

253-858-6667

Cs. # 40645-4-II

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

COURT OF APPEALS  
DIVISION II

STATE OF WASHINGTON )  
)  
Respondent, )  
)  
v. )  
)  
William Gregory Bergquist )  
(your name) )  
)  
Appellant. )

10/17/10 PM 4:05

STATE OF WASHINGTON  
DEPUTY

No. 09-1-03093-8 BY [Signature]

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, William Gregory Bergquist 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

Additional Ground 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: 11-17-10

Signature: [Signature]



**1 UNDERWOOD: (DEFENSE COUNCIL)**

1 I sent him a list of witnesses we needed to subpoena, and talked to him about them. He agreed that they should be, and repeatedly assured me they would be subpoenaed. He DID NOT subpoena several very important witnesses that he promised to subpoena. As well as failing to call in THREE very important witnesses that he had subpoenaed. Then lied, saying they refused to come in. We have signed statements from them assuring the Court that they were quite upset that they were not called--nor even notified that they weren't being called.

Underwood had my mother contact these three witnesses and postpone them until the following Monday morning (3/29/10). Then, without any notice, or any reason given, HE RESTED THE CASE ON THURSDAY, 3/25/10. I ASKED HIM WHY, & HE TOLD ME SHUT UP--AT LEAST FIVE TIMES.

2 Underwood "rested" the case without even informing me that he was not going to call them in--but had had my mother schedule them for the following Monday morning, for him. He never even so much as talked to one witness that I had. He did nothing.

3 I am physically handicapped, and in serious constant pain. Underwood had me bring x-rays of my prothesis shoulder & arm, my severly broken jaw, doctor & hospital records, and then never asked for a thing during trial. Never even brought it up. Why?

4 I attempted to "fire" Underwood on Wednesday, March 24th, in open Court. The judge told me to sit down--that I was getting adequate council coverage! Thursday morning I brought in a letter, firing him, & tried to get it to the judge--but was not allowed to do it. Underwood just threw the letter at me & cursed. (Of course, none of this appeared in the Trial Transcripts for some reason?)

5 I attempted many times during trial, to talk to Underwood, ask questions as to why he did or not do something he had promised, or that I thought should be brought up, or objected to. He just repeatedly told me to "shut the \_\_\_ up" or "shut up & sit down" when I got upset when he wouldn't do anything. He actually physically grabbed me more than once and held me in my chair--although I would have never gotten up--but he knew he was wrong and not doing his job.

(A considerable amount of my mother's testimony was omitted from the Court Transcripts also - how much more was left out?)

6 8 24-25 Both my mother and I requested Underwood MANY TIMES - both in person and in writing - to subpoena Raisbeck - just in case. He promised us that he would over and over - and then DID NOT DO IT.

7 Underwood did not instruct my mother, or DeRosia, in any way whatsoever.

8 165-66 Underwood did not object to playing my tape of my interview with Det. Davis - nor see if I objected. Did not consult anyone.

9 205 & 214 Admitted that he was "lazy" two times.

10 410 15-17 **Underwood: "There's a litany of contradictions between what Mr. Taylor told the police and what was contained in his testimony."**  
**THIS IS ABSOLUTELY TRUE - BUT WHY DIDN'T UNDERWOOD OBJECT TO ANY OF IT DURING THE TRIAL?????**

**11 UNDERWOOD DID NOT REPRESENT ME AT ALL!**

He had my mother do any investigating that was done - he did nothing.  
Made nothing of my medical condition.  
Made nothing of my broken jaw - Prosecutor mentioned it more than my attorney.  
Constantly used wrong names during trial.  
Had me bring x-rays & hospital-doctor records - and then never mentioned them.  
There were dozens of things he should have objected to during trial - but refused - even when I asked him to.  
Made next to nothing of the difference in physical size between me and Taylor -- and that I'd probably been KILLED had I not defended myself in the way I did.

The Prosecutor used the words stab, stabbing, stabbed at least 100 times during trial. No objection made really. In fact, Underwood also used the words!  
The "whole story" was just not allowed into trial - the jury heard only what the Prosecutor & Det. Davis wanted them to hear - THAT WAS ALL.  
I have learned a very hard lesson - I had talked it over with my mother (my father recently passed away), and, knowing that I had done nothing wrong—  
only acted in self-defense—we decided to not hire a good attorney. I told her it wasn't necessary. How wrong I was!  
**What started out as a joke - turned into a nightmare.**

**I JUST PLAIN DID NOT HAVE ANY DEFENSE THROUGHOUT THE ENTIRE TRIAL!**

**Prosecutor's deceit and untrue statements:**

- 1 5 13-25 **Prosecutor was personally given a list of ALL of the Police Report numbers that involved Raisbeck's thefts from Bergquist's.**  
He knew all about the vehicle theft, theft of keys & titles to more than one vehicle, theft of numerous items of personal ID,  
credit card fraud, etc.  
Raisbeck had been ordered off our property several times, and we finally had to obtain a No-Contact Order against her, when she  
threatened physical harm to both me and my mother.  
  
