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**APPENDICES**  
**#29 - 58**

**FOR OPENING BRIEF OF**  
**PETITIONER**

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Court of Appeals No. 22935-1-III

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF GRANT

In re dependencies of

E.A., J.G., J.G. and M.G.,  
minors,

STATE OF WASHINGTON,

Petitioner,

and

MARIBELLE GOMEZ and JOSE  
ARECHIGA,

Respondents.

No. 03-7-00131-1, 132-0,  
133-8, 134-6

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Hon. Evan Sperline

February 26, 2004

VERBATIM TRANSCRIPT OF PROCEEDINGS  
From Electronic Recording

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DEPENDENCY FACT-FINDING  
(continued)  
February 26, 2004

MR. CABALLERO: --Tom Caballero representing the Department of Social and Health Services. The four matters before the court today are companion cases Edgar Arechiga, cause number 03-7-00134-6, Julio Gomez, 03-7-132-0, Julianna Gomez, 03-7-131-1 and Maria Gomez, 03-7-133-8. These matters are on for a continued contested fact-finding hearing on the Department's petition.

Present in court, Maribelle Gomez, the mother, with her attorney Doug Anderson, Jose Ramon Arechiga, the father of Edgar Arechiga, with his attorney Robert Moser, Mario Gonzalez who is the agency social worker, Terry Cullen the guardian ad litem with Tamara Cardwell her supervisor and program administrator. Also present is prosecutor John Knodell and Det. (Inaudible) with the Grant County Sheriff's Office in the audience.

The Department is ready to proceed with its next witness.

THE COURT: Call your next witness, please.

MR. CABALLERO: The Department's next witness is Dr. Kenneth Feldman, and he will be testifying by telephone.

THE COURT: Go ahead.

Witness reached by phone.

MR. CABALLERO: Dr. Feldman, we are in open court in Grant County. I'm going to put you on the speaker phone.

THE WITNESS: I'll get myself reorganized, here.

MR. CABALLERO: Dr. Feldman, you are now on speaker phone. Can you hear me?

THE WITNESS: I can, yes.

MR. CABALLERO: We are in Grant County Superior Court, Juvenile Division, in the matters of the Arechiga-Gomez dependencies. I want--

THE WITNESS: Okay.

MR. CABALLERO: I would ask that the court place you under oath.

THE WITNESS: Okay.

THE COURT: Dr. Feldman, this is Judge Sperline.

THE WITNESS: Okay.

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: I do.

MR. CABALLERO: And, Dr. Feldman, I'm going to identify who is present in court for you--

THE WITNESS: Thank you.

MR. CABALLERO: In addition to Judge Sperline and court personnel, the court clerk and -- Kathy Nelson with the juvenile department, for the guardian ad litem program Terry Cullen and Tamara Cardwell; Mario Gonzalez, who is an agency social worker, is present. The mother and father, Maribelle Gomez and Jose Ramon Arechiga are present with their respective attorneys Mr. Anderson and Mr. Moser, and also prosecutor John Knodell and Det. Matney, who's with the Grant County Sheriff's Office.

THE WITNESS: Okay.

MR. CABALLERO: Doctor, we also have an interpreter, Saul Castillo, who is interpreting for the parents--

THE WITNESS: Okay.

MR. CABALLERO: --and so I would ask that you -- when you testify if you could do that at a moderate pace so that the testimony can be accurately interpreted for the parents.

THE WITNESS: Okay.

MR. CABALLERO: Thank you.

DIRECT EXAMINATION

BY MR. CABALLERO:

Q Dr. Feldman, would you please state your full name for the record?

A Dr. Kenneth Feldman, F-e-l-d-m-a-n.

Q And what is your profession?

A I'm a pediatrician.

Q Are you licensed to practice medicine in the state of Washington?

A Yes, I am.

Q When were you so licensed?

A It would have been in 1970, '71.

Q Would you please describe your pre-medical and medical training starting with your undergraduate studies?

A Okay. I did my undergraduate training with a B.S. in chemistry at the University of Wisconsin. That spanned 1962 through 1966.

I did medical school also at the University of Wisconsin, 1966 through 1970. I did a pediatric internship and residency at the Children's Hospital and Regional Medical Center in the University of Washington in Seattle, and in '73 through '74, with one year out for alternative service.

Q Are you board certified in pediatrics?

A Yes, I am.

Q And what does it mean to be board certified?

A It means you've completed the requisite training program. In my era it also means you completed those written and oral testing in pediatric skills.

Q Is that something that is above and beyond your license to practice medicine?

A Yes, it is.

Q Are you also required to complete continuing medical education training as a physician?

A Yes.

Q And what does that training consist of?

A It can take any of a variety of form. Attending

formal lecture sessions, working in a teaching capacity in a children's hospital such as I do. Writing scholarly papers. Reading journals. Any of a variety of things.

Q Do you belong to any medical associations?

A Yes, I do.

Q And which ones?

A That would include the American Academy of Pediatrics and its Washington state chapter, the King County Medical Society, the Ambulatory Pediatric Association, the Western Society for Pediatric Research, the American Professional Society on the Abuse of Children, the International Society for Prevention of Child Abuse.

Q Do you hold any teaching positions?

A Yes. I teach at the University of Washington. I'm a clinical professor there.

Q Have you authored articles or studies that are published -- that were published in peer reviewed journals?

A I have.

Q And would you indicate generally on what subjects?

A They primarily involve childhood injuries, both accidental and inflicted, but also it involved some sort of general pediatric topics.

Q Would you briefly describe your medical practice, both your academic practice and your medical ongoing patient practice if you would?

A Okay. I spent half of my time at the Odessa Brown Children's Clinic, which is a primary care clinic serving central Seattle, mostly low-income families. That's a teaching practice where we have medical students and residents working with us.

I supervise care in the emergency room at the Children's Hospital, generally one or two shifts a month. Again, working with house staff there.

For roughly one month out of each year I supervise care on the wards of the Children's Hospital, working with the house staff caring for general pediatric patients.

And I act as the -- the medical director of our child protection team and program here and a consultant primarily for child physical abuse, at the Children's Hospital.

Q As part of your medical practice are you called upon to determine whether or not injuries to children were caused by intentional abuse rather than accidental causes?

A Well, I'd frame that a little differently; whether injuries were the result of abuse or inflicted injury as opposed to unintentional or accidental trauma.

Q What factors do you consider when making this type of determination?

A Well, we approach it by looking at the history, looking at the injuries, seeing whether the history reasonably explains the injuries. We draw on our knowledge of normal childhood behavior, normal patterns of childhood accidents, normal patterns of both accidental and inflicted injuries.

Q Dr. Feldman, in your professional career, have you had an opportunity to examine family dynamics where one child is suspected of being intentionally abused or that has trauma that has been inflicted intentionally

when other children in that family do not present with findings of abuse?

A It certainly has not been infrequent in my experience in the kids who have been abused that one child is either the target or the primary target of abuse in a family.

Q Would you explain this concept of the targeted child? what is it in the family dynamics that in your experience leads a child to be targeted for abuse?

A Well, there certainly can be a lot of factors. Some of them relate to the child themselves, can be a difficult child, a child who's been premature, a child with developmental delays or other handicaps, a child with behavioral problems, may be targeted.

Additionally the family may have associations or impute attributes to the child such as in a divorced family the mother may see the child as being the image of her ex-spouse who she's still angry at. It can relate to family factors. There are different periods of time when families are much more stressed, when things are piling up on them and they're more reactive to what's going on.

So, any of a number of factors can come together to lead one child being picked on.

Q As part of your professional duties do you consult with Child Protective Services during their investigation of child abuse allegations?

A I do in several formats. When we're evaluating children primarily for abuse at Children's, when I'm directly involved as a consultant, then I interact with them. I'm also part of the Washington State Child Abuse Consultation Network, which is a group of physicians specializing in child abuse around the state. And we provide consultation to CPS workers, physicians, police, prosecutors, attorneys, around the state who have questions of abuse on kids that we haven't directly cared for.

Q As a consultant for Child Protective Services have you had the opportunity to become familiar with the case of Raphael Arechiga-Gomez?

A I did consult with Protective Services on that child, yes.

Q How did you initially become familiar with this particular case?

A Well, back in 2003 his CPS worker, Linda Turcotte, requested that I review materials on whether he might have been abused in the past.

Q And what types of records were provided for you during this referral?

A I had -- records from Quincy Valley and Central Washington Hospital, records from the primary doctor as well as some Protective Services records. I think there was -- there was also some police investigation included.

Q Are these the types of records that pediatricians in the field of child abuse would typically rely upon in formulating opinions regarding the etiology or causation of a child's injuries?

A Yes.

Q And do you as a physician typically rely upon these types of records in formulating your opinions?

A Yes, I would.

Q Following review of the records that were provided by

Child Protective Services what was your understanding from the records regarding the injuries that Raphael Arechiga-Gomez had suffered that led CPS to consult with you?

A Well, he had had several fractures. One involved the tibia, the larger of the lower leg bones. Another involved his hip. These had occurred at separate times.

Q And Dr. Feldman, I'd like to -- I'd like to focus you on the December 2002 femur fracture. What was your understanding of the diagnosis regarding the injury to that extremity?

A Well, he had an intertrochanteric fracture, which means that the break is through the femur, the upper leg bone, sort of where it has its crook out from the hip where it makes that dog leg.

Q And, based upon your review of the records, what was your understanding regarding any other injuries that Raphael presented with on or about December of 2002?

A Well, at that time he also had evidence of healing burns of the top of one of his hands, he had a scabbed and mildly infected skin sore on the back of his scalp. Additionally on the x-rays he had two separate skull fractures, one of the occipital bone and the other of a parietal bone.

Q Were you able to review the results of the laboratory tests?

A Let's see, here. I'm sure I did, although I don't immediately see my notes of that.

Q Let me rephrase the question. Were any of the laboratory tests that you reviewed for Ms. Turcotte and for CPS cause concern regarding the child's chemistry?

A I found the labs now. And he did have an elevated sugar, which is extremely common as a -- as a stress response. He was a little bit anemic, which also is not terribly unusual at his age.

Q Were you able to review Xeroxes of pictures of the hand burns?

A I did, yes.

Q And would you describe what you observed in the Xeroxes of the picture?

A Well, they appeared to be the sort of splattery injury you'd get with a hot liquid scald. However, there were two fairly deep-seated ulcerative injuries, and they were very discreet from each other; there wasn't any evidence of burning in the skin between the two lesions.

Q And what is that indicative of?

A Well, many times if, say, a child pulls some hot liquid on themselves you'll see a very splattery appearing variegated depth burn, but it's fairly intact. Having two separate injuries would either mean that there was some splashing or separation of the fluid before it struck his hand, two separate burns, or splashing of the fluid after it struck his hand.

Q Were you able to review the results of a neurologic consult that was accomplished with a Dr. Dixon in January of 2003?

A I'm not sure I have that information. I may, but I just don't have it -- Oh, here we go. Excuse me.

Yes. It was felt to be normal.

Q You indicated that you examined -- Or, strike that. Were you able to examine actual films of skeletal x-rays from the December 7, 2002 hospitalization?

A Yes, I did.

Q And what about the result of the -- of a CAT scan?

A Well, the CAT scan did demonstrate that there were skull fractures, and included were one of the occipital bone arising from the hole where the spine comes out from the skull, and coursing up to where that bone joins with the adjacent bones. Additionally, on the right side the parietal bone, which is the upper bone above the ear, had a horizontal fracture.

The one in the back of the head, the occipital fracture, had soft tissue swelling, while the parietal fracture did not.

When combined with the regular x-rays it appeared that the occipital fracture was fairly fresh and the parietal fracture was somewhat older.

Q In regards to the burn injuries to the hand that you observed, was there any concern raised by the condition of the burns regarding what treatment had been afforded to the child?

A Well, they did, again, seem fairly deep-seated and ulcerated. It was if they were not healing very well. As I recall there was some history that the child was picking them himself -- certainly complicate the healing. And it would be difficult to sort out whether the difficulty in healing and the state of them was primarily for lack of care of the burns or for the child's behavior.

Q Based upon your review of the records were you able to determine whether or not Raphael's weight appeared to be within a normal range given his age?

A Well, I had some concern about that. I had a weight from the time when he had the broken tibia, the lower leg bone, but in the records that I received I did not have a weight from the time of the femur fracture. Some of the records suggested that there was concern about poor weight gain and in my consultation I indicated to Protective Services that some follow-up on -- on the issue of his growth would be appropriate.

Q The testimony has been that the tibial fracture occurred in September of 2002. What was Raphael's weight as of September of 2002.

A If I have it here. Okay. So he would have been 11-3/4 kilos at the time of that injury.

Q And would that be within the normal range for a child--

A That would have put him at the 80th percentile. One fifth of the kids on the average would be heavier and four fifths lighter than him at that age.

Q This consultation with Ms. Turcotte, did you prepare a written letter to Ms. Turcotte explaining your findings and your opinion?

A Yes. I composed such a letter on 3/12/03.

Q And as of March of 2003 were you able to formulate an opinion as to whether or not Raphael's injuries were definitive for abuse?

A I was.

Q And what was that opinion?

A I was unable to say that they were definitive for

abuse.

Q Was there a concern for abuse?

A Yes, there remained a significant concern. Although the femur and the tibia fractures seemed reasonably explained by the history, the pattern of burning on the hand, of two separate burns, the two skull fractures without an adequate explanation, the somewhat festering over the -- of the skin over the back of the scalp, the question of his growth, the history of parental drug use, for which I had no information on how well controlled that was at the time, and some of the family's attributes of his behaviors, all made me worry that he might have been abused.

Q And why is that?

A Well, when we have injuries such as skull fractures and there's no explanation for them, that's problematic.

The burns, as I said, would be much more acceptable as an accident if it were a single burn injury or a burn injury that sort of was bridged by additional burning than two separate burns.

The lesion on the back of his head was sort of sitting and festering and maybe not being cared for well.

There was the unresolved issue of the family's drug abuse and of his growth.

Q Dr. Feldman, I'm going to ask you to assume that the mother testified that Raphael injured himself in December of 2002 when he was apparently running and slipped on a wet soapy floor and fell in a splits position with one leg facing forward and the other leg facing backwards, and that he may have hit his head on a hard floor as part of that fall.

If you were to assume those facts would that explanation adequately explain the findings on radiologic examination regarding the fractures to the occiput?

A It did seem at least a potentially reasonable cause for the occipital fracture.

Q And what about the parietal fracture that you observed?

A As I indicated, that was an older appearing fracture, and it would not be expected, even if it -- even if it appeared fresh, to be associated with that sort of a fall.

Q Were you subsequently called upon by Child Protective Services to consult regarding the death of Raphael Arechiga-Gomez?

A Yes, I was.

Q And were you provided materials by Child Protective Services to review as part of that consultation?

A Yes, I was.

Q And what materials did you review?

A I received materials from the Columbia Basin Hospital and from Sacred Heart Medical Center in Spokane. I received a couple CT scans and chest films from out of Sacred Heart. Again, there was -- some investigation records.

Q And what was your understanding of the medical course for Raphael on the day of his injury, September 9, 2003?

A I'm sorry; I didn't catch your question.

Q Yes. What was your understanding of the medical course, that is, what happened--

A Oh, the course--

Q Yes.

A Okay. Yeah.

It -- he had had a episode at home related to vomiting, then frothing at the mouth and became unresponsive. He stopped breathing. Mom took him to a neighbor. He was brought directly to the emergency room within about eight minutes. And on arrival there was in full arrest. He did have some vomit in the emergency room and also had some soupy-like material in his stomach when a tube was passed into the stomach.

In the emergency room he was given CPR, which after a long time developed a electro-cardiac rhythm and longer still he actually developed a pulse and some blood pressure. But he never regained any indication that his brain was controlling anything, and never developed the ability to breathe on his own, with resuscitation.

Q Was the child subsequently transferred to Sacred Heart Medical Center in Spokane?

A He was, yes.

Q And from your review of the records what's your understanding of the medical course that -- at Sacred Heart Medical Center?

A Well, again he was ventilated there; he was breathed for. He was provided with life support. But the tests that were done indicated that he was brain dead. And I'm not sure -- I think it was the second day or so he was there, he did die.

Q Were you -- Dr. Marco Ross has testified regarding his findings on autopsy. Were you able to review Dr. Marco Ross's autopsy report?

A Yes, I did receive the autopsy report.

Q What findings from the autopsy report do you consider to be significant in understanding the etiology of causation of Raphael's injuries?

A Well, he did have evidence of multiple impacts to the head, showing as bleeding within and underneath the scalp, and bruising of his forehead. Associated with the impact to the back of his head was also a fracture of the occipital bone and some bleeding over the dura, the outermost membrane around the brain, what we call an epidural hemorrhage. And all of those, the scalp injury, the skull fracture and the epidural hemorrhage, are typical impact trauma.

In addition to the impact at the back of his head he also had evidence of impacts to the front of his head, with hemorrhaging of the scalp there.

Additionally he had diffuse swelling, edema, of the brain, changes of a brain that's been deprived of oxygen and nutrition, from cardiac arrest, and he had multiple areas of hemorrhage beneath the dura and beneath the arachnoid around his brain.

Q What were the findings regarding the x-rays that you reviewed?

A Well, the x-rays that I saw were limited, but basically showed evidence of diffuse brain swelling. There also was evidence of bleeding over the head -- And, let's see, here -- there was some bleeding in the posterior falx -- If you think of the brain sort of as

a walnut turned on its side and the membrane between the two halves of the walnut, that's the falx, so it's between the two lobes of the brain.

There was the question of whether there was some blood in the back of the brain on the right side or whether that was in one of the fluid spaces, one of the ventricles in the brain.

There was fresh blood on the left anterior temporal area, which is low on the left side, and that appeared to be subdural blood.

There's evidence of a depressed fracture of the occipital bone, again going from the hole through which the spine leaves the skull, up toward the suture above.

Q Were there any -- was there any evidence on x-ray examination regarding the extremities, the upper extremities?

A Right. The only films I saw of the skeleton were on some chest films. And the -- the upper arm bones are formed with a head to the bone that moves around in the shoulder socket, and then the shaft of the bone. The head had been torn off the shaft on both sides, and there was evidence of abundant new bone going down the shaft, showing healing of those injuries. And at the same time the -- the socket that the head of that upper arm bone articulates with, what we call the glenoid, was torn apart, with both types of injuries being what one sees with severe jerking on the limbs, essentially tearing the arms off the shoulder.

Q Given the healing state of the proximal humeral -- the proximal humeral fractures, and also the chip fracture, are you able to formulate an opinion as to whether or not these fractures occurred contemporaneously with the -- with the injuries that Raphael sustained September 9, 2003?

THE COURT: Would you restate your question, please, counsel?

MR. CABALLERO: I will do that.

Q Were you able to formulate an opinion as to whether or not the proximal humeral fractures and the glenoid fractures were sustained on or about September 9, 2003?

A The -- at least part of the injuries to both shoulders were considerably older. The amount of healing that was there is such that it probably took two or perhaps more weeks to have that amount of healing.

At the same time I recognized that at autopsy they showed that there was new acute injury as well as the old injury.

Q And -- and what is that indicative of?

A Well, it's indicative of repetitive events, where the arm is seriously and dramatically jerked away from the body.

Q Based upon your review of the records and the radiologic studies were you able to formulate an opinion regarding the cause of Raphael's injuries?

A Well, he died of blunt force trauma to the head. With that there would have been associated whiplash injury, that is, his head wouldn't have just moved in a straight line into something but would have been -- had a whiplash motion associated with the impact.

Q What is it about the findings that demonstrates to you a whiplash component to Raphael's injuries?

A Well, I already commented that he had some characteristics of a direct impact, the scalp injury, the skull fracture, the epidural hemorrhage, all of those are focal injuries from a blow. But the multi-focal bleeding around the brain and in the falx indicates that there was angular acceleration, whiplash forces.

