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STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

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STATE OF WASHINGTON	)	No. 45811-0-II
Respondent	)	
	)	APPELLANT/PETITIONER'S
v.	)	REPLY TO STATE'S RESPONSE
	)	TO PERSONAL RESTRAINT
ANTHONY DEWAYNE PARKER	)	PETITION AND STATEMENT OF
<u>Appellant</u>	)	ADDITIONAL GROUNDS

A. STATEMENT OF FACTS IN REPLY

On April 4, 2013, the Bremerton Police, conducted a drug surveillance on an individual known to be selling illegal drugs. During the operation they observed an unknown female who was identified as Johanna Holliday purchase some narcotics from the male suspect.<sup>1</sup>

The Officer's detained Holliday for Possession of Narcotics where they searched and found a Oxycodone pill that she admitted to buying. RP 532-535. Without consent from Holliday the police seized her cell phone and the drugs. RP 812-814. She was not arrested for the Possession of Narcotics because she had agreed to meet with the police later. RP 812-814, 890. The police concluded the traffic stop, and let

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1. SEE PRP AND SAG FOR COMPLETE FACST  
OF THE SEARCH AND SEIZURE

APPELLANT/PETITIONER'S  
REPLY

Holliday drive away minus her cell phone. However, absent a valid search incident to arrest the police had no cause to seize the phone.

Holliday went home and told Parker that the police had taken her cell phone while she was out working, thus Holliday obtained a second cell phone and posted more ads on Backpage.com. RP 538-540. When Holliday failed to meet with the police like she had agreed to do, the police searched her phone for any contact information. There they learned she was a prostitute. RP 541-543, 814-818, 890-891.

On April 12, 2013, the police set up a sting so that they can arrest Holliday when she answered the call. RP 541-543, 814-818, 890-891. When Holliday answered the call, she had agreed to meet with the supposed John who was in fact the police at the Oyster Bay Inn Motel in Bremerton.

When she showed up for the date, she was arrested for prostitution and taken into custody. The police took her second cell phone and told her because she did not give them consent they would be getting a warrant to search it. RP 1033.

Subsequent to her arrest Holliday gave a taped statement where she alleged Paker had assaulted her and made her commit to the act of prostitution. RP 815-818, 899-900. It was based on the information given by Holliday that the police obtained a search warrant for Parker's house. RP 815-818, 903-904.<sup>2</sup> The scope of the warrant

2.

2. SEE WARRANT ATTACHED AS APP.A.  
TO PRP

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was to arrest Parker and locate a firearm that Holliday said Parker was in possession of. During the arrest, the police found the weapon in question but also seized Parker's cell phone without his consent. RP 904.

As stated in the SAG. After Parker was taken into custody the police began to build there case. See SAG at 3. Most of the evidence compiled came from the seized cell phones of Holliday and Parker. RP 993-995, 997, 1000, 1001, 1004-1007, 1010-1012, 1032-1033.

Detective Ryan Heffernan gleaned from both of Holliday's cell phones that Holliday was working for Parker, and used the photo's that was posted on Backpage.com and else where, including the e-mails between Holliday and Parker to show proof of prostitution and human trafficking. RP 1032.

However, Detective Heffernan did not obtain consent from Holliday to search the first cell phone seized from her on the 4th of April, 2013, during the traffic stop nor for the second cell phone seized from her on the 12th of April, 2013, during her arrest. RP 1033.

Heffernan testified that after he seized Holliday's cell phones he was in the process of obtaining warrants or had the warrants. RP 899. Yet, there wasn't any warrants telephonic or otherwise issued to search the cell phones belonging to Holliday. RP 1007.

It was assumed that no warrant was issued to search the

cell phone belonging to Parker, based on the Kitsap County Clerk providing information that no warrant was filed. See App. B. attached to SAG.

However, the State did produce an affidavit to search and a warrant to search the contents of Parker's cell phone after the phone was seized on the 13th, of April, 2013.

Inside the Affidavit or the Complaint For Search Warrant... Detective Ryan Heffernan stated the following: at page 4-5.

"On 4/4/13, detectives observed Holliday participate in a drug transaction with Parker's associate, Travier Stevenson (AKA Little Jaccet). Detectives contacted Holliday on a traffic stop, and developed probable cause to arrest her for **possession of a schedule II drug, Percocet.** <sup>3</sup> Holliday was in possession of a cellular phone, which detectives determined had been used to post advertisements for prostitution on backpage.com as well as to communicate with Parker and clients about prostitution. Detectives **took custody of the phone, and released Holliday.**

On 4/8/13, detectives obtained a search warrant for Holliday's phone. Detectives examined the phone, which contained numerous text messages - many to Parker - pertaining to prostitution and drug activity. The phone also contained photos of Holliday that had been posted on backpage.com.

Upon her release, Holliday obtained a new phone and continued to post advertisements for prostitution on backpage.com listing the number (360) 551-9523. Detectives reviewed an advertisement Holliday posted on April 11th, 2013 at approximately 1828 hours. In that advertisement, Holliday posts six photographs of herself scantily-clad and in provocative poses. Her "screen name" on this advertisement is "Baby Doll!!!" <sup>4</sup>

Using a texting application with a fictitious name and phone number, detectives contacted Holliday at the number, and inquired if she was available.

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3. THE DRUG STATED IN PRP IS OXYCODONE

4. THE ARREST OF HOLLIDAY WAS THE 12th

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Holliday told detectives that she was available, advising that the cost was \$200 per hour. Holliday also provided pricing information for two girls - "125 per person" for each half hour and "200 each" for an hour. Holliday said that she was available to meet at the Oyster Bay inn, and asked detectives to "grab some condoms" and "lube. Detectives met with Holliday, and placed her into custody for possession of a schedule II drug, Percocet, and an outstanding warrant. At the time of her arrest, Holliday was in possession of a cellular phone, and received a call from Parker. Detectives believe that Parker called Holliday from the above-described Phone..."

The Detective swore under oath that a warrant was issued to search Holliday's first cell phone, however, the State has failed to produce said warrant, thus corroborating the Kitsap County Clerks statement that no warrant was filed for the phone taken on the 4th or the 12th of April, 2013. See App. A. attached to this reply. and App. B. also attached to this reply. (A letter from the Prosecuting Attorney contradicting Detective Heffernan's testimony that warrants were obtained.). Equally troubling, the affidavit does not even mention anything about a search warrant for the second cellophone.

Clearly, the misinformation about the warrants in the affidavit is a violation of *Franks v. Delaware*. The photographs of Holliday, appearing on backpage.com, and the e-mail exchanges between her and Parker, taken from Holliday's cell phones should not have been used as evidence in the States case-in-chief to prove prostitution and human trafficking because the evidence obtained by the State was obtained in violation of Holliday and Parker's 4th Amendment rights to the United

States Constitution and Washington Constitution art. 1 § 7 of the search and seizure laws. *State v. Hinton* controls the above.

