

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

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COUNTY OF KING
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STATE OF WASHINGTON
BY Omme
DEPUTY

STATE OF WASHINGTON)
)
Respondent,)
)
v.)
)
Rex L Pope)
(your name))
)
Appellant.)

No. 35038-6-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, Rex L Pope, 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 attached!
"Thank you"

Additional Ground 2

See attached!
"Thank you"

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

Respectfully

Date: 1-23-2002

Signature: Rex L Pope

No. 35038-6-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

versus

REX LEE POPE,
Appellant.

Clallam County Superior Court

Cause No. 05-1-00637-3

The Honorable Judge Craddock Verser

APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS

Rex Lee Pope # 942200 E02-S3F14-1
Washington State Penitentiary
1313 North Thirteenth Avenue
Walla Walla, WA 99362-8817

STATEMENT OF ADDITIONAL GROUNDS

GROUND I

THE EVIDENCE GATHERED, AS A RESULT OF THE WARRANTLESS SEARCH COMMITTED BY RANGER TITUS, SHOULD NOT HAVE BEEN ADMITTED BY THE TRIAL COURT AND SHOULD HAVE BEEN ADDRESSED BY THE DEFENSE COUNSEL THROUGH A MOTION TO SUPPRESS. FURTHER, AND TO THE SAME ENDS, THE EVIDENCE OBTAINED IN THIS IMPROPER MANNER WAS MISHANDLED AND IMPROPERLY PROCESSED. THE CUMULATION OF THESE ERRORS MANDATE THAT THIS CASE BE REVERSED AND REMANDED.

On December 5, 2005, Defendant Pope was within the borders of the Olympic National Park and was changing a flat tire on the truck he was driving. At approximately 9:35 a.m., Park Ranger Titus approached the defendant and asked if he required assistance. The defendant, Mr. Pope, informed the Ranger that he did not need any help, that he was just changing a tire. In fact, the Ranger offered assistance twice and twice the defendant asserted the fact that he did not require any help from the Ranger. See Exhibit "A" / Narrative of Ranger Titus pg. 9. At this point, there was no articulable reason the Ranger could have had to pursue any further actions against the defendant. There were no reports of crimes in the area which mentioned the descriptions of the defendant or the vehicle which they were driving. In fact, it was brought out later that the Ranger did not have any information which indicated the defendant had committed a criminal act. Under direct examination by Ms. Erickson, Ranger Titus explains that, at the time he stopped the truck, there was no information which indicated a burglary had even taken place. RP at 66. Even more damning, the record shows that when the Ranger contacted his dispatch and asked them to contact Forks and Pencom, the dispatch for this area, to see if there were any burglaries reported, there had not been any reported as of 10:00 that morning (Emphasis added) RP at 66. While all that is exciting, it cannot be forgotten that at the

time of the initial contact, Ranger Titus had no indication that anything was amiss. He had taken informal reports that there was a truck parked in an allegedly suspicious manner, but there was no solid information which would have led him to believe that there was anything going on other than a citizen changing his truck's tire on a winter morning. When the defendant informed the Ranger that he did not need any assistance, the Ranger should have driven off. There was, at that point, no reason for the officer to remain on the scene. Imposing his unarticulable suspicion is in direct contrast to proper procedure.

This improper procedural behavior exhibited by the Ranger was exacerbated when he mishandled the evidence which he was attempting to gather. It was shown during trial that Ranger Titus did not utilize proper evidence gathering techniques prior to removing the vehicle from the scene. **RP at 71.** At this point, Deputy Keegan is testifying in regards to proper law enforcement technique when processing evidence which a specific officer might believe to have evidentiary value. The Deputy continues to testify as to the importance of proper handling techniques and methodical cataloging of details such as where one finds certain evidence, identifying it, marking it on a report, etc. **RP at 71.** The Deputy continues to inform the Court that he has had previous experience in obtaining evidence from within a vehicle and that, when he did so, he has followed all the previously mentioned evidentiary handling techniques which were so previously described. **RP 71-72.** Then, Mr. Sund asks Deputy Keegan about this particular situation; in fact, he mentions that the vehicle in question had been impounded for three (3) days before he arrived on scene. It wasn't until this point that the Deputy was able to take all the photographs of the inside and outside of the vehicle. Further, the Deputy makes it clear that things within the truck had apparently been moved from the bed of the pickup to the seat of the pickup, maybe from the interior of the cab to the bed of the pickup and things in that manner had been done to disturb the state of the evidence. **RP 72-74.** During this testification, the Court is informed that the evidence which had been obtained had not only been seized in such a manner which casts doubt upon the very validity of the the initial

stop, but that the evidence had been tainted in such a manner as to make it virtually impossible for the investigatory team to determine what evidence was where and in what position it was when gathered. RP 72-74.

It is reasonable to conclude that, because the law enforcement officers and investigators were not able to determine whether the evidence found in the truck was in the same place as it might have been when the truck was stopped by the Ranger and the defendant apprehended, it is impossible to convincingly say with authority exactly what the gathered evidence might be indicative of. In conclusion, it is reasonable to say that one might be able to rearrange any possibly culpatory material in such a manner which intentionally or inadvertantly implicated a defendant in such a manner as to sow doubt as to his inherent innocence in a court of law. Because this is the case, and because the investigatory officials mishandled the evidence in such an egregious manner, the said evidence should have been disallowed by the trial court and would not have been able to, in this case, prejudice the defendant and erroneously secure a conviction for the prosecution. Therefore, it is right and proper that the Court reverse the conviction and remand for re-trial with the instruction that this improperly handled evidence be disallowed due to its tainted nature.

Further, it is clear that the defendant's counsel should have motioned to supress this evidence. Why he chose not to is beyond any reasonable trial strategy. The defense counsel erred in failing to present this motion. The defendant, therefore, suffered from ineffective assistance of counsel. In this manner, it is necessary to mantion that if the defense counsel had motioned to supress this evidence on the grounds that the evidence was gathered in a improper manner and through sloppy handling techniques and while destroying any possibility the prosecution had of proving where the evidence was, when it was there and, so, relating it to their case.

The defendant respectfully requests that this Court reverse his conviction in the related cause and remand him back for trial based on the argument shown above.

GROUND II

THE DEFENDANT WAS UNREASONABLY PREJUDICED THROUGH THE MANY AND REPEATED FALSE STATEMENTS MADE BY THE STATE'S WITNESS, DANIEL KNUDSON, THROUGH THE COURSE OF THE INVESTIGATION AND THE TRIAL. FURTHER, THE DEFENSE COUNSEL FAILED TO IMPEACH THIS WITNESS OR OBJECT TO THE INTRODUCTON OF THIS WITNESS' TESTIMONY WITH WANTON DISREGARD TO THE INSTRUCTIONS OF THE DEFENDANT. BECAUSE OF THE FLAMBOYANT NATURE OF MR. KNUDSON'S FALSE TESTIMONY AND THE IMPROPER WAY IN WHICH IT WAS ALLOWED TO INFLUENCE THE JURY, SAID TESTIMONY AND ANY INVESTIGATORY BENIFITS FROM INTERVIEWS WITH THE RELEVANT SUBJECT SHOULD BE DISALLOWED AND THIS CASE REVERSED AND REMANDED.

The defendant, Mr. Rex Lee Pope was convicted of these charges, in large part, due to the testimony and statements made by the State's chief witness, Mr. Daniel Knudson. Because this was the case, it becomes paramount to ensure that the information empated by the witness/co-conspirator is veracious. If, during the course of an investigation, a witness wishes to make claim against a defendant, it is clearly better that the witness tell the truth, otherwise, the benefit gained as a result of this is doubtful at best and a miscarriage of justice at worst. This is common sense, of course, but it is worthy of being mentioned prior to digging into this case at bar.

On February 10, 2006, the State's witness, Mr. Daniel Knudson, was interviewed by Deputy John Keegan of the Clallam County Sheriff's Office, Lauren Erickson of the Clallam County Prosecuting Attorney's Office, Ralph Anderson, Mr. Knudson's attorney and Ms. Teresa Martin, Court Stenographer. During this interview, the purpose of which was to garner Mr. Knudson's testimony against his co-defendant, Mr. Rex Pope in the relelvant case at bar. In this narrative, Mr. Knudson repeatedly utters false statements concerning the events of the incident in question (to wit., the alleged burglary and unlawful possession of firearms.). In this argument we will present, for the Court's approval, the instances of the falsehoods uttered by Daniel Knudson while implicating his co-defendant,

Mr. Rex Pope. This will show a definite pattern throughout the investigatory and trial phases of this case and will show that the very fact of the statements made by Mr. Knudson confounded and inflamed the jury to convict Mr. Pope even while in disregard of the consistent inconsistencies sworn to by the State's chief witness, Mr. Knudson.