Q Would the force generated by a child Raphael's age in arching backward from a standing position and falling to the floor, on two occasions, hitting the back of his head on both occasions, would that type of force be sufficient to generate the injuries observed in Raphael?

A No.

Q What about if the child after the first episode of throwing himself back and hitting his head, he then proceeded while on the floor to bang his head on the hard floor approximately three to four times? If you added that to the equation would that adequately explain the injuries observed in Raphael on autopsy?

A No.

Q And would you explain why not?

A It takes a very severe impact to break that occipital bone. It's also a bone that's sort of -- under the back of the neck, so it's a little more protected.

We will see fractures of the parietal bone, which is a much more fragile bone, the one I talked about his earlier fracture, with falls from heights such as that. But it would be extremely unusual for the -- the history described. We see a lot of kids who bang their head and we don't see evidence of serious intracranial injury with that.

Q Doctor, when you look at the constellation of injuries that Raphael presented with on -- on September 9th and 10th, 2003, and then at autopsy, what, in your opinion, is this constellation of injuries consistent with?

A Well, I think we've covered most of the injuries. We haven't covered the retinal and optic nerve sheet hemorrhages, which are also an indication of whiplash trauma to the head.

The constellation indicates that Raphael's head was whipped severely and struck against something. You could get a similar picture, say, if you struck the head low in back with a baseball bat, and caused the head to whip forward.

Additionally, we have the shoulder injuries, that, as I indicated, result from essentially jerking the arms off the shoulders.

Q Would these injuries, for example, be consistent with -- with a parent who picks up a child and throws the child with force against a hard floor?

A It would have to be extremely hard to do all this.

Q And, Dr. Feldman, in terms of the certainty of your opinion, how -- how certain are you of your opinion that Raphael's injuries were the result of inflicted non-accidental trauma?

A 100 percent.

Q Dr. Feldman, the opinions that you have offered today, have those been offered on a more probable than not basis and to a reasonable degree of medical certainty?

A Yes.

MR. CABALLERO: And, Dr. Feldman, I don't have further questions. Thank you. The other attorneys

will have questions for you.

THE WITNESS: (Inaudible).

THE COURT: I remind parents that if you want to ask questions mention those questions to your lawyer.

Mr. Anderson, cross on behalf of mother?

MR. ANDERSON: Thank you, your Honor.

CROSS EXAMINATION

BY MR. ANDERSON:

Q Good morning, Dr. Feldman.

A Okay. I understand you're Mr. Anderson, the mother's attorney?

Q Yeah, that's correct.

A Okay. Thank you.

Q I just have a few questions for you regarding the whiplash injuries -- the injury, and/or the injuries to the shoulder area.

A Okay.

Q Is it possible these -- some of these -- are these injuries themselves -- could have been caused by a mother, or a father for that matter, picking the child up and shaking them to see -- if either they were being unresponsive and perhaps shaking them too violently?

A The sort of forces required to cause this are really beyond what any caretaking parent would use to shake a child. So, no, I don't think that is consistent.

In addition, we do have the evidence that the shoulder injuries were both fresh and old, and the injury to the skull, the scalp and the epidural bleeding in both the front and back scalp indicates that there's been multiple impacts to the head.

Q Okay. You also spoke about going back to December of 2002. I believe you reviewed the records -- Actually, you probably reviewed them in early 2003. You--

A Right.

Q You spoke about the -- the burns or the scabbing to the hand.

A Right.

Q Now, did I hear correctly that you -- what you saw actually were Xerox copies of photographs that were taken of the hand?

A Let's see, here. I'm not sure whether they were Xerox or the photos. I'd have to go back and look at the original material.

Q Okay.

As far as the -- Going on from there, as far as the, I believe it was termed at least one point, the festering lesion on the back of the head,--

A Uh-huh.

Q --could the fact that it was -- continued to be festered, (inaudible) cause the -- could that be caused by the child, or somebody else for that matter, picking at any scabs that would form over that lesion?

A I think the same logic would apply that to the burn -- to that as to the burn, that seeing it at one point in time it would be hard to tell whether that was a problem of the child aggravating his own injury or the injury not being cared for.

Q Okay. Now, you were asked about whether or not the injuries that Raphael sustained could have been sustained by a child throwing himself back, arching

his back, to the ground, and then perhaps striking his head on the ground, and you said no, in your opinion they could not be caused by that. Correct?

A Some of the injuries, yes.

Q Okay. Is this the case with anybody, such as an adult or a teenager? Could they be able to do -- Could they -- Would they be unable to cause those type of injuries to themselves?

A Well, the mechanics of it change, the tissue resistance changes. So, I'm really speaking about infants and toddlers.

Q Okay. I understand that. That's -- I guess that's where I was -- I was trying to go from here. If you had a -- Is your -- Is your opinion based upon a typical toddler, typical two-year-old, or is it -- you know, all two-year-olds in general?

A I think the opinions that I gave would apply quite uniformly to two-year-olds.

Q Okay. If you had a two-year-old that had been documented as banging his head back, throwing himself back, would it be possible for that child to build up certain musculature such that he'd be able to do that sort of thing, you know, injure himself more, if he were to perform the same action again?

A Well, he might be able to injure himself slightly more. I don't think he'd build up any more muscles in doing it. But repetitively banging himself, there might be some accumulative scalp injury.

One would not expect the intracranial injury that he had.

Q Okay. Now, just one or two more questions. Going back to parts of the beginning of your testimony, I believe Mr. Caballero was asking you about a particular child in a family being targeted, I think was the phrase that Mr. Caballero used.

A Okay.

Q In cases where you've seen that, have you seen other children subsequently targeted?

A In some cases, yes; in some cases, no.

Q Okay.

A Either before or after the index child.

Q In the cases where there is a subsequent child that is then targeted, have there been any indications earlier on as to, you know, whether or not that child will be targeted, or is in danger of being targeted?

A I'm not -- I don't think I can adequately answer that, in that the indications that we see of abuse are pretty overt. They're the broken bones and the bruises, and things like that.

Q Okay. I've -- Maybe not even a fair question to ask.

MR. ANDERSON: And I believe that's all the questions I have at this time. Thank you.

THE WITNESS: Okay.

THE COURT: Mr. Moser, cross on behalf of father?

CROSS EXAMINATION

BY MR. MOSER:

Q Hi, Doctor. I'm the attorney for the father Jose--

A Okay.

Q --Arechiga.

Doctor, you testified about the phenomenon of targeting a child for abuse in a home--

A Okay.

Q And you also testified to what, you know, why that might take place or what might cause that. But what are the signs that that is actually taking place? I don't know--

A Well, most overt would be the child's getting injured. On another level there may be attitudes toward the child that are present, more punitive behaviors, more rough behaviors with a child, attributions that the child is bad, unruly, different. And the child themselves may either have or as a consequence of their handling develop adverse behaviors.

Q Uh-huh. Let's see.

A Hello? Are you there?

Q Yeah. I'm here. I'm sorry, Doctor--

A Okay. I didn't know--

Q Not only did I write my--

A I lost--

Q --before-hand, but I rewrote them -- under direct examination.

Okay. So of course the main -- the main evidence would be, you know, the abuse, actual abuse of the child?

A That's certainly the most concrete evidence. There are those behavioral changes, both of parent and child, that could be premonitory of problems.

Q Okay. And so, -- Let's see. In this case the state has submitted one witness who has testified to these other things taking place, attitudes toward the child, punitive, the parent is more rough with the child. A conclusion of this phenomenon of abuse targeting -- targeting is taking place in this case, is therefore contingent on the child actually being abused and the testimony of this one witness. Would that make sense to you?

MR. CABALLERO: Object to the form of the question.

THE COURT: Just a moment. The objection is sustained.

MR. MOSER: Okay.

THE COURT: The question is argumentative.

MR. MOSER: Okay.

Q So, Doctor, a conclusion that abuse targeting is taking place would only be as good as the -- the evidence of abuse in the situation and the evidence that these other signs were present? Is that right?

A Yeah. I view this less as evidence that abuse has occurred as -- as evidence that -- how abuse can occur more to one child than other children in the family. It also is only as good as the surveillance the other kids for abuse has been.

It's very easy for us to see the severely abused kid, but not to have had ongoing abuse of all the other children not come to medical attention or not be recognized.

Q Okay. Okay. And I think that you said you wouldn't normally take the -- the possibility of such a phenomenon as evidence of any child abuse?

A No, I don't think it's -- itself is evidence for child abuse. It just is an explanation of the phenomenon of how one kid may suffer more injuries than others in a family.

Q And in a home where child abuse is present wouldn't it

normally be the case that more than one child would be subject to abuse?

A Not normally. It certainly is common, but it can go either way.

Q Okay.

Doctor, could you please describe your knowledge of the tibia fracture to us? Because it's something that was not -- I don't think was focused on.

A Yeah. It was described as a fracture of the distal -- so that would be the lower end of the tibia. It was oblique in nature, so angly [sic] across the bone. And it was near the growth plate at the end of the bone.

Q And I believe you said that the explanation that was offered for this injury was, I think, reasonable, was your word?

A Yeah. The -- the explanation given at the time of -- Well, let's see, here. I guess I should rephrase that.

The child was presented without an explanation by Dad to the emergency room, and he was actually fairly evasive about explanations. But it is a fracture that occurs typically with normal activity of a child of 13 months such as he was. So it's -- when we look at types of fractures and how worrisome they are for abuse, that's relatively low on the worrisome scale, although it can be the result of abuse. It most often results from normal childhood behavior.

Q Now, I don't want to ask you a question that you -- maybe that you -- ask you something that you did not attempt to -- attempt to determine, but were you able to make a finding that that was accidental, that injury?

A I felt it was compatible with an accident. I expressed my concern for the lack of explanatory history and Dad's evasiveness.

Q The -- the femur injury -- I believe you also said that the explanation offered for that was reasonable.

A Yes. I felt that the history given was of an accident that clearly could cause that injury. The police investigation also had a family friend come in and observe the child immediately after the injury, in a position that corroborated the scenario.

So, as much as we can believe the veracity of that witness, I'd consider it compatible with the accident as described.

Q Let's see. I think you -- Have you been a pediatrician for 30 years? Did I hear that about right?

A I've been in practice since '74--

Q Okay.

A --yeah.

Q Now, the -- the fracture to the femur, an injury where the child is running across soapy, wet floor and slips and does the splits, this is possible to cause that kind of injury?

A Yes.

Q The burn injuries, I think you expressed two concerns, or maybe I'll categorize the concerns in two categories; one that it was not healing properly, and did you testify that -- that it was -- mostly because it was being picked at?

A I'm sorry; I lost your last statement.  
Q Excuse me. The burn injuries, did it seem mostly because it was being picked at that it was not healing properly?

A I said that a reasonable explanation that it wasn't healing properly would be if the child were picking at it. Another explanation could be lack of appropriate care.

Q And you testified that it was consistent with a splash?

A That's correct.

Q And your main concern was that it was two separate splash injuries?

A Right, that in the usual spill it would be more -- either a single one or bridged lesions.

MR. MOSER: Okay, Doctor. Thank you.

THE WITNESS: Okay.

THE COURT: Redirect, Mr. Caballero?

MR. CABALLERO: No questions, your Honor.

THE COURT: One moment, please, Dr. Feldman.

THE WITNESS: Okay.

MR. ANDERSON: Your Honor, we have no further questions for Dr. Feldman.

THE COURT: Dr. Feldman, this is Judge Sperline. I have one area I'd like to ask you about.

THE WITNESS: Okay.

INTERROGATION

BY THE COURT:

Q That relates--

A You're pretty distant, so could you talk up for me?

Q We're going to move the phone.

A Thank you.

Q Okay. Dr. Feldman, can you hear me?

A Yes. Thank you.

Q Okay. I'm interested in your observations and opinions regarding the injuries to the upper arms--

A Correct.

Q My only experience with that sort of injury is observing -- observing it in someone else; in other words, I've seen adults, athletes, who suffer a shoulder separation or something like that--

A Okay.

Q --appears to be -- It appears to be a painful situation.

A Yes.

Q What you're describing is something beyond that. And I'm wondering what likely would be the reaction of a child of Raphael's age to suffering that sort of injury? What would someone else--

A Yeah.

Q --see?

A Well, part of the difference between kids and adults is that in adults the bones are stronger than the ligaments, and it's sort of vice-versa in kids. So adults are more likely to get sprains and dislocations, where kids get breaks.

So, same sort of mechanics could give different type of injury based on age. But in either case it should have been pretty darned painful at the time it occurred.

Q Would we see a child who suffered an injury of that kind appear to be disabled, unable to lift arms and so

on?

A Yeah. But kids usually would experience some immediate pain and then very quickly learn how they could minimize the pain, so they would have what we call pseudo-paralysis. They would not be using the limb because they learn by keeping the limb quiet they could essentially splint it.

Q Okay. And would you tell us a little more about the -- the healing process that you observed with new bone growth down the shaft of the bone?

A Well, the bones grow in breadth because they've got a membrane called the periosteum around. And when the bones are torn apart like this there's often stripping of that periosteum and bleeding under it. As the bones heal you'll see calcification, you'll see new bone being laid down in that area of blood clot under the periosteum. So that's what we see on his film. It's just sheathed with layers of extra calcium around the top of the bone.

Q Is there anything in that observation of layers to suggest that whatever mechanics caused the injury in the first place was not repeated during the period of healing?

A Certainly repetitive injury would make for more profuse, more abundant evidence of healing. And he really has pretty dramatic evidence of healing. I think the most I can say with certain is there's old injury and then one side had evidence pathologically of a fresher injury. But it's certainly possible that there were repeated injuries in the intervening time.

Q Do you have any opinion as to how long the period of pseudo-paralysis would -- would last from injuries of this kind?

A It would be a little hard to be sure. Kids heal up pretty fast, and bones become relatively sort of stuck together in a week or so. I'd say it's probably in that one-week range or so, as long as he's not being re-injured.

THE COURT: Thank you. Let me ask if counsel have follow-up questions.

Mr. Caballero?

MR. CABALLERO: No.

THE COURT: Mr. Anderson?

MR. ANDERSON: No, your Honor.

THE COURT: Mr. Moser? Parents, do you have any other questions?

Okay. Dr. Feldman, that concludes your testimony. We appreciate it. We'll end the call at this time.

THE WITNESS: Thank you.

MR. CABALLERO: Your Honor, I would like to recall Maribelle Gomez to the stand.

THE COURT: You've been sworn; you are still bound by your oath. Please be seated.

REDIRECT EXAMINATION

BY MR. CABALLERO:

Q Ms. Gomez, do you recall giving a statement regarding what happened on September 9, 2003 to Mr. Gonzalez and Det. Philips?

A Yes.

Q As part of your explanation of what happened do you recall telling Mr. Gonzalez that when the child became

limp after the second fall, that you took him to the back door of your residence, opened the door to allow him fresh air?

A No. No, I don't remember.

Q Do you remember, as part of your recollection of what happened on September 9, 2003, this occurring, taking the child to the back of the house, opening the door and giving him fresh air?

A I don't remember.

Q As part of your statement to Det. Philips and Mario Gonzalez do you recall telling them that after the first time the child fell, when he was on the floor, that he -- while he was on the floor his having hit his head an additional two times?

A I always told them the way it happened. I told them that the child had thrown himself the first time, that the child had thrown himself and hit himself I said three or four times. I don't remember having said two times. I don't remember two times.

Can I say something?

Q No; that's okay.

A Okay.

Q If there's any additional information your attorney can assist you.

---

And in your statement to Mario Gonzalez and Det. Philips, do you recall telling them that while you were at your neighbor's house that you were trying to suck out soup from Raphael's mouth?

A Yes.

Q And were you also pulling noodles out of his mouth?

A Yes.

MR. CABALLERO: No further questions. Thank you.

THE COURT: Cross examination, Mr. Anderson?

Honor. MR. ANDERSON: Nothing at this time, your

THE COURT: Mr. Moser?

Honor. MR. MOSER: (Inaudible) case in chief, your

THE COURT: Thank you. You can step down.

Mario Gonzalez. MR. CABALLERO: Department would next call

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: I do.

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. CABALLERO:

Q Mr. Gonzalez, would you please state your full name for the record?

A Mario Luna Gonzalez.

Q And what is your occupation and business address?

A I work for the Department of Children and Family Services, and I'm a -- Child Welfare Service worker.

Q Is that with the Moses Lake office of DCFS?

A Yes, sir.

Q And, how long have you been employed there?

A It will be five years in June.

MR. CABALLERO: And, your Honor, Mr. Gonzalez is testifying as a lay witness, so I'm not going to qualify him as an expert.

THE COURT: Thank you.

Q Mr. Gonzalez, in regards to your occupation did you have an opportunity to interview Maribelle Gonzalez [sic] along with Det. John Philips?

A I did.

Q And, what was the nature of your conversation with Ms. Gomez?

A We went there to interview Mrs. Gomez and her husband in relation to the injuries that Raphael Arechiga sustained in her home.

Q Did -- Were you able to obtain a version of events as to what occurred by the mother?

A We did.

Q And do you recall approximately when you interviewed the mother?

A It was September 10th of 2003 and it was roughly around 5:00 p.m. in the afternoon.

Q Have you also heard the mother's testimony in court regarding what occurred on September 9th of 2003?

A I have.

Q Mr. Gonzalez, when you were interviewing the mother, on September 10, 2003, were there -- was there -- were there additional facts that were provided by the mother to you other than the ones that were provided by the mother during her testimony in court during this trial?

A I believe so. And you covered some of those.

Q In regards to the -- The mother testified during the trial regarding giving the baby fresh air. How was it that she explained that to you when you were interviewing her back in September of 2003?

A I think I'd have to carry you through the sequence of events a little.

Q Let's do that then. Why don't you explain what was the mother's version of events back in September of 2003?

A The mother advised us and law enforcement that she didn't want any confusion so she was going to take us step by step through the -- what occurred that day. She went to the dining room table, placed a chair with the back of the chair to the dining room table and advised us that Raphael was standing in between her legs, Edgar, the younger sibling, standing at her side, and that she was feeding Raphael a bowl of sopa.

She--

Q I'm sorry; a bowl of what?

A Sopa.

Q And what is sopa?

A I would take it to be a bowl of noodle soup.

Q Okay. And please continue.

A She indicated that when the child first -- when she was feeding the child the first bowl of food, and she was -- it was coming to an end, it was becoming empty, the child threw himself back with force, landing on his head, and subsequently hitting his head twice on the ground.

Q And how specific is your recollection about the mother indicating to you that the child had hit himself two additional times?

A I clarified that information with law enforcement because we both took notes on the matter, and mine was very specific, and clarified it again with Det. Philips.

Q And, please continue as to what the mother's version of events was.

A She said, again, the child threw himself down the first time, hit his head, subsequently swung his head back with great force, hitting his head on the floor.

She went down to pick him up and comfort him, and she did, and she comforted him by picking him up. She said she was holding the back of his head, and that he did calm down with her advising him that she was going to get him more food, and she did.

She proceeded to feed the child the second bowl of food, and everyone was still in the same positions, the child between her legs, Edgar standing at her side supposedly. The child, when he noticed that the bowl of food was -- was becoming empty again, or he was getting the last portions, threw himself back again from the standing position and hitting his head on the floor. At that time she said that -- that the sound was horrible, and she seen the child's eyes roll to the back of his head.

She said she picked up the child immediately, lifted him in the air and I believe is what she said that she shook him or threw him up to try to get him to respond, and -- and he was unresponsive.

At that time she said that she went to the back door to get him some fresh air, and he was still not responsive. She indicated she came through the house, out the front door, and went to the neighbor's house.

Q And what occurred at the neighbor's house?

A She--

INTERPRETER: Your Honor,--

THE COURT: Yes.

INTERPRETER: Could (inaudible) a little bit slower (inaudible)?

THE COURT: Yes.--

THE WITNESS: I'm sorry. Yes, sir.

Q And what -- when she took the child to the neighbor's house, what occurred?

