

NO. 46852-2-II

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COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON

JEREMY EDWARD GAINES, Appellant

v.

STATE OF WASHINGTON, Respondent

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Appeal from the Superior Court of Pierce County  
The Honorable Thomas Felnagle, The Honorable Bryan Chushcoff  
Pierce County Superior Court Cause No. 13-1-02515-1

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APPELLANT'S STRICT REPLY TO STATE'S RESPONSE ON DIRECT  
APPEAL

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By:  
Barbara Corey  
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(253) 779-0844

## TABLE OF CONTENTS

A. LAW AND ARGUMENT .....	4
B. CONCLUSION .....	15

## TABLE OF AUTHORITIES

### Cases

#### **State**

<u>Personal Restraint Petition of Stenson</u> , 142 Wn.2d 710, 734, 16 P.3d 1,15 (2001) .....	2
<u>State v. Piche</u> , 71 Wn.2d 583, 589, 430 P.2d 522 (1967) .....	2
<u>State v. Hampton</u> , 182 Wn. App. 805, 821, 332, P. 3d 1020 (2014) .....	2
<u>State v. Hampton</u> , 182 Wn. App. 805, 810, 332 P.3d 1020 (2014), rev. den, 2015 .....	3

#### **Federal**

<u>Powell v. Alabama</u> , 287 U.S. 45, 53, 53 S. Ct. 55, 77 L.Ed. 158 (1932) .....	1
<u>United States v. Gonzalez-Lopez</u> , 548 U.S. 140; 126 S. Ct. 2557; 165 L. Ed. 2d 409 [2006] .....	1
<u>Wheat v. United States</u> , 486 U.S. 153, 159, 108 S. Ct. 1692, 100 L.Ed.2d 140 (1988) .....	1
<u>Caplin &amp; Drysdale, Chartered v. United States</u> , 491 U.S. 617, 624-625, 109 S. Ct. 2646, 109 S. Ct. 2667, 105 L.Ed.2d 528 (1989) .....	2

#### **Statutes**

RPC 4.2 .....	7
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#### **Rules and Regulations**

CrR 4.7 .....	8
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#### Appendix A-P

A. LAW AND ARGUMENT:

Mr. Gaines had a constitutional right to the retained attorney of his choice, particularly under the circumstances in this case.

The Sixth Amendment provides that "[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." *United States v. Gonzalez-Lopez*, 548 U.S. 140; 126 S. Ct. 2557; 165 L.Ed.2d 409 (2006) An element of this right is the right of a defendant who does not require appointed counsel to choose who will represent him. See *Wheat v. United States*, 486 U.S. 153, 159, 108 S. Ct. 1692, 100 L.Ed.2d 140 (1988). Cf. *Powell v. Alabama*, 287 U.S. 45, 53, 53 S. Ct. 55, 77 L.Ed. 158 (1932) ("It is hardly necessary to say that, the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice").

The Government here agrees, as it has previously, that "the Sixth Amendment guarantees a defendant the right to be represented by an otherwise qualified attorney whom that defendant can afford to hire, or who is willing to represent the defendant even though he is without funds." *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 624-625, 109 S. Ct. 2646, 109 S. Ct. 2667, 105 L.Ed.2d 528 (1989).

When there is a breakdown in communications between the defendant and his attorney, the trial court abuses its discretion by failing to consider the merits of the defendant's motion to substitute in newly retained counsel. *State v. Hampton*, 182 Wn. App. 805, 821, 332, P. 3d 1020 (2014)

The State attempts to evade any such analysis by citation to *In re Personal Restraint Petition of Stenson*, 142 Wn.2d 710, 734, 16 P.3d 1,15 (2001) (citing *State v. Piche*, 71 Wn.2d 583, 589, 430 P.2d 522 (1967) both of which observe in dicta that it appears to be the trend for defendants with appointed counsel to quarrel with their court-appointed attorneys to set up issues of ineffectiveness for appeal.

In this case, Mr. Gaines presented substantive issues warranting substitution of newly retained counsel. The trial court flatly refused to consider them and the State fails to address them on the merits in its brief. The trial court abused its discretion when it denied Mr. Gaines' motion for substitution of counsel. The trial court failed to consider the facts of the case and apply the law. Instead, the trial court opined, without considering the months' long period of breakdown in communications between Mr. Gaines and attorney, that Mr. Gaines conduct amounted to "a kind of temper tantrum". RP 10/16/14 18. The trial court failed to consider the four factors reiterated in *State v. Hampton*, 182 Wn. App. 805, 810, 332 P.3d 1020 (2014), rev. den. 2015 LEXIS 115 (2/4/15). Both before the trial court and its

response brief, the State relies on *Hampton* for the proposition that a late request to retain counsel of one's choice should generally be denied, especially if granting it may deny the trial." Respondent's Brief, page 12. The deputy prosecutor arguing before the trial court erroneously urged the trial court to consider factors other than the *Hampton* factors. RP 10/16/14 13 [Chushcoff]. Adopting the State's flawed argument, the trial court abused its discretion when it denied Mr. Gaines' motion to retain different trial counsel.

1. Under *Hampton*, the trial court was required to consider and apply four factors: [1] whether the court had granted previous continuances at the defendant's request; [2] whether the defendant had some legitimate cause for dissatisfaction with counsel, even though it fell short of incompetent representation; [3] whether available counsel is prepared to go to trial; and [4] whether the denial of the motion is likely to result in identifiable prejudice to the defendant's case of a material or substantial nature. 182 Wn. App. at 820-821, citing, *State v. Price*, 126 Wn. App. 617, 632, 109 P.3d 27 (2005) (citing *State v. Roth*, 75 Wn. App. 808, 825 P.2d 268 (1994)).

2. Application of these factors to the instant case compels the conclusion that the trial court erred when it denied Mr. Gaines' motion to substitute newly retained counsel.

3. *Factor One: Whether the trial court had granted prior continuances at the defendant's request.* The first continuance was granted on July 22, 2013, upon joint motion of the parties because "additional time needed." That continuance moved the trial from August 3, 2013 to October 15, 2013. Supp. CP 339-341; Appendix A. The second continuance was granted on September 16, 2013 upon joint motion of the parties because "discovery continuing." That continuance moved the trial from October 15, 2013 to January 15, 2014. Supp CP 298; Appendix B. On January 15, 2014, the trial was continued until January 27, 2014 because the deputy prosecutor was starting a pre-assigned 5 codefendant trial "tomorrow." Supp CP 303; Appendix C. On January 27, 2014, the trial was continued until March 11, 2014 because the prosecutor was in trial and discovery was not complete. Supp CP 304; Appendix D. On March 11, 2014, the trial was continued until March 17, 2014 because the codefendant's attorney was ill. Supp. CP 305; Appendix E. On March 7, 2014, the trial was continued until April 7, 2014 because "defense attorney and plaintiff attorney conflicts." Supp CP ; Appendix F. On April 7, 2014, the trial was continued on a joint motion to May 1, 2014, because "defendant has new charges and needs to access impact on this case. Parties could use short set-over to finalize prep for trial. Primary detective on vacation and out

of state April 7-25.” Supp CP 306; Appendix G. On May 1, 2014, the prosecutor moved for a continuance until June 3, 2014 because he was in another trial. Supp CP 352; Appendix H. From May 28, 2014 until September 10, 2014, Mr. Gaines was at Western State Hospital for competency issues. At the September 10, 2014 hearing finding Mr. Gaines competent, the trial court set a trial date for September 17, 2014. Supp CP324; Appendix I. On September 17, 2014, the parties were granted a continuance of the trial date to October 1, 2014 because “additional time needed to consider resolution options; defendant just provided supp witness list and evidence.” Supp. CP 353; Appendix J. On September 30, 2014, upon joint motion of the parties, the trial was continued from October 1, 2014 until October 16, 2014 because “defense was trying to track down a material witness; the witnesses for the state were not available; status of defendant’s representation was up in the air.” Supp CP 354; Appendix K.

As is readily apparent, none of the continuance were sought solely by the defendant. During the 364 days before the trial commenced, the prosecutor was in trial 77 of those days; 75 days were consumed due to on-going discovery provided by the State; the remainder of the

continuances were approved by the court. However, it must be emphasized that not one continuance was sought only by Mr. Gaines.