Raisbeck & Don Taylor were involved in burglary at apartments we own in Tacoma, in vandalism and physical harm to a tenant, etc.  
All of this was reported to the police, and the Prosecutor was given all the information regarding such.  
Prosecutor: (on line 25) "I've been provided no reports indicating there was any sort of investigation that names Ms. Raisbeck as a  
suspect or how that would be relevant to this case....."  
There was NO INVESTIGATION in that the Police Dept REFUSED TO FORWARD any report to the Prosecutor's Dept. However, all reports  
were provided directly to Mr. Ausserer, by my mother. HE WAS WELL AWARE OF EVERYTHING—PLUS MUCH MORE THAN IS MENTIONED  
HERE. DET. DAVIS IS ALSO WELL AWARE OF ALL OF THE ABOVE.  
  
This is ALL VERY RELEVANT to this case, in that it all escalated to finally the theft of our vehicle—which Raisbeck & Taylor were witnessed  
taking from our property. ABSOLUTELY NO PERMISSION WAS ASKED, OR GIVEN, FOR USE OF THE VEHICLE!  
**THERE WAS ABSOLUTELY NO CONTACT BETWEEN ME AND RAISBECK.**  
Any, or all of the above, would have testified as to the creditability of Ms. Raisbeck—& any of her "hearsay" testimony in Court.
- 2 9 1-4 Ausserer: "There are no crimes of dishonesty." Please just check Raisbeck's criminal record—need say no more.
- 3 364 Why would the Prosecutor state in Court that "...nine months later, he (Bergquist) claimed self-defense?" Underwood did file the necessary paperwork  
on July 28, 1009 - almost immediately after the incident.
- 4 411 22-23 Ausserer: "his (Underwood's) client never once said it was self-defense. Never once."  
I can't believe this statement. It was my defense from the very moment it happened. Listen to my interview with Det. Davis.
- 5 372 Prosecutor mislead the jury several times. Here he pointed out the bars & chains on Taylor's garage door—to attempt to show that he lives  
in a dangerous neighborhood—so he had reason to do what he did to me. Even though, he had pictures of the alley, showing that Taylor  
had the ONLY garage with bars & chains. No one else does.
- 6 480 24-25 Prosecutor: "I tried to actually contact these witnesses (the ones who witnessed Raisbeck & Taylor steal the vehicle) who were on  
Mr. Underwood's witness list and they refused to speak to me."  
**THIS IS AN OUTRIGHT LIE! They refused to tell him what he wanted to hear, so HE REFUSED TO SPEAK WITH THEM.**  
I have signed statements to verify this fact.

...had these witnesses who WERE NOT WILLING TO COME FORWARD and he interviewed, and, at that point, they

(don't know who "they" are?) said they weren't calling them as witnesses."

**THIS IS ANOTHER OUTRIGHT LIE! These witnesses were quite upset to have been subpoenaed, and then not called, after Underwood changed their time several times.**

**I have signed documents from these witnesses that will prove that the Prosecutor is lying.**

8 Prosecutor repeatedly accused both me and my mother of not reporting the incident of 6/20/09 involving Taylor, to the Police.  
**We both tried several times to report it. Both the police, AND DET. DAVIS, REFUSED TO TAKE A REPORT.**

9 33 8-10 Prosecutor, in opening statement: "And, so he (Taylor) fends off a couple more swipes with the knife before the two men run off."  
**THE PROSECUTOR IS THE ONLY ONE THROUGHOUT THE ENTIRE TRIAL WHO MADE THIS ACCUSATION—HOW CAN HE DO THIS?**

**3 DETECTIVE DAVIS:**

1 **Det. Davis told me, my mother & Walt DeRosia, on 6/26/10: (& a tenant of ours within a few days of this) That "Taylor has a deep stab wound, has a punctured lung, and is in the hospital fighting for his life."**

**THIS WAS AN OUTRIGHT LIE!!!**

**HE WAS OUT OF THE HOSPITAL, HAD BEEN IN TO SEE DAVIS A COUPLE OF DAYS EARLIER.**

He testified that he had interviewed Taylor, in his own office, on 6/24/10 - and had talked to him also on 6/22/10.

**HE DID NOT HAVE A PUNCTURED LUNG, AND DID NOT HAVE A DEEP STAB WOUND. HE WAS NOT FIGHTING FOR HIS LIFE!**

**WHY WOULD HE DO THIS TO US?**

2 159 6-7 Det. Davis states that: "He's (Taylor) has been consistent in how the incident unfolded."  
Even to state Underwood - Taylor has changed his story at least three times.  
See attached information itemizing all the changes he did to his original story.

3 169-170 Det. Davis states that Raisbeck & Taylor were never listed as suspects in the vehicle theft -- OUTRIGHT LIE! He has copies.  
He states that no reports were turned in: another lie. He has copies.

4 There are numerous other statements that Det. Davis made which were not true.  
When he played my interview tape PAST WHERE HE HAD BEEN INSTRUCTED (SEVERAL TIMES) TO STOP - He apologized, but looked at the Prosecutor and they chuckled right in Court.

5 There are several incidents in the Trial Transcripts where the Prosecutor & Det. Davis are the only ones that agree on an issue, and everyone else testified differently - sometimes even Taylor.