A Mom said when she left her home to go over to the neighbor's house that she was in distress and half knocked and opened the door at the same time as she went in the home.

She went in the home. The neighbor met her at the door. She asked the neighbor for some rubbing alcohol, which the neighbor then went to find and brought to Mom. She indicated that she rubbed some on the child, to try to get him to respond with the smell of the alcohol, but he didn't.

At that point Mother said she attempted to suck out, because she thought that not only had the child hurt his head when he flung himself back but also that he may have choked on some food she was feeding him. So she advised us that she tried to suck out whatever food was in the child's airway.

She said that -- that the only response the child was a heaving motion in his throat, but other than that there wasn't anything.

She indicated that at that time she called Murray Twelves and had a conversation about the incident and the child's situation, and that after she talked to Murray Twelves she went to the hospital.

MR. CABALLERO: I don't have further questions.  
Thank you, Mr. Gonzalez.

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THE COURT: Cross examination, Mr. Anderson?  
MR. ANDERSON: (Inaudible).  
THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Mr. Gonzalez, could you please describe what your involvement in this case is, (inaudible)?

A Well, actually, sir, I first became involved on September 9th of 2003, as a Child Protective Services worker. And I was involved in the initial investigation and assessment of safety of the children, which did lead to placement of the children. So I did carry the case under the Child Protective Services position.

I subsequently did obtain a position in Child Welfare Services and the case came to my hands again.

Q You have been involved with the -- the other four children, then, for the past (inaudible) months?

A Yes, sir.

Q Have you had a chance to observe the other children in the home where they are now, (inaudible)?

A I have.

Q Okay. And do you have any concerns with these other children's mental or emotional well-being?

A Of course the family has been through -- This is a hard situation everyone is facing, not just the parents, but the children. And they are receiving counseling to address those concerns.

Q How have they adjusted to the foster home?

A It is my opinion, from talking to them, that under the circumstances they're doing very well.

Q Have they been able to maintain relationships with their parents?

A At this time they're visiting with the parents once a week, for an hour and a half.

Q And, could you describe or characterize these -- the quality of these relationships?

A From my observation of the visit the parents seem to be appropriate in their visits, and there's obvious bonding between them and their children.

Q Do the children seem afraid of the parents?

A No, sir.

Q And do they -- do the children seem to have trouble knowing how to act around the parents?

A I couldn't say that, no.

MR. MOSER: No more questions, your Honor.

THE COURT: Redirect?

MR. CABALLERO: No.

THE COURT: Mr. Anderson, on behalf of mother, follow-up to Mr. Moser's questions?

MR. ANDERSON: Yes. Thank you, your Honor. Maybe one or two.

RE-CROSS EXAMINATION

BY MR. ANDERSON:

Q Regarding -- how many visits have you been able to observe between the parents and the children -- four children?

A To the best of my recollection, three.

Q Okay.--

A Maybe two, but I think it's three.

Q At those visits have the parents brought food -- for

the children?

A They do.

MR. CABALLERO: Thank you. Nothing further.

THE COURT: Mr. Moser, anything else?

MR. MOSER: (Inaudible), your Honor.

THE COURT: Thank you. You can step down.

MR. CABALLERO: And, your Honor, the Department would rest, with the understanding that -- that the Department is not addressing any type of disposition issues; that should be bifurcated depending upon the court's decision upon the Department's petition.

THE COURT: Thank you.

Let's take a ten-minute recess, and we'll take up--

MR. ANDERSON: Actually, your Honor -- at this point -- I wasn't sure exactly how long (inaudible) was going to take. I instructed my client -- last week to talk to all their (inaudible) coming in (inaudible), instructed them to be here between 1:00 and 1:30, (inaudible) take up at 1:30. But (inaudible) she -- I did (inaudible) with Tracy Alvarado, who's a visitation supervisor (inaudible), also be coming in at 1:30. So at this point (inaudible) parents are unable to -- present testimony until 1:30, and we would ask that the court give me a recess until then.

I do -- would like (inaudible) mother (inaudible) to have her basically testify after the other lay witnesses have testified.

THE COURT: Mr. Moser?

MR. MOSER: I believe it's actually Mr. Anderson's case at this point. I don't know if it's (inaudible) jointly. Yeah, that sounds fine.

THE COURT: Are you able to put on Mr. Arechiga for beginning of his testimony?

MR. MOSER: Actually, I think I would be (inaudible) Mr. Anderson (inaudible).

THE COURT: That you would be?

MR. MOSER: (Inaudible). I'd rather wait until 1:30 (inaudible) witnesses.

THE COURT: Mr. Caballero?

MR. CABALLERO: The only concern that I have is -- is with timing. I think last week I indicated that I have testimony until about 11:00. And -- I'm wondering if perhaps the -- the mother can commence her testimony and then be re-called to respond to any further witnesses, because we do have another hour (inaudible) left to go. Or at the court's discretion.

THE COURT: Mr. Anderson, is that convenient?

MR. ANDERSON: It could be, your Honor. You know, I -- I really don't anticipate -- we have basically about half a dozen lay witnesses, and I would be surprised (inaudible) ten, 15 minutes, (inaudible) their observations of the mother with her children. (Inaudible).

THE COURT: Do you anticipate that we'll conclude today?

MR. ANDERSON: (Inaudible) my view, your Honor, (inaudible).

THE COURT: Just a moment.

MR. MOSER: Do you anticipate that we'll conclude today?

MR. MOSER: I don't. And actually I wouldn't

-- I think I -- I could proceed with calling either Ms. Gomez or Mr. Arechiga in the next hour--

THE COURT: Okay.

MR. MOSER: --see how far I get.

THE COURT: Let's recess until 11:15.

Recess

THE COURT: Mr. Moser, you can proceed.

MR. MOSER: Your Honor, father calls Jose Arechiga to the stand.

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: Yes.

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. MOSER:

Q Jose, will you state your full name for the record, please?

THE COURT: I'm sorry. Counsel, use surname, please.

MR. MOSER: Excuse me.

Q Mr. Arechiga, would you state your full name for the record, please?

A Jose Ramon Arechiga Saltero.

Q Will you spell your last name, please?

A It's J-o-s-e, R-a-m-o-n, A-r- -- c-h-i-g-a.

Q Thank you. Mr. Arechiga, what kind of child was Raphael?

A Raphael was a child that would pull his hair.

Q Could you describe to us how -- how he would act?

A Raphael wouldn't stop, or couldn't stop (inaudible).

Q And what do you mean by that? "wouldn't stop" (inaudible)?

A He would run everywhere.

Q What else would he do besides run?

A He did a lot of things.

Q Could you give us some examples?

A He would pinch himself. He would bite his burns where he had burned himself. He would (inaudible) ear, the right ear.

Q Did the other children act like him at all?

A No.

Q How did the other children act?

A Different.

Q What about Raphael's eating? Was that at all different from the other children?

A Yes. He couldn't stop eating.

Q What do you mean, he couldn't stop?

A Well, he wouldn't stop eating. He wanted more; he wanted more.

Q What if -- what if he didn't get any more food? What would he do?

A He would throw himself back.

Q How -- how would he throw himself back?

A He would let himself go back on his head.

Q What else would he do if he wasn't given more food when he wanted more food?

A He would hit whatever it was, whichever way it was.

Q You've seen him throw himself back?

A Yes.

Q How many times have you seen him throw himself back?

A I couldn't tell you how many times. I've seen him a

lot of times.

Q Did you ever see Raphael injure himself?

A Yes.

Q When?

A I couldn't tell you exactly what day it was, but I -- you know, did see him eating the scabs off his burned hand.

Q When Maribelle was in the hospital with Edgar, Raphael injure himself, how did you -- what did you do when he injured himself?

A I took him to the hospital.

Q Did they ask you questions at the emergency room?

A They asked me questions, but I don't know English.

Supposedly the doctors thought that I was suspicious.

Q Did they have an interpreter there?

A They did not have an interpreter.

Q Were you able to answer their questions?

A I didn't answer anything.

Q Mr. Arechiga, how do you relate to the other children?

A We get along very well despite the fact that they're not my children. Very well.

Q Do you act as a father to all four of them?

A Yes.

Q How does Maribelle treat them?

A Very well.

Q What involvement have you had with CPS?

A Okay. We've been involved -- CPS -- Raphael was born.

Q What things has CPS required you to do?

A We've done everything that CPS has asked us.

Q Do you remember what that stuff was?

A I went to the classes--

INTERPRETER: And the interpreter did not understand the terms. It's some counseling classes.

Q Was there anything else that you remember that CPS had (inaudible)?

A Urine tests. We're going on two years or more, doing those tests.

Q How many times did CPS take Raphael out of your home?

A Two.

Q Did they ever take the other children out of the home?

A Yes, for five days.

Q Mr. Arechiga, were you afraid that CPS would take Raphael away if anything else happened to him?

A Well, yes, because they never gave us the necessary assistance. Any time we went to ask them for assistance, Mr. Murray Twelves there, supervisor -- yeah, his supervisor -- and we were conversing there, and -- the supervisor yelled at us that we were asking too much for my son, that we had to get used to that the child was like that already.

Then what I did -- what I didn't like was the fact that she yelled at Maribelle in front of the children and Mr. Murray Twelves. Supposedly they're professionals, and (inaudible) could see that she was -- that lady (inaudible) professional. Where is her professionalism?

MR. MOSER: Thank you.

MR. CABALLERO: Your Honor, I'm going to object and move to strike, first of all relevance, and second, unresponsive to the question -- not dealing with CPS or DCFS professionalism.

MR. MOSER: (Inaudible) clarification--

THE COURT: Just a moment. The objection is

overruled; the motion to strike is denied.

Go ahead.

Q Mr. Arechiga, I forgot to ask you a question. How did -- how did Ms. Gomez deal with Raphael's behavior?

A Fine. Good.

Q What things would she do to -- to compensate for his (inaudible)?

A She would (inaudible) things, (inaudible), "Mama" and "Papa," and the names of the colors. She tried to keep him busy also.

Q How would Ms. Gomez respond to him picking the scabs, (inaudible)?

A She would tell him to "No," not do that.

Q How would she respond to him eating so much?

A He would get angry. And that's when he would throw himself back.

Q How would she respond to him throwing himself back?

A She told him that that wasn't right.

Q Mr. Arechiga, are the other four children well mannered?

A Yes.

Q Is that due to the upbringing given them by Ms. Gomez?

A Yes.

Q How successful was Ms. Gomez at teaching Raphael

(inaudible)?

A What do you mean, "success?"

Q Did Raphael seem to learn to (inaudible) better?

A No.

Q Why do you think that is?

A I don't know why that would be. I noted that my son was not -- not right.

INTERPRETER: Excuse me, your Honor. The interpreter -- the expression (inaudible) could either be "not right" or "not well."

THE COURT: Thank you.

MR. MOSER: Your Honor, I don't have any more questions.

THE WITNESS: Is that it?

THE COURT: One moment.

MR. MOSER: (Inaudible).

THE COURT: Probably most sense to ask you to inquire at this point, Mr. Anderson.

MR. ANDERSON: I believe so, your Honor. Thank you.

#### CROSS EXAMINATION

BY MR. ANDERSON:

Q Mr. Arechiga, when did Raphael first begin exhibiting these odd behaviors or these (inaudible)?

A Since he started walking.

Q Okay. And you said that Raphael had been removed from the home twice; is that correct?

A Uh-huh.

Q Is that including the time he was taken directly from the hospital after he was born?

A Yes.

Q Okay. And, do you recall how old he was when he started walking?

A No, I don't (inaudible).

Q Was there a time when he was in your home when he was having (inaudible) normal behavior?

A No.

Q Okay. Now, you had previously testified to your

attorney that -- you had spoken to, you said, spoken to CPS, spoken with Mr. Murray Twelves, about Raphael's behavior; is that correct?

A Yes. We told him how my son behaved. He -- he would arrive at our home, you know, surprise us there to observe the child.

Q Okay.

A All the workers -- all of the workers (inaudible) visited us and we had -- had -- including a family counselor. He would visit -- any time.

Q About how many times, if you can give a number to it, did you speak to somebody at the Department regarding your concerns about Raphael's behavior?

A Maribelle and I would go.

Q Okay. I guess my question was, do you remember about how many times you said something to somebody at CPS regarding your concerns of Raphael's behavior?

A I don't remember which, but we told them a lot of times.

Q Okay. What was their usual response?

A They never gave us an answer except that time when the supervisor yelled at us that they couldn't do anything -- until the child was three years old.

Q Okay. Did they say what would happen when Raphael was three?

A We told them that something, you know, could happen to the child if we had to wait until that time, (inaudible) the things that he did.

Q Okay. My question to you, sir, is, what were they going to do when Raphael turned three? Why were they waiting until he was three?

A I don't know (inaudible).

Q Okay. After you had a chance -- (Inaudible).

You have had the opportunity to observe Maribelle Gomez with her children, correct?

A Uh-huh.

Q Based upon what you've seen her do, and the way you've seen her act, what kind of a mother would you say she is (inaudible)?

A She's a good mother.

MR. ANDERSON: Okay. Thank you. I don't believe I have any further questions. Mr. Caballero may.

THE COURT: Cross on behalf of the Department?

MR. CABALLERO: Thank you, your Honor.

CROSS EXAMINATION

BY MR. CABALLERO:

Q Sir, you've indicated that you did not feel that the Department offered you the services that your family needed, correct?

A Could you repeat?

Q I'll rephrase.

You feel that the Department did not offer you services to be able to get a handle on Raphael's behaviors, correct?

A --deal with Raphael.

Q Let me rephrase.

Do you feel that the Department offered you the services that your family needed to understand what was going on with Raphael's behavior?

A No.

Q You received counseling, correct?

A Yes.  
Q You received a psychological evaluation, correct?  
A Yes.  
Q You received an anger -- not an anger, a substance abuse evaluation?  
You -- Let me -- Do you understand my question?  
A No.  
Q You received an evaluation about drug and alcohol use.  
A Oh. Yes.  
Q You also received treatment for drug and alcohol abuse?  
A Yes.  
Q And as part of that you were providing urinalysis samples for testing.  
A Yes.  
Q The Department was also sending home-based service worker Gracie Alvarado into your home to help you with your family -- Strike that -- to help you with Raphael.  
A That she was working in there to help us?  
Q Yes.  
A Yes.  
Q And Raphael was being seen by doctors for his health, correct?  
A For what we wanted there wasn't a doctor.  
Q You testified previously that the doctors that were seeing Raphael weren't giving you the help that you needed to control Raphael, correct?  
A Yes.  
Q What is it that you think should have been offered to either you or Maribelle or Raphael that was not offered by the Department?  
A Special help for my son.  
Q To be seen perhaps by a doctor with a specialty?  
A Yes.  
Q And you were present when Dr. Verhage testified about the referral to the neurologist Dr. Dixon, correct?  
A What?  
Q Do you understand -- Strike that.  
Is it your understanding that Raphael was seen in January of 2003 by neurologist Richard Dixon?  
A I don't know where that doctor's from.  
Q What you were hoping for as a parent was for a doctor or other specialist to be able to find out why was wrong with your child, correct?  
A Yes.  
Q You testified that Raphael's odd behaviors began when he started to walk.  
A Yes.  
Q How old was Raphael when he started to walk?  
A I don't remember (inaudible).  
Q Did -- when did Raphael start to walk in terms of a date?  
A I don't -- Like I said, I don't know.  
Q Was it the first time that he was placed in your home after June of 2002 and before he was removed for the five days in September of 2002?  
INTERPRETER: I'm sorry; the interpreter--  
Q --in September of 2002?  
A That he started walking?  
Q Yes.  
A He started walking when he was in our house.  
Q Was it when he was first returned into your care

during that period of time?

A It was when he was at home already, when they gave him back to us.

Q Did you ever ask Murray Twelves to remove Raphael from your care and Ms. Gomez's care because your family was unable to keep the child safe?

A No.

Q Despite the difficulties that you were experiencing with Raphael, you felt that Ms. Gomez and you could handle the situation and keep him protected, correct?

A Yes, we could.

Q The scab-eating behavior on the hand, was that a problem that persisted until the child's death?

A Yes.

Q Was Raphael -- strike that.

Did you or Ms. Gomez seek medical treatment for the problem with the scabs -- and that being with a doctor?

THE COURT: Don't answer, please.

The question, "problem with the scabs" is vague. If you'd rephrase, please.

Q Did you have Raphael seen by a doctor when he first burned his hand?

A When he burned his hand?

Q Yes.

A No, because that wasn't very serious. We tended to his hand.

Q And how was it that you tended to his hand?

A We'd doctor it.

Q Did you take care of it, or did Ms. Gomez take care of it?

A Both.

Q Did you put an ointment on the wound?

A Yes, we -- medicine, what we Mexicans use.

Q Which is what?

A For a burn.

Q And which is what?

INTERPRETER: That's a term -- I'm not -- I must not be very Mexican. (Inaudible); I've not heard that term before.

THE COURT: Repeat your answer, please.

A It's some sort of white powder applied for burns (inaudible).

Q Would you bandage his hand?

A Yes. -- a sock, or -- so he wouldn't hurt it more.

Q Would he take off the bandages?

A Yes, he would (inaudible).

Q Did he start eating the scab on the wound immediately after the scab was formed over the wound?

A Yes, he would pinch--.

Q He would pull off the scab?

A Yes, he would -- remove it all completely.

MR. CABALLERO: I don't have further questions.

Thank you.

THE COURT: Will you want to address redirect?

MR. MOSER: Yes, your Honor. And I think I can do it in a couple minutes.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. MOSER:

Q Mr. Arechiga, what were you concerned might happen if CPS did not provide additional help as you had asked?

A That something serious like what occurred would happen.

Q Mr. Arechiga, you testified to quite a bit about Raphael's behavior. Who else was able to observe this same behavior?

A I have friend that saw that.

Q What is that friend's name?

A Joaquin Valenzuela is his name.

Q Anyone else?

A Mr. Jorge Chacon also saw Raphael's behavior. He was the -- family counselor.

Those were (inaudible) from the visits.

MR. MOSER: Your Honor, I'm going to hold off on this.

THE COURT: That's fine. We can recess until 1:30. You can step down, Mr. Arechiga.

THE WITNESS: Okay.

THE COURT: Before we conclude -- before we conclude the hearing I'm going to want to ask Mr. Gonzalez a question that may require some research in order to answer. And I say that in order to give him an opportunity to do that research, without knowing whether or not others would ask him or someone else the question.

---

What I'm going to want to know is between Raphael's last return from foster care in March of 2003 until his death how many times was he seen by mandatory reporters, who were they, and whether any of those people ever reported any suspicion of abuse or neglect during that time.

Anything else for the record, folks?

MR. MOSER: No, your Honor.

MR. ARECHIGA: Your Honor, (inaudible) all the records of all the people (inaudible) visit us in our home.

THE COURT: You should discuss that with Mr.

Moser.

Okay? We'll be in recess until 1:30.

MR. CABALLERO: Thank you, your Honor.

Recess

AFTERNOON SESSION  
February 26, 2004

THE COURT: Good afternoon. Please be seated. Okay. Do you want to continue with your examination of Mr. Arechiga, or do we want to shift the focus, here?

MR. ANDERSON: If we could. We do have one witness, Christy Alvarado, who would be (inaudible). If we could take her right now. That way she can be done, go back (inaudible).

THE COURT: Any problem, Mr. Caballero?

MR. CABALLERO: No, your Honor.

MR. MOSER: I think it might be (inaudible). I've just got like two questions for (inaudible) Arechiga--

THE COURT: Fine.

MR. MOSER: --and then Mr. Anderson can proceed with his case.

THE COURT: That's fine. If you'll -- Mr. Arechiga, if you'll please resume the stand. You're still bound by your oath.

Please be seated.

REDIRECT EXAMINATION  
(continued)

BY MR. MOSER:

Q Mr. Arechiga, what would you like to see happen with your four children?

A Return them to our home.

MR. MOSER: Okay. Your Honor, (inaudible) three photographs--.