4. Factor Two: Whether the defendant had some legitimate cause for dissatisfaction with counsel, even though it fell short of likely incompetent representation. It is obvious from the record that something had happened early on between Mr. Gaines and attorney Cross. In May 2014, Mr. Gaines filed a motion to discharge attorney Cross. Supp CP 307; Appendix L. On May 8, 2014, attorney Cross filed a motion to withdraw. Supp CP 308; Appendix M. Mr. Cross had been moving to be removed from this case since May 2013. RP 10/16/14 5. Mr. Cross informed the court that Mr. Gaines had been trying to discharge him since May 2014, six months prior to the motion to discharge Mr. Cross and allow attorney Corey to appear. RP 10/16/14 5. In his declaration filed on September 26, 2014, Mr. Cross averred that Mr. Gaines had refused to speak to him when Mr. Cross attempted to visit him in the Pierce County Jail. Supp Clerk's Papers 330-331. Mr. Cross also noted that Mr. Gaines refused to leave his cell to meet with him. Id. Mr. Gaines was upset that Mr. Cross brought the deputy prosecutor into a private interview room to attempt to negotiate the case with him. Mr. Gaines had no notice of this joint meeting and would not have consented to it. RP 10/16/14 12. Mr. Gaines was upset that Mr. Cross and the deputy prosecutor also attempted to negotiate Pierce

County Superior case no. 14-1-01254-5, a three strikes case where Mr. Gaines was represented by attorney Corey, who had no notice of this meeting. RP 10/16/14 12.

The State fails to grasp that Mr. Gaines had two pending cases, the instant case where Mr. Cross was at that time attorney of record, as well as Pierce County Superior case no. 14-1-01254-5, a three strikes case where Mr. Gaines was represented by attorney Corey.

Mr. Gaines was upset that Mr. Cross and the deputy prosecutor also attempted to negotiate Pierce County Superior Cause no. 14-101254-5, a three strikes case where Mr. Gaines was represented by attorney Corey, who had no notice of this meeting. RP 10/16/14 12.

Mr. Gaines had legitimate reason for dissatisfaction with attorney Cross. He was understandably upset that attorney Cross brought the deputy prosecutor into the interview room to attempt to negotiate a different case where Mr. Gaines was represented by attorney Corey. This conduct, forbidden by RPC 4.2, also was so offensive to Mr. Gaines as to cause him to lose trust in attorney Cross.

5. *Factor three. Whether available counsel is prepared to go to trial.* Attorney Corey admittedly was not prepared to go to trial. Appellant submits that no attorney who has not yet been permitted to substitute in can be prepared for trial. There are many reasons for this, not the least of which is

CrR 4.7, which places appropriate restrictions on the dissemination of discovery.

Having not been permitted to substitute in, she did not have any discovery materials, had not examined any of the forensic testing that had been done, interviewed witnesses, etc. She required time to prepare. She had no idea how long the trial would take. She informed the court that she likely would not be available to try the case for four months, until February 2014. The case had been continued for nearly a year and the time requested to prepare was not unreasonable. The State of Washington had requested/joined all of prior 9 continuances in the case. Some of those continuances were based upon the unavailability of the State's witnesses. [See CONT -4/7/15; 10/1/14]. It appears that the State's real objection was to the specific attorney seeking to substitute in.

The trial court likewise easily could have ignored the alleged scheduling conflict issue. In Pierce County, most private criminal practitioners have two or three cases set every week. Although attorneys attempt to predict order of trials, those predictions also depend on factors such as prosecutors' schedules, availability of trial courts, witness schedules. It is common for the presiding court to send a case to trial when it is "trial ready" and thereby bump an attorney's other cases. Thus, the presiding court easily could have accelerated the trial in this case after giving attorney Corey time to prepare for

trial. Further, trial schedules are fluid. Cases settle, are dismissed, and otherwise are unpredictable. Attempts to predict trial schedules are just that – predictions.

The trial court and deputy prosecutor speculated that attorney would not available “for at least a year” by conjuring up a worse case scenario. Never mind that the prosecutor had not been available for nearly a year. Where attorney Corey could have and would have been available to try the case in early 2015, this factor resolves in favor of Mr. Gaines.

6. *Factor Four: Whether the denial of the motion is likely to result in identifiable prejudice to the defendant’s case of a material or substantial nature.* The trial court’s denial of Mr. Gaines motion to discharge attorney Cross and allow attorney Corey to represent him likely did result in identifiable prejudice to his case of a material or substantial nature. At the outset, Mr. Gaines lacked trust in attorney Cross after attorney Cross brought the deputy prosecutor into the attorney-client interview room and attempted to negotiate the case where attorney Corey represented him. Mr. Gaines did not trust attorney Cross sufficiently to communicate with him about this “three strikes” case. There were issues that warranted discussion. Mr. Cross, while an experience criminal defense attorney, had never defended a “three strikes” case before. Given the substantial sentence involved, life in prison without the possibility of parole, these cases require substantial client contact and

extensive preparation, akin to the level of preparation in a capital case. Except for a capital case, there is no other criminal case in Washington with this immediate and severe consequence. In this case, it is likely that Mr. Gaines sustained identifiable prejudice to his case of a material or substantial nature. For example, witness Handlin, the State's key civilian witness, was vulnerable and should have been investigated. She had no recollection where she was on the day of the alleged incident but believed she was there because the police said she was." RP 211. She admitted that her memory had been adversely affected by chronic methamphetamine use. RP 208. Attorney Cross apparently failed to interview her on this issues and/or call an expert on this topic. This was not a trivial point where police officers were unable to identify Mr. Gaines at trial. Officer Shipp identified Mr. Gaines only after the prosecutor asked an appallingly leading question to which attorney Cross failed to object. RP 155. Likewise, attorney Cross failed to object to Officer Shipp's testimony that after a pretrial hearing where he could not identify Mr. Gaines, he returned to the department to look at booking photos of Mr. Gaines. RP 155. After looking at booking photos, he was able to make the identification. *Id.* Permitting the jury to speculate that police had a file of booking photos of Mr. Gaines likely resulted in identifiable prejudice to the defendant's case of a material or substantial nature. That is, the State misapprehends that Mr. Gaines faced trial on two separate "three strikes"

cases. He was charged in Pierce County Superior Court No. 13-1-02515-1, with unlawful distribution of an imitation controlled substance; unlawful possession of a firearm in the first degree; firearm enhanced unlawful solicitation to possess methamphetamine with intent to deliver; and firearm enhanced conspiracy to deliver a controlled substance. CP 266-69. The State also had charged him on April 2, 2014 in Pierce County Superior Court No. 14-1-01254-5 with another “three strikes” case alleging the crimes of unlawful possession of a firearm in the first degree [count 1] unlawful possession of a controlled substance [count 2]; unlawful possession of a controlled substance [count 3]; and unlawful possession of a controlled substance with intent to deliver [count 4]. Appendices O and P. Ms. Corey represents him in that matter. *Id.*

The case further was older because Mr. Gaines was hospitalized at Western State Hospital first for a competency evaluation and then for restoration CP 311-316, 317-319, 322-323. Although there were concurrent matters, Mr. Cross’s contact with the prosecutor regarding resolution of the case where attorney Corey represented Mr. Gaines violated RPC 4.2, as argued in the opening brief. Pages 11-12. The deputy prosecutor’s conduct violated this rule as well. Neither attorney informed attorney Corey of their intention to contact her client to discuss the case in which she represented.

B. CONCLUSION:

For the foregoing reasons, Mr. Gaines respectfully asks this court to grant his appeal and reverse his convictions in this “three strikes” case. The trial court erred when it denied his motion to proceed to trial with retained counsel of his choice.

DATED this 4<sup>th</sup> day of November, 2015.

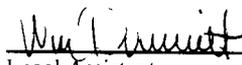
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BARBARA COREY  
WSBA#11778  
barbara@bcoreylaw.com

CERTIFICATE OF SERVICE:

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct: That on this date, I delivered via ABC-Legal Messengers a copy of this Reply Brief to Pierce County Prosecutor’s Office- Appeals Unit, 930 Tacoma Ave S. Rm. 946 Tacoma WA 98402 and to Jeremy Gaines c/o Pierce County Jail

11/4 /2015

  
\_\_\_\_\_  
Legal Assistant

# **APPENDIX A**



13-1-02515-1 40907154 ORCTD 07-23-13



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )

Cause No. 13-1-02515-1

vs. )

ORDER CONTINUING TRIAL

Jeremy Guenes  
Defendant )

Case Age 31 Prior Continuances 0

This motion for continuance is brought by  state  defendant  court.

upon agreement of the parties pursuant to CrR 3 3(f)(1) or

is required in the administration of justice pursuant to CrR 3 3(f)(2) and the defendant will not be prejudiced in his or her defense or

for administrative necessity

Reasons: Additional time needed

RCW 10 46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input checked="" type="checkbox"/> PTC	<u>8/26/13</u>	<u>845</u>	<u>270</u>	<u>@</u>
<input checked="" type="checkbox"/> OMNIBUS HEARING	<u>9/12/13</u>	<u>845</u>	<u>260</u>	<u>@</u>
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF <u>8/13/13</u> IS CONTINUED TO: <u>10/15/13 @ 8:30 am Room</u> @				

Expiration date is: 11/15/13 (Defendant's presence not required) TFT days remaining: 80

DONE IN OPEN COURT this 22nd day of July, 2013

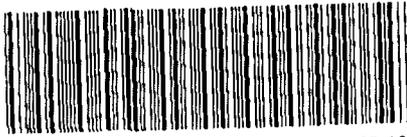
[Signature]  
Defendant  
[Signature]  
Attorney for Defendant/Bar # 13720

[Signature]  
Judge  
[Signature]  
Prosecuting Attorney/Bar # 1592

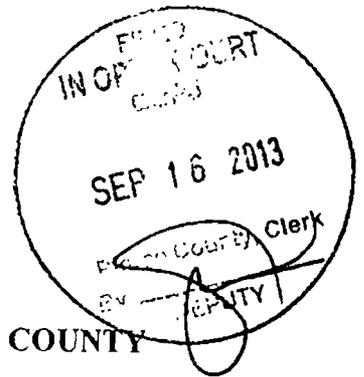
I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter/Certified/Qualified \_\_\_\_\_ Pierce County, Washington  
Court Reporter \_\_\_\_\_

# **APPENDIX B**



13-1-02515-1 41216752 ORCTD 09-16-13



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )

Cause No. 13-1-02515-1

vs. )

ORDER CONTINUING TRIAL

Jeremy Gaines  
Defendant )

Case Age 87 Prior Continuances 1

This motion for continuance is brought by  state  defendant  court.

upon agreement of the parties pursuant to CrR 3.3(f)(1) or

is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

for administrative necessity.