**B. ARGUMENT IN REPLY**

1. Parker was deprived of his right to a fair trial under the 6th and 14th Amendments to the United States Constitution and Article 1 § 7, and 22 (amend 10) of the Washington State Constitution when the State used tainted evidence from multiple illegal search and seizures to prove Parker had committed the crimes of First Degree Prostitution and First Degree Human Trafficking.

Under the privacy section of the Washington Constitution a search occurs when the government disturbs those privacy interests that citizens of the State have held, and should be entitled to hold safe from governmental trespass absent a warrant. *State v. Hinton*, 179 Wn.2d 862, 319 P.3d 9 (2014).

As shown above, on the first incident Johanna Holliday's cell phone was taken during a traffic stop where she was observed purchasing drugs and was found to be in possession of the said drugs. RP 532, 812-814, 890, 1012.

Approximately a week later, during a sting to trap Holliday, for solicitation of prostitution the police took her second cell phone. Detective Heffernan told Holliday that he was taking the phone into custody "pending a consent search or a search warrant." RP 1033,

542-543, 814-818, 819-821, 1032-1033.

When asked why he took the phone? The detective replied "because we thought it would have evidence of criminal activity on it." RP 1032.

The police may seize an individual's phone pursuant to a lawful search incident to arrest to prevent the destruction of evidence. *State v. Valdez*, 167 Wn.2d 761, 776, 224 P.3d 751 (2009), but may search the phone (including text messages) only with a warrant, a valid exception to the warrant requirement, or the phone owner's express consent. *Id.*

Here, the record shows that the police did not obtain a warrant to search Holliday's cell phone on April 4th, 2013, and for the second cell phone taken on the 12th, of April, 2013. With the outside documents provided by Parker for this Court to review, and the trial testimony of Detective Heffernan stating that he did not get consent from Holliday to search nor seize her cell phone. RP 1033. The State should not have moved to admit the phones.

However, a substantial amount of evidence such as e-mails, to Parker, provocative photographs, phone numbers, and backpage ads of Holliday soliciting money for sex, were taken off of Holliday's cell phones to show the jury that she was involved in prostitution and human trafficking. Absent this now-tainted evidence the State

could not prove beyond a reasonable doubt that Holliday was being prostituted or trafficked for the commercial sex trade.

In this case, the State contends that Parker lacks standing to challenge the evidence taken from Holliday's cell phones because "none of the evidence obtained from them pertained to possessory crime." States Response at 46. Citing *State v. Jones*, 146 Wn.2d 328, 332, 45 P.3d 1062 (2002).

The State's contention is irrational and should be rejected for the following:

The question in *Hinton*, was not whether the defendant had automatic standing to challenge the taking of someone else's cell phone, but whether an individual has a privacy interest in the actual text message received by and stored on another individual's cell phone. *State v. Hinton*, 179 Wn.2d at 879, 319 P.3d 9 (2014).

Like *Hinton*, Parker retained a privacy interest in the information communicated through his text messages to Holliday. As Justice C. Johnson so eloquently opined... "If, under the dissent's reading, *Hinton* had no privacy interest in the text message---the police would suffer no consequences for the warrantless search. Allowing for such a situation would diminish our constitutional private affairs recognized under article I, section 7.

The sender of a text message assumes a limited risk that the

recipient may voluntarily expose that message to a third party, but under our cases, the sender does not assume the risk that the police will search the phone in a manner that violates the phone owner's rights. Article I, section 7 establishes protection against such warrantless intrusion, and the majority correctly recognizes this principle. Contrary to the dissent's view, it is the determination that a private affair has been invaded that gives rise to the ability to challenge the search. *Id.* at 881.

Thus, the State's contention fails because it was rejected by the Hinton court.

Also, in footnote 7, the State mentions that because Holliday agreed to speak with the police it is likely that she consented to a search of her phone."... *Id.* at page 46.

For the sake of argument, the burden of proving there was a truly voluntarily and fully informed consent rests upon the state. *State v. Greco*, 52 Wash.2d 265, 324 P.2d 1086 (1958); *In re McNear v. Rhay* 65 Wash.2d 530, 398 P.2d 732 (1965). The pivotal question here is, the, whether the state met the burden defined in *United State v. Kidd*, 153 F.Supp. 605, 609 (D.C.La 1957) and adopted in *State v. Greco*, supra, 52 Wash.2d at 267, 324 P.2d 1086; Accord, *In re McNear v. Rhay*, supra, 65 Wash.2d at 537, 398 P.2d at 737.

Because the State only provided a search warrant for Parker's

cell phone it is highly unlikely that it~~q~~ could produce a valid warrant for Holliday's cell phone or proof of consent. According to the taped statement it does not contain a consent to search her phone as claimed by the State. See App. C. attached to this reply. Thus, the State has failed to meet its burden of proving consent. See *State v. Monaghan*, 165 Wn.App. 782, 266 P.3d 222 (2012)(the exclusionary rule requires the suppression of evidence gathered through unconstitutional means; When an unconstitutional search or seizure occurs, all subsequently uncovered evidence becomes fruit of the poisonous tree and must be suppressed).

Although we cannot be sure if the tainted evidence obtained from Holliday's cell phones persuaded the jury to convict Parker for First Degree Promoting Prostitution and First Degree Human Trafficking, this Court cannot make that determination for the jury. Therefore, both convictions should be dismissed with prejudice. See *State v. Green*, 177 Wn.App. 332, 312 P.3d 669 (2013)(Exclusionary rule prohibits the admission of evidence that is the product of the unlawfully acquired evidence up to the point at which the connection with the unlawful search becomes so attenuated as to dissipate the taint).

The State next contends that the police properly searched Parker's phone after obtaining a warrant. *Id.* at 45-46.

For the this to be true, Parker invites this Court to

review the Complaint for Search Warrant and the information given by Detective Heffernan to obtain the warrant. Inside the Complaint the Detective claimed that Parker had called Holliday and that there was evidence on Parker's cell phone linking criminal activity to Holliday. Id. at 7.

The Detective also claimed that based on a search warrant the police examined Holliday's cell phone taken on the 4th of April which contained numerous text messages -- many to Parker -- pertaining to prostitution and drug activity. Id. at 4.

The Detective also claimed that Parker used his cell phone to call Holliday while she was being placed into custody hours earlier. Id. at 7, 8. It was based on this information that the magistrate signed the warrant(s), to search Parker's cell phone.

However, the information was misleading and inaccurate. As shown above, the Detectives did not obtain a search warrant for Holliday's cell phone, where they received the information connected to Parker's cell phone.

Under the fourth amendment, factual inaccuracies or omissions in a warrant affidavit may invalidate the warrant if the defendant establishes that they are (a) material and (b) made in reckless disregard for the truth; a showing of mere negligence or inadvertence is sufficient. *State v. Chenoweth*, 160 Wn.2d 454, 158 P.3d 595 (2007)

(quoting *Franks v. Delaware*, 438 U.S. 154, 98 s.Ct. 2674 (U.S. Del 1978)). Therefore, the search of Parker's cell phone could not be deemed a proper search, because the affidavit to search was misleading inaccurate and allowed the Detectives to manipulate the magistrate into signing the warrants. Parker believes that had the magistrate known the police did not have any warrants to search Holliday's cell phone, he would not have issued the warrant to search Parker's cell phone. See *State v. Davis*, 182 Wn.App. 625, 331 P.3d 115 (2014) (de novo review is applied when reviewing the issuing magistrates decision on whether information provided in a search warrant affidavit is reliable or credible.

