how much they liked hitting Taco Times because they never had any real alarms or security and while visiting Byron at his house on one occasion, he showed Huntley a pry bar and referred to it as a work tool.

*I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.*

OFFICER NAME/NUMBER <b>Detective Jeff Lambier #104</b>	APPROVED BY
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*yet not mentioned above so*

## INVESTIGATIONS REPORT

AGENCY NAME <b>LAKE STEVENS POLICE DEPARTMENT</b>	INCIDENT CLASSIFICATION <b>Burglary 2<sup>nd</sup> Degree / Theft 2<sup>nd</sup> Degree</b>	INCIDENT NUMBER <b>09-00353</b>
NAME OF VICTIM(S) <b>Jays Market</b>		

She has also seen bank deposit bags and other burglary tools at Byron's home of more than one occasion. Huntley stated that the most recent burglary that she was aware of, other than Jays Market, was the burglary and theft from Toby Magee's Pub on March 14<sup>th</sup> 2009. Byron had called her a few days after the burglary and told her that he was famous and directed her to the news clip from Kiro7 News in which a clip of the Pubs surveillance shows suspects low crawling across the floor of the Pub as well as a clear image of the face of a white, male adult that Huntley recognized as Byron Bowman.

I asked Huntley what type of vehicle(s) they were driving and she said that Bowman had a red/maroon in color van and the other car was a black in color late model Infinity Q45 sedan. She said that she thought the van was registered to Bowman and the Infinity was still registered to the old owner.

Detective Dave Zander and I transported Huntley back to her residence in Lake Stevens. Along the way she directed us to Bowman's residence at 11714 41<sup>ST</sup> Avenue SE, in Everett, Washington.

I obtained the DOL pictures for Byron Bowman, James Densmore and Tyler Bowman and I then reviewed the surveillance video and still pictures taken from Jays Market on February 16<sup>th</sup> at about 1935 hours and I believe that one of the two suspicious male subjects that are very clearly "casing" the store appears to be Tyler Bowman. After examining the DOL picture and several facial images from the surveillance video, along with being similar in build and height, the white male subject wearing the dark hooded sweatshirt, bearing the brand name "Alpine Stars" in large white letters, looks very similar to Tyler Bowman. I could clearly see that the subject is a younger male in his late teens or early twenties and the subject has the same dark brown eyebrows.

Byron John Bowman DOB: 06/04/64, Tyler Bam Bowman DOB: 04/20/1987 and James Michael Densmore DOB: 02/08/60 have criminal histories which include burglary, theft, possession of stolen property and drug offenses.

**CONFIRMATION OF SUSPECT AND VEHICLE INFORMATION AS PROVIDED BY ANDREA HUNLTEY:**

On Tuesday, March 31<sup>st</sup> 2009 at about 11:30 pm Marysville Patrol saw 2 suspicious persons dressed in dark hoodies that had parked a vehicle in front of JR Phinicky's and walked away. When they saw police come around the corner they tried to walk away. They were contacted and identifies as Byron Bowman and James Densmore. They claimed their vehicle had broken down and they were walking to Safeway. They were driving a black in color Infinity Q45 (WA plate #189GXI). Patrol watched them walk to Safeway, return to the vehicle and drive away.

*I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.*

OFFICER NAME/NUMBER <b>Detective Jeff Lambier #104</b>	APPROVED BY
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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

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STATE OF WASHINGTON/DSHS,	)	
	)	
Respondent,	)	
	)	
v.	)	COA NO. 66150-7-1
	)	
JAMES DENSMORE,	)	
	)	
Appellant.	)	

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**DECLARATION OF SERVICE**

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 25<sup>TH</sup> DAY OF MARCH 2011, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

SNOHOMISH COUNTY PROSECUTOR'S OFFICE  
3000 ROCKEFELLER AVENUE  
EVERETT, WA 98201

**SIGNED** IN SEATTLE WASHINGTON, THIS 25<sup>TH</sup> DAY OF MARCH 2011.

x. *Patrick Mayovsky*