Reasons: Discretionary Continuance

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim

**IT IS HEREBY ORDERED** the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/>				
<input checked="" type="checkbox"/> OMNIBUS HEARING	<u>12/9/13</u>	<u>845</u>	<u>260</u>	<u>(A)</u>
<input type="checkbox"/> STATUS CONFERENCE HEARING				

THE CURRENT TRIAL DATE OF 10/15/13 IS CONTINUED TO: 1/15/14 @ 8:30 am Room 260

Expiration date is: 2/14/14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 16th day of September, 2013

[Signature]  
Defendant  
[Signature]  
Attorney for Defendant/Bar # 13720

[Signature]  
Judge  
[Signature]  
BRYAN CHUSHCOFF  
11908  
Prosecuting Attorney/Bar #

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language I certify under penalty of perjury that the foregoing is true and correct

\_\_\_\_\_  
Pierce County, Washington  
Interpreter/Certified/Qualified Court Reporter \_\_\_\_\_

# APPENDIX C



13-1-02515-1 41871120 ORCTD 01-15-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, Plaintiff vs. JEREMY GAINES Defendant

Cause No. 13-1-02515-1

ORDER CONTINUING TRIAL

Case Age 207 Prior Continuances 2

This motion for continuance is brought by [ ] state [ ] defendant [ ] court. [X] upon agreement of the parties pursuant to CrR 3.3(f)(1) or [X] is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or [ ] for administrative necessity.

Reasons: DPA is much preassigned SCA trial before Judge Felnyale beginning tomorrow

[ ] RCW 10.46 085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

Table with columns: DATE, TIME, COURT ROOM, ID NUMBER. Includes checkboxes for OMNIBUS HEARING and STATUS CONFERENCE HEARING. Trial date 1/15/14, continued to 1/27/14 @ 8:30 am Room 260.

Expiration date is: 2.26.14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 15 day of JAN 20 14

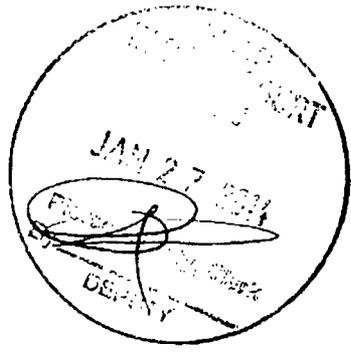
Defendant signature and Attorney for Defendant/Bar # 3089

Judge signature and Prosecuting Attorney/Bar # 35543 FRANK E. CUTHBERTSON

I am fluent in the language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Interpreter/Certified/Qualified Pierce County, Washington Court Reporter

# **APPENDIX D**



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- uoss, upfal, slurs  
cl/dcs

### SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
Jeremy GAINES )  
Defendant )

Cause No. 13-1-02515-1

#### ORDER CONTINUING TRIAL

Case Age 220 Prior Continuances 3

This motion for continuance is brought by  state  defendant  court.  
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or  
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or  
 for administrative necessity.

Reasons: Discovery not complete  
Prosecutor in trial

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

**IT IS HEREBY ORDERED** the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/>				
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF: <u>1/27/14</u>	IS CONTINUED TO: <u>3/11/14 @ 8:30 am Room 260</u>			

Expiration date is: \_\_\_\_\_ (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 27<sup>th</sup> day of Jan 2014

Jeremy Gaines  
Defendant

Frank E. Cuthbertson  
Judge

Attorney for Defendant/Bar # 3085

Prosecuting Attorney/Bar # 37882

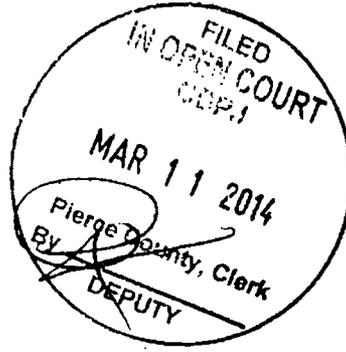
I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter/Certified/Qualified Pierce County, Washington Court Reporter \_\_\_\_\_

# **APPENDIX E**



13-1-02515-1 42175629 ORCTD 03-11-14



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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
Jeremy GAMB )  
Defendant )

Cause No. ~~13-1-02514-2~~  
13-1-02515-1

ORDER CONTINUING TRIAL

Case Age 263 Prior Continuances 4

This motion for continuance is brought by  state  defendant  court.  
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or  
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or  
 for administrative necessity.  
Reasons: CO Defendant Attorney 10144

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input checked="" type="checkbox"/> <u>Suppression Mot</u>	<u>3/12/14</u>	<u>8:30</u>		
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF: <u>3/11/14</u>		IS CONTINUED TO: <u>3/17/14 @ 8:30 am Room 260</u>		

Room

Expiration date is: 4.16.14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN/COURT this 11 day of MARCH 2014

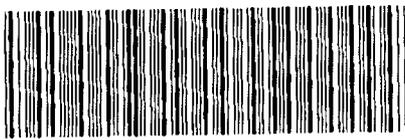
[Signature]  
Defendant  
[Signature]  
Attorney for Defendant/Bar # 3088

[Signature]  
Judge FRANK E. CUTHBERTSON  
[Signature]  
Prosecuting Attorney/Bar # 35543

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Pierce County, Washington  
Interpreter/Certified/Qualified Court Reporter \_\_\_\_\_

# **APPENDIX F**



13-1-02515-1 42211114 ORCTD 03-18-14



MC

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
JEREMY EDWARD GAINO )  
Defendant )

Cause No. 13-1-02515-1

ORDER CONTINUING TRIAL

Case Age 269 Prior Continuances 5

This motion for continuance is brought by  state  defendant  court.  
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or  
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or  
 for administrative necessity.

Reasons: ATTORNEY & TT ATTY CONFLICTS

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input checked="" type="checkbox"/> Presentation	4-18-14	1:30	Judge Murphy	
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF: <u>3/17</u>	IS CONTINUED TO: <u>4/7/14 @ 8:30 am Room 260</u>			<u>CDPJ</u> <u>Ⓢ</u>

Expiration date is: 5.6.14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 17 day of March 2014

[Signature]  
Defendant

[Signature]  
Judge  
FRANK E. CUTHBERTS

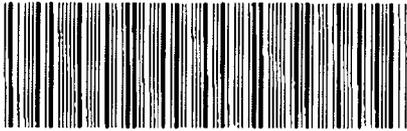
Attorney for Defendant/Bar # 3089

Prosecuting Attorney/Bar # 35543

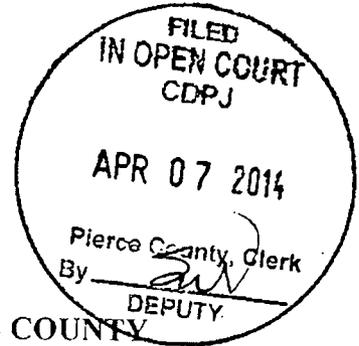
I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct

\_\_\_\_\_  
Interpreter/Certified/Qualified Pierce County, Washington Court Reporter \_\_\_\_\_

# **APPENDIX G**



13-1-02515-1 42324207 ORCTD 04-07-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
Jeremy GAINES )  
Defendant )

Cause No. 13-1-02515-1

ORDER CONTINUING TRIAL

Case Age 290 Prior Continuances 6

- This motion for continuance is brought by  state  defendant  court.
- upon agreement of the parties pursuant to CrR 3.3(f)(1) or
- is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
- for administrative necessity.