THE CLERK: Respondent's Exhibits 3, 4 and 5 have been marked for identification.

Q Mr. Arechiga, what -- what is that a picture of?

THE COURT: You've handed him, for the record, which number?

MR. MOSER: Exhibit 3.

THE COURT: Thank you.

A It's a photo of a visit. I don't remember what day it was -- We brought this, their gift. This is Valentine's Day.

Q And do you remember who took that picture?

A I believe it was taken by the one who brings the children to the visit.

MR. MOSER: Your Honor, I'd like to submit Exhibit 3 as evidence.

THE COURT: Any objection?

MR. CABALLERO: No.

THE COURT: 3 is admitted.

MR. MOSER: Your Honor, I'm showing the witness what has been marked Exhibit 4.

Q Mr. Arechiga, will you tell us what that is a picture of?

A It's Julianna's birthday.

Q Do you remember who took that picture?

A Yes. The same.

Q Okay. Thank you.

MR. MOSER: Your Honor, I'd like to submit Exhibit 4 into evidence.

MR. CABALLERO: No objection.

MR. ANDERSON: No objection.

THE COURT: 4 is admitted.

MR. MOSER: Your Honor, I'm showing the witness what has been marked as Exhibit 5.

Q Mr. Arechiga, will you tell us what that is a picture of?

A This photo (inaudible) visit.

Q And do you remember who took that?

A Yes. Also the same person.

Q Okay.

MR. MOSER: Your Honor, I'd like to submit Exhibit 5 into evidence.

MR. CABALLERO: No objection.

MR. ANDERSON: No objection.

THE COURT: 5 is admitted.

MR. MOSER: Your Honor, I don't have any more questions of Mr. Arechiga at this point.

THE COURT: Will you have any further cross, Mr. Anderson?

MR. ANDERSON: No, your Honor.

THE COURT: Mr. Caballero?

MR. CABALLERO: No.

THE COURT: Thank you, Mr. Arechiga. You can step down.

MR. MOSER: And, your Honor, it is the intention of the father to let Mr. Anderson proceed with his case.

THE COURT: Mother may call her first witness.  
MR. ANDERSON: We would be calling Gracie Alvarado to the stand.

THE COURT: Please raise your right hand.  
Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: (Inaudible).

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q would you please state your full name and spell your last name (inaudible)?

A Gracie Alvarado. It's A-l-v-a-r-a-d-o.

Q Thank you. Ms. Alvarado, can you please give the court your business address?

A It is 1620 Pioneer Way, South Way, and -- Suite A. Division of Family and -- Division of Family Services.

Q Is that in Moses Lake?

A Yes, in Moses Lake.

Q And what is your occupation?

A I'm a home support specialist there at the Division of Children Family Services.

Q Okay. And as a home support specialist what does that entail?

A I get referrals from the caseworkers to try and help them out with the situation. That varies in each family. And service them in all kinds of services and trying to get resources to better the situation they're in.

Q When you say "them," you're referring to--

A The clients--

Q --dependent children, right?

A Yes. To the clients.

Q Okay. In your service as a home support specialist have you had an -- have you had occasion to go to the home of Maribelle Gomez and Jose Arechiga?

A Yes, I have.

Q And, when did you first work with them as a home support specialist?

A It was about two years ago, bringing in the child for visits.

Q Okay. So you -- provide transportation for, I guess, Raphael--

A Yes, I did.

Q --to their home, and -- for a visit?

A Yes, I did.

Q would you stay there during the visits?

A I would stay there, supervise the visit.

Q Okay. Based upon -- (Inaudible). How long were you working with the family -- home support specialist?

A For about almost two years.

Q Okay. were you still the home support specialist when Raphael passed away in September?

A Yes, I was.

Q And after that, when the other children were taken -- were placed into foster care -- Child Protective Services, did you also provide transportation for the children to visits?

A I did for just two weeks.

Q Okay. During the time that you were -- when you were working with Maribelle Gomez and Jose Arechiga, did you have an opportunity to observe them interact with Raphael and with their other children--

A Yes, I did.

Q And, how would you -- (inaudible) -- what kind of a parent would you say that Maribelle was, based on your observations?

A During the time that I worked with Maribelle I felt that she had good parenting skills. She showed good cooperation with me, and -- the material I brought in in Spanish was also used.

Q Okay. You said you -- you provided transportation for about the first two weeks of the dependency of the four other children. Were these visits, did they take place at Maribelle Gomez's home, or did they take place elsewhere?

A Elsewhere.

Q Okay. For those visits, did the -- did the parents bring food,--

A Yes, they did, uh-huh.

Q Okay. During the time that you were -- working with the family, (inaudible) Raphael's dependency, did you ever have an -- did you ever observe any what you would determine as being odd behaviors (inaudible) Raphael, that you can recall?

A Just thinking about the odd behavior, what you're--

Q Did you ever see him--

A Unusual behavior? Or--

Q Unusual behaviors.

A Just when bringing him into the home, there were some visits during my visit that he would show a little anger, frustration, and confusion, so he would act up sometimes -- not continuous. But only in the feeding, he would want to be fed more, and so I observed him at one time crying when almost his food would end, you know, when he didn't have enough food -- that he felt he didn't have enough food.

Q Do you know -- other than cried when the food looked like it was going to run out (inaudible)?

A He wanted to go and, at the same time as crying, to bite Maribelle, because he didn't have enough food, and so she'd try to feed him and he would try to bite. She would discipline him at the very minute, and stop that behavior.

Another time I observed him trying to just pinch himself. And she would stop that too.

Q Okay. Did you ever observe him do anything else to himself, (inaudible) himself, such as pulling his hair--

A He pulled his hair. Just a little, you know, because he was aware that Maribelle would be there to -- to stop that. So he would try and sneak and pull his hair, and--

Q Okay. Did you ever observe him do anything else such as picking scabs off of his body?

A No. Not that I remember on that.

Q Did you -- do you ever recall Maribelle Gomez or Jose Arechiga expressing concerns to you about things that he was doing (inaudible)?

A Yes. During my visit they would express a concern of his behavior.

Q And do you recall what sort of things they were (inaudible)?

A Well, during that she didn't have enough sleep because he was awake, and I didn't observe this but she would talk to me about this and she would do express a concern on that.

Q Okay.

MR. ANDERSON: Thank you. I don't believe I have any further questions for you. Maybe one of the other attorneys will.

THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Alvarado, what kind of training do you have in social work?

A I have a -- I've been to the academy of CPS for children's services. And I have -- Is that the training? There's a lot of training in that--

Q --you know,--

A There's a lot of--

Q --(inaudible).

A There's a lot of training in that. And I have numerous hours of child development and health care and social skills and -- helping the families in that way.

Q All right. How many years have you been working (inaudible)?

A 14-1/2 years.

Q 14-1/2 years. A question was touched on, -- Did Raphael act differently than the other children?

A I would think he did.

Q Let's see. And, did you ever see him hurt himself?

A Just on the -- trying to pinch -- like I mentioned, Maribelle would be very careful to stop him, and that -- I think -- it was almost that she'd had discipline at -- had a lot of discipline before, on -- on that, on the issue of him hurting himself.

Q Do you think -- do you think he was doing this sometimes just to get attention, (inaudible)?

A I'm not, you know, real sure on -- on what he was going through. But in observing other children on my cases, and having to go from one foster parent to home, and going back and forth on this, and then staying home, I see a lot of -- that kind of behavior, that they get a little frustrated, angry.

Q The child does?

A In some cases, on my -- in the children that I transport, and (inaudible) home that I'm working with the families. And then when they're home there, then I see the behavior.

Q Do you consider -- that Ms. Gomez's response was the appropriate response -- his behavior?

A I really don't know how to answer that, or how -- what -- if I feel that she's responsible for his behavior?

Q No. No, I didn't say--

A Or, what -- or what?

Q --responsible--

A I didn't--

Q You testified that Ms. Gomez responded to him trying to hurt himself by stopping him immediately--

A Oh, yes, she responded, uh-huh--

Q --correcting him or disciplining him. Do you consider

that to be the appropriate response?

A Yes, I do.

Q What -- what was the purpose of your visits to their home?

A To bring in -- protection skills, safety, in the home, and to observe the visits, how it went with the interaction of the parents, the bonding. And, as I worked with her I find out that, you know, that maybe she needed some social skills, also, that I would also bring in with her. And other resources that would help the family with the -- with educational and -- probably getting some -- at one time, educational with her with the English language, and she was doing very well with that.

Q She was doing well--

A Well, uh-huh.

Q What kind of things would you be on the lookout for during these visits?

A The safety? Issues, as--.

Q Sure.

A Okay. On that, it's the home they were in, and see how the -- cleaning chemicals were kept, where they were kept, (inaudible) Raphael if he started crawling, we would -- I would look into that. And how -- the home, how small it was, and how -- how he was able to get from one place to another if he was crawling, right, and -- the gate, if there was a gate needed.

Q And what observations did you make of the home, as far as (inaudible)?

A Overall? Or--

Q The things that you were just talking about. You were just talking about a couple factors--

A Okay. We talked about the kitchen cabinets being open, and one was broken. And the safety of a playpen, if it would be used, if it would be to -- Raphael's benefit. And all of this was -- we were trying to work on all that.

I did see a gate on there at one time. She didn't feel that the gate -- from where the kitchen was to where the wall was, we wouldn't -- we couldn't figure out how to connect two gates. And so we were working on them kind of issues.

Q Did you form any concerns about the safety of the other four children?

A No. I--.

Q Did you have concerns about (inaudible) any danger (inaudible)?

A During my visits to the home? While the child was placed there?--

THE COURT: (Inaudible).

A Or any time? Is that the--

THE COURT: The question is, did you have any safety concerns in regard to Raphael. Was that your question?

MR. MOSER: Yes.

A That I could see, only the -- of him walking and he always would trip over his own feet. And so I was concerned on the kitchen part, without having that same -- you know, (inaudible) bringing up the gate part, the safety gate being placed there.

Q You testified that you saw Raphael hurt himself in some ways, or do things to himself that would normally -- (inaudible). How did he respond to pain?

A He--

Q I'd rephrase that--

THE COURT: Go ahead.

Q Did he seem to have a normal response to pain?  
MR. CABALLERO: Objection. Form of the question. Beyond the scope of this witness's expertise.

THE COURT: Overruled. The question is what you observed in that regard.

A During the visit what I observed? He wasn't -- That I could see he wasn't hurting himself enough to cry; it was just starting to -- just little pinch. But he wasn't -- enough to draw blood, or anything like this, that I could see him getting hurt and cry.

Q Okay.

MR. MOSER: Your Honor, I don't have any other questions.

THE COURT: Cross examination, Mr. Caballero?

MR. CABALLERO: No.

THE COURT: Anything further?

MR. ANDERSON: Nothing further, your Honor.

INTERROGATION

BY THE COURT:

Q Ms. Alvarado, did you ever see Raphael appear to pitch himself backwards from a standing or sitting position; in other words, sort of throw his upper body and head into the floor, or into whatever was behind him?

A No, I don't recall ever seeing him do that.

Q You testified about working with this family over about a two-year period. So that I can understand this, can you estimate about how many times you've been in their home?

A Okay. I did my visits once a week, and at the time I say over two years because there was a time where I didn't work with the family. It was with foster care, and then I left -- I left -- the services, because of the way my services are it's every three months, and then if there's a continuance for services then they continue six months. So then I had termination because everything was going fine with the visits, (inaudible) transporting the child, everything was going fine, that I -- if I recall that was why I terminated then.

And then, after (inaudible) happened that I wasn't aware of, and was, because I was with other -- you know, I have other -- other clients that I pick up after I drop one, at that time I was called back and requested that I go back into the family. At a period of -- I'm not sure how many months it was. And then I went back in the family and helped them again -- service -- to transport the child back in the home.

Q Okay. I want to clarify a couple of things you've just said.

Part of your role, at least at one time or another, was to be a visitation supervisor, right?

A Yes, and education too, on materials on the -- according to the family--

Q Okay. But what I want to do is just try to isolate--

A Oh.

Q There was a time when you were bringing Raphael for visits.

A Yes.

Q You were transporting him?

A Uh-huh.

Q During those times did you do something other than just supervise the visit?

A Yes, in the home.

Q Okay. Then there was the time when Raphael was back in the home, so he didn't need to be transported for visits. During that time did you visit the home?

A Yes, I continued visiting in the home.

Q As a home support specialist?

A Yes.

Q All right.

A Uh-huh.

Q And then there came a period of time when your services to the family expired and you moved on to other cases.

A No; at the second time I stayed there, until the death of Raphael.

Q Okay. By the -- when he was returned home after your initial working with the family, when he was returned home--

A Uh-huh.

Q --did your services stop then?

A When he was returned home, no, I continued going into the home.

Q And then there came a time when you no longer did that, right?

A That was the time when -- the death of Raphael. Then I left.

Q Okay. I'm -- Now I'm--

A --confused?

Q --really confused. A minute ago you said--

A Yes.

Q --there was an interruption--

A Well,--

Q Now, let me finish.

A Okay. All right.

Q You said there was an interruption--

A Uh-huh.

Q --two-year period. Now you've led me to think that you were working with the family the whole time.

Because Raphael was--

A Uh-huh.

Q --placed in foster care at the time of his birth.

A Yes.

Q And then after a period of time in foster care he was returned to the home.

A Okay. During the foster care, I went from the foster parents' home, I would go and make visits, and transport Raphael for visits in the home.

Q Okay. Then when he was returned home, after that initial foster care, did there come a point when your services to the family stopped?

A I think it's when -- Okay, I'm going to -- just right there where he goes back--

Q Uh-huh.

A --and forth with me, from the foster parents' home, okay, that's when I let go of Raphael, from there, because -- he wasn't -- he was placed in the home, but then later when he got hurt, on his first accidents, with his broken leg,--

Q Uh-huh.

A --that's when he was back into the foster home. And that's when I was called back in--.

Q Okay.  
A I was called back into service--  
Q All right. So, you -- you worked with the family during his initial foster care--  
A Uh-huh.  
Q Then there came a time when that stopped.  
A Yes.  
Q Then when he went back into foster care your work resumed, and then it continued until his death?  
A Uh-huh.  
Q Okay.  
A Yes. I'm sorry.  
Q No; that's all right. We're clear on that.  
Can you estimate for me how many times you were in the Gomez-Arechiga home during all of that time?  
A I'm sorry. I had it written down, so--  
Q I'm looking for an estimate.  
A Okay.  
Q In other words, would it be closer to five or 50?  
A I would think -- well, -- It was about like thirty.  
Q Okay.  
A Uh-huh.  
Q About 30 times?  
A Yeah.

Q During any of those visits did you observe any conduct directed -- conduct toward any of the children, or any circumstance which you felt was indicative or gave you concern for abuse or neglect, of any of the children?  
A No, during my times, no. My visits.  
Q Okay.

THE COURT: Thank you. I hope I didn't sound too harsh. I was just--

THE WITNESS: No. I just was -- I know. I probably mixed you up a little bit myself.

THE COURT: --trying to get clear.

THE WITNESS: Yeah.

THE COURT: Okay.

THE WITNESS: That's fine.

THE COURT: Any other questions?

MR. CABALLERO: No, your Honor.

MR. ANDERSON: None.

MR. MOSER: No.

THE COURT: Thank you. You can step down. May this witness be excused?

MR. ANDERSON: Yes, your Honor.

THE COURT: Mr. Caballero?

MR. CABALLERO: Yes.

THE COURT: Thank you, Ms. Alvarado. You're free to stay or leave as you see fit.

MR. ANDERSON: Some of the witness (inaudible) -- I apologize to the court in advance. The mother knows them by their first name, is not quite sure of the last name. So some I might (inaudible) just by their first names--

THE COURT: All right.

MR. ANDERSON: (Inaudible) calling, your Honor, is Rosa Velasquez.

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS (through interpreter): (Inaudible).

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Good afternoon. Could you please state your full name and then spell your last name for the record?

A Rosa Velasco.

Q And could you please spell your last name?

A V-e- -- in Spanish -- l-r-a-s-c-o.

Q Thank you. And, can you give your address as well?

A 255 H Street Northeast, Ephrata.

Q Thank you. Do you know Maribelle Gomez -- Jose Arechiga?

A Yes.

Q And how do you know them?

A Their little girl, Maribelle, is friends with my little -- school, and they are very good friends.

Q Okay. How long have you known them?

A More or less a year.

Q Okay. Have you -- have you had an opportunity during the year that you've known them to be in their home?

A Yes. Yes, I've gone--.

Q About how many times would you say you've been in their home?

A I've gone about three times.

Q (Inaudible). When was the last time?

A I don't remember the last time I went.

Q Okay. Have you ever met their little boy who passed away, Raphael?

A Okay. The first time that I visit them I met all the children but I -- I didn't know -- I couldn't tell which one was Raphael.

Q Okay. Fair enough.

When you -- when you'd go to their -- how long would you -- would you be there in their home?

A I would be about an hour, because I would be taking my little girl to play with their little girl.

Q Okay. Was there -- Did you ever see any behavior in any of their children that you thought was odd, or different?

A Okay. Tell you the truth I didn't concentrate on the children. And what I saw in them was a normal family.

Q Did you ever -- have a chance to see Maribelle Gomez discipline any of her kids, or, interact with (inaudible)?

A No.

Q When -- when your daughter was there visiting, were you at the same time visiting with Maribelle Gomez, or were you watching your daughter? (Inaudible) both?

A (Inaudible) were to take my little girl, you know, to play with her little girl, and at the same time I would visit with Maribelle Gomez.

Q I believe you've already stated this (inaudible) that I heard you correctly. Did you state that as far as you could tell that the children were normal children?

A Yes.

Q Were they -- did they seem to be happy children?

A Yes. Like all children.

MR. ANDERSON: Thank you. I don't think I have any further questions.

THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Velasco, was this Julianna or Maria that your little girl was friends with?

A Julisa -- Julisa is my child.

Q Who was -- who was your child friends with?

A Maria Guadalupe.

Q How did -- How did Maribelle behave toward her daughter?

A Good, because she even told her little girl to my home and -- and I noticed that she treated her little girl fine.

Q How did Maribelle behave toward your daughter?

A Oh, fine, because my little girl talks a lot about Maria, and her mom, you know, and -- and the other children also, but mostly about Maria, because they're, you know, they're the ones -- friends.

Q Would you have any reason not to leave your daughter in Maribelle's care for an afternoon?

A I don't think I would not have any problems with this, because my daughter has never mentioned about any problems or anything like that when she stayed, you know, (inaudible) Maribelle.

Q In your time at Ms. Gomez's house, did she ever act in any way toward her children that gave you any concern?

A No.

MR. MOSER: Your Honor, I don't have any more questions.

THE COURT: Thank you. Cross, Mr. Caballero?

MR. CABALLERO: (Inaudible).

THE COURT: Uh-huh.

CROSS EXAMINATION

BY MR. CABALLERO:

Q Ms. Velasco, my name is Tom Caballero, and I represent the Department of Social and Health Services.

Are you aware of the autopsy findings regarding Raphael Arechiga-Gomez's death?

A No.

MR. CABALLERO: I don't have further questions.

THE COURT: Redirect?

MR. ANDERSON: (Inaudible), your Honor.

THE COURT: Mr. Moser?

MR. MOSER: (Inaudible).

THE COURT: May this witness be excused?

MR. ANDERSON: Actually -- I think, your Honor, (inaudible) borrow the interpreter for just one second to see if my client has any (inaudible).

THE COURT: Any other questions?

MR. ANDERSON: No, your Honor. (Inaudible).

THE COURT: Thank you, Ms. Velasco. You can step down. You're free to stay or leave as you see fit.

MR. ANDERSON: Your Honor, the next witness we'd be calling would be Chavela Orozco.

THE COURT: Please raise your right hand.

Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS (through interpreter): Yes.

THE COURT: Thank you. Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Good afternoon. Could you please state your full name?