6 **ONLY** the Prosecutor testified that Taylor was "stabbed." Everyone else - even Det. Davis & Taylor himself, admitted it was a laceration

7 The Prosecutor & Det. Davis were the **ONLY ONES** who identify the object they say was thrown, how/where. And, that I attempted to punch first.  
Taylor consistently testified to not knowing what it was, & inconsistent as to where it was/was not thrown. He was consistent that he (Taylor) struck first.  
Taylor, on Pg. 105, said he NEVER SAW what was thrown at him.

8 The "blue eye" identification is something Raisbeck put Taylor up to. The pictures they used were stolen/hacked off my mother's computer. I have copies of the pictures.

Taylor mentions over and over again how very dark it was in the alley where they were - "IT WAS DARK!"

	Eyes were not mentioned in any of the early police reports.
9	Taylor appears to be quite confused as to where and when the attack took place? He changes his story constantly all through the transcript.
0	THE ISSUE OF THE "LARGE GRAY TRUCK" NEEDS TO BE ADDRESSED. I TRIED & TRIED TO GET UNDERWOOD TO BRING UP THIS DESCREPCENCY DURING TRIAL. HE JUST TOLD ME TO "SHUT UP" AND HE HOPED IT DIDN'T GET BROUGHT UP. (SEE ATTACHED INFO.)
11	They "LOST" the tape of DeRosia's interview with Det. Davis. The Prosecutor had it on 3/11/09 when my mother met with him in his office. He told her that he had just listened to both it and mine -- and that there was a problem with them -- but wouldn't elaborate. Somehow it "got lost" within the week between then and the trial. There was some damning information on it for the prosecution - I believe.
12	Taylor appears to not know when he first saw DeRosia - before or after the attack. He keeps changing his story. <b>Prosecutor &amp; Det. Davis are the only ones who consistently tell the same story.</b>
13	TAYLOR DEFINITELY KNEW ME PRIOR TO THIS INCIDENT. WE HAD TALKED NUMEROUS TIMES. I HAD EVEN BEEN IN HIS HOME SHORTLY BEFORE THE INCIDENT--HE HAD INVITED ME OVER & TOLD ME HOW TO GET TO HIS HOUSE. MOST OF OUR TENNANTS AT OUR APARTMENTS COULD EVEN IDENTIFY HIM--HE HAD VISITED ONE OF THEM EVEN. (See attached statement.)
14	<b>Who struck first: The Prosecutor &amp; Det. Davis are in agreement as to what they testify to - that I struck first. It is even in all their written reports. Taylor testified clearly that he struck first more than one time - as did DeRosia.</b>
15	Taylor is totally confused as to whether or not there were any lights on at all, or not. He changed his story half a dozen times - but does consistently state that it was 'STILL DARK, YOU CAN'T SEE NOTHING THERE.'
16	There are so many more discrepancies in the testimonies. I so needed my witnesses to have been allowed to testify on my behalf.

09-1-030938

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COURT OF THE STATE OF WASHINGTON  
COURT OF THE STATE OF WASHINGTON  
COURT OF THE CITY OF TACOMA  
COURT OF THE CITY OF \_\_\_\_\_

FILED  
PIERCE COUNTY CLERK'S OFFICE



A.M. JUL 2 2009 P.M.

PIERCE COUNTY WASHINGTON  
KEVIN STOLK, County Clerk  
BY: [Signature] DEPUTY

**STATEMENT OF ARRESTING OFFICER and  
PRELIMINARY FINDING OF PROBABLE CAUSE**

STATE OF WASHINGTON )  
 ) ss.  
County of Pierce )

NO. 09-1-030938  
09-171-0088

(Type or Print)

Comes now (Name) Det. Daniel Davis  
(Agency) Tacoma PD., Law Enforcement Officer, and states that the  
following person was arrested by this officer at the following time and place:

Name: William Gregory Bergquist;

DOB 7-29-1963; Sex M, Race W;

Date and time of arrest 1155 AM Friday 6/26/09

Place of Arrest PT. Defiance Park (Taste of Tacoma)

Incident No. 09 171 - 0088

Listed Booking Charges Assault First Degree 9A36.011

The above individual was arrested for the listed charges based upon the following facts and circumstances:

The victim of this assault is Donald Taylor. As Taylor was getting ready for bed just before midnight on Friday 6/19. He heard a noise outside near his garage where vehicles are parked. He stepped outside and observed 2 w/m near his

center of alley

(Continued)

garage. He stepped out and asked them what they were doing. Suspect #1 (Bergquist) then threw a sheet at Taylor and attempted to punch him. Taylor punched Bergquist knocking him to the ground. Suspect #2 then approached Taylor to assault him. As Taylor was wrestling with suspect #2, Bergquist approached from behind and stabbed Taylor on the left side/torso. Bergquist and Suspect #2 then fled. Taylor required surgery after a deep stab wound.

In follow up interviews, I learned that Bergquist (Raisbeck) is the former boyfriend of Melissa Raisbeck, who is currently residing with victim Taylor at 4509 S. Thompson.

During the assault the victim heard suspect #2 say "lets go Greg." Bergquist uses his middle name Greg. Victim Taylor positively identified Bergquist from a photo montage. In an interview with Bergquist on 6/26/09 he admitted going to the victims home and confronting him. He denied that he had stabbed the victim. He claimed he

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

6/26/09 TPD

(Date and Place)

Daniel Davis

(signature)

was the victim of an assault by Taylor.