Reasons: Δ has new charges and needs to assess impact on this case. Parties could use short setover to finalize prep for trial. Primary detective on vacation and out of state April 7-25

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/>				
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF: <u>4/7/14</u>	IS CONTINUED TO: <u>5.1.14</u>		<u>CDPJ/</u>	<u>260</u>
			<u>@ 8:30 am Room</u>	

Expiration date is: 5.31.14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 7<sup>th</sup> day of April, 2014

[Signature]  
Defendant

[Signature]  
Judge

Attorney for Defendant/Bar # 3089

[Signature]  
Prosecuting Attorney/Bar # 35543

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter/Certified/Qualified  
Pierce County, Washington  
\_\_\_\_\_  
Court Reporter

# **APPENDIX H**

On docket  
1/c



13-1-02515-1 42464842 ORCTD 05-02-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )  
Plaintiff )  
vs. )  
Jeremy GAINES )  
Defendant )

Cause No. 13-1-02515-1

ORDER CONTINUING TRIAL

Case Age 314 Prior Continuances 7

This motion for continuance is brought by  state  defendant  court.  
 upon agreement of the parties pursuant to CrR 3.3(f)(1) or  
 is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or  
 for administrative necessity.

Reasons: PROSECUTOR IN ANOTHER TRIAL

RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

	DATE	TIME	COURT ROOM	ID NUMBER
<input type="checkbox"/>				
<input type="checkbox"/> OMNIBUS HEARING				
<input type="checkbox"/> STATUS CONFERENCE HEARING				
THE CURRENT TRIAL DATE OF: <u>5/1/14</u>	IS CONTINUED TO: <u>5/3/14 @ 8:30 am Room 260</u>			

Expiration date is: \_\_\_\_\_ (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 1 day of MAY, 2014

J. Gaine  
Defendant

[Signature]  
Judge FRANK E. CUTHBERTSON

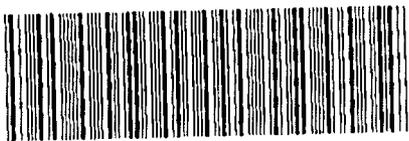
[Signature] 3089  
Attorney for Defendant/Bar #

[Signature] M 37802  
Prosecuting Attorney/Bar #

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

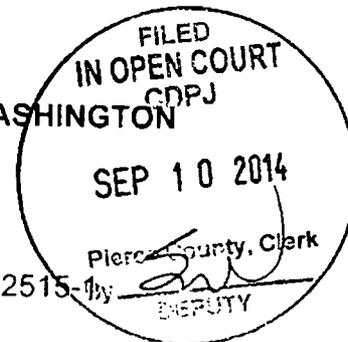
\_\_\_\_\_  
Pierce County, Washington  
Interpreter/Certified/Qualified Court Reporter \_\_\_\_\_

# **APPENDIX I**



13-1-02515-1 43263486 ORH 09-11-14

IN THE SUPERIOR COURT FOR PIERCE COUNTY WASHINGTON



State of Washington,

Plaintiff

vs.

JEREMY EDWARD GAINES

Defendant

No 13-1-02515-1

SCHEDULING ORDER

IT IS HEREBY ORDERED that:

1. The following court dates are set for the defendant:

Hearing Type	Date & Time	Judge/Room
JURY TRIAL	Wednesday, Sep 17, 2014 8:30	CDPJ 260

2. The defendant shall be present at these hearings and report to the courtroom indicated at 930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402

FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST

- 3.  DAC; Defendant will be represented by Department of Assigned Counsel.
- Retained Attorney; Defendant will hire their own attorney or, if indigent, be Screened (interviewed) for Department of Assigned Counsel Appointment.

DATED: 09/10/14

Copy Received:

[Signature]
JEREMY EDWARD GAINES, Defendant

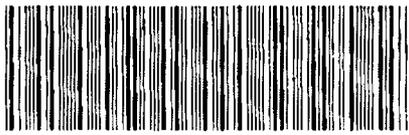
Ordered By:

[Signature]
JUDGE/COMMISSIONER

GEOFFREY COLBURN CROSS
Attorney for Defendant/Bar #3089

[Signature]
JESSE WILLIAMS
Prosecuting Attorney/Bar #35543

# **APPENDIX J**



13-1-02515-1 43297580 ORCTD 09-17-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, )
Plaintiff )
vs. )
Jeremy Gaines, )
Defendant )

Cause No. 13-1-02515-1

ORDER CONTINUING TRIAL

Case Age Prior Continuances

This motion for continuance is brought by [ ] state [ ] defendant [ ] court.
[X] upon agreement of the parties pursuant to CrR 3.3(f)(1) or
[X] is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
[ ] for administrative necessity.

Reasons: Additional time needed to consider resolution options. A just provided supp. witness list and evidence.

[ ] RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

Table with columns: DATE, TIME, COURT ROOM, ID NUMBER. Includes rows for OMNIBUS HEARING, STATUS CONFERENCE HEARING, and trial continuation details (9.17.14 to 10.1.14).

Expiration date is: 10.31.14 (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 17th day of Sept., 2014

Handwritten signature of Defendant

Handwritten signature of Judge

Frank E. Cuthbertson

Attorney for Defendant/Bar # 5089

Prosecuting Attorney/Bar # 35543

I am fluent in the language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington
Interpreter/Certified/Qualified Court Reporter

# **APPENDIX K**



# APPENDIX L

May 07 2014 2:01 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 13-1-02515-1

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF PIERCE

STATE OF WASHINGTON, )  
 )  
 ) Plaintiff, )  
 )  
 ) and )  
 )  
 ) JEREMY EDWARD GAINES, )  
 )  
 ) Defendant. )  
 )

NO. 13-1-02515-1  
DISCHARGE OF ATTORNEY

COMES NOW, Jeremy Gaines, and discharges Geoffrey Cross as his attorney and requests that he withdraw and that he apply to the court to have a court appointed attorney take over the case.

DATE: 5/7/14

  
Jeremy Gaines

DISCHARGE OF ATTORNEY - 1

LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.

1902 64TH AVENUE WEST, SUITE B,  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX (253) 572-8946  
GCROSS.EMAUGHAN@YAHOO.COM

# **APPENDIX M**

May 08 2014 9:53 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 13-1-02515-1

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF PIERCE

STATE OF WASHINGTON,	)	NO. 13-1-02515-1
	)	
Plaintiff,	)	MOTION FOR WITHDRAWAL
and	)	OF COUNSEL
	)	
JEREMY EDWARD GAINES,	)	
	)	
Defendant.	)	

COMES NOW, Geoffrey C. Cross, attorney for defendant, and at the request of Jeremy Gaines, moves to withdraw from representing Mr. Gaines in the above entitled cause.

DATED this 8 day of May 2014.



---

GEOFFREY C. CROSS, WSB #3089  
Attorney for Defendant

Motion for Withdrawal  
of Counsel - 1

LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.  
1902 64TH AVENUE WEST, SUITE B,  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX: (253) 572-8946  
GCROSS.EMAUGHAN@YAHOO.COM

# **APPENDIX N**

September 26 2014 2:40 PM

KEVIN STOCK  
COUNTY CLERK  
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8 SUPERIOR COURT OF WASHINGTON  
COUNTY OF PIERCE

9 STATE OF WASHINGTON, )  
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11 and Plaintiff, )  
12 )  
13 JEREMY EDWARD GAINES, )  
Defendant. )

NO. 13-1-02515-1  
DECLARATION OF  
GEOFFREY C. CROSS

14 Geoffrey C. Cross, under penalty of perjury, deposes and  
15 states that I represent Mr. Gaines, substituting for Mr. Cloud  
16 who was his former attorney. I had a fairly good relationship  
17 with Mr. Gaines until he discharged me in May. I felt they  
18 needed a 5551 examination and rehabilitation at Western State  
19 which he completed. On his scheduled return from Western State,  
20 the court elected to set his trial for October 1, 2014, over  
21 Affiant's objection.

22 In an effort to settle the case your Affiant met with Mr.  
23 Gaines and the prosecutor. The defendant took excessive  
24 exception to the fact that I even exposed him to the prosecutor,  
25 even though I was in attendance and the conversation was rather  
26 appropriate. He decided that I was not on his side. I went to  
27 the jail thereafter to prepare for trial and he refused to allow

28 Declaration of  
Geoffrey C. Cross - 1

LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.

1902 64TH AVENUE WEST, SUITE B,  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX: (253) 572-8946  
GCROSS.EMAUGHAN@YAHOO.COM

ORIGINAL

1  
2 access to me in the jail in Pierce County. He says he does not  
3 want me as his lawyer. All communication between myself and Mr.  
4 Gaines has broken down.

5 Third parties have told me indirectly that there was  
6 criticism of my ethical conduct in having the prosecutor talk to  
7 Mr. Gaines in my presence, outlining his risks and exposures. I  
8 felt it was very appropriate as it is a three strike case.

9 This case was set with the understanding that Mr. Thompson  
10 would be available. Mr. Thompson gave a statement prior to my  
11 representation on Mr. Gaines, that he owned the firearm that was  
12 in the car. In preparation for trial I learned that I  
13 represented Mr. Thompson in 2002. As far as I know he was going  
14 to cooperate and the trial date was set for October 1, 2014,  
15 because Mr. Thompson would be going to court before then and I  
16 would have access to serve my subpoena.

17 In fact, Mr. Thompson jumped bail. I had a process server  
18 go to his reported residence and he was not found there.