A My name is Maria Estabel Orozco.

Q Okay. Ms. Orozco, could you please spell your last name for the record?

A O-r-o-c-c-o.

Q Okay. And could you give your--

THE COURT: Excuse me. Is that correct? Or is it O-r-o-s-c-o?

THE WITNESS: It's z-o.

THE COURT: Thank you.

Q Ms. Orozco, could you please give your address to the court as well?

A It's 484 Eighth Avenue Southeast, Ephrata, Washington, 98823.

Q Thank you.

Do you know Maribelle Gomez and Jose Arechiga?

A Yes.

Q And how do you know them?

A We used to live in some apartments and we were already living there when they -- they moved there.

Q Okay. Are you still living in those apartments?

A No. I lived there for three years, and last year -- I just moved last year there to a home that we are now buying.

Q Okay. So was it, you say last year, was it about this same time last year that you moved?

A We moved in November.

Q Okay. So, this last November?

A This November we -- It's been a year this November--

Q Okay. So it would have been November of 2002?

A Yes.

Q Okay. Before that time when you lived in the same apartment complex as Ms. Gomez and Mr. Arechiga, how often during the week would you say you'd be -- you'd see them (inaudible)?

A I would say almost daily, because their apartment was right in front -- across from ours. So I would see them coming and going, you know, going out, (inaudible) the children would be going out to play, and then when the children were out playing then I'd go out and, you know, converse with her, (inaudible).

Q Okay.

THE COURT: Excuse me. Ms. Orozco, because of the interpreter's work, will you please answer in shorter phrases?

THE WITNESS: Uh-huh. Yes.

Q Would you have -- did you ever have a chance to go into their home and spend some time in their home with them?

A Yes.

Q And were they ever spending time over in your apartment?

A Sometimes Maribelle would go to my apartment and spend, you know, a while, (inaudible).

Q Okay. Did you ever have an opportunity to see Maribelle discipline any of her children?

A No, I always saw that she treated the children well and normal. I didn't see any -- anything.

Q Okay. How did the children seem to you over all?

A Fine. I saw them just like any other child.

Q Okay. Did any of them ever seem to you to be -- Strike that.

Did you ever have an opportunity to see Raphael

Gomez?

A Yes.

Q And, how would you describe Raphael?

A Okay. Well, the times that I saw him I saw him fine. I never noticed anything wrong (inaudible). I saw him fine.

Q Okay. You said that (inaudible) to you.

A Yes.

Q Did they seem happy?

A Yes. The children looked fine.

MR. ANDERSON: Thank you. I don't believe I have any other questions for you. Some of the other attorneys may.

THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Orozco, when did you stop living across from Ms. Gomez and Mr. Arechiga?

A In November when I moved.

Q How long did you live across from them before that?

A Almost three years.

Q Do you have children?

A Yes. I have one.

Q And, -- one child?

A One.

Q Did Ms. Gomez ever look after your child (inaudible)?

A No. No, but I would take my little boy to -- over there to play -- played with his little girl, because -- or, little girl, and my little boy, about the same age. So they -- they would play together. So--.

Q How did Ms. Gomez behave toward your little boy?

A Very well. When he went over she would offer whatever she gave her children and he treated my child very well also.

THE COURT: I'm sorry. Is your child a boy or a girl?

THE WITNESS: Boy.

THE COURT: Thank you.

Q Did you ever see Ms. Gomez behave toward her children in a way that caused -- gave you concern?

A No, -- No, because as far as I saw, what I saw she took good care of them, you know, -- I would go over there for a while and then after a while she would -- she would feed them, and give them -- you know, take care of them -- took good care of them.

MR. MOSER: Thank you. That's all I have--

THE COURT: Mr. Caballero?

MR. CABALLERO: Just to clarify the record.

CROSS EXAMINATION

BY MR. CABALLERO:

Q Did your boy play with Maria or Julianna?

A (Inaudible).

MR. CABALLERO: I don't have further questions. Thank you.

MR. ANDERSON: Your Honor, -- I guess (inaudible).

THE COURT: Any further questions, Mr. Anderson? Or on behalf of mother?

MR. ANDERSON: No, your Honor.

THE COURT: Mr. Moser?

RE CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Orozco, did your little boy ever play with Raphael?

A No, because -- No, because he was little, or younger, you know, and since -- I didn't let my little boy play too much with him because since he was smaller than -- was smaller than he was, I didn't want him to, you know, maybe hit him or play with him like he would the children that were -- like the children that were older.

THE COURT: Anything else?

MR. ANDERSON: No.

MR. CABALLERO: No, your Honor.

THE COURT: May this witness be excused?

MR. ANDERSON: Yes, your Honor.

MR. MOSER: No objection.

THE COURT: Thank you, Ms. Orozco. You can step down. You're free to stay or leave as you see fit.

I don't speak Spanish but I'll be she's saying "I'm going to leave."

MR. ANDERSON: Your Honor, the next witness we would call would be Joaquin Valenzuela.

THE COURT: Step right up here, please, and raise your right hand.

Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: Sure.

THE COURT: Please be seated.

MR. ANDERSON: Your Honor, I have left my -- my client (inaudible) Espanol, I'm -- do you need an interpreter?

THE WITNESS: Not really.

MR. ANDERSON: Okay.

THE COURT: Mr. Valenzuela, there is an interpreter working here, so if you need help with a word or a phrase, would you let -- let him know that?

THE WITNESS: Yeah, I'll let him know.

THE COURT: Thank you.

Go ahead, Mr. Anderson.

MR. ANDERSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Could you please state your full name and spell your last name for the record?

A It's J-u-a-q-u-i-n, Valenzuela, V-a-l-e-n-z-u-e-l-a.

Q Okay. Mr. Valenzuela, what is your -- your address?

A My address, 1411 Basin Street Southwest, Apartment 4.

Q That's here in Ephrata?

A Yes, here in Ephrata.

Q Okay. Do you know Maribelle Gomez and Jose Arechiga?

A Yeah, I've known them like for three years.

Q And how do you know them?

A Well, just became friends when I came from California with Jose.

Q Okay. So you and Jose came from California together?

A No. No; only me. But -- that's when I met Jose.

Q Okay. You met Jose at that point?

A Yeah. At that point.

Q Were you neighbors? Were you working--  
A Yeah, neighbors. Neighbors.  
THE COURT: Excuse me.  
Will you make sure that you wait until the  
lawyer finishes--  
THE WITNESS: Oh.  
THE COURT: --finishes the -- finishes the  
question before you begin your answer?  
THE WITNESS: Oh, okay.  
THE COURT: Okay.

Q How often would you say you see them (inaudible)?  
A Oh, like -- or like six times a week, around that--  
Q (Inaudible) every day?  
A Yeah, (inaudible) about like every day.  
Q Okay. Do you go to their house? Do they go to yours?  
Do you meet them on the street? How -- (Inaudible)  
where do you see them?  
A Like sometimes he goes to my house, and sometimes I go  
to his house, he invites me over.  
Q Okay. And have you met their children?  
A Yeah.  
Q Have you had an opportunity to see them with their  
children?  
A Not -- not yet. Like in this year, no.

---

Q Okay. But--  
A (Inaudible) the past year.  
Q In the past you've had an opportunity to see--  
A Yeah.  
Q --with their children--  
A Yeah.  
Q Okay. And, -- is there -- Do you have any kids  
yourself?  
A No. No.  
Q Do you have any nieces or nephews?  
A No. Not yet.  
Q Okay. (Inaudible).  
Is there anything that you saw with them with  
their children that gave you cause -- cause for  
concern, (inaudible)?  
A Not often. Only when the kid, you know, he used to  
hit himself. One time I seen him he pinch his nipple,  
he started bleeding. That's the only (inaudible) had.  
Q Okay. So, you said you saw the kid hit himself and  
pinch himself?  
A Yeah.  
Q And do you know which child this was?  
A It was -- what was it? The little kid that died.  
Q Okay.  
A I don't know his name.  
Q Raphael?  
A Raphael.  
Q You described him pinching himself--  
A Yeah.  
Q And I think you also said he hit himself. Can you  
describe how he hit himself?  
A Well, when they always used to give him food, he --  
when the food is finished he used to jump back. And  
when he pinched himself it was -- I don't know --  
because -- he was sleeping at the moment, and -- and I  
don't know; I think he waked up the little girl went  
in to see him, and that's when she called his mom.  
Q Did you ever see any other behaviors (inaudible) that  
you thought were strange or (inaudible)?

A No.  
Q Did you ever see any of the other children exhibit any of these--  
A No.  
Q --behaviors?  
Did you ever see Maribelle Gomez or Jose Arechiga disciplining--  
A Huh-huh--  
Q --the kids?  
A No.  
Q Other than behaviors that you've just described, about Raphael, can you give the court an overall description of the children themselves?  
A Like, what do you mean?  
Q Did they seem normal? Did they seem -- hyperactive? Did they seem sad, happy?  
A Normal, (inaudible), yeah. Normal -- normal kids.  
MR. ANDERSON: One moment, please.  
Q Did you ever -- the times when you were there, over at their house, or that you may have seen Maribelle Gomez -- children, did you ever her treat any of the children differently than the other children?  
A No. She treated them equal.  
MR. ANDERSON: Thank you. I don't believe I have any other questions for you. One of the other attorneys may, though.

THE WITNESS: Okay.  
THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Mr. Valenzuela, when you're talking about Raphael's behavior, is this what you actually saw, (inaudible)?

MR. CABALLERO: Objection--

A Yeah, that's what I--

THE COURT: Just a minute.

Your question is vague when you mentioned

"behavior."

MR. MOSER: Okay.

Q Mr. Valenzuela, you testified to specific behavior of Raphael when he was eating. Did -- Is this what you actually saw?

A Yeah, that's what I actually seen, when he used to eat.

Q How many times have you been over to their house?

A At times this -- like this year I haven't went -- Since they moved out I haven't seen them for a while.

Q How about before September? How often would you go over there--

A Like often, almost (inaudible) -- six times--

Q Once a week, maybe?

A No, six times (inaudible).

Q How many times did you see Raphael eating, (inaudible)?

A That was in -- that was in a time when they -- they had given food, -- I just seen him like twice, (inaudible) when he was eating.

Q Did he act the same way both times?

A Yeah, both times he act the same way.

Q Could you tell us again specifically how he acted while he was being fed?

A (Inaudible), he -- he like -- he got -- he gets desperate after a while -- food is finished. That's

when he -- he sort of drop -- back.

Q How would he drop back?

A Well, just by himself.

Q Would he fall, or jump?

A No, no. He just go back like (inaudible).

Q Would he hit his head?

A Oh, yeah.

Q Did he seem -- did he respond to the pain?

A Yeah. He -- he started -- he'd be starting to cry.

Then Maribelle started to console him.

Q And other than consoling him, how -- how would Maribelle respond when he acted this way?

A Like panic, what happened.

Q Let's see. You testified you saw him pinching himself and hitting himself. Did you see him doing anything else?

A No, only that.

Q Okay.

Did any of the other children act like this?

A No.

Q And, -- in a home with five children, how did the parents seem to be handling (inaudible), or managing (inaudible)?

A What you mean, actually?

Q Was the house, did it seem under control or did it seem out of control?

A (Inaudible) control. Under control.

MR. MOSER: I don't have any more questions, your Honor.

THE COURT: Mr. Caballero?

MR. CABALLERO: Yes. Thank you.

#### CROSS EXAMINATION

BY MR. CABALLERO:

Q Just to clarify, Mr. Valenzuela -- And first of all, I represent the Department of Social and Health Services--

A Uh-huh.

Q When you indicated six times that you were visiting, was that six times per week?

A Yeah, six times per week--

Q Almost on a daily basis?

A Yeah, almost (inaudible).

Q And this was for a period how long?

A It was from -- I don't actually remember, but like in September last year I went to California.

Q September of 2003?

A 2003.

Q Prior to September of 2003, how long had you been going to the Arechiga-Gomez home?

A Oh, like I've been there twice in the new home they got.

Q Let me rephrase. When did you -- You indicated you met Jose Arechiga approximately three years ago, correct?

A Uh-huh.

Q Is that a yes?

A Yeah.

Q Okay. And, prior--

THE COURT: Before.

Q Before the child's death in September of 2003, during the entire time that you've known Jose Arechiga, were you going to his house approximately every day?

A Yeah. He always invited me over to see soccer and all that.

Q And during those visits you've only been able to observe the child feeding twice--

A Yeah. Twice.

Q And who was feeding the child?

A His mom.

Q Maribelle--

A Maribelle Gomez.

Q Where would she feed him?

A Like on the table.

Q Was he sitting?

A No. Standing up. He would be standing up.

Q And was she sitting?

A Yeah.

Q And where would she hold him? -- Strike that question. Where was she in location to the child?

A Like in front of him. Like--.

Q Was the child in front of her legs?

A Yeah, in front of her legs.

Q And, -- where was the table located?

A I don't actually remember.

Q Okay. Was it in the -- in the living room--

A Yeah, it was in the living room.

Q Do you remember what kind of floor was in the living room?

A It was carpet.

Q Okay. When the child would drop back on his own, is it your testimony that he was not jumping back while he was doing this?

A No, he was not jumping at the moment. He'd just fall back by himself.

Q Now, in your testimony about seeing him pinch himself, you testified that the pinch occurred just after his sister woke him up, correct?

A Uh-huh. No, no. He was already woked up [sic]. And then his sister walked in, seen him with the blood already.

Q You did not see the pinch, then?

A Yeah, I did. After Maribelle went and got him I see the pinch myself--

Q I'm sorry. Let me rephrase.

Q You did not see Raphael physically pinching himself?

A Not--.

MR. CABALLERO: I don't have further questions. Thank you, Mr. Valenzuela.

THE COURT: Mr. Anderson, further questions?

MR. ANDERSON: No, your Honor.

THE COURT: Mr. Moser?

RE CROSS EXAMINATION

BY MR. MOSER:

Q Did you ever see him pinching himself -- Raphael pinching himself on any other occasion?

A No. The only moment -- the only one time (inaudible).

MR. MOSER: All right. (Inaudible).

THE COURT: If either parent has a question for the witness, consult with your attorney, please.

May this witness be excused?

MR. ANDERSON: Yes, your Honor.

MR. CABALLERO: Yes.

THE COURT: Thank you, Mr. Valenzuela. You can

step down. You're free to stay or leave; that's up to you.

And let's recess until five minutes of the hour.  
Recess

MR. ANDERSON: Your Honor, the next witness is -- is one that I said that I didn't have the last name for; all I have is -- a Lunie. So (inaudible) call her, (inaudible).

THE COURT: Good afternoon.

THE WITNESS: Good afternoon.

THE COURT: Raise your right hand, please.

Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: I do.

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Would you please state your full name and spell your last name for the record?

A Luzivina, Villa, V-i-l-l-a.

Q Okay. Ms. Villa--

THE COURT: And help me with your first name.

THE WITNESS: L-u-z-i-v-i-n-a.

THE COURT: "Luzivina."

THE WITNESS: Yes.

THE COURT: Okay. Thank you.

Q Could you please give your address to the court?

A 203 A Street Northwest in Quincy.

Q Okay. Do you know Maribelle Gomez and Jose Arechiga?

A Yes, I do.

Q (Inaudible) and their family?

A Yes.

Q And how do you know them?

A She was to go live with my sister, and that's where I met her.

Q Okay. How often would you say, prior to September of this last year, would you say that you would have contact with Ms. Gomez and Mr. Arechiga and their family?

A It wasn't that often. Usually kept -- I would know about her from my sister. But I would come with my sister sometimes and I would wait in the car while she would go in and take them gifts, or -- to the little boy, to little Raphie. And -- Or say hi, or to check on them to see how they were doing.

Q You said you'd usually wait in the car. Did you have (inaudible) to actually see the family?

A Oh, yeah. Yeah. I would.

Q How would you -- how would you describe the family (inaudible)?

A She's a -- both of them, the husband and the wife, Maribelle and (Inaudible), are -- I call him (Inaudible) -- are very nice to be around. For as long as I've known them whenever they were at my sister's house that they would visit, we kept real nice conversations. I've never heard her say any bad words; she was just -- she's just a nice lady. You know? That's why I'm here.

Q How would you describe their children?

A Just like -- normal. Normal kids.

Q (Inaudible)?  
A Yeah.  
Q Did they seem happy?  
A Oh, yeah. Uh-huh.  
Q Did you ever have an opportunity to see Maribelle Gomez discipline her kids (inaudible)?  
A By "discipline,"--  
Q Well, if they were acting up, correct them?  
A Yeah. But she--  
Q What sort of things would she do to discipline (inaudible)?  
A She'd always call them like "Boppy," or "Mommy," you know, "You're" -- you know, "You're not supposed to do this," or "do that." But for her to discipline using curse words or spanking them, I never -- I never witnessed anything like that.  
Q Okay. Did you ever have an opportunity to see Raphael (inaudible)?  
A Yes.  
Q And about how many times would you say you saw (inaudible)?  
A I -- I mean, I wouldn't be able to tell you, the -- I can't count them.  
Q Okay. Did you ever see Raphael exhibit behaviors that you would consider strange, or odd?  
A Well, he was just an active little boy. But -- I never seen him do anything (inaudible). No, I didn't.  
Q Okay. Were you ever over at their place, or -- you know, be with them during times when Raphael would be eating?  
A No.  
Q Okay. Are you a parent yourself?  
A Yes, I am.  
Q And--  
A And a grandparent.  
Q Pardon me?  
A And a grandparent, too.  
Q Also a grandparent? Okay. I was going to ask what ages your--  
A Uh-huh.  
Q --children, but that's -- don't need to say any more than that. What are the ages of your grandkids, then?  
A Eight -- well, one's going to be eight, one's going to be seven, and five and three, and a five-month-old baby.  
Q Okay. Was there -- it's -- it's (inaudible) you've had some experience with children, right?  
A Oh, yeah.  
Q Was there ever anything about Maribelle Gomez's interaction with her own children that gave you -- concerned you?  
A No. Never.  
MR. ANDERSON: Thank you. I don't believe I have any further questions for you. Some of the other attorneys may, though.  
THE WITNESS: Okay.  
THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Did you ever see -- How did Raphael behave?

A I've never seen him, you know, out -- I really never did -- watch to see how he would behave.

Q Did you ever notice if he acted differently than the other four children?

A No.

Q Did the way Maribelle acted toward her children ever cause you any concern?

A No, it didn't.

Q And did you have an opportunity to observe Jose relating to the children?

A Yes.

Q How would he relate to the children?

A Good. And with other children, too.

Q Would he treat Maribelle's children the same as his own?

A Yes.

Q Did you ever see Raphael hurt himself?

A No, I didn't.

Q (Inaudible). And, how long have you been friends with Ms. Gomez?

A About four years.

Q About four years?

A Four, five.

Q How often have you been over to their house?

A Not often. My sister's the one that would visit her more. And she would -- I would always ask, though, my sister how she was doing, or she would tell me, "Maribelle said to say hi to you," or, stuff like that. But, --

Q (Inaudible). And when you would go over to their house how long would you stay?

A Not long.

Q (Inaudible).

A It was just short visit. Usually when I would see her it was at my sister's house, 'cause she would visit my sister a lot.

MR. MOSER: (Inaudible).

THE COURT: Thank you. Mr. Caballero?

MR. CABALLERO: No questions.

MR. ANDERSON: Nothing further, your Honor.

THE COURT: May this witness be excused?

MR. ANDERSON: She may.

THE WITNESS: Thank you.

THE COURT: Thank you, Ms. Villa. You can step down. You're free to stay or leave as you see fit.

MR. ANDERSON: (Inaudible).

Your Honor, our next witness would be (Inaudible).

THE COURT: Please raise your right hand.

Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS (through interpreter): Yes.

THE COURT: Thank you. You may be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Good afternoon. Could you please state your full name and spell your last name for the record?

A Hermila Pichardo.

Q And could you spell your first name and your last name, please?