Here, absent the evidence taken from Holliday's cell phones the police could not gather probable cause to search Parker's cell phone. *State v. Hinton*, 179 Wn.2d 862, 319 P.3d 9 (2014). The search warrant affidavit was neither reliable or credible because Detective Heffernan manipulated the facts to gain access to Parker's cell phone that was illegally seized during the search of Parker's home.

In the SAG Parker contends that the search was unconstitutional and that he had an actual, subjective expectation of privacy.<sup>5</sup> *State v. Hamilton*, 179 Wn.App. 870, 320 P.3d 142 (Div. 2 2014). The trial court erred in admitting the text messages and photographs taken from Parker's cell phone because there seizure was beyond the scope the search. **SEE App. A**

5. THE STATE ONLY CHALLENGED THIS  
ONE ISSUE RAISED IN SAG.

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THE search warrant authorizing the search allowed officers to only search for a weapon and to arrest Parker. See *State v. Broadnax*, 98 Wn.2d 289 654 P.2d 96 (1982). However, the Court has held in *State v. Higgs*, 177 Wn.App. 414, 311 P.3d 1266 (Div. 2 2013)(If officers discover items immediately recognizable as contraband not specified in the search warrant during their search, those items would be subject to seizure under the "plain view doctrine.").

Here, the police could not reasonably conclude that the phone was incriminating evidence by just looking at it. First, to make that assumption the police would have to have had prior knowledge that Parker's cell phone was linked to Holliday and her prostitution activity. And the only way they could have known that was the police would have had to go into Holliday's cell phone like Detective Heffernan stated in the affidavit...but they lacked consent to do so.

Second, they would also have had to go into Parker's cell phone and search its contents. As stated once again by Detective Heffernan during the arrest of Parker, the police noticed the phone was on and read messages and numbers from known gang members that were also linked to Holliday.

This conduct by the police is similar to the conduct in *Hinton and Roden* where the police read and received text messages of the arrestee. Absent consent to view the information even though the

phone was on violated Parker's right to privacy under Article I, section 7. Therefore, the unlawful warrantless search of Parker's cell phone taken during the search of his residence, where the police went beyond the scope of the warrant requires that all evidence seized as a result of that search of the phone which led to prosecution and conviction of Parker had to be suppressed. See *State v. Ibarra-Cisneros*, 172 Wn.2d 880, 263 P.3d 591 (2011) on this discussion.

Furthermore, because the evidence was illegally obtained where the police had no authority to search nor seize Holliday's cell phones, and the affidavits are shown to be invalid in accord to *State v. Chenoweth*, 160 Wn.2d 454, supra. It is clear Parker received ineffective assistance of counsel where counsel failed to suppress the evidence taken absent a valid warrant or consent to search. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Parker believes that [i]f counsel would have moved to suppress the tainted evidence the trial court would have granted the motion which therefore, the state would have had a significant burden to prove first degree prostitution and first degree human trafficking, for the State would not have had any tangible evidence linking Holliday's prostitution activities to Parker.

Thus, Parker maintains his position and urges this Court to grant motion to suppress the warrantless searches of Holliday's cell

phone as requested in Personal Restraint Petition Opening Brief.,  
**State v. Hinton**, 179 Wn.2d 862, 319 P.3d 9 (2014) controls.

2. Due Process requires the State to prove each element of the offense charged beyond a reasonable doubt. **Apprendi v. New Jersey**, 530 U.S. 466, 490, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000).

Where an essential element such as the correct date was not included in the information, the charging becomes inadequate. **State v. Brewczynski**, 173 Wn.App. 541, 294 P.3d 825 (2013).

The State contends that the error in the information is treated as a technicality and this court should not read into it because none of the charges had a specific date. **States Response** at 43.

Contrary to the States claim the charging information clearly specifies two dates that the crimes of promoting prostitution and human trafficking was alleged to occurred. November 1, 2012 and April 12, 2013.

In the published opinion of **State v. Stribbling**, 164 Wn.App. 867, 267 P.3d 403 (2011), the court addressed this very issue, and concluded that the inaccurate dates on the charging document is not a harmless error because it leads the jury to believe that the crimes were actually committed on them dates.

Furthermore, when the jury sent the court the question of how to apply the inaccurate dates to the to-convict instruction the

prosecutor relied on the defense to make the judgment call and allowed the court to restructure the instructions to read "through" instead of "and" as shown on the charging document. The reasoning behind that assertion was it was implied that the word through was in relation to the lesser included offenses of promoting prostitution in the first degree, and human trafficking in the first degree. However, Parker was not given any lesser included offenses to the above crimes, and [i]f that was the case, the November 1, date still should have been fixed to the correct date of December 6, 2012, like Stribbling suggested.

Names and Dates are an essential part of the elements on the charging document and to-convict instruction. See *State v. Stribbling*, 164 Wn.App. 867., supra. The argument for reviewing the sufficiency of evidence with regard to the crime as instructed finds support in cases holding that the instructions to the jury becomes law of the case. See *State v. Hickman*, 135 Wash.2d 97, 102, 954 P.2d 900 (1998). Where the State makes no objection to an unnecessary element mistakenly included in a to-convict instruction...it is well settled Washington law that the State assumes the burden of proving the otherwise unnecessary element, as law of the case.

Here, the State did not prove that Parker had committed the crimes of promoting prostitution in the first degree and human trafficking in the first degree On or about November 1, 2012, because Parker

did not meet Johanna Holliday until the date of December 6, 2012. Also the State could not prove the date of April 12, 2013 because Holliday testified that on that day in question she was no longer in a relationship with Parker, or under his control, when she was busted for prostitution. RP 543-544

From the jury's perspective, the case is contained in the elements instruction and any accompanying definitional instructions. Thus when a court instructs the jury on an incorrect theory of the case it is the functional equivalent of amending the charging document to a new crime and then instructing the jury on that new offense. In each instance, the defendant is facing a jury's verdict on a crime other than the one he had been notified he was facing. In each instance, the error requires a new trial. *Markle*, 118 Wash.2d at 441, 823 P.2d 1101.

While Parker was put on notice, for the actual crime(s) of promoting prostitution and human trafficking, he could not have been given adequate notice of date and times the crimes had occurred if the dates are factually inaccurate.