19 Mr. Gaines is quite dissatisfied with my services and there  
20 is no meaningful communication between us. I was prepared to  
21 present this on September 26th at the status conference, but the  
22 prosecutor was unavailable. I advised the Department of Assigned  
23 Counsel of my situation and they are ready to step in.

24 DATED at Tacoma, Washington this 26 day of September 2014.

25  
26 

27 \_\_\_\_\_  
GEOFFREY C. CROSS

28 Declaration of  
Geoffrey C. Cross - 2

LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.

1902 64TH AVENUE WEST, SUITE B,  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX: (253) 572-8946  
GCROSS.EMAUGHAN@YAHOO.COM

September 12 2014 12:08 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 13-1-02515-1

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF PIERCE

STATE OF WASHINGTON,	)	NO. 13-1-02515-1
	)	
Plaintiff,	)	MOTION AND DECLARATION FOR
and	)	WITHDRAWAL OF COUNSEL
	)	
JEREMY EDWARD GAINES,	)	
	)	
Defendant.	)	
_____	)	

MOTION

COMES NOW, Geoffrey Cross, and moves that he be allowed to withdraw.

DATED this 12 day of September 2014.



\_\_\_\_\_  
GEOFFREY C. CROSS, WSB #3089  
Attorney for Defendant

\*\*\*\*\*

DECLARATION

I, Geoffrey Cross, under penalty of perjury, depose and state that Mr. Gaines first discharged me on May 7, 2014. My

Motion and Declaration for  
Withdrawal of Counsel - 1

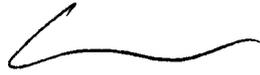
LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.

1902 64TH AVENUE WEST, SUITE B.  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX: (253) 572-8946  
GCROSS.EMAUGHAN@YAHOO.COM

ORIGINAL

1 motion for withdrawal was denied pending Mr. Gaines is going to  
2 Western State for an evaluation. Mr. Gaines continues to insist  
3 that I not represent him as his lawyer. Mary Kay High has said  
4 that a backup lawyer is available. Mr. Gaines brought in a  
5 witness that I did not recognize and I took a statement from him  
6 that has been given to the prosecutor. The witness is a former  
7 client of mine. That witness is pending trial and there is an  
8 appearance of a conflict of interest to say the least.  
9

10 DATED this 12 day of September 2014.

11 

12  
13 \_\_\_\_\_  
14 GEOFFREY C. CROSS, WSB #3089  
15 Attorney for Defendant  
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28 Motion and Declaration for  
Withdrawal of Counsel - 2

LAW OFFICES OF  
GEOFFREY C. CROSS, P.S., INC.

1902 64TH AVENUE WEST, SUITE B,  
TACOMA, WASHINGTON 98466  
TELEPHONE: (253) 272-8998  
FAX: (253) 572-8946  
GCROSS.FMAUGHAN@YAHOO.COM

# **APPENDIX O**

**Pierce County Superior Court Criminal Case 13-1-02515-1**

Defendant: **JEREMY EDWARD GAINES**  
 Access: Public  
 Jurisdiction: SUPERIOR CT - PIERCE CTY  
 Initial Arrest Date: 06/20/2013  
 Initial Bail Amount: \$75,000.00

**Attorneys**

Type	Name	Firm	Role
Pros	JESSE WILLIAMS	Prosecuting Attorney	LEAD COUNSEL
Defe	GEOFFREY COLBURN CROSS	Geoffrey C Cross, PS INC.	COUNSEL

**Charges**

Count	Type	Description	RCW	Disposition	Sentence Date
1	Original	UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE	<u>69.50.401(1)(2)(b)</u>		
	Amended	UNLAWFUL POSSESSION OF AN IMITATION CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE	, <u>69.52.030(1)</u>		
	Final	UNLAWFUL POSSESSION OF AN IMITATION CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE	, <u>69.52.030(1)</u>	NOT GLTY/JURY	
2	Original	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	, <u>9.41.040(1)(a)</u>		
	Amended	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	, <u>9.41.040(1)(a)</u>		
	Final	UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE	, <u>9.41.040(1)(a)</u>	GLTY AS CHGD/JURY	10/31/2014
3	Original	UNLAWFUL SOLICITATION TO DELIVER A CONTROLLED SUBSTANCE	<u>69.50.401(1)(2)(a) - D</u>		
	Amended	UNLAWFUL SOLICITATION TO DELIVER A CONTROLLED SUBSTANCE	, <u>9A.28.030</u> , <u>69.50.401(1)(2)(a) - D</u>		
	Final	UNLAWFUL SOLICITATION TO DELIVER A CONTROLLED SUBSTANCE	, <u>9A.28.030</u> , <u>69.50.401(1)(2)(a) - D</u>	GLTY AS CHGD/JURY	10/31/2014
4	Original	CONSPIRACY TO DELIVER A CONTROLLED SUBSTANCE	<u>69.50.401(1)(2)(a) - D</u>		
	Amended	UNLAWFUL SOLICITATION TO POSSESS A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER	, <u>69.50.407</u> <u>69.50.401(1)(2)(a) - I</u>		
	Final	UNLAWFUL SOLICITATION TO POSSESS A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER	<u>69.50.401(1)(2)(a) - I</u>	DISM/OTHER REASONS	
5	Original	CONSPIRACY TO DELIVER A CONTROLLED SUBSTANCE	<u>69.50.401(1)(2)(a) - D</u>		
	Final	CONSPIRACY TO DELIVER A CONTROLLED SUBSTANCE	, <u>69.50.407</u> <u>69.50.401(1)(2)(a) - D</u>	GLTY AS CHGD/JURY	10/31/2014
			, <u>69.50.407</u>		

**Filings**

Filing Date	Filing	Access	Pages	Microfilm
06/21/2013	<u>INFORMATION</u>	Public	2	
06/21/2013	<u>AFFIDAVIT/DETERMINATION FOR PROBABLE CAUSE</u>	Public	2	
06/21/2013	<u>RECEIPT OF DISCOVERY</u>	Public	1	
06/21/2013	PRE-TRIAL ELIGIBILTY REPORT	Public	1	
06/21/2013	<u>ORDER ESTABLISHING CONDITIONS OF RELEASE</u>	Sealed	3	
06/21/2013	<u>ORDER FOR HEARING</u>	Public	2	
06/24/2013	<u>BAIL BOND</u>	Public	1	
06/24/2013	<u>NOTICE OF APPEARANCE</u>	Public	3	
07/02/2013	<u>ORDER FOR HEARING</u>	Public	1	
07/09/2013	<u>NOTICE OF APPEARANCE AND REQUEST FOR DISCOVERY</u>	Public	1	
07/09/2013	<u>ORDER FOR HEARING</u>	Public	1	
07/09/2013	<u>ORDER AUTHORIZING SUBSTITUTION OF COUNSEL</u>	Public	1	
07/22/2013	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public	1	
08/26/2013	<u>ORDER FOR HEARING</u>	Public	1	
09/09/2013	<u>ORDER FOR HEARING</u>	Public	1	
09/16/2013	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public	1	
10/02/2013	<u>RECEIPT OF DISCOVERY</u>	Public	1	
		Public	1	