On page 5 of the Clallam Co. Sheriff's Dept. Case Narrative (Hereafter, noted in relation to date: 2/10/06=1 CRN; 2/13/06=2 CRN) the questioning officer, Deputy Keegan, had caught Mr. Knudson in a lie. 1 CRN at 5. Further, it goes to show that Mr. Knudson had already imparted a version of the relevant incidents and that it did not mesh with the version he was imparting at present. These type of machinations continued throughout the interview and Deputy Keegan continued having to remind the informant that he needed to carefully think about what he was saying and about it being the truth. This can be seen clearly when Ms. Erickson encourages the co-defendant by saying, "Okay. That's the kind of stuff we want to hear. Okay." 1 CRN at 23. In effect, the prosecution is enticing the correct testimony out of the co-defendant. After all the previous falsehoods uttered by Mr. Knudson, it is preposterous to not become outraged at the blatancy of this machination.

Then, Deputy John Keegan, says, "[B]ecause I'm still not believing you because there's still evidence in there that contradicts what you're saying." 1 CRN at 25. Later, Deputy Keegan informs Mr. Knudson that he has a personal and vested interest in seeing that Mr. Knudson provides testimony that causes the Appellant to be sentenced to prison. 1 CRN at 25. Then, it is relevant that, again, Mr. Knudson is reminded that he is to be honest with his attorney, Mr. Anderson when the listening devices and the tape recorder is turned off. 1 CRN at 26. It can be said with conviction that if one needs to be continually reminded to be honest, then one probably isn't being very forthcoming as of that moment.

This pattern of false statements continues into the trial of the case at bar. Mr. Knudson begins his pattern of perjurious testimony on day two of the trial. Mr. Knudson admits to Mr. Sund that he did lie to Ranger Titus at the scene of the traffic stop (the initiating incident). RP at 120. Later, Mr. Knudson

did admit to another falsehood he uttered in regards to his knowledge, or lack thereof, of the Glock pistol. RP at 122. On cross-examination, Mr. Knudson admits that he "just wasn't forthcoming." RP at 123. Again, and in startling repetivity, the witness, Mr. Knudson, informs the Court that he lied again about the Glock pistol while being interviewed by Deputy Keegan, Prosecutor Erickson, Ralph Anderson (Mr. Knudson's attorney), and a stenographer in February of 2006. RP at 123. In a further display of total disregard for his oath to tell the truth, Mr. Knudson says that he lied when he swore that he had never been to Ron's (a person of interest in this case.) house. RP 123-24.

It is relevant and telling that the cross-examination of Daniel Knudson by Mr. Sund reveals that Mr. Knudson knowingly and willfully perjured himself while under oath during the interview which took place in February of 2006. It is apparent that Mr. Knudson did understand that he was under oath and it is reasonable to assume that he did understand what that meant due to his past felony record and him being accustomed to the Courts and their proceedings. RP 126-27.

The fact that the investigatory team and the Court was, repeatedly, used to hearing Mr. Knudson perjure himself while under oath is indicative of a level of incompetence which was gross and uncalled for. Mr. Pope's defense counsel, Mr. Sund, should have been ethically bound to impeach or, at least, object to the testimony gathered in the questioning of Mr. Knudson. As well, Mr. Sund should have been more vigorous in his insistence that Mr. Knudson's testimony be stricken from the record and that it be disallowed as evidence. Because Mr. Sund did not do his part to provide a defense to his client, Mr. Pope, it is clear that Mr. Pope suffered from an inadequate defense. It might also be fair to say that the very fact that there were so many incidents of false testimony being given by Mr. Knudson asks the relevant question of just how ethical was the Prosecutor and the Court being in allowing this testimony to be given in the first place.

Due to these reasons stated, the Court should reverse Mr. Pope's conviction and remand him for trial.

EXHIBIT "A"

SUPPLEMENTAL INCIDENT RECORD SHEET

Incident Number: OLYM0500000530

Supplemental sheet used (if more narrative)

Narrative

sitting in the passenger seat of the truck covered by a blanket. I noticed that the truck was full of miscellaneous items, both in the bed of the truck and the cab of the truck.

I parked my car beside the truck and asked if they needed any assistance. POPE said no he didn't need assistance and stated that he noticed the tire was getting worn so he decided to come down that road to change it. He stated that he had bought a spare tire in a junk yard yesterday and he was trying to fix it so it would fit the truck. POPE again said he didn't need any help. As I walked around the vehicle I noticed two boards that were under the front passenger's side of the vehicle. I could see a piece of pipe sticking out from one of the boards. I moved the board with my foot and noticed what through my training and experience I recognized as a marijuana pipe. I picked the pipe up and POPE immediately said that it wasn't his and that it must have been there before he parked the truck there. I placed the pipe on the hood of my patrol car and had KNUDSON exit the vehicle. I explained to them that I didn't believe the pipe was there before they parked the truck and that they needed to be honest with me. POPE admitted to it being his pipe and said that there was some marijuana in the black case on the dash board.

Before removing the marijuana, I asked if there were any weapons in the vehicle. POPE muttered something that I did not understand and then said that he didn't have any weapons in the vehicle and then looked at KNUDSON. KNUDSON said that he had a gun in the bed of the truck. Before securing the weapon I placed handcuffs on KNUDSON. Once KNUDSON was in handcuffs, I went to my patrol car to obtain another pair of handcuffs and cuffed POPE. I performed a Terry Frisk on both individuals for my safety. POPE also said that he knew better than to have weapons because he was a convicted felon.

I had KNUDSON show me where the gun was. He brought me to the back of the truck where I observed 4 rifle cases. I took the first one out and removed a Browning 12 gauge (serial #03086PV152). I removed four buckshot shells that were loaded in the weapon. The second weapon was an unloaded Traditions 50 caliber black powder gun (serial # 14-13-014977-03). The third weapon was an unloaded Marlin 30-30 (serial # 27010399). The fourth weapon was an unloaded

Reporting Officer's Name

Supervisor's Name (please print)

AARON TITUS

Reporting Officer's Signature

Date

Supervisor's Signature

Date

A Titus

12-6-05

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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#2005-12971

Case Number: 2005-12971

INTERVIEW WITH DANIEL KNUDSEN BY DEPUTY JOHN KEEGAN

1st
1st

JK: Deputy John Keegan
DK: Daniel Knudsen
TM: Teresa Martin
RA: Ralph Anderson
LE: Lauren Erickson

JK: This is Deputy Keegan, it is February 2, 2006, approximately 0913 hours, currently at the Prosecutor's Annex, Clallam County, Washington. Present are myself, Mr. Daniel Knudsen, his attorney Ralph Anderson, and Prosecutor Lauren Erickson and Teresa Martin, who is now going to...

TM: Swear in.

JK: Swear in Mr. Knudsen.

TM: Do you swear to tell the truth, the whole truth and nothing but the truth?

JK: I do.

TM: Okay.

JK: Okay Mr. Knudsen, before we begin, I want to read you your Miranda Warning. Uh, you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right at this time to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements. Do you understand each of these rights I have explained to you?

DK: Yes, I do.

JK: Okay. And, uh on the way up here when I picked you up from the jail and I brought you up here, we did not discuss this case at all?

DK: Not at all.

JK: Okay.

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: [Signature]

Date: 2-13-06

Supervisor: _____

Date: _____

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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LE: And just so we're clear, you certainly have my permission to record anything that I say today.

RA: And mine as well.

JK: And Mr. Knudsen, you know this is being recorded?

DK: I do know that.

JK: Okay. And we're doing so with your permission?

DK: Yes sir.

JK: Okay. Um, we're here to discuss case number 2005-12971. Uh, and maybe some other information that we have got from that case in itself. Um, I'd just like to kind of start off uh just kind of with the question, what happened?

DK: Well, I got a ride with Rex Pope in the process to try to recover my stolen motor home, which I had found through my own investigation in Port Townsend, that he was the one that stole my home, which had everything that I owned in it. And he was in the process of trying to sell a motor home to another lady and I was going along with him to go and view the motor homes to see what he had, to see if mine was one of them, because he didn't know that he had stolen my rig. Cuz I was in jail at the time, so he just didn't know who it belonged to. So I was going to recover my home. And we went and left from there to go out to Forks, is where it was at, but he said he had to go to Joyce to see his brother uh in the process. We went there and he apparently went and saw his brother and a couple of other people while I stayed at a friend of his house. We, when he got back we were going to head to Forks and he ran out of gas in the Joyce area. And by then, after walking to the places that we had walked, I was tired, so I stayed in his vehicle and waited for him to return with gas. He had a small motorcycle in the back of his truck that he used to go supposedly and get gas, and never returned for hours. By the time he did return uh I was well asleep and he said he was not able to get gas and left again. So I just stayed there and waited for him. Um, never had any inkling of what he was up to. He uh came back in the course of the evening and finally had gasoline and we left and drove to where we were apprehended there in the, the uh National Forest.