A H-e-r-m-i-l-a. And the last name -- C-i-h-a-r-d-o.

Q Okay. Ms. Pichardo, what is your address?  
A It's 18 (Inaudible) Court in Ephrata.  
Q Do you know Maribelle Gomez and Jose Arechiga?  
A Well, yes, now I do.  
Q Okay. When did you -- You say "Now, I do." When did you first meet them?  
A When she moved there from this thing with the child happened.  
Q Okay. So, was the first time you met her, was that on September 9th -- her child passed away?  
A I believe so, yes.  
Q There's been testimony that she took her son Raphael to a neighbor's to get help. Are you that neighbor?  
A Uh-huh.  
Q Okay. Can you tell the court what you remember happening that day?  
A Uh-huh. She knocked at the door. I didn't open it quickly, and she opened the door. And she told me that her child was dying, to give her some alcohol. Okay. And I quickly looked for it and she told me to rub him with alcohol and I (inaudible) that -- for her to do it.  
Q Okay. Then what happened?  
A Okay. I gave her the alcohol. She rubbed some on his head and then some on her hand, and -- and did like this, -- the child.  
THE COURT: As she said "like this" the witness gestured a hand passing in front of her mouth and nose, within an inch.  
Q Did anything happen after she rubbed the alcohol (inaudible)?  
A No. You know, she was desperate and she saw that the child wasn't responding, so she gave him -- gave the child mouth to mouth resuscitation.  
Q Did that seem to help?  
A I don't know.  
Q Okay. Do you remember what happened next?  
A Well, you know, just (inaudible) told my husband to take her to the hospital.  
Q Did she ask to use your phone at any time?  
A Yes. She did ask -- (inaudible) she called a man. I don't know who the man was.  
Q Okay. Do you remember if she made the phone call before or after she asked your husband (inaudible) hospital?  
A Before.  
Q Okay. If you can recall, what sort of condition was she in? Did she seem excited?  
A Desperate, nervous, trembling.  
Q And, did your husband take her to the hospital?  
A Uh-huh.  
Q Is that a yes?  
A Yes.  
Q Did you go with him to the hospital or did you stay at home?  
A No. I stayed with her children.  
MR. ANDERSON: Okay. Thank you. I don't think I have any other questions for you at this point (inaudible).

THE WITNESS: Uh-huh.  
THE COURT: Cross, Mr. Moser?

BY MR. MOSER:

Q Did this make sense to you, to rub alcohol on the child?

A Could you repeat the question?

Q Let me withdraw that. (Inaudible).  
What was the purpose of rubbing alcohol on the child?

A Me?

Q What was the purpose of rubbing alcohol on the child?

A I don't know.

Q Have you ever seen someone rub alcohol on -- on a sick person?

A (Inaudible) when they faint.

Q Did you think that was (inaudible) -- Excuse me. I'd like to withdraw that (inaudible).

Why did you think Maribelle Gomez would rub alcohol on the child?

MR. CABALLERO: Objection. Form of the question. Calls for speculation.

THE COURT: Sustained.

Q Did Maribelle's other actions seem appropriate to you?

A I -- I don't understand. I don't understand.

MR. MOSER: That's okay. I (inaudible) questions.

THE COURT: Cross, Mr. Caballero?

MR. CABALLERO: Thank you.

CROSS EXAMINATION

BY MR. CABALLERO:

Q Ms. Pichardo, I am the attorney for the Department of Social and Health Services.

A Uh-huh.

Q Ms. Pichardo, from the time that Ms. Gomez knocked and entered into your home until your husband left with her to go to the hospital with the injured child, how much time went by?

A About two minutes.

Q Did you ask Ms. Gomez what had happened to the child on September 9, 2003?

A No.

MR. CABALLERO: No further questions. Thank you.

THE COURT: Mr. Anderson?

MR. ANDERSON: Your Honor, if I could converse with my client with the interpreter (inaudible)?

THE COURT: Sure.

MR. ANDERSON: Your Honor, I have no further questions for this witness.

THE COURT: Okay. Anything else?

MR. MOSER: No.

INTERROGATION

BY THE COURT:

Q Ms. Pichardo, even though you didn't ask Ms. Gomez what had happened to the child, did she say anything during the time you were with her as to what happened to the child?

A No.

Q During the time that you watched her children while your husband took Ms. Gomez to the hospital, did any of the children say what had happened to the child?

A No, they were just worried.

Q Even though you met Ms. Gomez on that sad day, had you

seen her or Mr. Arechiga before that day?

A They had been there -- they had arrived there two weeks before.

Q And had you -- had you seen Ms. Gomez and the children during those two weeks?

A Yes.

Q Did you see any behavior on the part of Ms. Gomez or the children that gave you any concern for their well-being?

A No.

THE COURT: Thank you. Any other follow-up?

MR. MOSER: Your Honor, (inaudible).

THE COURT: Go ahead.

RE-CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Pichardo, how long had they been in that house before you met them?

A Who?

Q How long had -- after Maribelle moved into that house did you meet her?

A I didn't know her, just -- got there.

Q Did you say they just moved in two weeks before (inaudible)?

A Uh-huh.

MR. MOSER: Okay. Thank you.

THE COURT: Anything else?

MR. CABALLERO: No further questions, your

Honor.

MR. ANDERSON: No.

THE COURT: May this witness be excused?

MR. ANDERSON: She may, your Honor.

MR. CABALLERO: Yes.

THE COURT: Any objection, Mr. Moser?

MR. MOSER: No.

THE COURT: Thank you, Ms. Pichardo. You can step down. You're free to say or leave as you see fit.

(inaudible). MR. MOSER: (Inaudible) interpreter

Lucina Garces. MR. ANDERSON: (Inaudible) next be calling

Pichardo. THE COURT: Could -- wait a moment, please, Ms. would you wait just a moment?

Is her husband here?

MR. ANDERSON: (Inaudible) would like to--

THE COURT: I'll be direct. I would like to know if during the trip to the hospital, if Ms. Gomez said anything to him about how the injury had befallen the child.

MR. ANDERSON: Mother would next be calling Alicia Pichardo.

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS (through interpreter): Uh-huh. Yes.

THE COURT: Thank you. Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Would you please state your name and spell it for the record?

A Melecio Pichardo.

Q And could you please spell your first name?

A M-e-l-e-c-i-o.

Q Mr. Pichardo, do you remember giving Maribelle Gomez and her son Raphael a ride to the hospital last September, September 9th?

A Yes.

Q Were you -- were you present when she came into your home with her son?

A The home, I'd come from work. Okay. As I was taking -- I was taking a shower and I had gotten out and I was getting dressed, get out, you know, and that's when I heard the lady come in crying with her child, asked me to take him -- take her to the hospital and I took her.

Q At any time, either while she was in your home or while you were taking her to the hospital, did she ever tell you what had happened to her son?

A No. She just asked me for a ride.

Q Okay. How would you describe her -- how would you describe her on that day? Did she seem calm? Did she seem--?

A No. She was crying and desperate because her child was like that.

---

MR. ANDERSON: Okay. Thank you. I don't -- I have no other questions for you. Some of the other attorneys or the judge may have a question (inaudible).

THE COURT: Mr. Caballero?

MR. CABALLERO: No questions.

INTERROGATION

BY THE COURT:

Q Mr. Pichardo, was the ride to the hospital completed in silence?

A (Inaudible) silence?

Q Nothing said by Ms. Gomez during the ride?

A No. I was just driving.

Q Were you in a hurry?

A Yes.

THE COURT: Okay.

Any follow-up, folks?

MR. CABALLERO: No, your Honor.

MR. MOSER: No.

THE COURT: Thank you. You can step down, and you're free to stay or leave as you see fit.

Thank you, counsel. I appreciate your accommodating the court.

Next witness, please?

MR. ANDERSON: Thank you, your Honor. The mother next will be calling Lucinda Garces.

THE COURT: Good afternoon.

THE WITNESS: Good afternoon.

THE COURT: Would you raise your right hand? Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: Yes.

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Good afternoon. Could you please state your full name

and spell your first and last name (inaudible)?

A Okay. Lucinda Garces. Lucinda, L-u-c-i-n-d-a, Garces, G-a-r-c-e-s.

Q Okay. Ms. Garces, what is your address?

A 340 Sixth Avenue Southeast, No. 47, Quincy.

Q Ms. Garces, do you know Maribelle Gomez and Jose Arechiga and their family?

A Yes, I do.

Q How long have you known them?

A Approximately six years.

Q And, -- how do you know them?

A I was working at a convenience store in Quincy when Maribelle required my help -- an ATM machine. We started talking, and I had told her that I was planning on moving and that I might be renting out my mobile home. And then from there we started talking, and became very close.

Q Did she ever rent your mobile from you?

A No, she didn't.

Q Okay. So were never in a landlord-tenant relationship?

A No.

Q Just friends?

A Just friends.

Q Would you ever go to her house?

A I would say throughout the day maybe three or four times a day.

Q Okay. And did she ever go to your house?

A Yes.

Q Now, when -- you said during the day you go -- you'd (inaudible) her house three or four times a day. At that point where was she living?

A I don't know the physical address; it was there in Quincy.

Q (Inaudible) I guess that's what I was looking for--

A Yes.

Q --in Quincy?

A Yes.

Q Do you recall what time -- Again, -- (inaudible) Quincy area?

A No, I don't.

Q Okay. After they moved -- Quincy, did you still have (inaudible) contact with them?

A Yes, I did.

Q And what were -- about how often would you say you'd see them (inaudible)?

A On an average week? Oh, my goodness. Sometimes I would -- I have to -- take time, because sometimes I would stop before I would go to work; sometimes I would go and have lunch with them. There was occasions when I would stop even after work, and even after when I left home -- I mean, to go home -- I would still come back with my children and we would visit.

Q Okay.

A So--

Q During this time--

THE COURT: Excuse me. So that I can understand your answer, during the time you've described where did you live and where did they live?

THE WITNESS: I lived in Quincy for a while, and then I lived out on I Road.

THE COURT: And where did--

THE WITNESS: I point 5. They lived on Basin Street, in some apartments. I don't know the physical address.

THE COURT: In Ephrata?

THE WITNESS: Yes, sir.

THE COURT: Thank you.

Q During this -- this time you would be in their home--

A Uh-huh--

Q --did you have an opportunity to see them -- (inaudible) Maribelle and/or Jose interact with their children?

A Yes.

Q As regards to Maribelle Gomez, -- how would you describe her -- Strike that. (Inaudible) questions.

You say that you would go there -- you'd visit them (inaudible) with your children?

A Yes.

Q How many children do you have?

A I have four children. Do you want the ages?

Q Yeah, please.

A Okay. One is going to be -- One is 20. The other one is 18. He's the -- My son with Down's Syndrome. Then I have a 15-year-old and I have a 13-year-old.

Q Okay. How would you -- Or -- How would you describe

Maribelle Gomez as a parent, based on your observations of her with her children?

A Well, I've always thought that she was a good parent because she's always taken the time to talk to her children, and -- I mean, I think the one that I would get more out of was Julianna. Sometimes she would do, you know, something wrong, or she didn't think that we were paying attention to her, she'd do something out of the ordinary to try and get her attention, and Maribelle, you know, she would just tell her, "You're going to have time out," you know, and explain to her "what you're doing is wrong," or, you know, stuff like this. But--

Q Okay. Did you -- ever have an opportunity to be with and observe Raphael?

A Yes, I did.

Q Do you ever recall anything or things that Raphael would do that seemed strange or out of the ordinary for a child of his age to do?

A Yes. He would get upset when she was feeding him, and, you know, she would feed him a certain amount of food the way they had told her, and she had a list, and he would get upset because he wanted to continue eating. It was like he never felt full, there was never enough for him, and he would throw himself--

Q I'm going to stop you there--

A Okay.

Q You say "throw himself." Can you describe what you mean by "he would throw himself?"

A Drop himself to the floor. He would -- Because after she would, you know, remove him from the table, from the chair that she would sit him in, she'd remove him from the table, put him on the couch, and he'd get off and, you know, go back over there. And if she didn't feed him what he wanted, or he'd -- try to be grabbing from the table, and she would explain to him, "No," you know, "you can't do that," he would throw himself.

And I had kind of a connection with that, because I had similar problems with my son when he was

younger. He would throw himself and bang his head on the floor, and he would throw himself and hit himself, you know, forward on his forehead. And I -- you know, all I could tell her was, "Have patience, because that's the way Ellie was," you know.

Q Okay. You just got through describing some behaviors about banging his head on the--

A Uh-huh.

Q --you used the pronoun "he" or "his"--

A My son.

Q Your -- (inaudible) your son did?

A Yes, uh-huh.

Q What -- Do you -- do you recall the other behaviors in Raphael other than throwing himself down when he was hungry when he could not get fed any more?

A Yes, I do. I recall one time he had a burn mark from where he -- she was going to feed him soup, and it fell on his hand. He had a burn, and he was pulling at his scab. And, you know, my daughter was there, and I told her, I said, "That has to be hurting him." So we grabbed his hand, and my daughter and I proceeded to put, you know, another bandage on, because Maribelle was cooking for the other children. And we proceeded to put Neosporin and another bandage.

And she said that she -- That was like I think the second or third bandage she had to put, because she kept tearing it off.

Q (Inaudible), you said--

A Again, "she."

Q (Inaudible) "she"--

A Maribelle--

Q --Maribelle Gomez?

A Yes.

Q Okay. Okay. Were there any other observations you made about Raphael's behavior that you thought were out of the ordinary?

A Gosh. I don't remember at this time--

Q Let me ask you some specific questions, then--

A Okay.

Q Other than -- (inaudible) anything that would hurt himself, such as pinching himself, striking himself?

A He would pinch at his nipples, and pinch at his skin.

Q Do you ever recall him hitting himself?

A No.

Q Do you recall him (inaudible), pulling his hair?

A I don't remember.

Q Okay.

A I don't remember.

Q Fair enough.

How would you describe the other children in the household? Maria, Julio, Julianna, and Edgar?

A They were, as far as with Raphael, or just as typical children?

Q With Raphael, as far as--

A Okay.

Q --(inaudible) themselves.

A I always thought they were very well-behaved, because when she would ask them to, you know, if they were playing outside with other children she would ask them to come in and they would come in. When she would serve them their meals they would sit down and, you know, eat. They always seemed to listen to what she was telling them, and -- they would always be, you

know, looking after Raphael, and -- and so forth.

Q You -- And I guess this kind of goes hand in hand with your (inaudible) earlier. You said they would (inaudible) Raphael.

A Uh-huh.

Q How else did they -- were they as far as interacting with Raphael?

A Because Maria would play with him, she would, you know, do patty-cakes, she would -- you know, have like the trucks, and little things that -- I mean, there was a little rocking horse that we had bought him, my family and I, and they, you know, they played with that with him, and stuff like that.

Q Okay.

MR. ANDERSON: One moment, please.

THE WITNESS: Uh-huh.

MR. ANDERSON: Your Honor, I have no further questions. I think my client might (inaudible).

THE COURT: Cross, Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Did you ever see Raphael injure himself?

A Oh. Yes, I did. I was -- Let me re-frame that. I was present when he had an accident, yes.

Q Okay. Other than the -- Are you referring to the -- when he fractured his (inaudible)--

A Yes, that's right.

Q Other than that, did you ever see him injure himself at any other time?

A When he was picking at his skin and tearing the scab, and--.

Q And, was that -- did your son with Down's Syndrome, did he ever act like that?

A Not picking at his skin. He would -- he would throw himself on the floor, he would, like I said, bang his head.

Q Okay. And when Raphael threw himself on the floor would he hit his head?

A I didn't see him hit his head at that time, no, I didn't.

Q Okay. Did you see -- did Raphael respond to pain?

A That I seen, no.

Q Did you see him suffer the type of injury that would normally cause a person pain?

A Yes.

Q Like -- like what?

A His leg fracture. He -- he didn't cry.

Q How did he respond when he broke his--

A He just sat there. He just sat there.

Q And you were present at the time (inaudible)?

A Yes, I was.

Q How did Maribelle -- when -- How did Maribelle react when he threw himself on the floor (inaudible)?\

A Well, she picked him up -- we didn't know what had happened. He just, you know, sat there for a minute. We seen his leg swelling up, and that's when we, you know, agreed that we should, you know, take him to go get seen.

Q Okay. Let me -- I'm sorry, because I am jumping around.

A Okay. I'm sorry.

Q But, let me ask, when he -- when he would normally

throw himself on the floor, like in a temper tantrum or something, how would Maribelle respond to that?

A She would pick him up and sit him on the couch, and, you know, tell him that he -- he couldn't be doing that.

Q And when he was -- when he wanted more to eat, how would she respond to (inaudible)?

A She would try and explain to him that -- that you know, she couldn't feed him, that she loved him but she couldn't do it because she had to go by what the state had given her, which was the list of his foods and stuff.

Q And your son with Down's Syndrome is now 18 years old?

A That's correct.

Q (Inaudible). And did you give Maribelle some advice on how to raise a child (inaudible) those conditions?

A I told -- well, we talked about it. I think it was a constant thing with us, because there was days when she would call me and we would talk -- you know, an hour, hour and a half, and she would tell me, "This and this happened; I need to call CPS, I need to" -- And I would tell her, "You need to explain to them, they need to come and observe him, they need to know what's going on, you know, so that they can get you the adequate help."

Q How did Maribelle relate to her other children, (inaudible)?

A The same as with Raphael.

Q You said you have four children, right?

A Yes.

Q And, how did she seem to manage in a house with five children (inaudible)?

A How -- who? Maribelle?

Q Maribelle. Yes.

A Fine. I always seen her very under control.

Q Okay. (Inaudible). Did you ever see her behave toward the other four children in any way that gave you concern?

A No. No.

Q Were the other children well-behaved?

A Yes.

Q Was Maribelle ever abusive toward Raphael?

A I never seen her be abusive to any of her children.

Q Did she ever seem to you to be too harsh to Raphael?

A No. No. Because every time something happened she always tried explaining -- you know, sitting him down and talking to him.

Q How often would she lose her temper when dealing with the children?

A I never seen her lose her temper with -- with her children.

Q Would she ever become overly frustrated to the point where it looked like she was losing her temper?

A No. No.

MR. MOSER: I don't have any more questions, your Honor.

THE COURT: Counsel?

Thank you.

CROSS EXAMINATION

BY MR. CABALLERO:

Q Ma'am, my name is Tom Caballero. I represent the Department of Social and Health Services.

A Uh-huh.

Q Ma'am, do you recall being interviewed by a social worker, Linda Turcotte, around the time that Raphael injured his leg in December of 2002?

A That was the first injury? The second injury.

Q That would have been the injury where you were there.

A Okay. Well, because I interpreted for her in the first injury as well.

Q The -- the injury in December of 2002 where you were at the house.

A Okay. Do I remember talking to Linda Turcotte?

Q Yes.

A Yes.

Q And, do you recall giving her an explanation about what you saw, correct?

A Yes.

Q In your explanation to Ms. Turcotte you indicated to her that you were in the living room watching TV when Raphael injured his leg--

A That's correct. The kitchen and the living room are one whole room.

Q And you were not really paying attention, or directly watching Maribelle Gomez or Raphael, correct?

A I seen that she had poured a cup of water with Clorox and soap and she was going to mop. But my eyes were not fixed on her, no.

Q And what you told Ms. Turcotte was that what directed your attention to Raphael having hurt himself--

A Uh-huh.

Q --was the fact that he screamed.

A Right when he fell, yes.

Q Yes. And that's when you paid attention--

A Uh-huh.

Q --to him being on the floor in the kitchen.

A Yes.

Q So when you testified that he did not exhibit pain, that was after the scream when he was sitting on the floor?

A When he -- No, he wasn't sitting on the floor; he was sitting on the couch. He was sitting on the couch. When -- Maribelle picked him up and sat him on the couch.

Q Oh, okay. And the scream that you heard was consistent with him feeling pain?

A I would think so, yes.

MR. CABALLERO: Nothing further. Thank you.