Incident No. 091710088, Page No. 2

**PRELIMINARY FINDING RE: PROBABLE CAUSE**

The undersigned judge, having examined the statement of the arresting officer attached hereto, **FINDS:**

**PROBABLE CAUSE EXISTS AT THIS TIME**

1) There is probable cause to believe that one or more of the crimes listed as Booking Charges, to-wit: Assault

or other crimes in lieu of or in addition thereto, were committed; 2) There is probable cause to believe that the named individual committed such crimes.

This finding is subject to review at the arraignment or the preliminary appearance of the named individual in court.

Based upon the above findings, the custody personnel normally used by the arresting law enforcement agency are authorized to hold the named arrested individual in custody upon the normal booking conditions set in such offenses. The named arrested individual shall be brought before (or ordered to appear at if released) the appropriate court during normal court hours for arraignment or preliminary appearance as required by the Washington Rules of Court.

**PROBABLE CAUSE DOES NOT EXIST AT THIS TIME**

Probable cause not existing at this time, the custody personnel normally used by the arresting law enforcement agency are directed to release any hold upon the defendant based upon the listed booking charges and release the defendant if there are no other warrants or holds. If other warrants or holds exist, the defendant shall be held only upon the conditions thereon.

This finding does not preclude the prosecuting agency from filing formal charges at a later time.

DATED this \_\_\_\_\_ day of JUN 27 2009, 19\_\_\_\_  
TIME 1415



JUDGE

Taylor has an extensive Domestic  
Violence History with Melissa Ransbeck

He was recently released from Prison  
for assault 2 where he ran her over  
with his vehicle.

DET. Daniel Davis

CP 255-7851

June 29 2009 9:05 AM

KEVIN STOCK  
COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-03093-8

vs.

WILLIAM GREGORY BERGQUIST,

DECLARATION FOR DETERMINATION OF  
PROBABLE CAUSE

Defendant.

PHILIP K. SORENSEN, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the TACOMA POLICE DEPARTMENT, incident number 091710088;

That the police report, the oral report of Tacoma Police Detective Dan Davis and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 20<sup>th</sup> day of June, 2009, the defendant, WILLIAM GREGORY BERGQUIST, did commit the crime of assault.

On the above date at 0052 hours Tacoma Police responded to the 4500 block of South Thompson Avenue regarding a stabbing. When police arrived they spoke with victim D.Taylor who reported that he heard a noise in the alley way behind his house. Taylor went to investigate and saw a man near his garage. Taylor saw a second man. Taylor asked the pair what they were doing. The first man, later identified as BERGQUIST, tried to punch Taylor and threw a bed sheet of sorts at Taylor. Taylor managed to get a punch off and struck BERGQUIST.

With BERQUIST temporarily disabled the second suspect, currently unidentified, moved in and a scuffle took place. BERGQUIST managed to get to his feet, charged at Taylor and stabbed Taylor in the torso. BERGQUIST and the second attacker fled in a large gray truck. As they did so the unknown attacker referred to BERQUIST as "Greg."

Taylor was able to provide a description of the knife. Taylor suffered a significant stab wound to the area below his left arm pit. Taylor underwent surgery but is currently expected to survive his wounds.

Investigators recovered the sheet thrown at Taylor. The sheet was cut in the shape of a triangle and bore the handwritten inscription "CAPT SAV-A-HO." Taylor viewed positively identified BERGQUIST as his assailant.

On June 26, 2009, police located and arrested BERQUIST in Tacoma. BERGQUIST told police that he had been involved in an altercation in the alley with Taylor but denied that he had stabbed anyone. BERGQUIST said that he was in the alleyway investigating the theft of a car and other property when Taylor attacked him. BERGQUIST apparently told his mother, however, that he had stabbed Taylor in self defense.

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, WA 98402-2171  
Main Office (253) 798-7400



Taylor definitely knew Greg:

Raisbeck called Greg from Taylor's house and wanted money (\$8.00) that was due her from a job she had worked at a while before for a 3rd party. Rather than tell her to go collect it herself (which he should have), Greg agreed to go over to Taylor's house and pay her. Taylor gave Greg directions to his house, and Greg drove over with \$40.00 (out of pity for them).

Taylor invited Greg into his house (4509 S. Thompson, Tacoma). They went into the kitchen (Melissa was there) and Taylor invited Greg to sit down--which he did. They sat in the kitchen visiting. Melissa got "mouthy" and Taylor physically threw her out of the kitchen, calling her a "dumb bitch." She went into bathroom, slammed the door, and did not come out again while Greg was there.

Taylor even offered to "give" Greg a pair of socks while talking, as it appeared to him Greg had none on. He hollered at Melissa to go get Greg a pair of socks!

Greg and Taylor had seen each other, and talked many times prior to the 6/20/09 incident.

Taylor (with Melissa out in the car) came by the apartment one evening very shortly before the incident, and wanted to know if Greg would give him a pain pill for Melissa - as she was losing teeth and was in pain. Greg refused and ordered Taylor to get off the property.

Taylor came by once and bragged about his L & I money that was coming in every money - as it paid for drugs for both of them each month.