JK: Okay. And you're from the Port Townsend area, right?

DK: Yes, I am.

JK: Um, and this house that, this friend's house that you were staying at, could you describe it for me?

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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DK: Um, it was a gentleman, his name was Bruce. We talked about it once before, I can't remember, uh it was the first and only time I ever met the gentleman.

JK: Okay.

DK: It was in Joyce. And uh he was a relatively decent chap, played the guitar. And I just sat and waited for him to get, for Rex to return.

JK: Okay.

DK: Um.

LE: What time was that?

DK: I would say that it was probably around 11:00 o'clock to midnight.

LE: In the, oh okay, at night.

DK: At night, yeah.

LE: And that's the first house, I'm, I guess I'm confused. You talked about going to his brother's near Joyce?

DK: He, we, what I did was I stayed at his friend's house while he walked to his brother's house. And they were within a couple blocks, I guess, of the area because he didn't take his vehicle to go see his brother, he walked.

LE: Okay. And just so I'm clear, that, the friend's house, that's who you're talking about, Bruce? Ron

DK: Yeah, I believe that was his name.

RA: And the Detective was asking, can you describe the house?

DK: Uh, it was a mobile home, uh I think it was a double wide. Um, the guy played guitar. Um, you and I had talked about it.

JK: Okay.

DK: Last time, I can't remember his name, but you seemed to know him at the time. And that's where I sat on the couch and waited with him while he played guitar while Rex was gone.

JK: Do you smoke?

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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DK: Do I smoke?

JK: Mmhuh.

DK: Tobacco?

JK: Yeah.

DK: Yes.

JK: Cigarettes.

DK: Yes.

JK: Okay.

DK: Yeah.

JK: Um, yes, this individual said you left a baseball hat there. A hat.

DK: Hm.

JK: So that, I mean, not to show that you were there, but when we arrived to talk to him he remembered you.

DK: Yeah.

JK: Um, and you go by Danny socially, Dan, Daniel?

DK: Daniel. Yeah, Daniel is.

JK: Okay. Uh, I think he said you left some glasses and a baseball hat there. Is that possible?

DK: That's possible.

JK: Okay. Um.

DK: I don't remember ____.

JK: I have a concern. Okay? And let me, I've been nothing but honest with you.

DK: Yes sir.

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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JK: Since our meeting.

DK: Mmhuh.

JK: Um, and I gave you my little speech about what my real job is, I'm trying to help people out, I'm not here to throw handcuffs on people and throw them in prison. Okay? But they need to be honest with me.

DK: Mmhuh.

JK: You need to be honest with me. There's a couple things that are going on right now that lead me to believe that you're not being 100% honest with me, about the situation over here, and I appreciate that we've gone through all this time and effort to come out here and talk about this. Um, one of my issues is that with the witnesses and the statements that we've been getting and the evidence that we've been processing about this crime scene, I don't believe that you were able to minimally stay asleep in the car while he was loading all this stuff in it without your knowledge, considering when you were stopped by the Park Ranger, you showed knowledge of what was in the car at the time. So I find it hard to believe that while he's pulling this, putting this big, little mini-bike in and out of this car, this truck, the fact that you were, you know, he's loading all these things into the back of the car and he puts a Glock 9 mm behind your seat on a truck that's the bench seat, that everyone has to come forward in to put something like that back there. And then when you're stopped by the Park Rangers, were you actually able to identify a gun in a case, not in your line sight, and say that's my gun in the back of this car, per your statements, that you're not being honest with me.

DK: Mmhuh.

JK: The whole part about this is you need to be honest with us, so we can see what we can do for you.

DK: Okay.

JK: But if you, if you're being deceptive to us about this burglary, your actions in it, I, and we, cannot help you.

DK: I understand that.

JK: And it's gonna rely on the evidence in court. And then that's gonna be up to the 12 people who are going to look at the evidence in court. Okay? So you need to be honest with us. This is the story you've already given me.

DK: Mmhuh.

I certify under penalty of perjury that the foregoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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CLALLAM COUNTY SHERIFF'S DEPARTMENT
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JK: This is the story that I can pick apart all day on the stand if it comes to that. But I don't know, like I said I have no power or control about making any deals for anybody.

DK: Mmhuh.

JK: That's kinda up to the Prosecuting Attorney. And I don't know if there's been any deals made in place yet. But I'm sure that if you're honest, even if you committed said act, that based on your cooperation, your criminal history, which involves drug use and shoplifting, pretty much, then she can weigh that. Okay? Now Rex on the other hand, is a whole different story. Now if he was a part of this, if you were a part of this, we need to know exactly what's going on because we can't have you up there testifying and then me proving you wrong when you're trying to testify on my behalf.

DK: Mmhuh.

JK: You know what I mean?

DK: Yeah.

JK: So what happened?

DK: Well uh, like I say, I was sleeping and I, I knew when he reloaded the uh motorcycle in.

JK: Mmhuh.

DK: Cuz he had that out, and I guess it had run out of gas. And when he was loading other things in the back, I went and asked him what he was doing, you know. And I, you know, and he said that he was collecting a debt that was owed to him. And, and then we started talking and we had talked about, this was prior to, he had talked about a place that he had robbed earlier, uh a year ago.

JK: Mmhuh.

DK: And had gotten quite a bit of money from it. And I said I didn't want anything to do with it, that I, you know, that it's just not why I was along with him. And I didn't want to, you know, be involved. But I did stay in the vehicle cuz I didn't want anything to, to do with it. As far as the guns go, I, you know, I didn't have any idea that that's what he was loading into the cab. When I found out about them, was when I got, when we were up at the, the uh Park where the Ranger stopped us and I got out to take a piss and he pointed them out to me.

JK: Okay. What about any other burglaries that may be transpired in your dealings with Mr. Pope?

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

CLALLAM COUNTY SHERIFF'S DEPARTMENT
CASE REPORT NARRATIVE

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DK: There was no other burglaries that I know of.

JK: Okay. Anything...

DK: He did have a, he had a bicycle that he had gotten from his brother.

JK: Okay.

RA: Well I, but how, how did you find out about him having these motor homes?

DK: I found out by going through uh some folks in my area uh that he was telling this one lady that he had motor homes for sale, and that she didn't want to go all the distance to go and, to go look at them, so she kinda asked me to do it. And I was more than glad to, cuz I wanted to see if one of the motor homes were my own, that he had stolen from me.

RA: How did you find out, though? How did you find out that Rex might be selling motor homes?

DK: From her.

RA: From her?

DK: From the girl that was looking to buy one.

RA: Okay. You know Rex before?

DK: No.

LE: So how do you know Rex, I mean?

DK: Just through this whole transaction to try to get my motor home back. Um.

RA: How did you dig him up?

DK: Well I did a lot of searching around in Port Townsend when my place came up missing while I was in jail. I came out and had no clues, and I started looking around and uh found that, that this uh, his girlfriend, Sherry uh had, was one that my girlfriend was talking to, so I kinda asked her about it and she said that, you know, she kinda hooked my girlfriend up with Rex and he was gonna take and show her, but she didn't want to go and look, all the way out to Forks to look at them, so I said I would go.

LE: So where were you in jail, in Jefferson County or here?

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

CLALLAM COUNTY SHERIFF'S DEPARTMENT
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RECEIVED
9-18-06

DK: Yes ma'am, Jefferson County.

LE: Okay. What were you in jail for?

DK: Uh, meth.

LE: Okay.

JK: Do you remember the, uh the days you were incarcerated? Like, dates?

DK: Where, in Jefferson County?

JK: Yeah.

DK: Not right off hand, no.

JK: Okay. That's, don't worry, that's something...

RA: We can find out easily.

DK: Yeah, yeah.

JK: All right. All right. Um, I think we've, we're getting a little bit somewhere more than we were a little while ago. Um, and I know it's human instinct really to try and defend one's self. Um, I just kinda drew up, and I know, we can't show this on the recording, uh downtown, if you can call it that, Joyce. Where we have the Joyce General Store up here. The Family Kitchen. And a couple of little squares, and I'll show you what those represent in a minute. When you came, this is gonna be uh the house that you stayed at.