10/09/2013	<u>ORDER FOR HEARING</u>	Public 1
10/22/2013	<u>STATE'S LIST OF WITNESSES</u>	Public 2
10/24/2013	<u>ORDER FOR HEARING</u>	Public 1
10/31/2013	<u>AMENDED INFORMATION</u>	Public 3
10/31/2013	<u>AFFIDAVIT/DCLR PROBABLE CAUSE SUPPLEMENT</u>	Public 2
10/31/2013	<u>CLERK'S MINUTE ENTRY</u>	Public 2
10/31/2013	<u>PERSISTANT OFFENDER CASE</u>	Public 1
10/31/2013	<u>ORDER ESTABLISHING CONDITIONS OF RELEASE</u>	Public 2
11/04/2013	<u>NOTICE OF WITHDRAWAL AND SUB OF COUNSEL</u>	Public 3
11/12/2013	<u>BAIL BOND</u>	Public 3
12/09/2013	<u>OMNIBUS ORDER</u>	Public 3
12/09/2013	<u>ORDER FOR HEARING</u>	Public 1
12/10/2013	<u>OMNIBUS APPLICATION BY DEFENDANT</u>	Public 4
12/12/2013	<u>DEFENDANT'S WITNESS LIST</u>	Public 1
12/12/2013	<u>RECEIPT OF DISCOVERY</u>	Public 1
12/13/2013	<u>ORDER FOR HEARING</u>	Public 1
12/16/2013	<u>CLERK'S MINUTE ENTRY</u>	Public 2
12/16/2013	<u>AFFIDAVIT/DECLARATION IN SUPPORT OF BAIL INCREASE</u>	Public 4
12/18/2013	<u>MEMORANDUM "DEFENSE" RE: SUPPRESSION</u>	Public 26
12/23/2013	<u>ORDER FOR HEARING</u>	Public 1
12/30/2013	<u>MEMORANDUM IN SUPPORT OF MOTION TO SUPRESS</u>	Public 26
12/30/2013	<u>SUPPLEMENTAL MEMORANDUM</u>	Public 11
01/03/2014	<u>RECEIPT OF DISCOVERY</u>	Public 1
01/07/2014	<u>MOTION TO CONTINUE TRIAL DATE</u>	Public 1
01/07/2014	<u>MOTION TO TRANSPORT</u>	Public 1
01/07/2014	<u>DECLARATION OF GEOFFREY CROSS</u>	Public 1
01/15/2014	<u>STATES RESPONSE</u>	Public 26
01/15/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
01/17/2014	<u>MOTION TO CHANGE TRIAL DATE</u>	Public 1
01/23/2014	<u>RECEIPT OF DISCOVERY</u>	Public 1
01/27/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
02/24/2014	<u>SUPPLEMENTAL DISCLOSURE OF WITNESSES</u>	Public 1
02/25/2014	<u>RECEIPT OF DISCOVERY</u>	Public 1
03/06/2014	<u>RETURN ON SUBPOENA, BUCHANAN</u>	Public 1
03/07/2014	<u>RETURN ON SUBPOENA, ASKINS</u>	Public 1
03/07/2014	<u>STATE'S LIST OF WITNESSES</u>	Public 2
03/07/2014	<u>RETURN ON SUBPOENA, SMITH</u>	Public 1
03/10/2014	<u>RETURN ON SUBPOENA, SCRIPPS</u>	Public 1
03/11/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
03/12/2014	<u>RETURN ON SUBPOENA, SHIPP</u>	Public 1
03/17/2014	<u>CLERK'S MINUTE ENTRY</u>	Public 3
03/17/2014	<u>TRIAL MEMORANDUM</u>	Public 4
03/17/2014	<u>AFFIDAVIT OF PREJUDICE</u>	Public 1
03/17/2014	<u>REASSIGNMENT LETTER 9</u>	Public 1
03/17/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
03/17/2014	<u>EXHIBITS RECEIVED</u>	Public 1
03/18/2014	<u>RETURN ON SUBPOENA 3</u>	Public 3
04/04/2014	<u>ORDER FOR HEARING</u>	Public 1
04/07/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
04/07/2014	<u>ORDER ESTABLISHING CONDITIONS OF RELEASE</u>	Public 2
04/18/2014	<u>CLERK'S MINUTE ENTRY</u>	Public 2
04/18/2014	<u>FINDINGS OF FACT AND CONCLUSIONS OF LAW 3.6</u>	Public 4
04/23/2014	<u>DEFENDANT'S LIST OF WITNESSES - SUPPLEMENTAL</u>	Public 1
05/01/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
05/02/2014	<u>ORDER EXONERATING BAIL/BOND</u>	Public 2
05/06/2014	<u>DECLARATION OF GEOFFREY CROSS</u>	Public 1
05/06/2014	<u>MOTION FOR EXAMINATION</u>	Public 1
05/06/2014	<u>REPORT FROM VALLEY GENERAL</u>	Public 3
05/07/2014	<u>NOTE: REQUEST FOR DISCHARGE OF ATTORNEY</u>	Public 1

05/08/2014	<u>MOTION TO WITHDRAW</u>	Public 1
05/08/2014	<u>ORDER FOR HEARING</u>	Public 1
05/15/2014	<u>CLERK'S MINUTE ENTRY</u>	Public 2
05/15/2014	<u>ORDER FOR EXAM</u>	Public 5
05/15/2014	<u>ORDER FOR HEARING</u>	Public 1
05/20/2014	<u>RETURN ON SUBPOENA, SHIPP</u>	Public 1
05/20/2014	<u>RETURN ON SUBPOENA, SCRIPPS</u>	Public 1
05/20/2014	<u>RETURN ON SUBPOENA, BUCHANAN</u>	Public 1
05/20/2014	<u>RETURN ON SUBPOENA, MAY</u>	Public 1
05/20/2014	<u>RETURN ON SUBPOENA, LANE</u>	Public 1
05/21/2014	<u>RETURN ON SUBPOENA, SMITH</u>	Public 1
05/21/2014	<u>RECEIPT OF DISCOVERY</u>	Public 1
05/21/2014	<u>STATE'S LIST OF WITNESSES</u>	Public 1
05/23/2014	<u>RETURN ON SUBPOENA 3</u>	Public 2
05/27/2014	<u>RETURN ON SUBPOENA, ASKINS</u>	Public 3
05/27/2014	<u>MOTION FOR LIMITATION OF EVIDENCE</u>	Public 1
05/27/2014	<u>FORENSIC PSYCHOLOGICAL EVALUATION</u>	Public 1
05/27/2014	<u>ORDER FOR HEARING</u>	Public 6
05/28/2014	<u>ORDER OF COMMITMENT</u>	Public 1
05/28/2014	<u>ORDER FOR HEARING</u>	Public 3
05/29/2014	<u>RETURN ON SUBPOENA, VOLD</u>	Public 1
07/02/2014	<u>ORDER FOR HEARING</u>	Public 1
07/31/2014	<u>MOTION FOR WITHDRAWAL</u>	Public 1
08/06/2014	<u>ORDER FOR HEARING</u>	Public 2
08/22/2014	<u>FORENSIC PSYCHOLOGICAL EVALUATION</u>	Public 1
09/10/2014	<u>ORDER DETERMINING COMPETENCY TO STAND TRIAL</u>	Public 9
09/10/2014	<u>ORDER FOR HEARING</u>	Public 2
09/12/2014	<u>MOTION FOR SEVERANCE OF TRIAL DATES</u>	Public 1
09/12/2014	<u>MOTION FOR WITHDRAWAL</u>	Public 1
09/12/2014	<u>STATE'S LIST OF WITNESSES</u>	Public 2
09/15/2014	<u>RETURN ON SUBPOENA, BUCHANAN</u>	Public 2
09/16/2014	<u>RETURN ON SUBPOENA, SCRIPPS</u>	Public 1
09/16/2014	<u>DEFENDANT'S SUPPLEMENTAL WITNESS LIST</u>	Public 1
09/16/2014	<u>RETURN ON SUBPOENA - 2</u>	Public 1
09/16/2014	<u>RETURN ON SUBPOENA - HANDLEN</u>	Public 2
09/17/2014	<u>RETURN ON SUBPOENA, LANE</u>	Public 1
09/17/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
09/18/2014	<u>RETURN ON SUBPOENA, SCHULTZ</u>	Public 1
09/18/2014	<u>STATE'S LIST OF WITNESSES</u>	Public 1
09/19/2014	<u>RETURN ON SUBPOENA, ASKINS</u>	Public 2
09/22/2014	<u>RETURN ON SUBPOENA - 2 MASON</u>	Public 1
09/23/2014	<u>RETURN ON SUBPOENA, BUCHANAN</u>	Public 2
09/24/2014	<u>RETURN ON SUBPOENA, SCRIPPS</u>	Public 1
09/24/2014	<u>RECEIPT OF DISCOVERY</u>	Public 1
09/25/2014	<u>RETURN ON SUBPOENA, SMITH</u>	Public 1
09/26/2014	<u>RENEWED MOTION FOR WITHDRAWAL</u>	Public 1
09/26/2014	<u>DECLARATION OF GEOFFREY CROSS</u>	Public 1
09/26/2014	<u>ORDER FOR HEARING</u>	Public 2
09/29/2014	<u>RETURN ON SUBPOENA, LANE</u>	Public 1
09/29/2014	<u>RETURN ON SUBPOENA, SHIPP</u>	Public 1
09/29/2014	<u>AFFIDAVIT/DECLARATION OF SERVICE</u>	Public 1
09/30/2014	<u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
10/15/2014	<u>NOTICE OF APPEARANCE AND DEMAND FOR DISCOVERY</u>	Public 1
10/16/2014	<u>ASSIGNED TO</u>	Public 3
10/17/2014	<u>NOTICE OF DISCRETIONARY REVIEW CT OF APPEALS</u>	Public 1
10/20/2014	<u>SECOND AMENDED INFORMATION</u>	Public 1
10/20/2014	<u>RECEIPT FOR DISCRETIONARY REVIEW FILING FEE</u>	Public 3
10/20/2014	<u>STATE'S LIST OF WITNESSES- SUPPLEMENTAL</u>	Public 1
10/20/2014	<u>RETURN ON SUBPOENA, DAVIS</u>	Public 1