Which is why the jury sent the note asking the question about the dates in the information and the to-convict instruction. They were confused on how to apply the law because the dates in the charging document did not add up with the language in the instructions... It cannot be said that defendant has had fair trial if jury must guess at

meaning of essential element of a crime or if jury might assume that essential element need not be proved. *State v. Johnson*, 100 Wash.2d 607, 623, 674 P.2d (1983). Jury has right to regard "to convict" instruction as complete statement of the law, and when that instruction fails to state the law completely and correctly, conviction based upon it cannot stand. *State v. Emmanuel*, 42 Wash.2d at 819-820, 259 P.2d 845 (1953);

Although, the decision to answer jury questions and give further instruction is within the trial court's discretion, such instruction must accurately state the law. Instructing the jury in a manner that relieves the State of its burden to prove every element of a crime beyond a reasonable doubt is reversible error. *State v. Bennett*, 161 Wash.2d 303, 307, 165 P.3d 1241 (2007).

In this case, when the judge instructed the jury on how the dates in the to convict instruction should read the court committed reversible error when it added the language "through" in the place of "and" without changing the actual dates of the crime as well. Thus, reversal is required on this issue. *Jackson v. Virginia*, 443 U.S. 307; *State v. Green*, 94 Wn.2d 216; *State v. Stribbling*, 164 Wn.App. 867, supra. controls.

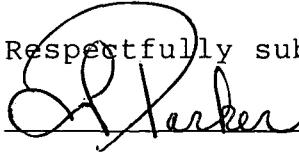
### C. CONCLUSION

Based on the fact that no warrants were issued for Holliday's cell phone, and the affidavit supporting the warrant to search Parker's

cell phone was invalid this Court should reverse on the promoting prostitution in the first degree and human trafficking in the first degree for the State didn't prove the crimes absent the tainted evidence. Also, this court should reverse on the above crimes because the charging document containing the dates of the crimes were not correct.

Finally, because the State only addressed the issue of Parker's search warrant in the SAG, and left the other issues to go unchallenged this Court should conclude that that the State failed to prove the Burglary, Kidnapping and Witness Tampering, in accord to In re Winship, 397 U.S. 358 (1970), for it is automatic concession.

Respectfully submitted,



S. Harber

Dated this 1st day of April, 2015.

APP. A.

APPENDIX A.

A

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No. 201301109

SEARCH WARRANT FOR FRUITS,  
INSTRUMENTALITIES AND/OR EVIDENCE  
OF A CRIME, TO WIT- RCW 9A.36.011  
Assault 1<sup>st</sup> Degree & RCW 9.41.040  
Unlawful Possession of a Firearm

The residence located at 703 1/2 S. Summit Avenue described as the two story cream colored structure with white trim encompassing a garage and 2<sup>nd</sup> story apartment in the City of Bremerton, County of Kitsap, State of Washington

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APR 15 2013

DAVID W. PETERSON  
KITSAP COUNTY CLERK

STATE OF WASHINGTON TO- Any Peace Officer in said County

WHEREAS, upon the sworn complaint heretofore made and filed and/or the testimonial evidence given in the above-entitled Court and incorporated herein by this reference, it appears to the undersigned Judge of the above-entitled Court that there is probable cause to believe that, in violation of the laws of the State of Washington, fruits, instrumentalities and/or evidence of a crime as defined by law is being possessed, or kept, in violation of the provisions of the laws of the State of Washington, in, about and upon a certain place within the County of Kitsap, State of Washington, hereinafter designated and described;

The residence located at 703 1/2 S. Summit Avenue described as the two story cream colored structure with white trim encompassing a garage and 2<sup>nd</sup> story apartment in the City of Bremerton, County of Kitsap, State of Washington

SEARCH WARRANT; Page 1



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

ORIGINAL

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1  
2 NOW, THEREFORE, in the name of the State of Washington, you are hereby  
3 commanded, with the necessary and proper assistance, to enter and search said place and  
4 to seize any fruits, instrumentalities and/or evidence of the crime(s) RCW 9A.36.011  
5 Assault 1<sup>st</sup> Degree & RCW 9.41.040 Unlawful Possession of a Firearm, to wit-

6 1. Any and all Firearms, AND

7  
8 2. ~~ANTHONY D.~~ ANTHONY D. PARKER 6/15/79, B/M  
9 5'8" w 175 BLACK HAIR BROWN EYES

10 and to safely keep the same and to make a return of said warrant within ten (10) days;  
11 with a particular statement of all the articles seized and the name of the person or persons  
12 in whose possession the same were found, if any; and if no person be found in possession  
13 of said articles, the return shall so state. A copy of said warrant shall be served upon the  
14 person or persons found in possession thereof; if no such persons are found, a copy of  
15 said warrant shall be posted upon or provided to said place where the same are found,  
16 then in any conspicuous place upon the place, together with a receipt for all the articles  
17 seized.

18 The said place above-referenced to, located in the County of Kitsap, State of  
19 Washington, is designated and described as follows-

20 The residence located at 703 1/2 S. Summit Avenue described as the two story  
21 cream colored structure with white trim encompassing a garage and 2<sup>nd</sup> story apartment  
22 in the City of Bremerton, County of Kitsap, State of Washington  
23

24  
25 GIVEN UNDER MY HAND this 12<sup>th</sup> day of APRIL, 2013

26  
27 JENNIFER FORBES

28 JUDGE

29 SIGNED [Signature] RYAN HEFFERMAN  
30 BY

31 SEARCH WARRANT; Page 2



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

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APR 23 2013  
DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

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STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 v. )  
 )  
 SAMSUNG CELLULAR PHONE MODEL (SPH-M580, )  
 S/N DEC268435460810632413 BEING STORED IN )  
 (THE BREMERTON POLICE DEPARTMENT'S SECURE )  
 EVIDENCE ROOM AS ITEM # "TP" IN CASE NUMBER )  
 B13-001589 IN THE CITY OF BREMERTON, )  
 COUNTY OF KITSAP, STATE OF WASHINGTON, )  
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 Defendant. )  
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No. 20130180  
COMPLAINT FOR SEARCH  
WARRANT FOR FRUITS /  
INSTRUMENTALITIES AND / OR  
EVIDENCE OF THE CRIMES OF  
RCW 9A.40.100 Human Trafficking 1<sup>st</sup>  
Degree, RCW 9A.88.080 Promoting  
Prostitution 1<sup>st</sup> Degree and/or RCW  
9A.88.030 Prostitution

I, DETECTIVE RYAN HEFFERNAN, being first duly sworn upon oath, depose and say--

I am a duly appointed, qualified, and acting detective assigned to the Bremerton Police Department's Special Operations Group (SOG), and am charged with responsibility for the investigation of criminal activity occurring within Kitsap County. I have probable cause to believe, and do, in fact, believe, that in violation of the laws of the State of Washington with respect to RCW 9A.40.100 Human Trafficking 1<sup>st</sup> Degree, RCW 9A.88.080 Promoting Prostitution 1<sup>st</sup> Degree and/or RCW 9A.88.030 Prostitution, evidence and/or fruits and/or instrumentalities of said offense(s) are presently being kept, stored or possessed, and can be located and seized in the above-described cellular phone. My belief being based upon information acquired through personal interviews with witnesses and other law enforcement officers, review of reports and personal observations, said information being as further described herein--

I have been employed as a police officer by the City of Bremerton Police Department since July 2006. I have been a SOG Detective since September 2011. Prior to becoming a police officer, I served as an Assistant Attorney General for the State of Alaska. I received a BA with honors from Lafayette College (1998), and a JD from Rutgers School of Law (2002).