DK: Okay.

JK: Okay?

LE: Is that what you think of as Bruce's house?

DK: Yeah.

LE: Okay.

JK: The house.

DK: I'd say it was probably 2 1/2 miles down the road, something...

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JK: Okay.

LE: And you didn't know that person?

DK: No, I'd never met him before, ever.

JK: So you get to the house, right? Now, do you stay here or do you go, you're out of gas, right? That's what it was?

DK: No. We were not out of gas at Bruce's house. We were, we went there cuz he had to go and see somebody and I stayed at Bruce's while he went, he was gone for an hour, a good hour at least.

JK: Mmhuh.

DK: I'd say.

JK: So you stayed here for about an hour?

DK: Right.

JK: Then you...

DK: Then when he came back, uh we, is when he went and saw his brother, Wayne, I believe is his name?

JK: Mmhuh.

DK: Okay, and it was further down that way by a place called um.

JK: _____

DK: Valhalla Video's, is that a video store just within walking distance, maybe.

JK: Okay. So Bruce's, the house that you think the guy's name is Bruce, is right next to Valhalla Video?

DK: It's, yeah, well not right next to it, it seemed like it was a little distance, but.

JK: Walking distance?

DK: Yeah, walk, walking distance.

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JK: A couple minutes' walk?

DK: Right.

JK: Okay. Um, and then Rex leaves to get gas?

DK: And then, no, then he comes back and gets me.

JK: Okay.

DK: Cuz we're gonna go to Forks.

JK: Mmhuh.

DK: And we're heading up to the General Store to get gas, and then the gas station's closed.

JK: Okay. Do you remember about what time that was?

DK: Well, I guess that was about 11:00.

JK: At night?

DK: Yeah.

JK: Okay. So, at about 2300 hours you arrive here at the gas station?

DK: And he pulls the truck behind the store on the road that leads behind it, and that's where it runs out of gas.

JK: Okay.

DK: And that, and that is when he's going to get the motorcycle out and go get gas, somewhere else. I don't know where.

JK: Okay.

DK: So the motorcycle was already in the truck?

JK: Yeah, and he unloaded it and left. And I would say he was gone a good two hours.

LE: And you stayed in the truck?

#2 DK: I stayed in the truck and wrapped up and fell, went to sleep.

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LE: And tell me again, where did the motorcycle come from?

DK: It was in the back of his vehicle, the whole way it came with us.

LE: Okay. So it just was...

DK: It wasn't really a motor-, it was just like a little scooter-type motorcycle.

LE: Okay.

DK: I wouldn't even call it a motorcycle, actually.

LE: Okay. Thank you.

JK JK: Where did you first get into Rex Pope's car? Was it, I'm, you, I believe you told me it was in the Port Townsend area?

DK: Right.

JK: Okay. Um, was the motorcycle in the back of the car at the time?

DK: It was. It left with us.

JK: Okay. Do you know Daniel Christensen?

DK: No, I do not.

JK: Or, okay.

DK: Uhuh. *(negative)*

JK: Do you know whose truck that was?

DK: Uh, that truck belonged to uh, I think he said he borrowed it from um Bob Christensen.

JK: Bob Christensen.

DK: Okay, I do know Bob Christensen. I know that's where he borrowed it from, cuz his vehicle was broken down, he said.

JK: Okay. How well do you know Mr. Christensen?

DK: Just in passing.

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JK: Okay.

DK: Um, you know.

JK: On a side note, information that we're getting is that Mr. Christensen is Mr. Pope's fence.

DK: Hm.

JK: And, you also know Mr. Christensen in passing.

DK: Yes.

JK: All right, so you get stopped out in the Park by the Rangers and this car is full of stolen property. Okay. We have witnesses who can put the motorcycle in this area driving this way at about 2:00 to 3:00 o'clock in the morning. And it's so loud, okay I'm not lying to add anything, it's on the reports.

DK: It was loud.

JK: That the people in these trailers heard it. It woke them up.

DK: Mmhuh.

JK: Okay. If you're gonna be in the back of the truck, I'm sure it's gonna wake you up too, if people off the roadway 100 feet in an insulated trailer are gonna hear it and you're in a car. Okay?

DK: I was in a truck.

JK: In a truck. All right. Um, the same morning that the Family Kitchen got broken into, someone broke into or attempted to break into a storage unit down the street.

DK: Mmhuh.

JK: The next door over. The next day after the burglary, some, which the guy didn't check on for two weeks so it's plausible that this happened, someone cut the lock off a storage container on this side of the Joyce General Store. Okay? And you guys are part, and this is, and they, they're very descriptive, their description of where that car, they, they went this way, back behind Joyce General Store and parked. Ironically, this is where we found the man's stolen wheelbarrow and, from the Family Kitchen and the cash box. So, you're right, you guys were in the scene at the time. Now again, I'm just, you haven't, he says he's gonna go rip this place off cuz he's done it a year ago.

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DK: He didn't say he was gonna go rip it off. I said that he said that he had done a place in that area a year prior to, and got quite a bit of money from it, and that's when I said I didn't want anything to do with it.

JK: Okay.

LE: Is that, that's what he says before he leaves for the two hours?

DK: It was when he came back with no gas, and I, you know, yeah. And he put the, he put, when he ran out of gas in the motorcycle, he put it back up in the truck. Cuz he didn't have any more gas in it, and it was loud, you're right.

RA: And what, did he leave on foot the second time?

DK: Exactly. He left on foot.

RA: That would explain the wheelbarrow.

JK: It would. Cuz that was taken from.

RA: And I'm not familiar with Joyce. How, how far are we talking there, a couple hundred yards?

JK: This is uh, no, this is almost to scale, I mean this is.

RA: Oh, right across the street then?

JK: Yeah. Kitty-corner. These are right across the street.

RA: I mean, I've driven through there but I've never paid attention.

JK: Yeah, if you blink, you.

RA: You're right there, okay.

JK: Yeah. Uh, in fact, yeah this is all one like parking lot, it goes right here with some other miscellaneous businesses.

RA: Okay.

JK: Um. Okay.

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RA: I think what the officer wants to know, do you know he was putting stuff in the back of the car?

DK: I heard, I heard him in the back a couple times, yes.

RA: Did you have any conversation with him about what he was doing?

DK: No, I did not. Not until the next day, up in the Park.

JK: Okay. It's about 9:30 in the morning. I work nights. I'm a little tired.

DK: Mmhuh.

JK: Um, we all have a lot of things to do today. Okay. One of the reasons we're here today is we need to find out what happened. I mean, evidence is gonna tell us a lot. And it has already told us a lot, enough to pretty much inspire to be up here. Okay, I know you've been down there since the beginning of December. Okay. You've had a lot of time to think about this.

DK: Mmhuh.

JK: Okay? The problem is, things aren't matching up. And I have some other information that might shock and surprise or scare you. And I'm about to dabble into that right now. Okay? Does this, as my little last bit warning that you need to be honest with us, I don't, I mean if you were in the building with Rex stealing stuff, you have to be honest with us about that. Okay? You have the audience of a Prosecuting Attorney here, who is taking her time, not with Rex, but with you, to discuss the matter of this case. Okay? Now if this was something that you did on your own, and then by all means this, you might want to converse with your attorney about this, okay? And let's say Rex was actually out, out getting gas. Because Rex for some reason, the person that he is, has a little bit of following and I've talked to his brother, ironically ran into him at a traffic stop last night at IGS and stuff, and he's rallying his forces around him. Okay? This is where you need to be honest. And you're gonna, why you have your attorney here, cuz you're probably gonna incriminate yourself in a crime here. You need to be honest. But the hat that you left at Daniel Knudsen's house was stolen in a burglary in an airport hangar in Port Townsend, and we have the chain link fence and the bolt cutters in the car to match. And we're sending those off, we've already sent those off to the lab. That is something that's not gonna look really good on you, is when you're the Port Townsend connection down there, the hat that you leave at the house that we're gonna call the house of Bruce, is very easily identifiable, identifiable because it's, they removed the top beanie part cuz it goes onto, you know, for an airline headset. It's a member of the Aeronautical Association of Airline Pilots and Owners or something like that. And also next to it was the, found in the car, was the air-to-ground air traffic control portable radio, looks ironically like a CB radio but it's not, it's for air traffic control.

DK: Mmhuh.

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JK: Okay? Very specific things was, with model numbers that we've matched to a burglary in Port Townsend.

DK: I see.

JK: Where someone with a set of bolt cutters, found some bolt cutters in the car, cut a chain link fence. We have pieces of chain link that Deputy Don Johnson...

DK: Mmhuh.