10/20/2014	<u>STIPULATION ONE</u>	Public 2
10/20/2014	<u>MEMORANDUM RE: 3.5 HEARING</u>	Public 66
10/20/2014	<u>WITNESS RECORD</u>	Public 1
10/20/2014	<u>EXHIBITS RECEIVED IN VAULT</u>	Public 1
10/21/2014	<u>CORRECTED 2ND AMENDED INFORMATION</u>	Public 4
10/21/2014	<u>JURY PANEL</u>	Public 1
10/21/2014	<u>RETURN ON SUBPOENA DAVIS</u>	Public 1
10/21/2014	<u>PEREMPTORY CHALLENGE SHEET</u>	Public 2
10/21/2014	<u>ORDER ALLOWING JURY TO SEPARATE</u>	Public 1
10/22/2014	<u>THIRD AMENDED INFORMATION</u>	Public 4
10/22/2014	<u>PLAINTIFF'S PROPOSED INSTRUCTIONS</u>	Public 52
10/22/2014	<u>DEFENDANT'S PROPOSED INSTRUCTIONS</u>	Public 27
10/22/2014	<u>DEFENDANT'S PROPOSED INSTRUCTIONS</u>	Public 9
10/22/2014	<u>STATES RESPONSE</u>	Public 7
10/22/2014	<u>COPY OF RULING FROM COA</u>	Public 1
10/23/2014	<u>PLAINTIFF'S PROPOSED INSTRUCTIONS</u>	Public 5
10/23/2014	<u>FINDINGS OF FACT AND CONCLUSIONS OF LAW</u>	Public 3
10/27/2014	<u>STIPULATION RE: WARRANT FOR ARREST</u>	Public 1
10/27/2014	<u>WITNESS RECORD</u>	Public 1
10/27/2014	<u>EXHIBITS RECEIVED IN VAULT</u>	Public 2
10/28/2014	<u>JURY NOTE W/ANSWER</u>	Public 1
10/29/2014	<u>FOURTH AMENDED INFORMATION</u>	Public 4
10/29/2014	<u>CLERK'S MINUTE ENTRY</u>	Public 27
10/29/2014	<u>STATE'S POWERPOINT PRESENTATION</u>	Public 21
10/29/2014	<u>COURT'S INSTRUCTIONS TO JURY</u>	Public 43
10/29/2014	<u>VERDICT FORM COUNT I, NOT GUILTY</u>	Public 1
10/29/2014	<u>VERDICT FORM II, GUILTY</u>	Public 1
10/29/2014	<u>VERDICT FORM CNT III, GUILTY</u>	Public 1
10/29/2014	<u>SPECIAL VERDICT FORM CNT III</u>	Public 1
10/29/2014	<u>VERDICT FORM IV, GUILTY</u>	Public 1
10/29/2014	<u>SPECIAL VERDICT FORM CNT IV</u>	Public 1
10/29/2014	<u>VERDICT FORM V, GUILTY</u>	Public 1
10/29/2014	<u>SPECIAL VERDICT FORM CNT V</u>	Public 1
10/29/2014	<u>ORDER ESTABLISHING CONDITIONS OF RELEASE</u>	Public 2
10/29/2014	<u>ORDER FOR HEARING</u>	Public 1
10/30/2014	<u>MOTION TO SET BAIL</u>	Public 1
10/30/2014	<u>MOTION FOR ARREST OF JUDGMENT OR ALTERNATIVE NEW T</u>	Public 2
10/31/2014	<u>CLERK'S MINUTE ENTRY</u>	Public 2
10/31/2014	<u>AFFIDAVIT/DECLARATION OF SERVICE</u>	Public 1
10/31/2014	<u>MOTION TO SET BAIL</u>	Public 1
10/31/2014	<u>MOTION FOR ARREST OF JUDGMENT</u>	Public 2
10/31/2014	<u>STIPULATION TO PRIOR RECORD</u>	Public 3
10/31/2014	<u>JUDGMENT &amp; SENTENCE &amp; WARRANT OF COMMITMENT DOC</u>	Public 12
10/31/2014	<u>ORDER FOR WITHDRAWAL OF ATTORNEY</u>	Public 1
10/31/2014	<u>ORDER TO TRANSMIT AND FINDINGS OF INDIGENCY</u>	Public 1
10/31/2014	<u>NOTICE/ADVICE OF COLLATERAL ATTACK</u>	Public 2
10/31/2014	<u>ORDER FOR BIOLOGICAL SAMPLE</u>	Public 2
10/31/2014	<u>NOTICE OF APPEAL</u>	Public 1
10/31/2014	<u>MOTION AND AFFIDAVIT OF INDIGENCY</u>	Public 2
10/31/2014	<u>EXHIBITS RECEIVED IN VAULT</u>	Public 1
10/31/2014	<u>ORDER OF INDIGENCY</u>	Public 2
11/04/2014	<u>TRANSMITTAL LETTER COPY FILED</u>	Public 1
11/19/2014	<u>NOTICE OF APPOINTMENT OF APPELLATE COUNSEL</u>	Public 1
12/12/2014	<u>INDIGENCY BILLING VOUCHER</u>	Public 1
12/18/2014	<u>DESIGNATION OF CLERK'S PAPERS</u>	Public 2
12/30/2014	<u>CLERK'S PAPERS PREPARED</u>	Public 4
12/30/2014	<u>CLERK'S PAPERS SENT</u>	Public 1
12/30/2014	<u>INDIGENCY BILLING VOUCHER</u>	Public 1
01/28/2015		Public 1

03/18/2015  **NOTICE OF FILING A VERBATIM REPORT**  
 04/14/2015  **NOTICE OF FILING A VERBATIM REPORT**  
 06/17/2015  **MANDATE**  
 07/06/2015  **DESIGNATION OF CLERK'S PAPERS**  
 07/14/2015  **DESIGNATION OF CLERK'S PAPERS**  
 07/14/2015  **CLERK'S PAPERS PREPARED**  
 07/14/2015  **CLERK'S PAPERS SENT**  
 07/14/2015  **INDIGENCY BILLING VOUCHER**  
 08/03/2015  **INDIGENCY BILLING VOUCHER**  
 09/25/2015  **DESIGNATION OF CLERK'S PAPERS**  
 10/02/2015  **CLERK'S PAPERS PREPARED**  
 10/02/2015  **CLERK'S PAPERS SENT**

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**Proceedings**

<b>Date</b>	<b>Judge</b>	<b>Dept Type</b>	<b>Outcome</b>
06/21/2013 01:30 PM	CRIMINAL DIVISION 2	CD2 ARRAIGNMENT	ARRAIGNED
07/02/2013 08:30 AM	CRIMINAL DIVISION 2	CD2 PRE-TRIAL CONFERENCE	CONTINUED
07/09/2013 08:30 AM	CRIMINAL DIVISION 2	CD2 RETURN WITH ATTY	HELD
07/09/2013 08:30 AM	CRIMINAL DIVISION 2	CD2 PRE-TRIAL CONFERENCE	CONTINUED
07/22/2013 08:30 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ PRE-TRIAL CONFERENCE	CONTINUED
07/22/2013 01:30 PM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
08/13/2013 08:30 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
08/26/2013 08:30 AM	CRIMINAL DIVISION 2	CD2 PRE-TRIAL CONFERENCE	CONTINUED
09/09/2013 08:30 AM	CRIMINAL DIVISION 2	CD2 PRE-TRIAL CONFERENCE	CONTINUED
09/12/2013 08:45 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
09/16/2013 08:30 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ PRE-TRIAL CONFERENCE	CANCELLED
09/16/2013 08:30 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
10/15/2013 08:30 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
10/24/2013 08:31 AM	CRIMINAL DIVISION 2	CD2 REARRAIGNMENT	CANCELLED
10/24/2013 08:31 AM	CRIMINAL DIVISION 2	CD2 BAIL HEARING	CANCELLED
10/31/2013 08:31 AM	CRIMINAL DIVISION 2	CD2 BAIL HEARING	HELD
10/31/2013 08:31 AM	CRIMINAL DIVISION 2	CD2 REARRAIGNMENT	HELD
12/09/2013 08:45 AM	CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ OMNIBUS HEARING	HELD
12/13/2013 01:30 PM	CRIMINAL DIVISION 1	CD1 BAIL HEARING	CONTINUED
12/16/2013 01:30 PM	CRIMINAL DIVISION 1	CD1 BAIL HEARING	HELD
12/23/2013 08:30 AM	CRIMINAL DIVISION-	CDPJ STATUS CONFERENCE	HELD

PRESIDING JUDGE	HEARING	
01/09/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ MOTION-SUPPRESS (3.5,3.6,7.8)	CONTINUED
01/15/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ MOTION-SUPPRESS (3.5,3.6,7.8)	CANCELLED
01/15/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
01/27/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
03/11/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
03/12/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ MOTION-SUPPRESS (3.5,3.6,7.8)	CANCELLED
03/17/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
03/17/2014 08:30 AM EDMUND MURPHY	09 MOTION-SUPPRESS (3.5,3.6,7.8)	HELD
04/04/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ BAIL HEARING	CONTINUED
04/04/2014 01:30 PM CRIMINAL DIVISION 2	CD2 BAIL BOND - SURRENDER	CANCELLED
04/07/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ BAIL HEARING	HELD
04/07/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
04/07/2014 01:30 PM CRIMINAL DIVISION 2	CD2 BAIL BOND - SURRENDER	CANCELLED
04/18/2014 01:30 PM EDMUND MURPHY	09 FINDINGS OF FACT	HELD
05/01/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
05/15/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ HEARING	WS/INDEP EVAL COMP FOR TRIAL
05/15/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ MOTION-WITHDRAWAL/SUBSTITUTION	HELD
05/15/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ MOTION (NOT CONTINUANCE)	CANCELLED
05/27/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ COMPETENCY HRG	CONTINUED
05/28/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ COMPETENCY HRG	CONTINUED
06/03/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CANCELLED
07/02/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ COMPETENCY HRG	CONTINUED
09/10/2014 01:30 PM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ COMPETENCY HRG	HELD
09/17/2014 08:30 AM CRIMINAL DIVISION-PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED

09/17/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ COMPETENCY HRG	CANCELLED
09/17/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ MOTION- WITHDRAWAL/SUBSTITUTION	CANCELLED
09/26/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ STATUS CONFERENCE HEARING	CONTINUED
09/30/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ STATUS CONFERENCE HEARING	CONTINUED
09/30/2014 09:00 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ MOTION- WITHDRAWAL/SUBSTITUTION	HELD
10/01/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
10/16/2014 08:30 AM	THOMAS J. FELNAGLE	15 JURY TRIAL	HELD
10/16/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ MOTION- WITHDRAWAL/SUBSTITUTION	CANCELLED
10/31/2014 10:30 AM	THOMAS J. FELNAGLE	15 SENTENCING DATE	HELD

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**Incidents**

**Incident Number**  
131540708

**Law Enforcement Agency**  
TACOMA POLICE DEPARTMENT

**Offense Date**  
06/03/2013

**Superior Court Co-Defendants**

**Cause Number**  
13-1-02514-2

**Defendant**  
BRANDON LEE RYAN

**Judgments**

<b>Cause #</b>	<b>Status</b>	<b>Signed</b>	<b>Effective</b>	<b>Filed</b>
<u>14-9-10753-7</u>	OPEN as of 10/31/2014	THOMAS J. FELNAGLE on 10/31/2014	10/31/2014	10/31/2014

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Wednesday October 28, 2015 10:52AM

# **APPENDIX P**



12/01/2014	 <u>RECEIPT OF DISCOVERY</u>	Public 1
12/03/2014	 <u>STATE'S LIST OF WITNESSES</u>	Public 2
12/05/2014	 <u>RETURN ON SUBPOENA, HOWARD</u>	Public 1
12/09/2014	 <u>RETURN ON SUBPOENA</u>	Public 1
12/19/2014	 <u>RETURN ON SUBPOENA, CLEVINGER</u>	Public 1
01/05/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 1
01/09/2015	 <u>OMNIBUS ORDER</u>	Public 1
01/09/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 3
01/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
01/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
01/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
01/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
01/13/2015	 <u>STATE'S LIST OF WITNESSES</u>	Public 1
01/15/2015	 <u>RETURN ON SUBPOENA</u>	Public 2
01/16/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
01/16/2015	 <u>RETURN ON SUBPOENA, CLEVINGER</u>	Public 1
01/16/2015	 <u>RETURN ON SUBPOENA, HOWARD 2</u>	Public 1
01/22/2015	 <u>RETURN ON SUBPOENA</u>	Public 2
01/26/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 1
01/27/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/06/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
02/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/12/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/12/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 1
02/13/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/13/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/18/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
02/20/2015	 <u>STATE'S LIST OF WITNESSES</u>	Public 1
02/23/2015	 <u>RETURN ON SUBPOENA, CLEVINGER</u>	Public 2
02/24/2015	 <u>RETURN ON SUBPOENA, HOWARD 2</u>	Public 1
02/27/2015	 <u>RETURN ON SUBPOENA</u>	Public 2
04/09/2015	 <u>AMENDED INFORMATION</u>	Public 1
04/09/2015	 <u>RETURN ON SUBPOENA</u>	Public 3
04/09/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
04/10/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
04/10/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
04/14/2015	 <u>STATE'S LIST OF WITNESSES</u>	Public 1
04/16/2015	 <u>RETURN ON SUBPOENA</u>	Public 2
04/17/2015	 <u>RETURN ON SUBPOENA, CLEVINGER</u>	Public 1
04/20/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
04/21/2015	 <u>RETURN ON SUBPOENA, HOWARD 2</u>	Public 1
04/21/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 2
04/22/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
05/05/2015	 <u>RETURN ON SUBPOENA</u>	Public 1
05/14/2015	 <u>CLERK'S MINUTE ENTRY</u>	Public 1
05/14/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 2
05/27/2015	 <u>DEFENDANT'S LIST OF WITNESSES</u>	Public 1
05/29/2015	 <u>MOTION TO SUPPRESS</u>	Public 2
06/02/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 53
06/03/2015	 <u>CLERK'S MINUTE ENTRY</u>	Public 1
06/03/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 2
06/09/2015	 <u>RECEIPT OF DISCOVERY</u>	Public 1
06/22/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
08/18/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
08/26/2015	 <u>ORDER FOR CONTINUANCE OF TRIAL DATE</u>	Public 1
08/31/2015	 <u>STATES RESPONSE</u>	Public 1
09/02/2015	 <u>STATE'S RESPONSE TO SUPPRESSION MOTION</u>	Public 57
09/04/2015	 <u>DECLARATION</u>	Public 10
		Public 23

09/09/2015  **RETURN ON SUBPOENA**  
 09/10/2015  **RETURN ON SUBPOENA, STEINGARD**  
 09/10/2015  **STATE'S LIST OF WITNESSES**  
 09/11/2015  **SUPPLEMENTAL AUTHORITY RE: MOTION**

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**PURCHASE COPIES**

**Proceedings**

<b>Date</b>	<b>Judge</b>	<b>Dept Type</b>	<b>Outcome</b>
04/02/2014 01:30 PM	CRIMINAL DIVISION 2	CD2 ARRAIGNMENT	ARRAIGNED
05/06/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
05/09/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
05/09/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ CONTINUANCE	HELD
05/15/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ MOTION- WITHDRAWAL/SUBSTITUTION	HELD
05/21/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
06/03/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ HEARING	WS/INDEP EVAL COMP FOR TRIAL
06/09/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ HEARING	CANCELLED
06/24/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CANCELLED
07/02/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ COMPETENCY HRG	CONTINUED
08/04/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CANCELLED
09/17/2014 01:30 PM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ COMPETENCY HRG	HELD
10/16/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
10/16/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
10/28/2014 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ CONTINUANCE	CONTINUED
10/31/2014 08:45 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ OMNIBUS HEARING	CONTINUED
10/31/2014 08:45 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ CONTINUANCE	HELD
10/31/2014 08:45 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
01/09/2015 08:45 AM	CRIMINAL DIVISION PROB VIOLATION	CDPV OMNIBUS HEARING	HELD
01/27/2015 08:30 AM	CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ JURY TRIAL	CONTINUED
02/09/2015 08:30 AM	CRIMINAL DIVISION 1	CD1 JURY TRIAL	CONTINUED

04/09/2015 08:30 AM CRIMINAL DIVISION 1	CD1	JURY TRIAL	CONTINUED
04/09/2015 08:30 AM CRIMINAL DIVISION 1	CD1	REARRAIGNMENT	HELD
05/14/2015 08:30 AM CRIMINAL DIVISION 1	CD1	JURY TRIAL	CONTINUED
05/20/2015 01:30 PM CRIMINAL DIVISION 1	CD1	MOTION (NOT CONTINUANCE)	CANCELLED
06/03/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	JURY TRIAL	CONTINUED
06/03/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	CONTINUANCE	HELD
06/22/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	CONTINUANCE	HELD
06/22/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	JURY TRIAL	CONTINUED
08/18/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	CONTINUANCE	HELD
08/18/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	JURY TRIAL	CONTINUED
08/26/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	JURY TRIAL	CONTINUED
08/26/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	CONTINUANCE	HELD
09/03/2015 08:30 AM CRIMINAL DIVISION- PRESIDING JUDGE	CDPJ	JURY TRIAL	CONTINUED
09/03/2015 11:00 AM MICHAEL E. SCHWARTZ	03	JURY TRIAL	CONTINUED
09/03/2015 01:30 PM MICHAEL E. SCHWARTZ	03	JURY TRIAL	INTERRUPTED - HEARING PENDING
09/10/2015 09:00 AM MICHAEL E. SCHWARTZ	03	JURY TRIAL	INTERRUPTED - HEARING PENDING
11/16/2015 08:30 AM MICHAEL E. SCHWARTZ <u>WORKING COPY</u>	03	INTERRUPTED TRIAL/HRG RESUMES	

#### Incidents

Incident Number	Law Enforcement Agency	Offense Date
140901327	PIERCE COUNTY SHERIFF	03/31/2014

#### Superior Court Co-Defendants

Cause Number	Defendant
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#### Judgments

Cause #	Status	Signed	Effective	Filed
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- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Wednesday October 28, 2015 10:34AM