Taylor, Mark and Melissa burglarized John Enslow's home one evening, and brought some of the stolen goods by the apartment. Greg ordered them off the property. Taylor took the goods in his pickup -- but accidentally left two pieces of equipment. This was reported to Enslow, who reported it to the police, who made an appointment to come to the apartments and meet with Enslow, and told him if he could identify the equipment as his - it was all they needed to arrest Melissa and Taylor. Enslow made the appointment with the police, and waited for over an hour at the apartment, for the police to arrive. They never came, nor did they call him. Enslow has tried over and over to get the Prosecutor's office to prosecute Melissa and Taylor - to absolutely no avail.

There are probably a dozen times Greg and Taylor talked together prior to 6/20/09.

Several times it would be easy to prove.

The Prosecutor and Det. Davis knew that they knew each other.  
**UNDERWOOD KNEW THAT THEY KNEW EACH OTHER!!!**



**SUMMARY OF CASES & OTHER PERTINENT INFORMATION:**

10-2-2009

09-1710088

*Det Davis + Prosecutor + Underwood had copies of all reports*

Date	Case No.	Incident	Involved Parties	Notes
6/26/2009	09 103 0938	Incident involving Greg/Taylor		
6/15/2009	09 166 1408	Car Theft-Explorer	Melissa Raisbeck & Don Taylor	Used key Raisbeck had stolen
6/19/2009	09 170 0328	Car Found	Found 3 blocks from Taylor's house	
7/26/2009	09 209 0991	Vandalism/Apt. Unit we Own	Don Taylor & Mark ?	
7/26/2009	09 207 0501	Assault/with Rock/Same Apt.	Don Taylor & Mark?	White Chevrolet S10 Pickup used, License A77457R
7/23-25/09	09 209 0973	Burglary/Apt. Storage Unit	Don Taylor & Mark ?	Used key Raisbeck had stolen
Spring 2009	09 230 0999	Theft--Items stolen from our home	Melissa Raisbeck	White Chevrolet S10 Pickup used, License A77457R
	09 230 0999	VISA card Fraud	Melissa Raisbeck	
	09 2 02416 8	No Contact Order	Barbara Bergquist/Melissa Raisbeck	
	09 034 1064	Burglary at John Enslow's Home	Melissa Raisbeck, Don Taylor & Mark?	Ex-husband of Raisbeck
		Honda Civic-Silver	License: 831-SDC	Should give us Mark's last name
		Chevrolet S10 Pickup-White	A77457R	Should give us Mark's last name
		Chevrolet Pickup-White	License number unknown	Driven by Don Taylor
		Walt DeRosia-Greg's witness		619-540-8814 Cell
		Jim Cooper	610 S. 46th Street, Tacoma, WA 98418	253-475-7086
		Camille Gibson	98 Pt. Fosdick Drive N.W.	253-606-2110
		Mike Jarosz	Gig Harbor, WA 98335	253-606-4039
		Melissa Raisbeck	4032 Indian Summer Dr. SE, Olympia 98513	360-412-1188
		Don Taylor - Incarcerated at Clallam Bay	4509 S. Thompson, Tacoma, WA 98418	253-474-6901
		Mark (last name unknown)	724 S. 49th Street, Tacoma, WA 98418	253-212-1838 ?
		Ladd Londo	4012 S. M Street, Tacoma, WA 98418	253-474-0347
		Donnie Gibson	4016 S. M Street, Tacoma, WA 98418	253-474-7129
		4014 Caregiver/Dave Bell	4014 S. M Street, Tacoma, WA 98418	253-475-0922
		Holly Wilson	4020 S. M Street, Tacoma, WA 98418	253-617-3068
8/26/2009		(The above three are tenants at apartment complex we own, where the assault on Mr. Londo took place. All three witnessed the incident/see signed statements)		
8/1/2009		On 8/1 Don Taylor came by apartments asking about Greg & wanted to know where Walt Derosia lived.		
		Driving a black two-door car - License #118-MVZ		
		Det. Dan David-	Excuse me - but "a jerk!"	253-591-5672
		Tacoma Police Dept.	He made very derogatory remarks about Barbara & Greg on different occasions. See signed statements.	
		John Enslow	10404 8th Ave.S., Tacoma, WA 98444	253-536-3257

Silver Honda used, License 831-SDC

White Chevrolet S10 Pickup used, License A77457R

White Chevrolet S10 Pickup used, License A77457R

This car driven by Dan Taylor to our house when Melissa stole my Explorer

This truck used when assault took place at apts. & storage unit burglary. Seen many times at apts.

Usually can only be reached evenings & weekends

Witness to Explorer theft--reported car to police & described Raisbeck to police and to Barbara

Witnessed Raisbeck & Taylor steal the Explorer, and gave statement to Det. Davis--very upset that charges have not been filed against her-fearful of her.

Her parent's address John & Lee Davies

Presently serving time at Clallam Bay for assault

These three involved together in all events

Probably can obtain last name from car titles listed here

May be his parent's - he lives with his parents we understand.

Assaulted with rock by Taylor & Mark

Dave Bell is caregiver for mentally challenged tenant

Reported the assault on Mr. Londo to police.

See signed statement of Donnie Gibson

Interviewed Walt DeRosa, Camille Gibson, Mike Jarosz, Ladd Londo, Barbara Bergquist, Raisbeck, Taylor

Davis took the stone that Londo was assaulted with.