JK: ...who I know you know, brought up to me on his day off, and we're sending those to the crime lab.

DK: Hm.

JK: Okay? There's a little mini-bike in the back of the car was stolen out in Forks.

DK: Hm.

JK: Now you're not from Forks.

DK: No.

JK: Rex is from Forks.

DK: And they had the Aeronautic thing, that stuff does not sound familiar at all, so.

JK: Well, the hat that Ror. said you left there and the hat that you, and you just told me you did leave a hat there.

DK: _____

JK: And I don't think that that individual is gonna be lying to me.

DK: Is that a hat, like a baseball...

JK: Baseball hat.

DK: Cuz I don't remember wearing a baseball cap there, but.

JK: Well he pointed to a pack of, an empty pack of cigarettes and he pointed to a baseball hat, and.

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DK: Hm.

JK: He said that you left them there and.

DK: Hm.

JK: Mmhuh.

RA: If you're not sure whether you wore a hat or not.

DK: I'm not positive, _____.

JK: Okay. Now.

DK: Huh.

JK: The simplest thing about that is the fact that we have a baseball hat, and when you wear a baseball hat you wear a baseball hat on your head. And when you wear a baseball hat on your head, hair.

DK: Right.

JK: Gets in the hair band. So.

DK: I realize that.

JK: I don't want to have to go to those extremes. To have to send off hair samples. Okay?

DK: Yeah, I understand.

JK: Cuz that costs money. But then again, you gotta realize this is one, this is a Class A Felony. This, guns were stolen from a business. Luckily returned. Um, and you know.

DK: Well, I have no, I have no uh knowledge of the thing at an airport or anything to that effect.

JK: At an airport hangar?

DK: No, or the motorcycle, I had a no clue where that came from. I know that it was in his truck when we left. That I do know.

JK: Okay. What about the family kitchen? What happened that night? That's what we're really here about.

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DK: I, I, like I say, I was asleep in the truck. I know that he came and went a couple times. He told me that he went to get gas and was not able to get gas and I was not, you know, I was not concerned about that because I know that he loaded his, his uh motorcycle back into the back end. If he was loading something then, I have no clue that he was doing it.

JK: Okay. And you were, you were wrapped up in, in the truck.

DK: A sleeping bag.

JK: In a sleeping bag.

DK: Mmhuh. *(affirmative)*

JK: What happened to the sleeping bag?

DK: Uh, as far as I'm concerned, it was still in the vehicle. He brought, he brought it to me.

JK: Okay, there was, is it the same, is it the same thing you were wrapped in when the Park Ranger contacted you?

DK: Yeah, exactly.

JK: Okay, that was stolen from the Family Kitchen Restaurant.

DK: See, I had no clue. He brought it to me, said that I could cover up in that. And a pillow.

JK: Okay.

DK: _____ I just had my coat.

RA: What, which trip back did he bring the thing to cover up in? I mean, how many.

DK: It was well after midnight, after he had already taken his, his motorcycle and went to get gas the first time and came back and there was no gas.

RA: And then when, when after that?

DK: And that's when he *(speaking simultaneously)* that's about, it'd have to be about 1:00 o'clock.

RA: Is that when he brought you the sleeping bag?

DK: Yes. The sleeping bag and a pillow.

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LE: Mr. Knudsen, maybe you can go back and, I guess what we're looking for is a little more detail.

DK: Mmhuh.

LE: Um, and so what time do you initially get to what you are calling Bruce's house?

DK: I'd say it was about, I'd say 11:00 o'clock when we.

LE: The first time.

DK: 10:30 or 11:00. There was only one time that we were at Bruce's house. We didn't come and go there twice. It was one time.

LE: Okay. And he leaves at what time?

DK: We left there about midnight.

LE: Well he, I thought he left...

DK: Oh he left, yeah he left and walked to somewhere, and then came back. And that was probably about midnight when he got back.

LE: Okay.

DK: Okay.

LE: And then you leave together.

DK: Yeah. And then we go down and that's when we run out of gas behind the Joyce General Store.

LE: Okay.

DK: So it had to be.

LE: But I guess what, and, and now that's fine. But see, you're leaving out too much detail. And for you to be helpful to me at a trial...

DK: Okay.

LE: ...I need to hear more detail.

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DK: All right.

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LE: So just for example, I want to show you what I, what I'd like you to do is, you're telling me, you know, when we were at Bruce's then we ran out of gas behind the store. But see there was other detail between those two events. For instance, you earlier said well, we were in front of the store, and, or the store was closed. And then we went behind the store.

DK: Okay, the.

LE: That's what I'm getting at, I want to hear more.

Talking simultaneously.

RA: ...rehearse this with him, believe me.

LE: No, I...

RA: I got the rough outline.

DK: Right.

RA: I figured we'd go where we go.

LE: I understand. Uh, but this is what I need to hear.

DK: After he walked to his, from Bruce's house, I'm still at Bruce's waiting. And he left and walked, and then he came back and then he went down to his brother's place which was uh behind the video store.

RA: Let's go back a little.

DK: Okay.

RA: So you're at the house.

DK: Yeah.

RA: You're there for what, an hour?

DK: Yeah.

RA: What do you do while you're there?

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DK: I sit and listen to Bruce play his guitar.

RA: Okay, did you guys, did you smoke?

DK: Cigarettes, yes.

RA: Okay. And so then, then what happens after that hour?

DK: Okay then um, Rex comes back to the house.

RA: And is he walking?

DK: He's walking.

RA: Okay. Then what happens?

DK: And he says that well, that Bruce and his wife need some space, and so we need to leave. And I said that's fine with me, I wanted to get going anyway. And he said that we needed to go down and get gas. So we leave to go down and get gas. And the vehicle actually starts to run out of gas as we're going from Bruce's to Joyce. And so he sees that the gas station is closed and pulls right, down the road behind the General Store, and that's where the vehicle stops, right there.

LE: Okay.

DK: And I, then he goes well I'm gonna get my motorcycle out and go back down to Bruce's or my brother's and see if I can get some gas there. And I said well.

LE: Back to Bruce's or my brother's?

DK: Right.

LE: And see if he can, okay.

DK: See if he can get gas there. And I said well I'm gonna wait here, cuz I'm tired and I don't want to, you know, there's, I'm, he wanted me to ride in the back of the motorcycle with him and I said there's no way. Cuz he had no helmets. Uh, it was loud again, like the officer said. And so I just waited in the vehicle there. And he, and I fell asleep. He, he took off and left, I'd say a good two hours before he came back. And when he came back, the vehicle was loud, and I knew that he loaded it in the back of the, the truck.

LE: You know that he loaded the vehicle in the back of the truck? All right.

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DK: The motorcycle.

LE: All right, what else did he do?

DK: That was it. Then he said he would, then he had a gas can with him and he said he was going to go and see if he could find any gas elsewhere, close by.

LE: Okay.

RA: When did the conversation about him hitting the place around there and making a lot of money occur?

DK: That had happened earlier on, when we were talking coming here, to uh Joyce.

RA: Okay. So between the house and Joyce is where the conversation occurred?

DK: Right, exactly.

RA: And, and that's where you tell him you don't want any part of this?

DK: Right.

RA: So you maybe have an idea that he's gonna be doing something while you're in the car?

DK: I, I do.

RA: Okay. Did you...

DK: But no specifics about that.

RA: Right. And you refused to participate?

DK: Yeah. Exactly.

RA: So you're sleeping, and there's a fighting chance you knew he was out hitting some place?

DK: Yes

RA: Okay.

LE: Okay, so.

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DK: That's.

RA: But that's speculation.

DK: In my eyes, that's why I did that.

LE: Okay. That's fine but um Mr. Knudsen, again, I think what the Deputy's telling you is here you want to be as forthcoming as possible. That's the whole point of this.

DK: I see.

LE: Um. So you are behind the, okay so you had this conversation before you ever get to Joyce, that Rex Pope tells you that I hit this place, some place before.

DK: Right.

LE: And gotten a lot of money. Was he descriptive as to what place that was?

DK: No, no he was not descriptive about it at all.

LE: Okay.

DK: Just really kind of vague about it, you know.

LE: Okay. So then you're, fast-forward now, you're behind the uh, the store.

DK: Mmhuh.

LE: And he's taken off on the motorcycle.

DK: And he's come back.

LE: He comes back, and does he say anything to you when he comes back?

DK: No, not really. He got up in the front of the truck and tried to warm up a bit cuz he'd been on the motorcycle and said, and told me what his intentions were, that he was gonna take the gas can and go try to find some gas elsewhere. And I said well I'm, I, you know, I pretty much cuddled up in my coat, I had my shoes off and then set them up on the dash so the heater could warm them up, but then that's when the truck went down. So it was like there was no uh really warmth to speak of in the vehicle other than just bundle up in my jacket, so.