In July 2006, I attended 720 hours of training at the Washington State Criminal Justice Training Center in Burien, Washington. There, I received 14-hours of basic narcotics training.



Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

1 The training included instruction in drug and drug paraphernalia identification, as well as  
2 identifying impairment indicators associated with specific drug use. Instruction pertained to each  
3 of the seven categories of drugs: depressants, stimulants, hallucinogens, phencyclidine and  
4 narcotic analgesics.

5 In February of 2010 I attended an 80-hour basic drug enforcement class presented by the  
6 Drug Enforcement Administration. The training included, but was not limited to the following:  
7 pharmacology/drug ID, electronic narcotics' investigation, criminal interdiction, tactical entries  
8 and surveillance procedures

9 In September 2010 I attended a 24-hour methamphetamine investigations course  
10 presented by the Midwest Counterdrug Training Center. The training pertained to  
11 methamphetamine lab identification, and considerations for writing and executing  
12 methamphetamine related search warrants.

13 In November 2012, I attended 20 hours of training through the California Narcotics  
14 Officers Association (CNOA). The course topics included instruction on informant management,  
15 search and seizure issues, controlled buy and buy-bust operations, and undercover officer  
16 survival.

17 During my law enforcement career, I have participated in multiple narcotics  
18 investigations, which have resulted in arrests and seizures of various controlled substances  
19 including Marijuana, Cocaine, Methamphetamine, Black Tar Heroin, Ecstasy, Molly and  
20 Ketamine. Through these investigations and discussions with other experienced law enforcement  
21 agents, I have become familiar with the methods of packaging illegal narcotics, values of illegal  
22 narcotics, and terms associated with the manufacture, distribution and use of these substances. I  
23 have been an affiant for approximately 25 narcotics related search warrants, and participated in  
24 the execution of narcotics related search warrants that have resulted in arrests, and the discovery  
25 of illegal narcotics and items related to the use, packaging, distribution, and manufacturing of  
26 these substances.

27 In addition to narcotics related crimes, I have participated in investigations pertaining to  
28 prostitution. Through the course of these investigations, I have interviewed numerous prostitutes  
29 and pimps. I have found through my training and experience that these investigations often  
30 overlap with drug investigations. Specifically, I have learned that those individuals who promote  
31



1 prostitution, commonly referred to as pimps, sometimes use drugs as a means to maintain control  
2 over prostitutes. It is common for those individuals who promote prostitution to pay prostitutes  
3 with drugs, and withhold drugs when they are dissatisfied with performance. Pimps will often  
4 utilize well established prostitutes to mentor new prostitutes, and facilitate their transition into the  
5 illicit activity. I also know that pimps and prostitutes will often utilize internet websites such as  
6 tncboard.com and backpage.com to advertise for prostitution. Pimps and prostitutes will often use  
7 their cellular phones to post ads on these websites, and communicate with clients and each other  
8 about their illicit activities.

9 I also know that people engaged in prostitution perform their services either in a fixed  
10 location that they designate, such as a motel room, or in a location determined by the client. This  
11 distinction is commonly referred to as an "in" or "out" call. Because of the inherent dangers  
12 associated with prostitution, pimps or their agents will often drive prostitutes to out calls and  
13 remain in the area during the encounter. This practice provides a degree of perceived protection  
14 for the prostitute, and allows the pimp to immediately be paid for the service. In addition to  
15 driving their prostitutes to specific locations for out calls, I know from my training and  
16 experience that pimps often use their vehicles as a private meeting locations to discuss their  
17 criminal business enterprises, which often extend beyond promoting prostitution.

18 This affidavit is made in support of an application for a search warrant for the cellular  
19 telephone described as follows:

20 **SAMSUNG CELLULAR PHONE MODEL SPH-M580, S/N DEC268435460810632413 BEING**  
21 **STORED IN THE BREMERTON POLICE DEPARTMENT'S SECURE EVIDENCE ROOM AS ITEM #**  
22 **"TP" IN CASE NUMBER B13-001589 IN THE CITY OF BREMERTON, COUNTY OF KITSAP,**  
**STATE OF WASHINGTON**

23 **PROBABLE CAUSE:** Over the course of the last several months, SOG detectives have  
24 investigated the criminal activities of Anthony Parker (AKA Baby Deuce). Parker has an  
25 extensive criminal history including seven felony convictions, eleven gross misdemeanor  
26 convictions, three misdemeanor convictions and four "classification unknown" convictions.  
27 Through the course of the investigation, Detectives learned that Parker's former girlfriend,  
28 Lorena Llamas (AKA Crazy), groomed women to work as prostitutes for Parker while she  
29 (Llamas) was incarcerated in the Kitsap County jail. Detectives identified one of these prostitutes  
30 as Johanna Holliday. Holliday has no felony convictions, and five gross misdemeanor convictions  
31



**Russell D. Hauge, Prosecuting Attorney**  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

1 for the following: Theft 3<sup>rd</sup> degree, Minor in Possession/Consumption (three counts) and DUI. As  
2 set forth below, Parker used his Samsung Cellular phone model SPH-M580, S/N  
3 DEC268435460810632413 (hereinafter referred to as the "Phone") to communicate with  
4 Holliday, Llamas and clients about prostitution activities. There is probable cause to believe that  
5 evidence of human trafficking, promoting prostitution and/or prostitution will be found in the  
6 Phone, which is currently be stored in the Bremerton Police Department's secure evidence room.

7 Through a review of jail phone calls as well as contact with confidential informants and  
8 Jaccet associates, Detectives learned that Parker bailed Holliday out of jail in or around  
9 December 2012, and since that time has been involved in a dating relationship with Holliday and  
10 acted as her pimp. Detectives reviewed Holliday's ads for prostitution on backpage.com, which  
11 list phone numbers and addresses associated with Parker. Detectives performed surveillance, and  
12 confirmed that Holliday was living with Parker, and performing acts of prostitution at 1720 14<sup>th</sup>  
13 St in Bremerton Washington. The residence is believed to be owned by a family member of  
14 Llamas. Parker and Holliday have since moved to a residence at 703 S Summit Ave in  
15 Bremerton, Washington.

16 On 4/4/13, detectives observed Holliday participate in a drug transaction with Parker's  
17 associate, Travier Stevenson (AKA Little Jaccet). Detectives contacted Holliday on a traffic stop,  
18 and developed probable cause to arrest her for possession of a schedule II drug, Percocet.  
19 Holliday was in possession of a cellular phone, which detectives determined had been used to  
20 post advertisements for prostitution on backpage.com as well as to communicate with Parker and  
21 clients about prostitution. Detectives took of custody of the phone, and released Holliday.