Raisbeck, Taylor & Mark committed burglary at his house--

They left some of Enslow's stuff on our property



**PROSECUTOR, DET. DAVIS & TAYLOR'S DIFFERENT STORIES:**

**Det. Davis' Arresting Officers Hand-Written Report (dated 6/26/09):**

- 1 He (Taylor) heard a noise outside near his garage...
- 2 He (Taylor) stepped outside and observed 2 W/M near his garage (which is in the alley--long way from a bedroom window).
- 3 Suspect #1 (Bergquist) threw a sheet at Taylor...
- 4 Suspect #1 attempted to punch him (Bergquist)...
- 5 Taylor punched Bergquist, knocking him to the ground...
- 6 Suspect #2 (DeRosia) then approached Taylor to assault him. Taylor "wrestled" with Suspect #2
- 7 Bergquist approached from behind & stabbed Taylor in the left side/torso...
- 8 **Bergquist & Suspect #2 then fled.**
- 9 Taylor required surgery after a deep stab wound...
- 10 In followup interviews...the victim reports he "heard Suspect #2 say--let's go, Greg."

**Declaration for Determination of Probable Cause No. 09-1-03093-8 (dated 6//29/09):**

- 1 Taylor heard a noise in the alley way behind his house... (which is near the garage--long way from a bedroom window).
- 2 Taylor went to investigate & saw a man near his garage. Taylor saw a second man.
- 3 Bergquist threw a bed sheet of sorts at Taylor.
- 4 The first man, later identified as BERGQUIST, tried to punch Taylor...
- 5 Taylor managed to get a punch off and struck BERGQUIST.
- 6 The second suspect, currently unidentified, moved in and a scuffle took place.
- 7 BERGQUIST managed to get to his feet, charged at Taylor and stabbed Taylor in the torso.
- 8 **BERGQUIST and the second attacker fled in a LARGE GRAY TRUCK.**
- 9 Taylor suffered a significant stab wound to the area below his left arm pit...
- 10 The unknown attacker referred to BERGQUIST as "Greg."
- 11 Taylor was able to provide a description of the knife. (No mention of this in original report!)



## **COURT TESTIMONIES: (March 22-25, 2010)**

### **1 Where was Noise Heard:**

Ausserer: Taylor heard a noise outside--from his bedroom. Heard TWO noises. Pg. 31

Det. Davis: "...where his vehicle (Blazer) was, that's where he initially thought he heard something--outside his bedroom window. Pg. 192

Taylor: heard a noise where "the Blazer is right outside my (bedroom) window. Pg. 52

Taylor: Heard a "metal tapping noise outside his window (where the Blazer was parked) hear the garage." His bedroom window & the garage are a LONG way apart! Pg. 53

**(THESE ARE A TOTALLY DIFFERENT PLACE THAN IN BOTH THE ABOVE STATEMENTS>)**

### **2 When was Second Man Seen:**

AUSSERER: "As Taylor made his way out INTO THE ALLEY...he came upon...TWO MEN." Pg. 32 BEFORE THE ATTACK.

DET. DAVIS: "He comes out a few steps...he sees someone out there...as he gets to the fence...he realizes there's two people out there." Pg. 193 BEFORE THE ATTACK.

UNDERWOOD: "He (Taylor)...didn't see two men until he got to the gate, yet he still went through the gate.) Pg. 403 THIS WAS BEFORE THE ATTACK.

TAYLOR: Prosecutor asked Taylor, "When you 1st went out there...did you notice the other gentlemen that was out there?" Taylor: "NO, I DID NOT." Pg. 61-62

TAYLOR: Prosecutor asked Taylor, "When was the first time you noticed the other gentleman out there?" Taylor: "When I proceeded around the fence to head towards Mr. Bergquist."  
Pg. 61-62 THIS WAS BEFORE THE ATTACK.

TAYLOR: Told Underwood that he "DIDN'T SEE HIM (2nd man) UNTIL AFTER THE INCIDENT WITH ME & HIM (Bergquist). Pg. 95-96 Contradiction of himself Pg. 61-62

TAYLOR: Told Underwood that, "I didn't notice that individual (DeRosia) UNTIL HE CAME AT ME." Pg. 110-101

### **3 Was "Sheet" Thrown:**

AUSSERER: "One of the men decided to throw a sheet at him (Taylor)." Pg. 32

AUSSERER: "...retrieve that sheet that was THROWN AT Mr. Taylor..." Pg. 34

AUSSERER: "...Can you describe for us what it was that HE THREW AT YOU?" Pg. 62

AUSSERER: "...Can you describe for us what it was that HE THREW AT YOU?" Pg. 62 (See Pg. 61--this is not what Taylor just told Ausserer!)

AUSSERER: In closing--"...and when Mr. Bergquist THREW THE CAPE AT HIM..." Pg. 372 (This was never proved.)

DET. DAVIS: "As he approaches Mr. Bergquist, this sheet is THROWN AT HIM..." Pg. 193

TAYLOR: "...Bergquist came at me, he had something BEHIND HIS HANDS...He came at me & tried TO TOSS IT IN THE AIR..."