THE COURT: Mr. Anderson, redirect?

REDIRECT EXAMINATION

BY MR. ANDERSON:

Q You -- you previously testified that Maribelle Gomez would call you and explain to you some of the -- concerns she had with Raphael's behavior. I think you said -- you testified you told her to call CPS and let them know--

A Uh-huh.

Q --what was going on.

A Uh-huh. That's correct.

Q Did she ever call you back and state what -- what became of those reports (inaudible)?

A There was continuous calls that I would call her and she would be on the other line with -- I believe his name was Murray. And with Linda. So, -- I -- she

would tell me that she was talking to them, or -- "I spoke with them and this is what they said," and--.

Q I guess that's -- As far as -- (inaudible) she said "This is what they said," did she ever express frustration with -- their--

A With feeling that she wasn't getting adequate help?

Q Thank you. Yes.

A Yes.

MR. ANDERSON: Okay. Thank you. I don't -- I have no further questions, your Honor.

THE COURT: Mr. Moser?

MR. MOSER: No.

THE COURT: Mr. Caballero, anything further?

MR. CABALLERO: No.

INTERROGATION

BY THE COURT:

Q You could help me a little bit.

A Okay.

Q You've described Raphael as -- essentially normal child with some unusual behaviors.

A Uh-huh.

Q What was the big concern over -- with DCFS in getting extra help and so on?

A Because of -- like when he pulled his scab, and when she was trying to feed him and he wouldn't feel like he was getting full, and she did -- I mean, they gave her a list of foods that she could be feeding him, and stuff like this.

Q Are those the things that she was trying to get help with?

A She was trying to get help because she -- the way she told me was, she seen him do more and more stuff like banging and throwing himself, and just -- not, you know, responding even when he was pulling at his own skin.

Q Can you estimate -- I know it would be nothing but an estimate -- how many times you saw Ms. Gomez feed Raphael?

A Throughout the whole time? Or just--

Q Uh-huh. Yes.

A Oh, my god. It's hard to say, because I mean, like I said, I was even there on occasions I would, you know, pick up a hamburger for -- so we could go and eat over there when I was out for lunch. So it's -- it's rough to say what, there's like,--

Q Would it be dozens of times?

A Yes. Yeah.

Q Would it be hundreds of times?

A Yes.

Q Okay. Was there a typical routine in regard to where Raphael sat or stood while he ate?

A She would sit on the couch, on the corner couch, and feed him, if that's where he -- She would sit him up on the table or -- Or, not on the table; on a chair. Sometimes he didn't want to be on the chair, so she'd, you know, sit down and try and feed him that way. And sometimes he was happy standing up while she was feeding him. And other times he didn't want to sit at the table; he wanted to sit in the living room. So that's what she would do.

Q Where was the table in the house?

A In the old apartment or in the new apartment?

Q I don't know. In the apartment that Raphael--  
A where the accident happened--  
Q --last lived in, yes.  
A It was right -- in the -- wall -- in the kitchen,  
right up against the wall.  
Q What was the surface of the floor underneath the  
table?  
A There's linoleum, and I believe there's concrete under  
that floor.  
Q Okay.  
A I believe. I--.  
Q All right.  
A It's those square tiles.  
Q Okay. And so when -- when Ms. Gomez would feed  
Raphael with Raphael standing up--  
A Uh-huh.  
Q --at her knees, so to speak--  
A Uh-huh.  
Q --would that tend to be in the living room, where it  
was carpeted? Or would it tend to be in the kitchen  
where it was linoleum?  
A It depended on where he wanted to eat.  
Q Okay.  
A Because if she -- if, you know, he wanted to go to the  
living room, sometimes he would pull her -- his -- her  
hand, and she would go and sit in the living room, on  
the couch, and she would open her legs and he would  
stand in between her legs.  
Q Okay.  
A And he would do the same thing when he wanted to be in  
the kitchen.  
Q Okay.

THE COURT: All right. Thank you.  
Anything else?  
MR. CABALLERO: No.  
MR. ANDERSON: No, your Honor.

RE-CROSS EXAMINATION

BY MR. MOSER:

Q What was the kitchen floor made out of in the old  
apartment?

A The area where she cooks is wood with, I think --  
believe -- it's linoleum all over the floor. And the  
area where the dining room table is was padded with  
carpet, and then she had a area rug right in the  
middle.

Q When did they move out of there, into the new  
apartment?

A Approximately two weeks, I believe, before Raphie had  
the accident.

MR. MOSER: No more questions.

THE COURT: Anything else of this witness?

MR. CABALLERO: No.

MR. ANDERSON: No, your Honor.

THE COURT: May she be excused?

MR. ANDERSON: Yes, she may--

MR. CABALLERO: Yes.

THE COURT: Thank you, Ms. Garces. You can--

THE WITNESS: Thank you, your Honor.

THE COURT: --step down. You're free to stay  
or leave as you see fit.

MR. ANDERSON: Your Honor, the mother would  
next be calling Jenny Flores.

THE COURT: Just step right up here. Good afternoon.

THE WITNESS: Good afternoon.

THE COURT: Please raise your right hand. Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: Yes, I do.

THE COURT: Please be seated.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Can you please state your full name?

A Jenny Lee Flores.

Q And can you spell your first and last name for the record?

A J-e-n-n-y, and Flores, F-l-o-r-e-s.

Q Thank you. Ms. Flores, what is your current address?

A 513 H Street Southeast, Quincy.

Q Okay. Thank you. Do you know Maribelle Gomez and Jose Arechiga and their family?

A Yes, I do.

Q How long have you known them?

A IÖve know her about four years, and then, him right around the same, (inaudible).

Q Okay. And did you first meet them?

A Through my Aunt Lucy.

Q Okay. Did she just introduce you? Or did you go -- Did they stop by (inaudible) your auntÖs place, or--

A I stopped by my auntÖs house and they were there, and she introduced me to them.

Q Okay. And, from there did you strike up a friendship?

A Yes.

Q Prior to September of this last year, how often would you say you would see them?

A IÖd say her at least once every two months, and her husband not that much, Öcause he works. HeÖs usually working. And she visits my aunt a lot. They are friends.

Q Okay. So, when you would see her would you generally see her at your auntÖs place?

A Yeah. Or sometimes we would go over to her house.

Q Okay. So you have been in her home, then?

A Oh, yes, uh-huh.

Q Okay. During the times when you had an opportunity to see her, visit with her, would her children be present?

A Always.

Q Okay. And let me ask another question, kind of a background question. Do you have any children yourself?

A Yes.

Q And what are -- what is their age or their ages?

A Six, three and -- six months.

Q Okay. During the times when you saw Maribelle with her children was there any -- anything about her interaction with her children that gave you cause for concern?

A Never.

Q Did you ever have any -- did you ever see her discipline any of her children?

A No.

Q During the time -- Or, during the times that you would

be over there, did you ever have an opportunity to observe their son Raphael?

A No.

Q How would you -- how would you describe her children, (inaudible)?

A Like, are they -- like in what way?

Q Are they hyperactive? Are they (inaudible)? Are they typical?

A No; just fairly normal kids, young children.

Q Did they seem like -- like happy kids?

A Yes.

Q Were they -- were they well-behaved?

A Yeah. Just like (inaudible).

Q Based upon your visits with Ms. Gomez, and your observing her with her own kids, did you have any concerns about leaving your kids with her, have her baby-sit (inaudible)?

A No, (inaudible).

Q During your -- the visits you had in Ms. Gomez's home--

A Uh-huh.

Q --did you observe that the house was dirty or unkempt?

A No; she's very clean.

Q Did you -- did you observe the children dirty or unkempt?

A No. She always has her kids showered and fed, and her house is always spotless.

Q Okay. And did you ever observe anything within the house or maybe (inaudible) outside the house that you felt posed a danger, to the children--

A No. Like something hazardous? Or a hazard to them?

Q Pardon?

A You mean, as in something that would be like a hazard to them?

Q Yes.

A No. Never.

MR. ANDERSON: Thank you. That's all the questions I have. Some of the other attorneys or the judge may have a question or two for you.

THE WITNESS: Uh-huh.

THE COURT: Mr. Moser?

CROSS EXAMINATION

BY MR. MOSER:

Q Did you say that your kids like Maribelle?

A Yeah. Well, my oldest two that know her.

Q How -- how does she relate to your kids?

A You mean, -- related to them?

MR. MOSER: Excuse me, Judge.

Q No. How does she behave toward -- toward your children?

A She's just like she was (inaudible), like affectionate. She's really nice to them, like playful with them, hugging them.

Q How would she act towards her own children?

A The same. She's very affectionate with her kids, (inaudible).

Q Did she ever seem to behave differently toward Raphael?

A Never.

Q So did she single him out, (inaudible)?

A No, not to my knowledge, no, she never did.

Q Did she ever seem abusive to any of her children?

A No.  
Q And, I'd like to go a little further with that. Did she ever seem motivated by -- personal -- anger in dealing with her child?  
A No, not that I've ever seen or witnessed, no.  
Q Did you ever see Jose interact with their kids?  
A Yeah.  
Q And--  
A The same. He's really affectionate with them, caring them, playing with them, same as he would with my kids -- or he does with my little girl and my son.  
Q Does he treat Maribelle's three oldest differently than his own children?  
A No.  
Q No--  
A He treats them as if they were his own.  
MR. MOSER: All right. Thank you.  
(Inaudible).  
THE COURT: Mr. Caballero, cross?

CROSS EXAMINATION

BY MR. CABALLERO:

Q I may have missed this. How old are your children?  
A Six, three, and six months.  
Q In the time that you have known Ms. Gomez, would you estimate on how many occasions you have seen her interacting with her children?  
A If I could count, of how many times I've seen her interacting with her children?  
Q Yes.  
A Oh, a lot. I can't -- I can't count, 'cause I've known her for like three years, and--  
Q Your testimony, if I understood it correctly, was that you have typically seen the Arechiga-Gomez family--  
A Uh-huh.  
Q --once every two months, correct?  
A Uh-huh. Recently.  
Q Recently.  
A Yeah. Now that she's moved to Ephrata. But before when she lived in the Quincy area I would see her like every week. Sometimes twice a week, because I am really close to my aunt and she's really close to my aunt.  
Q Can you estimate how many times, since June of 2002, until Raphael Arechiga's death in September of 2003, did you see her interacting with Raphael?  
A No, I can't. I can't remember.  
Q Was it often?  
A I can't remember. I'm not going to lie. I can't remember how long, how many times I'd seen her since then -- in that time frame. I can't remember.  
Q More than five times?  
A Yeah, more than five times from -- I know it has to be more than five times. But I just can't remember exactly, like--  
Q That's understood. I'm asking for an estimate.  
A An estimate? I'd say about -- (inaudible) almost a year. (Inaudible) like 20 times, maybe more.  
Q And for approximately how long would you see Ms. Gomez interacting with Raphael?  
A Sometimes hours. Just depended. We'd visit and talk for a long time, all three of us, and sometimes my mom.

Q And, what about your typical visit? How long would that be?

A At least always more than two hours -- talk a lot.

Q Now, in response to Mr. Anderson's question you testified that you would not be concerned, as of today--

A Uh-huh.

Q --to leave your children with Ms. Gomez, correct?

A Correct.

Q I'm going to ask you to assume--

A Uh-huh.

Q --that Dr. Marco Ross,--

A Uh-huh.

Q --who is a doctor, and a pathologist, conducted an autopsy following Raphael's death--

A Uh-huh.

Q I'm going to ask you to assume that he diagnosed that Raphael, as of September of 2003, presented during autopsy with evidence of blunt force to the head.

A Uh-huh.

Q That he had abrasions to his face. That he had abrasions to his ear, and to his scalp. That he had bleeding in the front of his head and in the back of his head internally. That he had bleeding also in the scalp area, internally. That he had new and old skull fractures. That his brain was swollen. That he had bleeding in both of his eyes. That he had injuries to his arms consistent with the child receiving forceful jerk of the arms. I'm also going to ask you to assume that Dr. Ross, as part of his job, has determined that Raphael died from -- from inflicted head trauma, head impact.

A Uh-huh.

Q That Dr. Feldman, Kenneth Feldman, who is a pediatrician, has testified that the child's injuries are 100 percent certain due to inflicted, non-accidental trauma. Dr. Feldman testified that the injuries to his upper arms were consistent with severe jerking, that the injuries to his head were consistent with severe force applied to the head, with whiplash component, the heading going side to side--

A Yeah.

Q --and that the child's death was indicative of repetitive and severe trauma, and death by inflicted brain injury -- non-accidental brain injury--

A Yes.

Q With that assumption in mind, how comfortable would you feel--

A Assuming that all that--

THE COURT: Wait, wait.

Q --how comfortable would you feel in leaving your six-year-old, your three-year-old and your six-month-old child, if the testimony in this trial has been that the child sustained the injuries that led to his death while in the care of Ms. Gomez on September 9, 2003?

A But just assuming all of that--

Q Yes. Assuming that that all -- that that is the evidence.

A Well, my personal opinion is I would trust her because that's something that's assumed, not something that I'd know for a fact.

Q I'm going to ask you to assume that these are facts that have been testified. That's what an assumption

is.

A Okay.

Q Assuming that those facts are true--

A Are true?

Q --and established,--

A Uh-huh.

Q --what's your opinion now?

A I feel I'd still trust her, but to a certain extent, assuming it was true.

MR. CABALLERO: Nothing further.

THE COURT: Redirect?

Honor.

MR. ANDERSON: I have no other questions, your

THE COURT: Mr. Moser?

MR. MOSER: I don't know if we're in any shape to go through -- I guess I don't have anything else (inaudible).

THE COURT: I actually have one question for

you.

THE WITNESS: Uh-huh.

INTERROGATION

BY THE COURT:

Q Did -- were you interacting occasionally with Ms.

Gomez at the time Raphie was born?

A Yeah. But just very occasionally. 'Cause that's why I said it was -- I can't remember, because when she was over here is when she had her son, to Ephrata. So that's when I was seeing her more, just occasionally, not frequently like when she lived in Quincy.

Q Okay.

A But we still had contact.

Q Okay. Were you seeing her occasionally during her pregnancy? with Raphael?

A I saw her a couple times,--

Q Okay.

A --but not frequently.

THE COURT: I don't have any other questions.

Any other questions, counsel?

MR. ANDERSON: No.

MR. CABALLERO: No, your Honor.

RE CROSS EXAMINATION

BY MR. MOSER:

Q Would you feel uncomfortable leaving your children with Maribelle right now, knowing what you know, and not assuming anything else?

A No, I would not feel uncomfortable.

THE COURT: You would not feel comfortable--

THE WITNESS: I would not feel uncomfortable leaving them with her.

MR. MOSER: (Inaudible).

THE COURT: Any follow-up?

MR. CABALLERO: No.

THE COURT: May this witness be excused?

MR. ANDERSON: She may, your Honor.

MR. MOSER: Yes.

THE COURT: Thank you, Ms. Flores.

THE WITNESS: Uh-huh.

THE COURT: You can step down. And you're free to stay or leave; that's up to you.

MR. ANDERSON: Your Honor, at this point my client is (inaudible) witnesses that we're --

(inaudible) re-calling my client to the stand. During Mr. Caballero's cross examination (inaudible) previous (inaudible) she to a bit emotional when he was going through the findings that Dr. Ross had reported. She -- (inaudible) give her a chance to (inaudible) this point. She would be the final witness we'd be calling tomorrow morning.

THE COURT: Does Mr. Arechiga intend to call witnesses?

MR. MOSER: I'm still hopeful that if Olga Gaxiola's going to get in touch. But, no, no, I guess not. I'd have to say no.

THE COURT: Does he intend to testify further?

MR. MOSER: No.

THE COURT: Okay.

MR. MOSER: Not at this point.

THE COURT: I have some time concerns. I have had an opportunity over three days to observe Ms. Gomez. She appears to have gotten herself reasonably collected. I think we can proceed. And so I'm going to decline the request for continuance now and ask that you call your witness.

MR. ANDERSON: Okay.

THE COURT: Ms. Gomez, you've been sworn.

You're still bound by your oath.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Ms. Gomez, you've testified -- twice now -- answered a fair number of questions. (Inaudible) my best to keep this short.

I am not entirely sure if we went through all of these, and I wanted to kind of hit a few high points.

Do you recall when you started talking to your caseworker from the Department about your concerns about Raphael's behaviors?

A I don't remember exactly.

Q Do you remember kind of sort of when you first started becoming concerned enough to call your caseworker?

A No, but I noticed that Raphael was getting more abnormal each time.

Q Okay. And there's -- there's been some testimony from some people about certain behaviors. (Inaudible) exactly. What do you recall were the behaviors that you witnessed in Raphael that concerned you?

MR. CABALLERO: And, your Honor, I'm going to object. It's cumulative. We've been over this area with the mother.

THE COURT: The objection is overruled. But I would ask that your question leave out the editorial description of what's gone before and simply ask her the question.

Q Can you explain to the court what behaviors concerned you?

A Yes.

Q (Inaudible)?

A Okay. That he wouldn't stop eating. That he was always hurting himself. He would pinch himself. He would pull his hair. He would stick two fingers of his hand into the one nostril opening until he bled. He was aggressive. And lately, lately, just before his death he didn't want to go to sleep all night long

until the morning.

Q I told you before the break that I was not going to ask you any questions about what happened that particular day, and I apologize (inaudible) ask you one question.

When you were feeding Raphael, he was standing between your legs?

A In front of me. In front of my legs.

Q Is there a reason why he was not placed in a high chair or a child's seat (inaudible)?

A Ralph did not have a (inaudible).

MR. ANDERSON: Thank you. I don't believe I have any other questions.

THE COURT: Mr. Moser, cross?

CROSS EXAMINATION

BY MR. MOSER:

Q Ms. Gomez, have you ever tried to feed Raphael in a high chair?

A No.

Q How would he behave when sitting in a chair and being fed?

A Normal chair or a high chair for (inaudible)?

Q I guess normal chair.

A He almost never -- No, he never liked to sit in a chair.

Q Did the other children act like Raphael did?

THE COURT: In what respect?

Q Ms. Gomez, you've testified to certain behaviors of Raphael's, ways that he injured himself (inaudible), stay up all night, (inaudible). Did the other children act like he did?

A No.

Q Do you need assistance with your parenting of your children?

A No.

Q The oldest, Maria, does she help you care for the younger children?

A Okay. She always wants to be helpful, but I tell her, you know, that she has to be a child -- you know, talk to the others -- school, and (inaudible) it's my responsibility, that she does not have to be taking care of--.

Q When you have sought medical attention for the children in the past have you ever had trouble with the language difference?

A Okay. Yes. (Inaudible) problem. I always ask for an interpreter, because even when -- speaking Spanish sometimes there some confusion. So, -- I always ask for an interpreter so things can be cleared up.

Q When you called an agency on the phone, do you have any trouble communicating?

A Yeah. I don't call anyone that doesn't speak Spanish because I do have a problem (inaudible) speaking -- I don't speak English.

Q Were you afraid they would take Raphael away if anything else happened to him?

A More -- more than fear that they would take him away, I was afraid that with as many times -- that he was hurting himself, something would happen to him. And I let CPS know this many times.

Q When Raphael threw himself back in the old house, did he ever hurt himself?

A He would (inaudible) bumps on his head, you know, and he would hit his forehead against the wall and he would (inaudible) bumps onto his head, you know, and--.

Q What about the floor? Would he hurt himself on the floor?

A (Inaudible) no. In the old house floor when he injured his -- his leg, I think that that re-injured his -- injury to the head.

Q Okay. (Inaudible).

MR. ANDERSON: (Inaudible) questions.

THE COURT: Mr. Caballero, cross for the

Department?

MR. CABALLERO: No.

INTERROGATION

BY THE COURT:

Q Ms. Gomez, everyone here is very sorry about the loss of your son. I'm sorry to add to the sadness by having to ask you a difficult question.