22 On 4/8/13, detectives obtained a search warrant for Holliday's phone. Detectives  
23 examined the phone, which contained numerous text messages - many to Parker - pertaining to  
24 prostitution and drug activity. The phone also contained photos of Holliday that had been posted,  
25 on backpage.com.

26 (Upon her release, Holliday obtained a new phone and continued to post advertisements  
27 for prostitution on backpage.com listing the number (360) 551-9523. Detectives reviewed an  
28 advertisement Holliday posted on April 11th, 2013 at approximately 1828 hours. In that  
29 advertisement, Holliday posts six photographs of herself scantily-clad and in provocative poses.  
30 Her "screen name" on this advertisement is "Baby Doll."

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1 Using a texting application with a fictitious name and phone number, detectives  
2 contacted Holliday at the new number, and inquired if she was available. Holliday told detectives  
3 that she was available, advising that the cost was \$200 per hour. Holliday also provided pricing  
4 information for two girls - "125 per person," for each half hour and "200 each" for an  
5 hour. Holliday said that she was available to meet at the Oyster Bay Inn, and asked detectives to  
6 "grab some condoms" and "lube. Detectives met with Holliday, and placed her into custody for  
7 possession of a schedule II drug, Percocet, and an outstanding warrant. At the time of her arrest,  
8 Holliday was in possession of a cellular phone, and received a call from Parker. Detectives  
9 believe that Parker called Holliday from the above-described Phone.

10 After being provided with her Miranda rights, Holliday agreed to speak with detectives.  
11 Holliday provided a taped statement, detailing her relationship with Llamas and Parker. Holliday  
12 confirmed that Parker has acted as her pimp and boyfriend since he bailed her out of jail  
13 approximately four months ago. Since that time, Holliday has lived with Parker and maintained a  
14 dating relationship with him. Holliday told detectives that Parker helped place her ads on  
15 backpage.com, responded to customers and kept nearly all of the money she made through  
16 prostitution. Parker saw it all as his money, and gave it out to Holliday as he saw fit. Although  
17 Parker was initially nice to Holliday and courted her as his girlfriend, he later forced her to work  
18 as a prostitute seven days a week, and left her alone for days at a time in the house demanding  
19 that she not spend time with her friends and family. Holliday told detectives that she lost  
20 everything she ever had - friends, family, possessions etc. over the last several months at the  
21 hands of Parker.

22 Holliday told detectives that she was terrified to leave Parker, and was isolated with  
23 nowhere else to go. When Holliday disobeyed Parker, he verbally abused her and often beat her  
24 severely. Detectives have reviewed numerous jail phone calls in which Parker berates Holliday,  
25 screaming, "You need to follow my orders . . . what the fuck I tell you from right now until I get  
26 the fuck out of here in three days." Parker also cautions Holliday that that "[her] money better be  
27 right when I get out." Parker instructs Holliday to help with his bail saying, "Take that little bit of  
28 chump change that you fucking got and give it to Jaccet." I know that Jaccet is the moniker used  
29 by Tyler Williams, the leader of the gang. When Holliday starts to sob, Parker says, "I don't want  
30 to hear any crying bitch. . . stop crying nigga; I want someone to be making fucking moves."  
31



1 In addition to verbal abuse and threats, Holliday recounted numerous instances in which  
2 Parker assaulted, and imprisoned her in an effort to prevent her from leaving him. In one instance  
3 in or around the middle January, Parker became infuriated that Holliday had been with Anthony  
4 Flewellen, another Jaccet gang member and pimp. After scolding Holliday over the phone, Parker  
5 located Holliday at Flewellen's apartment at 901 Pleasant Ave in Bremerton. Parker came to the  
6 residence, and demanded to be let in. Jennifer Prerost, who was present at the residence with her  
7 (Prerost's) young daughter, allowed Parker inside the residence over Holliday's protests. Holliday  
8 huddled on the ground in Flewellen's locked bedroom. Parker came inside the residence, and  
9 broke down the bedroom door. Parker picked Holliday up off the ground by the hair, threw her  
10 against the wall and beat her face. Holliday was so terrified that she urinated in her pants. She  
11 later discovered large clumps of her hair missing. Detectives spoke to Prerost, who independently  
12 confirmed this account of events, telling detectives that it was one of the worst beatings she had  
13 ever witnessed. Detectives have also reviewed jail telephone calls, in which Parker tells Llamas  
14 that he beat Holliday for stealing from him. In addition, Detectives reviewed jail calls in which  
15 Holliday describes this portion of the assault in great detail to Llamas, who appeared more  
16 concerned about damage to the wall (Llamas mistakenly believed that the assault occurred in her  
17 residence).

18 Holliday told detectives that Parker took her from Flewellen's residence against her will  
19 to an unknown house on Houston Ave. Parker continued to beat Holliday about the head and face  
20 while in the car, which caused her to temporarily black out. Parker told Holliday that he planned  
21 to have his cousins tie her down, and torture her at the residence. Instead, Parker took Holliday  
22 inside and retrieved a towel for her to clean the blood from her face. Parker then drove Holliday  
23 back to 1720 14<sup>th</sup> St where he continued to abuse her for the next several hours.

24 At one point, Parker took a handgun and held it to Holliday's head asking if she was  
25 ready to die. Parker made Holliday look down the chamber of the gun, which he pointed directly  
26 at her face. Holliday broke down in tears as she told detectives that she was terrified for her life.  
27 Parker eventually put the gun away, but continued to torment Holliday for the next several days,  
28 periodically beating her and demanding that she continue to see clients despite having a black  
29 eye, significant bruising and limited function of one of her arms.

30 Although this was the worst beating that Parker inflicted on Holliday, it was far from the  
31



1 last. He continued to beat her, often for no reason, in an effort to maintain her as a prostitute  
2 under his control. Parker assaulted Holliday as recently as 4/12/13, crushing her cheek against the  
3 wall of their apartment with his fist. Parker applied such a degree of pressure that Holliday feared  
4 he would break bones in her face. Holiday said that Parker treated her like a piece of property,  
5 and made it clear that he could leave her at any time. He expected complete obedience from  
6 Holliday, saying that she needed to always be on point, and Holliday lived in constant fear of  
7 being assaulted, or possibly killed if she could not perform to his expectations.

8 Holliday spoke extensively about Parker's gun, which she described as a small handgun  
9 with a large light on the barrel. Holliday, who is not familiar with guns, noted that it was similar  
10 in appearance to a semi-automatic handgun carried by a detective. Holliday told detectives that  
11 Parker referred to the gun as "Monster", and usually kept it hidden under his mattress. Holliday  
12 confirmed that Parker took the gun to the couple's new residence on S Summit Ave. Holliday told  
13 detectives that Parker asked her to move the gun from under the mattress to a bag in the garage.  
14 Parker made the request in a phone call from the jail. Detectives reviewed the call which occurred  
15 on or around 4/3/13 in which Parker tells Holliday to move "Monster" from under the mattress to  
16 a duffel bag in the attached garage. Holliday told detectives that she followed Parkers  
17 instructions, and placed the gun in a blue Victoria Secret clothing bag in the garage.