RA: Oh you mean like the battery ran out or something?

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DK: No, he ran out of gas.

RA: Oh, ran out of gas.

DK: Yeah. And so I just told him that I would wait for him to get back.

LE: Okay. So then what happens?

DK: And so then he leaves. And it's, you know, quiet and dark, so I just huddled down and waited for him to come back. And it was a good two hours before he returned again, and said that he still couldn't find any gas.

LE: Okay. And when he comes back, so he's, there are two uh instances when you're parked behind there when he's gone for about two hours?

DK: Right.

LE: The first time where he takes the motorcycle and comes back.

DK: Mmhuh.

LE: And that point you know that he loaded the, whatever, this mini-bike back in the car.

DK: Mmhuh, yeah, yeah.

LE: Did he load anything else back in the car at that point?

DK: I, I, like I say, I don't know whether he loaded anything else in the back of the truck at that point or not. I didn't get out to, cuz I was more, you know, trying to stay warm in the, from the truck while he was doing that, but it was, you know, he did a lot of rumbling around, a lot of noise in the back of the truck.

LE: Okay. That's the kind of stuff we want to hear. Okay.

DK: Okay.

RA: It's the details that help.

DK: Okay uh, you know, and I knew that he was rummaging around in like uh for tools and stuff like that. I don't know if it was to rearrange stuff to put the, you know, to put the motorcycle back up in there or not. Uh I, you know, asked him if he needed a hand putting the, the motorcycle up in there and he said no, he'd done it several times before himself and that he didn't need any help doing that, so I just stayed where I was at. He got up in the front of the

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vehicle and sat for a little bit, said that, that he was cold from riding the motorcycle and that his feet were wet. And I said well that's understandable cuz he had, we had walked in the snow down at Bruce's place there. Um, he said that he was gonna go and try to get some more gas so I just stayed there and waited for him to return.

LE: Okay, how long was he in the, how long was he at the car between when he came back with the motorcycle and left again on foot?

DK: I would say not more than 15 to 20 minutes.

LE: Okay. So he leaves again on foot and what happens?

DK: Um, it had to be another good hour, two hours before he returns and I was, you know, he asked me if I needed a blanket or a sleeping bag to cover up with and I said that would be great. Then he hands me a blanket and a, a pillow from in back of the, the truck. And I cover up with that. And I say, ask him if he has gotten any gas at that point. He says he still has not been able to find any gas and that he was gonna go try some more. The next thing I know um he's back again and.

RA: Hold it.

DK: Okay.

RA: When you say blanket or pillow from the back of the truck.

DK: He said that he had...

RA: You mean behind the seats or in the back?

DK: No, in the back.

RA: Okay.

LE: So okay, this time he's come back again. He's given you this sleeping bag. What else happens? At that point are you hearing him doing anything or?

DK: No, not really but, you know, I was, I was totally asleep when he returned and didn't hear anything until he got back in the front of the truck and said, you know, gave me the, the sleeping bag, sleeping bag and the pillows. And uh then I, I asked him if he was able to get any gas and he said he hadn't been able to get any gas yet. And I says well we, you know, are we just gonna wait here until the gas station opens in the morning, or what? And he said that he was gonna go and try to get some other place to get gas.

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ORIGINAL

LE: Okay. Did you want to ask him anything?

JK: No, I have a suggestion.

LE: Okay.

JK: My suggestion would be that you and I step out of the room for a moment.

LE: Okay.

JK: And Mr. Knudsen confer with his attorney a little bit. If you want to be honest with anybody in this room, it's gonna be him. Okay, he's your defense attorney.

DK: Mmhuh.

JK: Okay. What you say is sacred, I'm taking this out, and you talk to him exactly what your point of, or what exactly your part in this, to your attorney. And he's gonna see if we're gonna continue with this or not. Because I'm still not believing you because there's still evidence in there that contradicts what you're saying. And I don't want to waste any people's time here. Okay? I also don't want to send you up the river. Okay? I want you to get the best deal out of this. Because I've talked to Deputy Johnson, I've talked about your past history down there. Okay? But the last thing he could do is come up here and not be honest. This is where honesty happens. We have your attorney here to talk to. Okay? We have the audience of a Prosecuting Attorney. Okay?

DK: Mmhuh.

JK: And then you have me who knows all the knowledges of the case and ___ like that and who's been doing all my research about you, knowing that of the two people involved in this burglary and the other burglaries that are investigating because the stolen property found in the vehicle, you I believe are the less danger to society to get the best deal possible. Do you know what that means?

DK: Mmhuh.

JK: That means that I would like to see you in treatment. I would like to see you be honest about this so we can get Rex, who's been doing this for years, Rex, who I believe is more of a violent individual where I think the worst thing you've ever done in the way of a burglary is break into someone's house and fall asleep. At least that's what Deputy Johnson tells me. Okay?

DK: Right.

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This goes with #1st statement

JK: That's what we needed to, that's what we're doing up here. We're not coming up with stories to prove how innocent you are.

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DK: Mmhuh.

JK: We're coming up here with stories to show what really, really happened through your eyes. What really happened that the, the fill in the gaps that evidence leaves. Because evidence will tell us a lot, but it will still only tell us so much, okay?

DK: Mmhuh.

JK: I know that someone came in and tried to force the back door and was unsuccessful. With a small pry bar. But then they were able to hit the front with a bigger pry bar. Now was that two people acting in unison and going hey, I got the front door open because the door inside was forced with another crow bar. So it looks like two people may have done this. Okay? Why would he come out with a blanket, all right, to provide for your comfort, knowing the kind of person Rex is, when he's still got a miter saw, a skil saw, and a, and \$300-\$400 worth of items at his feet that he needs to take out there, but he's gonna bring a blanket for you first? Sounds kind of hokey.

DK: Yeah.

JK: Why would he perform a burglary and be across the street from it in a car that's not working at the time?

DK: Right, yeah.

JK: Okay? That's a question that's been plaguing me for a couple of months. Did you actually break down out there or did you break down once you realized things were going? I think we should take a little bit of a break. I think you should really talk to your attorney cuz I want you, I don't want to damage you at all. I want you to be able to, you know, talk to your attorney. I want him to be able to talk to you and then based on that, Mr. Anderson would see if we should continue with this.

RA: That's fair.

JK: But don't lie to him. We're not listening, there are no listening devices, I'm turning this thing off right now and it is approximately 2150.

End of recording.

(T-2/10/06, so)

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2ND

Prosecutor J Youth Services _____

Other Lauren Erickson

Approved _____ Date 2-14-06

INTERVIEW WITH

JK: Deputy John Keegan
DK: Daniel Knudsen
RA: Ralph Anderson
LE: Lauren Erickson

JK: This is Deputy Keegan, it is now 10:00 o'clock on February 2, 2006. Uh still regarding case # 2005-12971. Still present, uh Mr. Knudsen, Mr. Anderson, Mrs. Erickson, Deputy Keegan, and we all are aware that this is being tape recorded, and doing so with your consent?

LE: Yes.

RA: Yes.

JK: Mr. Knudsen?

DK: Um, after he had left with his motorcycle and came back uh, this is the, the second time that he's, you know, gone and the motorcycle was put back in the back. And then he came and approached me and asked me to help him move a wheelbarrow across the street from outside the Country Kitchen Restaurant. And I proceeded to do so, helped him move it and uh went back to the vehicle. I, you know, I did see that, I, there was no guns in the vehicle or in the wheelbarrow at that time. Um.

RA: What was in the wheelbarrow, do you remember?

DK: It was like um, a chain saw, um I remember a guitar, a lap top, and a satchel.

LE: What about any alcohol?

DK: That's what, sounded like the alcohol was in the satchel, cuz it clanked. There was like bottles in there.

JK: If I draw a photo, I'm sorry I can't draw a photo. If I draw a diagram of the crime scene, not to scale, all right? And here's the bar area, the restaurant area, the kitchen area, okay? And here's a door, here's a door, and here's a door. Okay? Joyce General Store is still over here. Okay? Here's the highway. What door did you get in the, here's a door, here's a door, and here's a door. What door did you go in with Mr. Pope?

DK: I didn't go in the door, the wheelbarrow was right at that door on the side.

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JK: This one, over here?

DK: Yes, it was sitting outside, right, yes.

JK: Okay. Um, what about the storage container in the back, the one across the street in the storage unit down the street?

DK: I have no knowledge of that.