TAYLOR: "I seen something come up." Pg. 96

TAYLOR: Underwood asked Taylor, "Then you say he threw something AT you...Did he end of throwing something AT you, did he attempt to HIT YOU?"

Taylor's response: "I HAVE NO IDEA. I HAVE NO IDEA. Pg. 98

TAYLOR: "Well, he threw SOMETHING IN THE AIR..." Pg. 99

TAYLOR: Underwood asked Taylor, "You NEVER SAW this, whatever it was, that my client threw at you..." Taylor's response: "NO, I DID NOT." Pg. 105

DEROSIA: Underwood asked DeRosia, "Did you ever see Greg throw a sheet at Mr. Taylor?" DeRosia's response: "Nope." Pg. 293

UNDERWOOD: In closing - "...My client didn't throw the cape. Mr. Taylor said he did...But how does my client throw the cape at Taylor, a cape he had in his hand, when Mr. Taylor said I came out, I didn't see ANYTHING in his hand, because he didn't have that in his hand, it had already been hung on the gate. Mr. Taylor is a loose cannon..." Pg. 405

**PROSECUTOR & DET. DAVIS ARE THE ONLY ONES WHO ACCUSE BERGQUIST OF THROWING SOMETHING AT TAYLOR.**

**TAYLOR NEVER MAKES THIS ACCUSATION - NOR DID DEROSIA, WHO WAS THE ONLY WITNESS TO THE INCIDENT.**

### **4 & 5 Who Punched First:**

AUSSERER: "...(Taylor) believed the man was attempting to PUNCH HIM or STRIKE HIM. Pg. 32

DET. DAVIS: "...he (Taylor) doesn't know what's going on, Bergquist tries to hit him, he (Taylor) throws a punch that connects..." Pg. 193

DEROSIA: "The guy (Taylor) didn't say nothing, came through the gate and just straight socked Greg in the jaw." Pg. 291

DEROSIA: In response to Underwood: "And you have no doubt Mr. Taylor swung first?" DeRosia: "No doubt whatsoever." Pg. 293

DEROSIA: "...Greg asked him (Taylor) a couple of questions...Taylor didn't say a word and socked him in the jaw..." Pg. 312

DEROSIA: In reponse to Underwood: "...and it's your testimony that he hauls off & punches him in the face, right?" DeRosia: "Yep." Pg. 317

DEROSIA: "...Taylor socked him (Bergquist) in the jaw, Greg went back down, Taylor turned toward me in a fighting position, & then...rushed Greg..." Pg. 326

TAYLOR: "He (Bergquist) came at me (Taylor) & tried to toss it IN THE AIR, I ducked down and swung, and I caught him, I don't know where..." Pg. 61

**PROSECUTOR & DET. DAVIS ARE THE ONLY ONES WHO ACCUSE BERGQUIST OF ATTEMPTING TO THROW THE FIRST PUNCH.**

**TAYLOR ADMITS OVER AND OVER TO STRIKING FIRST -- NEVER SUGGESTS THAT BERGQUIST ATTEMPTED TO HIT HIM FIRST.**

**DEROSIA'S TESTIMONY, OVER AND OVER -- AGREES WITH TAYLOR'S TESTIMONY**



**6 Did DeRosia have Contact with Taylor:**

AUSSERER: "...those two men began to WRESTLE back up against...a chain link fence..." Pg. 32

AUSSERER: "...while you're (Taylor) WRESTLING around with the 2nd individual..." Pg. 65

**PROSECUTOR & DET. DAVIS ARE THE ONLY ONES WHO USED THE TERM "WRESTLE/WRESTLING." (Davis in his Police Reports.)**

DEROSIA: DeRosia was 12 to 15 feet away. Had NO PERSONAL contact with Taylor. Pg. 293

DEROSIA: Taylor NEVER had DeRosia bent over fence. Neither of them TOUCHED each other. Pg. 294

DEROSIA: In response to Underwood - "Did you ever go up to the fence?" DeRosia: "No." Pg. 292

DEROSIA: "He (Taylor) didn't attack me...he attacked Greg." Pg. 316

TAYLOR: "...he (DeRosia) was against the fence..." Pg. 64

TAYLOR: "...and the other guy that was against the fence..." Pg. 66

TAYLOR: "He's belly against the fence." Pg. 102

**(Bergquist would have also testified that DeRosia never moved from the spot where he stood--Bergquist was very unhappy about this fact.)**

**7 Bergquist acted in SELF-DEFENSE when he cut Taylor in the torso.**

DEROSIA: "Didn't happen that way...Taylor socked him (Bergquist) in the jaw...and then turning back, rushed Greg, Greg PUSHED HIM OFF, THAT'S WHEN HE GOT CUT..." Pg. 326

DEROSIA: "...this guy came out...didn't say nothing, came through the gate and just straight socked Greg in the jaw..." Pg. 291

**(Bergquist would probably have been killed by Taylor--had he not protected himself. Taylor outweighs Bergquist by at least 75 pounds--and he had already broken Bergquist's jaw.) Bergquist was assaulted by Taylor!**

**8 FLED THE SCENE IN A "LARGE GRAY TRUCK."**

Bergquist & DeRosia ran from the scene on foot: Pg. 33, 66, 67, 68, 125, 323, & 374

Det. Davis' hand written Arresting Officer Report: "Bergquist and Suspect #2 fled."