18 On 4/12/13 Detectives applied for a telephonic search warrant for Parker's residence. The  
19 Honorable Kitsap County Judge Jennifer Forbes issued the warrant allowing law enforcement to  
20 enter the residence to effectuate the arrest of Parker, and search for the firearm.

21 On 4/13/13 at approximately 1200, detectives and patrol officers went to the residence to  
22 serve the warrant. Parker, who could be seen inside the residence, refused repeated demands to  
23 exit. Because of the severity of the crimes and safety concerns associated with the handgun, the  
24 SWAT team responded to the scene. Parker came out of the residence at approximately 1500, and  
25 was placed into custody. During a search of the residence, detectives located a confirmed stolen  
26 Taurus 45 caliber semi-automatic handgun S/N NBO91701 equipped with a light on the barrel in  
27 a clothing bag in the garage.

28 At the time of his arrest, Parker was holding the above-described cellular Phone. [The  
29 Phone was on, and connected to "Lil Jac" or "Lil Jaccet," which I know to be Travier Stevenson.  
30 Detectives believe that Parker also used the phone to call Holliday while she was being placed  
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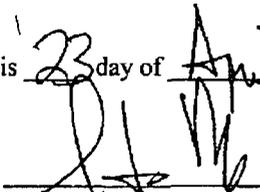
1 into custody hours earlier. In addition, Detectives believe that Parker used the Phone to  
2 communicate with Llamas, advertise for prostitution on backpage.com, respond to customers on  
3 Holliday's behalf and/or otherwise further his criminal activities. Based on the foregoing, there is  
4 probable cause to believe that evidence of human trafficking 1<sup>st</sup> degree, promoting prostitution 1<sup>st</sup>  
5 degree and/or prostitution is currently being stored in the Phone.

6 I respectfully request that the court issue a search warrant allowing law enforcement to  
7 search and seize the following information from the Phone:

- 8 (1. All information stored in the above-described cellular phone that can be extracted  
9 through a forensic examination, or other means including, but not limited to images,  
10 video, contacts, conspirator phone numbers/addresses, text messages, email messages,  
11 ledgers, financial transaction information, electronic documents, or any other stored  
12 information relating to human trafficking, promoting prostitution and/or prostitution.

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DETECTIVE RYAN HEFFERNAN  
Bremerton Police Department

SUBSCRIBED AND SWORN to before me this 23 day of April 2018  
  
JUDGE STEVEN DIXON

**Distribution—Original (Court Clerk); 1 copy (Prosecutor), 1 copy (Detective)**



RECEIVED AND FILED  
APR 23 2013  
DAVID W. PETERSON  
KITSAP COUNTY CLERK

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

SAMSUNG CELLULAR PHONE MODEL SPH-M580,  
S/N DEC268435460810632413 BEING STORED  
IN THE BREMERTON POLICE DEPARTMENT'S  
SECURE EVIDENCE ROOM AS ITEM # "TP" IN CASE  
NUMBER B13-001589 IN THE CITY OF  
BREMERTON, COUNTY OF KITSAP, STATE OF  
WASHINGTON,

Defendant.

No. 20130180

SEARCH WARRANT FOR FRUITS,  
INSTRUMENTALITIES AND/OR EVIDENCE  
OF A CRIME, TO WIT- RCW 9A.40.100  
Human Trafficking 1<sup>st</sup> Degree, RCW  
9A.88.080 Promoting Prostitution 1<sup>st</sup>  
Degree and/or RCW 9A.88.030  
Prostitution

STATE OF WASHINGTON TO- Any Peace Officer in said County

WHEREAS, upon the sworn complaint heretofore made and filed and/or the testimonial evidence given in the above-entitled Court and incorporated herein by this reference, it appears to the undersigned Judge of the above-entitled Court that there is probable cause to believe that, in violation of the laws of the State of Washington, fruits, instrumentalities and/or evidence of a crime as defined by law is being possessed, or kept, in violation of the provisions of the laws of the State of Washington, hereinafter designated and described:

**SAMSUNG CELLULAR PHONE MODEL SPH-M580, S/N DEC268435460810632413 BEING STORED IN THE BREMERTON POLICE DEPARTMENT'S SECURE EVIDENCE ROOM AS ITEM # "TP" IN CASE NUMBER B13-001589 IN THE CITY OF BREMERTON, COUNTY OF KITSAP, STATE OF WASHINGTON**

NOW, THEREFORE, in the name of the State of Washington, you are hereby commanded, with the necessary and proper assistance, to ~~enter and search said place and to seize any fruits, instrumentalities and/or~~ *search and seize the above-referenced phone for* evidence of the crime(s) of RCW 9A.40.100 Human Trafficking 1<sup>st</sup> Degree, RCW 9A.88.080 Promoting Prostitution 1<sup>st</sup> Degree and/or RCW 9A.88.030 Prostitution, to wit-

1. All information stored in the above-described cellular phone that can be extracted

SEARCH WARRANT; Page 1

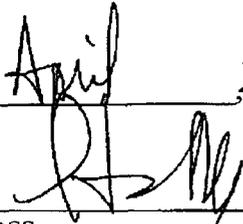


Russell D. Hauge, Prosecuting Attorney  
Adult Criminal and Administrative Divisions  
614 Division Street, MS-35  
Port Orchard, WA 98366-4681  
(360) 337-7174; Fax (360) 337-4949

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through a forensic examination, or other means including, but not limited to images, video, contacts, conspirator phone numbers/addresses, text messages, email messages, ledgers, financial transaction information, electronic documents, or any other stored information relating to human trafficking, promoting prostitution and/or prostitution. and to safely keep the same and to make a return of said warrant within ten (10) days; with a particular statement of all the articles seized and the name of the person or persons in whose possession the same were found, if any; and if no person be found in possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person or persons found in possession thereof; if no such persons are found, a copy of said warrant shall be posted upon or provided to said place where the same are found, then in any conspicuous place upon the place, together with a receipt for all the articles seized.

GIVEN UNDER MY HAND this 23 day of April, 2013  
  
\_\_\_\_\_  
JUDGE STEVEN DIXON



APP. B.

APPENDIX B.



# Kitsap County Prosecuting Attorney's Office

**Russell D. Hauge**  
Prosecuting Attorney

Please reply to: Civil Division

December 17, 2014

**Carol I. Maves**  
Office Administrator

Patricia Battle  
1240 California Avenue East  
Port Orchard, WA 98366

**Ione S. George**  
Case Management  
Division Chief

RE: Public Disclosure Request  
Our File No. 14100031-1060

**Timothy A. Drury**  
Felony and Juvenile  
Division Chief

Dear Ms. Battle:

**Claire A. Bradley**  
District/Municipal  
Division Chief

On November 20, 2014, our office received your request for the following records:

**Jacquelyn M. Aufderheide**  
Civil/Child Support  
Division Chief

"I am requesting under cause # 13-1-0597-1, the copy of the warrants for Johanna C. Holliday 9/27/89 cell phone 360-908-2471. If there is not one, could you please state that in writing that your research does not show any warrants and stamp with County seal and date."