JK: Okay. Um, so you came across the street and moved the wheelbarrow.

DK: Back to the truck.

JK: Okay. Was this door open at the time?

DK: No, it wasn't open.

JK: Okay. So he, could you see inside at all?

DK: No.

JK: Okay. Silly question, I know. This is where you guys were parked, right, at the time?

DK: Correct.

JK: Okay. And then this is where the business is. How did you get from there to there?

DK: Right down the main road.

JK: Like, from this side of the General Store down the main road?

DK: Mmhuh. (*Affirmative*).

JK: Okay. At any time at all did you guys park your vehicle over in here?

DK: No, not to my knowledge, no. No. Cuz it was out of gas.

RA: See that's the problem. I think everybody agreed it was out of gas.

JK: Mmhuh.

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RA: He, unless he took it and filled it, he couldn't have driven the truck away. See that was gonna, I'll give you my defense. My defense is the truck, everybody agrees the truck was out of gas.

JK: _____

RA: I mean, maybe you don't agree, but I mean everybody I've seen says that.

JK: Mm, no I'm just saying that one of the things is though, at the time frame we're looking at, what point in time did gas get into, after the burglary, before the burglary?

RA: Right.

JK: We all know that when it stopped there, that's the reason why.

RA: Right.

JK: Right?

RA: Right. I see your point. Okay.

JK: Um.

RA: Cuz, I mean basically that's the only part Mr. Knudsen didn't tell me. And, and was the part about helping him move the stuff. And that's what we talked about. Because I told him, you know, if we're gonna go after Pope with good reason, we need to have details that they can use in a trial against him.

JK: Right. Um, and I'm not trying to, you know, pull this out like pulling teeth or something, you gotta realize what our job is and.

DK: I realize that.

JK: You know, what the big picture is here. Okay? You know, I'm not, you can tell I'm not making this up as I go along about my relationship or my relationship with Deputy Johnson down in Port Townsend.

DK: Mmhuh. Right.

JK: Um, and stuff like that. So.

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LE: Can you tell me, Mr. Knudsen, I um again I'm not as, don't have as much a grasp on this, I think, as Deputy Keegan, but in relationship, when you told us earlier Rex Pope came, you know, left in the mini-bike, came back.

DK: Mmhuh.

LE: Loaded the mini-bike in the car, left again, came back, and brought you a sleeping bag.

DK: That was when he came and asked me to assist him moving stuff across the street.

LE: Okay, tell.

DK: That's what, that was when he came back was after he was putting, after he put the mini-bike back in the back of the truck.

LE: Okay.

DK: Is when he asked me to help him move something across the street and I did.

LE: Okay, so the thing about the sleeping bag wasn't correct.

DK: Yeah, that's when we, that's when he got that and that's when I used it to go back to bed, was after I'd helped him move that _____, cuz then he left again.

LE: Okay. All right, so.

DK: That was when I got the, the sleeping bag to cover up with.

LE: After you'd been to the Family Kitchen.

DK: Right.

LE: Okay so he, if I'm understanding correctly, he initially leaves on the mini-bike, comes back, loads the mini-bike, he asks you to assist him.

DK: I did, we came back.

LE: You go and, you come back.

DK: I went, that's when I went back to sleep.

LE: Okay, and when you come back, you.

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DK: Cuz he was going to get gas again, he never would, got any gas.

LE: Okay, so where does, do you know where the sleeping bag came from, then? Did you see that?

DK: It was in, it was in the wheelbarrow.

LE: Okay.

DK: Cover the stuff up.

LE: Okay. All right. So that came from the Family Kitchen?

DK: Yes.

LE: All right. So then, you're in the car and he leaves again.

DK: Yeah, I got in, cuddled up, took my shoes off, put them up on the dash so that I could, you know, get warm because they were sopping wet. And covered up with a blanket and went to bed 'til he came back again.

LE: Okay, what happens when he comes back again?

DK: He still hadn't gotten any gas. By then it had to be getting early in the morning.

LE: Okay, so.

DK: But I didn't hear any rummaging around or anything at that point, but I was pretty well asleep by then so I don't know if there was any other rummaging around that was done.

RA: When he left that time, did he leave on foot?

DK: Yeah, he left on foot cuz the motorcycle was back of the uh pickup truck.

LE: And this third time, how long was he gone?

DK: I couldn't really say, but I'd say another two hours, at least.

RA: Is it getting near daylight, by any chance?

DK: Well, when we left it was getting near daylight, I figure it was right, 4:00 by then.

LE: So ultimately where did you get gas?

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DK: I don't know, he finally came back with gas.

LE: Okay, the third time?

DK: Yeah, in a can. You know, a gas can.

LE: Okay, just so we're clear, cuz just a few minutes ago I think you indicated the third time he came back he still didn't have gas.

DK: No, that was the second time that he came back he didn't have any gas.

LE: Okay.

DK: Then he left again to go get gas and uh, that's what, that, you know, like I say it was getting nigh on in the morning when he came back with gas finally.

LE: Okay so, and I'm sorry, it's just very unclear to me.

DK: Mmhuh.

LE: There's the first time, when he leaves on the mini-bike.

DK: To go, go, go back to Bruce's down that way.

LE: There's the second time where you go to the Family Kitchen with him.

DK: And when he came back, went to put the thing back in the vehicle.

LE: Okay.

DK: The motorcycle back in the vehicle.

LE: There's a third time that he leaves again.

DK: That's, yeah.

LE: Okay, and then there's a fourth time when he leaves again and come back with gas?

DK: No, no that's when he, when he left the second time, when it was getting almost morning is when he, you know, the third time he came back was when he had gas.

LE: Okay.

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DK: Third time.

LE: Okay, so well we're talking about the second time you, what I'm talking about is what I refer as the second time, it's you and he going together.

DK: The second time was when he came back from down on, that's when he put the motorcycle back in.

LE: That's the second time.

DK: Right.

LE: I thought that was the first time.

DK: No that was.

Talking simultaneously.

RA: ...confused about at the house, are we counting the, being at the house as one of the times or not.

DK: No, I, okay so it would be third time counting the time at the house, so it's the third time we came back was when we put the motorcycle back in, yes.

LE: *Laughing.*

RA: And then the fourth time he leaves again. Cuz he left once at the house and three times at the store, right?

DK: No, okay.

RA: No?

DK: Once at the house and two times at the store. The third time that he, or the, after he left the second time, when he returned the third time is when he had gas. Okay?

LE: All right, so.

RA: That was...

LE: No.

DK: That was, that was early in the morning.

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LE: Okay. So, excluding the time at the house, all I'm talking about is behind the store.

DK: Okay.

LE: There's the first time with the mini-bike.

DK: Right, and that's when he asked me to help him.

LE: There's the second time.

DK: Right.

LE: ~~No, the first time he goes on the mini-bike.~~

DK: Okay, then he comes back.

LE: Then there's a second time where you go with him to the Family Kitchen.

RA: Walked across, yeah.

LE: All right.

DK: That was a walk.

LE: Then there's a third time where.

DK: He comes back with the gas.

LE: He leaves by himself again, he comes back with gas.

DK: Right. Exactly.

LE: All right. Now this third time, uh you indicate he was gone for another couple of hours?

DK: Yes, I believe so.

LE: All right. And this is when you were asleep?

DK: Yes ma'am.

LE: All right Um, and I guess we'd like to address the guns a little bit.

DK: Mmhuh.

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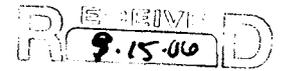
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LE: Tell me more about the guns.

DK: I didn't know about the guns until when, the next morning when we were at the Park and, and he, and it was like in the morning and he had pulled up in a, a roadside area and was changing a tire on the front passenger side tire and I got out to go to the bathroom and he said, look at what I've got and showed me the guns. And I said, you know, I even told him, I said, you know, I'm not allowed to even be around them.

RA: Where were the guns?

DK: In the back of the pickup truck down below, under, by the, where the motorcycle was at. Like, down low.

LE: Okay, what about this Glock that's behind the seat?

DK: Exactly. I don't know how the Glock got behind the seat, but I know that he never lifted the seat forward, but you can reach around to the side of, of the truck to put it back in, I guess, I don't.

Speaking simultaneously.

DK: It could've been done while I was taking a piss. You know. For all I know. Cuz he was in getting tools and things to that effect uh to change this tire.

RA: But you never saw the Glock?

DK: No.

RA: And never saw him put it there?

DK: No.

LE: Okay. Do you, did he say where he got the gas?

DK: He never told me where he got the gas.

LE: Did you ask him? I mean.

DK: No, I was just glad he had it.