**SUPERIOR COURT DECLARATION FOR DETERMINATION OF PROBABLY CAUSE: "BERGQUIST and the second attacker FLED IN A LARGE GRAY TRUCK."**

**TRUCK NOT MENTIONED IN ORIGINAL POLICE REPORT -- THE APPEARS -- THEN DISAPPEARS BY TIME OF TRIAL.**

**BERGQUIST, MRS. BERGQUIST AND DEROSIA ALL TRIED DESPERATELY TO GET UNDERWOOD TO BRING THIS UP IN COURT. HE OUTHRIGHT REFUSED. HE SAID HE HOPED IT WOULD NOT BE BROUGHT UP. BERGQUIST HAD NO WAY TO GET IT IN.**

**9 Significant stab wound. (Stabbing or laceration/cut)**

AUSSERER: "Taylor suffered substantial or great bodily injury." Pg. 36

AUSSERER: Describes it as a "stabbing." "...the box cutter or knife was PLUNGED into the chest..." Pg. 478

AUSSERER: "...where Mr. Taylor was STABBED..." Pg. 124

**AUSSERER USED THE TERMS "STAB, STABBED OR STABBING" OVER 100 TIMES DURING THE TRIAL. in spite of the fact that EVERY OTHER PERSON ADMITTED THAT IT WAS A LACERATION!**

MEDIC: "...more of a LACERATION THAN A PUNCTURE WOUND on his left side. Pg. 123

MEDIC: "...where the LACERATION was." Pg. 124

MEDIC: Responding to Underwood - "Now, you said that you...perceived this as a laceration as opposed to a stabbing?" Medic: "Yeah. It was..." Pg. 127

MEDIC: "...Taylor very stable..." "...not very serious laceration had they known no penetration..." Which there wasn't. Pg. 130

**DET. DAVIS: Underwood to Davis - "Do you (Davis) differentiate between a STAB and a LACERATION?" Davis: "Yes." Pg. 190-191**

**Underwood: "And what is the difference?" Davis: "...what I think is, in this parataicular case, I guess you could call it a laceration...it's not just...going into a person & coming out..." WOW!**

**DET. DAVIS: "Cutting, yes. Right, it would...it's not a stab...it would be a cutting." WOW! Pg. 216 (EVEN IN RESPONSE TO AUSSERER!)**

DEROSIA: "...he (Bergquist) didn't stab him...Taylor socked him in the jaw...then turning back, rushed Greg, Greg pushed him off, that's when he (Taylor) got cut." Pg. 326

UNDERWOOD: "...this probably wasn't a stab, it was a cut...a stab...you're going to have a small hole. If cut...you're going to have a longer one...that's what we have here..." Pg. 391

UNDERWOOD: Quoting the paramedic - "The paramedic...did testify that this is NOT a stab wound, it was a CUT..." Pg. 392



10 **Suspect No. 2 (DeRosia) referred to the attacker (Bergquist) as "Greg."**

Det. Davis' hand written Arresting Officer Report AND Cause No. 09-1-03093-8 both state the above.

Both DeRosia and Bergquist deny this statement was made by DeRosia. DeRosia said absolutely nothing.

See Pg. 67-68. Taylor said "...I heard somebody yell Greg, BUT my neighbor's name is Greg." He did not know who said "Greg."

Again, the Prosecutor and Detective, "testify" so something no one else agrees with.

11 **Taylor able to give description of knife:**

**(The cutter used WAS NOT the knife that was displayed in Court!)**

AUSSERER: "Were you aware whether or not he (Bergquist) had a weapon...?" Taylor: "No, I wasn't." (When Taylor attacked Bergquist.) Pg. 63

AUSSERER: Closing - "He then turns & sees the guy has a weapon." Pg. 373

**AUSSERER: ONLY ONE WHO TESTIFIED THAT IT WAS A DEADLY WEAPON. Pg. 471**

AUSSERER: "...were you (Taylor) able to see a weapon?" Taylor: "Yes I did."

(Then Taylor describes the knife that Det. Davis HAS SHOWED HIM--NOT THE ONE THAT WAS USED--AS NO ONE SAW IT! The knife that Davis took from Bergquist when he arrested him--a week following the incident. TAYLOR JUST DESCRIBED THE KNIFE HE HAD BEEN SHOWN. NO KNIFE WAS MENTIONED IN ANY POLICE REPORTING.)

How could Taylor see the "blue handle" of a small knife, and not see the blade? Did Bergquist have hold of the knife by the blade? Pg. 67

**TAYLOR: It was "dark--you can't see nothing..." Pg. 59**

DEROSIA: In response to Underwood - "...had you seen him (Bergquist) use this knife...?" DeRosia: "Yeah...just about every day at work." Pg. 297

**DET. DAVIS STATEMENT OF ARRESTING OFFICER: NO MENTION OF SEEING A KNIFE--LET ALONE IDENTIFYING ONE.**

**SUPERIOR COURT CAUSE NO. 09-1-03093-8: NO MENTION OF SEEING A KNIFE--LET ALONE IDENTIFYING ONE.**

**THE "BLUE KNIFE" WAS ADDED AFTER DAVIS TOOK IT FROM BERGQUIST & SHOWED IT TO TAYLOR.**