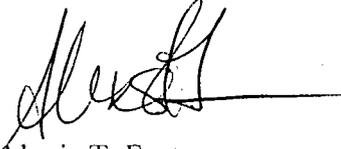
[www.kitsapgov.com/pros](http://www.kitsapgov.com/pros)

After an extensive search, we have identified no records that are responsive to your request.

This completes our response to your public disclosure request.

Sincerely yours,

RUSSELL D. HAUGE  
Prosecuting Attorney

  
Alexis T. Foster  
Deputy Prosecuting Attorney

Adult Criminal & Administrative Divisions • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949  
Juvenile Criminal Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-5500 • FAX (360) 337-4949  
Special Assault Unit • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7148 • FAX (360) 337-4949

Bainbridge Island Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949  
Port Orchard Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949  
Poulsbo Municipal Court Division • 614 Division Street, MS-35 • Port Orchard, Washington 98366-4681 • (360) 337-7174 • FAX (360) 337-4949

Civil Division • 614 Division Street, MS-35A • Port Orchard, Washington 98366-4681 • (360) 337-4992 • FAX (360) 337-7083  
Child Support Division • 614 Division Street, MS-35B • Port Orchard, Washington 98366-4681 • (360) 337-7020 • FAX (360) 337-5733



B

REQUEST FOR PUBLIC DISCLOSURE RECORDS

TO:

KITSAP COUNTY CLERK DISTRICT

ATTN: ~~PUBLIC DISCLOSURE OFFICER "AP"~~ KITSAP COUNTY CLERK DISTRICT

REQUESTER: ANTHONY PARKER

five day legal notice given on this 12<sup>th</sup> day of SEPTEMBER, 2014

DESCRIPTION OF RECORDS REQUESTED AND AUTHORITY

I, ANTHONY PARKER am requesting disclosure pursuant to RCW 42.56 et.seq. on the following listed documents.

I AM REQUESTING UNDER CASE # 13-1-0597-1 THE COPY OF THE WARRANTS FOR JOHANNA C. HOLLIDAY <sup>B.D</sup> 9/27/89 CELL PHONE 360-908-2471

IF THERE IS NOT ONE, COULD YOU PLEASE STATE THAT IN WRITING THAT YOUR RESEARCH DOES NOT SHOW ANY WARRANTS

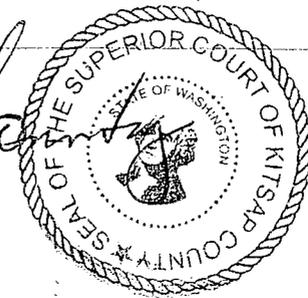
ON PAGE '2'. AND STAMP THIS PLEASE WITH THE COUNTY SEAL ON PAGE '2' ALSO

*No warrants found.*

9/18/14

DAVID W. PETERSON  
KITSAP COUNTY CLERK  
614 DIVISION ST. MS-34  
PORT ORCHARD, WA 98366

by: *Alicia W. Schmitt*



I AM REQUESTING UNDER CAUSE # 13-1-0597-1, THE  
COPY OF THE WARRANTS FOR JOHANNA C. HOLLIDAY <sup>B-D</sup> 9/27/89  
CELL PHONE 360-908-2471. IF THERE IS NOT ONE, COULD  
YOU PLEASE STATE THAT IN WRITING THAT YOUR RESEARCH  
DOES NOT SHOW ANY WARRANTS. PLEASE STATE WHO YOU ARE  
TO KITSAP COURT, YOUR NAME AND I.D. NUMBER OR BADGE NUMBER  
AND IF POSSIBLE NOTARIZE THIS REQUEST.

↓ PLEASE RESPOND BELOW ↓

Nothing found - 8-20/14

DAVID W. PETERSON  
KITSAP COUNTY CLERK  
614 DIVISION ST. MS-34  
PORT ORCHARD, WA 98366

by Alison W



APP. C.

APPENDIX C.

5

## AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

I, Anthony D. Parker, state  
the following...

Inside the reply brief  
to states Response, I made reference  
to a taped statement on page 10.

The reference to the  
taped statement cannot be provided  
to this court because the taped statement  
was not provided in discovery.

However, the detective  
makes mention of a statement given  
by Holliday in complaint for search  
warrant at page 5, and I will  
refer to this as proof that no  
consent was given to search her  
cell phone taken on April 4<sup>th</sup> 2012.

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I, Anthony D. Parker, am over the age of majority and competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and DICKINSON V. WAINWRIGHT, 626 F. 2d 1184 (1980) sworn as true and correct under penalty of perjury has full force of and does not have to be verified by notary public.

Respectfully submitted on this 3 day of April, 2015.



Signature

Anthony D. Parker

Print or Type Name

Clallam Bay Correction Center

Institution

1830 Eagle Crest Way

Address

Clallam Bay WA, 98326

City

State

Zip

FILED  
COURT OF APPEALS  
DIVISION II

DECLARATION OF SERVICE BY MAIL  
GR 3.1(c)

2015 APR 13 PM 1:24

I, ANTHONY PARKER, declare that on  
this 5<sup>th</sup> day of April, 2015 I deposited the foregoing documents:  
BY DEPUTY

REPLY TO STATE'S RESPONSE I RECEIVE  
ON MARCH 12<sup>th</sup>

or a copy thereof, in the internal legal mail system of

And made arrangements for postage, addressed to: (name & address of court or other party.)

COURT of APPEALS Division II  
950 BROADWAY SUITE 300  
TACOMA, WA 98402-4454

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

Dated at CHALLAM BAY, WA on 4/5/15  
(City & State.) (Date)

AP Parker

Signature

ANTHONY PARKER

Type / Print Name

FILED  
COURT OF APPEALS  
DIVISION II

DECLARATION OF SERVICE BY MAIL  
GR 3.1(c)

2015 APR 13 PM 1:24

I, ANTHONY PARKER, declare that, on  
this 5<sup>th</sup> day of April, 2015 I deposited the forgoing documents:  
BY \_\_\_\_\_  
DEPUTY

STATE OF WASHINGTON

REPLY TO STATE'S RESPONSE I RECEIVE  
ON MARCH 12<sup>th</sup>

or a copy thereof, in the internal legal mail system of

And made arrangements for postage, addressed to: (name & address of court or other party.)

COURT of APPEALS Division II  
950 BROADWAY SUITE 300  
TACOMA, WA 98402-4454

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

Dated at CHALLAM BAY, WA on 4/5/15  
(City & State.) (Date)

[Signature]

Signature

ANTHONY PARKER  
Type / Print Name

**CERTIFICATE OF SERVICE**

I certify that I mailed

1 copies of reply to response

to [Signature]

& [Signature]

Date 4/14/15 Signed [Signature]

Date Signed