LE: And so, it's, it's daylight by the time you leave, by the time you leave the, behind the store.

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DK: Mmhuh. (*Affirmative*).

LE: All right. But the store's not yet open?

DK: No ma'am.

LE: Okay. And then you're stopped at the Park, what about 9:30?

JK: Yeah.

DK: Right. Yeah, okay.

RA: Mmhuh.

LE: All right. Um. Do you have any further questions?

JK: No, I just want to make sure that everything that you say is true and correct?

DK: Yeah.

JK: Okay. I want to, because.

LE: Well I think the big issue of being correct is, we've already worked out a deal.

DK: Mmhuh.

LE: So I mean, you know uh what I.

RA: Well I told him what you offered, I told him there might be a little wiggle room for negotiations.

LE: Yeah.

JK: What's the offer?

LE: Well that he, we were not gonna charge him with the burglary.

RA: Take a gun charge, do nine months, is the offer. But that's not been agreed to, that's been offered and it's in the ball park.

JK: Okay, now this offer does not include any other burglaries, i.e., maybe possibly the one in Forks and the one in Port Townsend?

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LE: No, we're just talking about this one.

JK: Okay.

LE: So, I mean, you really don't know anything about the guns?

DK: No.

RA: And I'll bet that, well let's talk about this since the Officer's here. Do you know anything about this burglary in Port Townsend?

DK: I do not, no.

RA: You want to, okay, you don't want to talk to me in private about that?

DK: No, I don't need to. I don't know anything about it.

RA: Okay we kinda discussed a little bit about some, I, some additional informational too, not like you. But we kind of, I kinda went around the edges of that and I didn't get a hint that he knew anything about this.

JK: Okay. Well the other big deal is that this is Clallam County, not Jefferson County, so that's.

RA: Yeah we, he has to do only with the case filings in this case.

JK: Mmhuh.

RA: And what you won't file against Mr. Knudsen and, and that it, you know, if you guys.

LE: Apparently he's charged with four counts of unlawful.

RA: Four counts of guns.

LE: Yeah, unlawful possession.

RA: He's looking at 29 months in the joint.

LE: Yeah.

JK: Okay. And no burglary charge whatsoever?

LE: No, as long as he's forthcoming.

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JK: Okay.

RA: If he goes to trial, though.

JK: So basically, if you and Rex kicked in the door simultaneously together, danced around joyfully inside, grabbed all the bottles and said whoopee hoo, here comes New Year's and ran out the door, we're not gonna charge you with burglary, right?

LE: Right.

JK: You understand that, right?

DK: Yeah.

RA: Right.

JK: Okay. And I won't take it personal if you actually broke in the place, right, and, and took the stuff. Right?

DK: Mmhuh.

JK: Okay. And, we're gonna sit here and finalize this on the presumption that you just came across the street to help move the one wheelbarrow over.

RA: Let me make a record. I told him frankly what I thought you were looking for is you were looking for him to have been a participant in any of these and if this is what happened you need to tell me now and then we.

JK: Yeah.

RA: And then we need to think hard about whether we're gonna say anything else or not.

JK: Mmhuh.

RA: And that's, Mr. Knudsen and I talked and, you know, and again I, I'm not, I'm revealing confidences only because I think I have permission to do it, but I also think it helps this case.

JK: Mmhuh.

RA: That, that I told him frankly the easy way in this is to tell yeah, you helped bust in with it. And the odds are, if that's the truth and that's what happened, you know, you're still gonna get basically the same deal.

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LE: Mmhuh.

RA: And then we talked about whether we should proceed or not. And I made a decision to make a recommendation to him based on what he told me, that he wasn't part of breaking in and that's why we proceeded. So, you know. The story I got is that he didn't bust in and the reason we went ahead is because he wasn't willing, like some clients would go yeah, I'll tell him that.

JK: Yeah.

RA: I'll tell him I busted in because I'm not gonna get in for it anyway.

LE: Yeah. No, the whole point of this.

RA: But, he wasn't willing to do that, even knowing that.

JK: Um.

LE: We want only the truth.

RA: And that's, I think we got to that part.

LE: And the only, and the, just to be clear, we only want the truth against Rex Pope, too. I mean, I don't want people making things up for me.

DK: Right, I realize that.

LE: I do not.

RA: What he told me, our first meeting, his story hasn't changed, with typical addition of stuff so if I didn't bother to ask. Basically what Mr. Knudsen, has been identical with the addition of some of the other stuff.

LE: No, I just want to make clear to Mr. Knudsen that this isn't about getting Rex Pope as much as, I think we had some information that we think know what happened and uh, but that's really what we want, the truth. I don't want you feeling that.

DK: No, I wouldn't do that.

LE: You're not under any pressure to make up things about Mr. Pope at all.

DK: I realize that.

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RA: Uh, Mr. Knudsen's a very, a real good client, we've had a couple of good discussions and I'm pretty comfortable with where we sit right now.

LE: Okay.

JK: I've just got a couple of quick, just little things to throw at you. Not really much to do with this. Are you afraid of Rex for any reason?

DK: Yeah, you know. I am. I've heard some pretty.

JK: Okay.

DK: ~~Odd stories about him and I don't, I don't care to have any confrontation with him, that's for damn sure.~~

JK: Okay. Cuz I, I realize that you know that there's a deal which we can protect you with. Right. The one that we're, we just talked about. But I know that, another reason why you would hold things back, and I just want to clarify them for the record, that we're not, is because some maybe fear of reprisal from Mr. Pope. So you're, you're being honest with us despite the fact that he might.

DK: Yeah, I've heard, you know, I've heard.

JK: Okay. But that's not gonna sit here and change your story.

DK: I knew that, I knew that when I took the chance of going with him to find my motor home, but it was worth it for me to chance that, knowing that he is, what his uh background was to try to find my home. ?

LE: Have you ever found your motor home?

DK: No. And I even talked to the, I don't know if this is of any issue but I even talked to the uh Detective there in Port Townsend uh when I was in jail and asked them if they knew about my motor home being missing and he kinda chuckled and said yeah, but that they didn't make, do anything on it, you know, find anything. You know, it was like.

JK: Hm.

DK: Almost like they weren't, had, they had no intention of trying to find it for me, so that's kinda why I took my own initiative to try to find my place.

JK: Okay. Um, have you talked to anybody else about this?

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DK: Nobody, I've not, I've been here for as long as you say I have without any commissary or any phone calls or any communication with anybody on the outside at all.

RA: You have nobody putting money on your books?

DK: I had money when I came in but it was confiscated cuz they thought it was part of the thing, so I've had, I, I've even sent a letter to a friend over in that area and, and got it back twice because of the wrong zip code cuz I couldn't, they don't have a, a directory here with the zip code.

JK: Should be in the phone book.

DK: No it's not, I looked.

JK: Really?

DK: They've taken that area, they've taken that front of the phone book and turned it into a 1-800 number on zip codes, so you can't even.

JK: Nice.

DK: Yeah, so.

RA: I'll uh, I'll put \$20 bucks on your books tomorrow so you can at least get some.

DK: Oh, I owe them that now, I've been in here for over six, or close to 60 days, for shaving and.

RA: Then I won't put it on, cuz you won't get it.

DK: That's exactly right.

JK: Um. Uh. Another one of my brilliant questions lost. Okay I'm, I think that's about it. I'm not coming up with anything else off the top of my head.

DK: Okay.

JK: Thank you.

DK: Thank you.

JK: Thank actually everyone here for their time. Um, you realize you're getting a pretty good deal out of this?

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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DK: Mmhuh. (*Affirmative*)

JK: Okay do you know, you haven't heard what Rex has been saying at all about your part of this?

DK: I haven't, I haven't heard anything from Rex.

JK: Okay, what can you imagine it being?

DK: Oh, that it's all me.

JK: Okay. So you're pretty accurate on that one.

RA: Yeah I haven't, I haven't reviewed specifically the discovery with him. We know generally, but I wait and see this happen because I didn't, I would prefer it when we came up here. Because we've been, Mr. Knudsen and I talked all along about the fact that Rex was the guy that did it.

JK: Mmhuh.

RA: And I expected at some point we were gonna do this. So I have not gone over the discovery with him in detail so that his, what he says isn't affected by what Rex says about him. But he knows from the beginning that Rex is pointing the finger at him and we fully plan to go to trial and point the finger at Rex, one way or another.

JK: Okay. This is Deputy Keegan. Without any further ado it is 1020 on February 7, 2006 and I'll be ending the tape now.

End of interview.

(T-2/13/06, so)

I certify under penalty of perjury that the forgoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Date: _____

Supervisor: _____

Date: _____

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