This is my question:

If -- If Raphael essentially killed himself by his own conduct, do you feel as his parent that you could have done something more to prevent him from doing that?

A I don't have any remorse in my conscience, because since the child was (inaudible) state, I went to them. The only thing that I say right now at this moment, why didn't I (inaudible) sue the state or why didn't I call Olympia, somebody higher up than them, someone -- someone that would care more about our son, more than (inaudible) Jose and I cared for our son. But CPS never saw that, never. I regret that my son ever fell in the hands of -- into the hands of CPS.

Q Ms. Gomez, you know from what we've heard in the courtroom here that the examination of Raphael showed that he had some -- some significant injuries to his arms and shoulders. Do you recall anything happening to him that -- that might explain to you how he got in that condition?

A The arms?

Q The arms and shoulders.

A That aspect of it has surprised me when (inaudible) because I'm the type of mother that is always looking to see what was wrong, what (inaudible) never -- never noticed anything abnormal about his arms, never, no. That's news to me that -- when I first heard it here in court that was news to me, (inaudible).

THE COURT: Okay. Thank you.

Any other questions?

MR. ANDERSON: No.

MR. MOSER: No.

THE COURT: Mr. Caballero?

MR. CABALLERO: No.

THE COURT: Thank you, Ms. Gomez. You can step down.

MR. MOSER: (Inaudible) just a second?

THE COURT: Sure.

MR. MOSER: Your Honor, I do have another witness, Mrs. Olga Gaxiola, who has had substantial contact on behalf of the Department with Ms. Gomez and Mr. Arechiga.

So, your Honor, I'd like to offer that person's

testimony.

THE COURT: Is she available?

MR. MOSER: Yeah. I understand she's on the phone. Your Honor, can I have a second?

THE COURT: Go ahead.

MR. MOSER: Your Honor, she is available --

(inaudible).

THE COURT: Well, I have a group meeting that I'm leading at 5:15, so I've got about 15 minutes and I've got to be done.

MR. MOSER: That's what I told her,  
(inaudible).

THE COURT: All right.

Ms. Gaxiola?

THE WITNESS: Yes.

THE COURT: This is Judge Sperline.

THE WITNESS: Okay.

THE COURT: Do you solemnly affirm that the testimony you give in this matter will be the truth under penalty of perjury?

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. MOSER:

Q Ms. Gaxiola, will you state your name for the record, please, spelling the last name?

A Avis Olga Gaxiola, G-a-x-i-o-l-a.

Q Okay. And I know that usually conversations preface with telling the person on the other who all is in the room. There's quite a few people here. But primarily, my name is Robert Moser; I'm representing Jose Arechiga--

A Uh-huh.

Q --Doug Anderson is representing Maribelle Gomez, and Tom Caballero is representing the Department. And Judge Sperline is here, and the guardian ad litem Tammy Cardwell. We're the only people I know of that would be asking you questions--

A Okay.

Q What kind of training do you have in social work?

A I have a -- Do you want to know about my previous employment? Or do you want to know about my education?

Q Education.

A Okay. I have a bachelor's degree with -- major in sociology and a minor -- No; I'm sorry. It's backwards. A major in psychology and a minor in sociology from Washington State University, and I have master's degree from Heritage College.

Q How -- how many years experience do you have in social work?

A I would say around ten.

Q Did you ever visit the home of Maribelle Gomez and Jose Arechiga?

A Frequently.

Q And what was the purpose of those visits?

A I was involved as a CWS worker. And I was monitoring the parents' compliance in services. It was a dependency case with the Department of Children and Family Services.

Q And would you qualify or characterize their compliance with those services?

A Well, initially it was non-compliance, and, as in most

DCFS cases, and eventually after a few months of intervention I would say it went very well, very good.

Q And when you were in the home did you have a chance to observe their five children?

A I did.

Q And when you visited their home what kind of things were you looking for?

A Any safety concerns, any physical evidence of abuse or neglect, with actually, you know, for Raphael and for any of the other children. Bonding issues. Parenting skills. And compliance.

Q And particularly on the issue of abuse what did you observe?

A On the issue of physical abuse I never witnessed any bruising of any sort with the children, with any of the children. There was one instance with Raphael and -- but that was taken to the hospital and investigated by CPS.

Q Are you referring to the incident when Maribelle was in the hospital with Edgar?

A Yes.

Q I asked you about abuse. What about the other factors you listed, the parenting skills, the personal safety of the children? What did you observe--

A Over all I think it was pretty positive the time that I was involved with the case. I mean, the home was very clean, the children seemed very bonded with both parents. Even though Jose's not the biological father to the older children, the bond certainly was there -- child bond was there. They were very well taken care of.

The hygiene for all the children was great, in all occasions that I had interaction with the parents.

Q How many times do you think you visited their home?

A Oh, I can't count, but I would say it was -- around about (inaudible) 15 to 20. Or probably even more. But I would assume to say 15 to 20.

Q How did Raphael act? And I know that's a really general way of putting the question. Did he act in any way differently from the other four children?

A Gosh, that's so hard to say because of his age. I'm trying to think back. I would -- I would venture to say that it was -- I guess it was normal child behaviors. I mean, he -- I took him to the home when he was, you know, he was taken from the Gomez home when he was an infant, when he was born. So, you know, of course he cried constantly, and the doctor explained that that was, you know, due to the effects of being drugged, drug-affected while he was growing. He seemed happy around his parents and he seemed to enjoy being around his siblings.

You know, he was a very active little child.

Q Uh-huh.

A But over all I think it was pretty positive.

Q Did you ever observe him hurt himself in any way?

A I think there was an occasion when I was sitting with the mother inside and he crawled off the -- he crawled onto the porch, and there was kind of a little step and he, you know, he hurt himself that way.

Q Uh-huh.

A And, -- No. I can't say I did. But I don't remember.

Q How did he seem to respond to that what would normally be--

A On that occasion he didn't cry; he just seemed to, you know, continue on, as a child continue playing.

Q And, how did Maribelle respond to the situation?

A She walked over to him and picked him up, and he seemed okay.

MR. MOSER: That's all I have. Thank you.

THE COURT: Mr. Anderson, on behalf of mother?

MR. ANDERSON: (Inaudible).

CROSS EXAMINATION

BY MR. ANDERSON:

Q Good afternoon, Ms. Gaxiola.

A Uh-huh. Yes.

Q One of the things you said that you were observing in the home was the bonding between the parent or the parents and the children, correct?

A Right.

Q What were your observations regarding the bonding between Maribelle Gomez and Raphael?

A I felt it was appropriate. The times that he would come over to the home to visit -- on visits. Because when I was involved he wasn't actually returned home; he was visiting the home.

Q Okay.

A And overnights had just begun.

Q Okay.

A So, you know, she carried him, she soothed him, she rocked him. She combed him.

Q Okay. Did you have an opportunity to observe any bonding issues between Ms. Gomez and her other children?

A Yeah. They all seemed very bonded. I mean, there was a few occasions where I would transport them either to the doctor or to different appointments, and being in the home they seemed very close.

MR. ANDERSON: Okay. Thank you.

I have no further questions, your Honor.

THE COURT: Mr. Caballero?

MR. CABALLERO: No questions.

THE COURT: Thank you. Did you have any

follow-up?

MR. MOSER: No.

THE COURT: Thank you, Ms. Gaxiola. That

concludes your testimony.

THE WITNESS: Okay. Thank you.

THE COURT: Any other evidence to be presented

by father?

MR. MOSER: Your Honor, the father does not

have any more evidence, and (inaudible).

THE COURT: Does the Department wish to present

any rebuttal?

MR. CABALLERO: No.

THE COURT: That then closes the evidence to be

presented in this case. Next is for the -- parties

and counsel to have an opportunity to argue. I would

like to do that beginning at 8:30 tomorrow morning.

Does that schedule present a difficulty for any of you?

MR. ANDERSON: No, your Honor.

MR. MOSER: No, your Honor.

THE COURT: We'll be in recess until 8:30

tomorrow.  
Recess

I certify that the foregoing is a correct transcript  
from the electronic sound recording of the proceedings  
in the above-entitled matter.

August 6, 2004

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Court of Appeals No. 22935-1-III

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF GRANT

In re dependencies of

E.A., J.G., J.G. and M.G.,  
minors,

STATE OF WASHINGTON,

Petitioner,

and

MARIBELLE GOMEZ and JOSE  
ARECHIGA,

Respondents.

No. 03-7-00131-1, 132-0,  
133-8, 134-6

Hon. Evan Sperline

February 27, 2004  
April 20, 2004

VERBATIM TRANSCRIPT OF PROCEEDINGS  
From Electronic Recording

VOLUME IV - Pages 477-545  
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DEPENDENCY FACT-FINDING  
(continued)  
February 27, 2004

MR. CABALLERO: --Tom Caballero representing the Department of Social and Health Services, calling the matters of Edgar Arechiga, 03-7-134-6, Julio Gomez, 03-7-0132-0, Julianna Gomez, 03-7-131-1 and Maria Gomez, 03-7-133-8.

This matter is on for closing statements after concluding the contested fact-finding hearing.

Present court Maribelle Gomez, the mother of all four children, and her attorney Doug Anderson, Jose Ramon Arechiga, the father of Edgar Arechiga, with his attorney Robert Moser, Mario Gonzalez for the Department, Terry Cullen, the guardian ad litem and Tamara Cardwell the guardian ad litem program administrator.

The Department's ready to proceed to closing.

THE COURT: Happy to hear your argument.

MR. CABALLERO: Thank you.

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CLOSING ARGUMENT

MR. CABALLERO: Your Honor, the State of Washington and its Department of Social and Health Services is asking this court to find that Maria Gomez, Julio Gomez, Julianna Gomez and Edgar Arechiga are dependent children as defined under RCW 13.34.030. The Department submits that the evidence in this trial has established clearly, convincingly, and certainly by a preponderance of the evidence, that Maribelle Gomez and Jose Ramon Arechiga are not capable parents at this point in time and because of their incapability returning children to their care would place these children at risk of substantial damage to their psychological and physical well-being.

These four children are the surviving siblings of Raphael Gomez. Raphael died on September 10, 2003, and he was three years of age at that time. He died as a result of injuries that he sustained on September 9, 2003 while in the care of Maribelle Gomez.

Ms. Gomez explained the events that led to Raphael's death as an accident. The court is familiar with that version of the events. Just to touch upon it, she was feeding Raphael soup, she was sitting, he was standing in front of her, facing her, in the kitchen. And the kitchen floor is a hard substrate. The child, seeing that the soup was almost gone, threw himself backward and hit himself on the head, and then while on the floor he proceeded to hit his head another three to four times before Ms. Gomez intervenes, consoled him and continued to feed him soup.

Inexplicably, the mother then proceeds to feed him soup in the exact same manner, on top of the exact same kitchen floor, despite the fact that her child had thrown himself backwards just a few minutes earlier.

Raphael once again threw himself backwards and hit himself even harder this time on the hard kitchen floor. This time Ms. Gomez noticed that her child's

eyes rolled into the back of his head, that he was limp, and that he was struggling to breathe.

Ms. Gomez took the child outside for fresh air, was not able to revive him, and ultimately took him to a neighbor's house where she asked for help, called Murray Twelves, and agency social worker to have him go meet her at the hospital so that her child would not be taken away from her.

Mr. Gonzalez, Mario Gonzalez, the agency social worker who investigated this dependency, testified that he interviewed the mother just shortly after the child's death. A couple of differences in terms of the description of the events. First of all, during the interview Ms. Gomez disclosed to Mr. Gonzalez that the child at the first episode of throwing himself back had hit himself on the head two times, not three to four times, but two times. Ms. Gomez was unable on the stand to -- to remember or recollect that statement to Mr. Gonzalez.

Ms. Gomez further disclosed to Mr. Gonzalez that when she took the child out for fresh air it was to the back of the residence, out a back door, and then she had to travel through the house to go to the neighbor's house to get help for the child.

Finally, Ms. Gomez offered a slightly different explanation to Mr. Gonzalez that the child was between her legs, not in front of her as the mother testified.

Under these facts, if these facts are taken to be correct, at a minimum this consists of serious neglect by the mother. For two reasons:

First, the mother failed to recognize an imminent danger to her three-year-old child when she fed him in the same position, despite immediate knowledge that this child was throwing himself backwards and hitting himself of the head. Ms. Gomez acknowledged that this wasn't new news for her, that this child had established a propensity for throwing himself backwards. Her lay witness testimony also established that this child had a propensity for throwing himself backwards. And yet she didn't even get a pillow, she didn't move the child to a softer floor, she didn't feed him sitting down. She did nothing to change the environment to remove the risk to the child.

Second, when confronted with a child that was in visible distress, with a child that was unconscious, limp, struggling, the mother did not behave like a reasonable and prudent parent would behave. She delayed seeking medical treatment by attempting home remedies, including fresh air, rubbing alcohol. She delayed treatment by going to a neighbor's house, and instead of calling 9-1-1 or calling an ambulance, she called her social worker, Murray Twelves.

The mother, during her testimony, explained this as part of her panic. When asked under questioning, "why didn't you call 9-1-1," she responded something to the effect of, "I didn't even know the phone existed." But your Honor, the evidence is to the contrary. Because she knew the phone existed because she asked for it to call her social worker. That's a conscious decision. And her conscious decision was to ensure her custody and

possession of her child as opposed to placing her concern with the safety of her child. And the mother understood the gravity of the situation, because you heard from Ms. Pichardo, the neighbor that offered assistance, when the mother came to her house, what she said was, "My son is dying."

Dr. Brzezny, the emergency room physician, clearly stated his opinion that when this child arrived lifeless and in a state of arrest to the emergency rooms, that the delay -- He described it as approximately eight minutes -- that the delay gravely worsened the child's prognosis. Hard to bring a child back to life when you delay oxygen to the brain for that period of time.

And the Department submits that the best case scenario for this parent is one of serious neglect. But the more probable scenario is death by homicide. Not an accident compounded by neglect.

The medical testimony in this case establishes that the mother's explanation of the child's injuries is inconsistent with the observed medical findings on autopsy. You heard from Dr. Marco Ross, a well-qualified forensic pathologist. And as part of his diagnoses on autopsy he diagnosed blunt trauma to the head. And there were several factors that were (inaudible) that would indicate blunt trauma to the head.

He found abrasions to the child's face. He found abrasions to the child's right ear. He found abrasions to the scalp. He found acute and subacute hemorrhages or bleeding to the back of the child's head, in the occiput. He also found acute and subacute bleeding in the frontal scalp. And what I'm asking you to do, your Honor, is when you look at that finding, how do you get bleeding to the front of your head when you're -- when you fall backwards and hit the back of your head? Dr. Ross couldn't explain that finding, based upon the mother's explanation. And I would submit that there is no reasonable explanation based upon the mother's version of events.

But there were other findings here. There were acute and chronic skull fractures. Acute, recent; chronic, old. And those were to the back of the head. This child had acute subdural and subarachnoid hemorrhages. To paint a better picture for the court, this child was bleeding internally between the scalp and the skull, the tissue exists there -- I believe that was referred to as the galea -- and he was bleeding between the skull and the brain, and that was referred to as the dura.

This child was suffering from edema, or brain swelling. And this child had focal acute ischemic changes of the cerebrum. But there's more. That's just the evidence of trauma to the head.

Further correlating with head trauma were the bilateral retinal and optic nerve sheath hemorrhages, bilaterally, two-sided. This child also had contusions of the back and the upper extremities. And the injuries to the proximal humeri. This is the section of the arm bone that connects into the shoulder.

Dr. Ross's medical findings, as he indicated, were consistent with non-accidental trauma. Dr. Ross

further determined that the manner of death was homicide.

The court also heard from Dr. Kenneth Feldman. He is a board certified pediatrician and an expert on child abuse. Dr. Feldman testified that the constellation of findings at Raphael's death was consistent and specific for abuse. Dr. Feldman examined medical records from Columbia Basin Hospital, where the child was seen at the emergency room, and also from Sacred Heart Hospital where the child was eventually transferred to. He also looked at radiographic studies, x-rays, and a CAT scan.

In Dr. Feldman's opinion the child's diffuse brain injury, with the numerous hemorrhages that were present, the serious occipital fracture, all of those indicate a severe blunt impact injury to the head, and Dr. Feldman also found, and testified to, a whiplash rotational component to the injury of the head. Not the type of injury that would be caused by a child throwing himself backwards onto his head, but more consistent with a more serious force, a tractional force, being applied to the child's head.

The healing of the proximal humeral fractures and also the chip fracture to the glenoid, to Dr. Feldman those were indicative, again, of traction forces being applied. And what Dr. Feldman found was that these fractures were consistent with Raphael's arms being jerked so severely that they were basically pulled out or separated from the -- from the shoulder, that the bone was separated from the shoulder. That does not happen when a child falls backward. And also, these were old and healing fractures, so they were not contemporaneous with the September 9, 2003 events that the mother contends was an accidental injury.

This shows, your Honor, not only constellation of findings consistent with abuse, but also repetitive abuse, abuse occurring at different points in time.

Dr. Feldman, similarly to Dr. Ross, concluded that Raphael's injuries were indicative of repetitive and severe inflicted trauma, and death by inflicted brain injury.

The parents may argue that the lack of injuries to the other children should obviate the need for dependency. But this is a flawed reasoning.

First, the primary caretaker of these children is the mother. And the court has heard her explanation, as a historian, in regards to the injuries to Raphael, and her version of events is incompatible with the injuries that Raphael presented with at autopsy.

As a further example of the mother's deficiencies as a historian, I'd ask the court to note that she was less than forthcoming about injuries to her other children. When asked on questioning whether the children had suffered any other injuries she said no. But upon further questioning she admitted that her daughter, Julianna, had been seen in 1999 for what she referred to, I think, as a splinter in the bone, because she had fallen, as a one-year-old, from a high chair and had injured her leg.

So, the issue of injuries or lack of injuries to the other children does not mean that these

children are not placed at risk if returned back to the care of the parents.

In addition, the court has heard from Dr. Feldman regarding the concept of the targeted child. A child that because of his behavior, because of the differences, is targeted for abuse, selected out within the family dynamic and targeted for abuse. And you've also heard from the mother, consistent with this concept of a targeted child, that Raphael was a -- was a difficult child, that he had all sorts of behavioral problems, that he would bite himself, that he would pull his hair, that he would keep her up all night, shortly before his death. That he behaved differently from the other children.

In fact, Ms. Gomez, and Mr. Arechiga, both testified that they wanted to figure out what was this mysterious illness to their child, and that the Department wasn't helping them, and that the doctors weren't helping them. This despite the fact that the child was receiving routine pediatric care, and in January of 2003 the child was seen by a neurologist, Dr. Richard Dixon, basically conducted a normal neurologic exam.

Mother was also concerned about this child's inability to feel pain. That really concerned her. But back in January of 2003 this child responded to a pin prick by removing his finger, a normal neurologic response to pain.

And where's the paradox in all this? That the parents perceived behavioral difficulties with the child were not observed to any great degree by the host of professionals that were coming into this home to care for the child. There was some testimony about the child eating some scabs, but where's this out of control behavior? Where's this self-mutilating behavior? Other than eating the scab (inaudible) wound, Gracie Alvarado was in there quite a bit. Did she see it? Not a whole lot.

And also, if you look at where this child lived, he lived a significant portion of his life in foster care. He was placed in foster care shortly after his birth, until approximately June of 2002. He was then again re-placed into foster care in September of 2002 for a period of approximately five days. And he returned to foster care in December of 2002, until he was returned -- final time to the parents' care in March of 2003, towards the end of (inaudible) 2003, and the Department never received any complaints about injuries to this child while the child was in licensed care. That's a paradox.

The court also heard from Alicia Estrada. She offered an insider's view into this family. When the father was not at home, (inaudible) at work, Ms. Estrada observed Ms. Gomez depriving the child of (inaudible), once again, treating him differently. Treating him worse than the rest of the children. Using corporal punishment such as slapping, kicking, bathing the child in cold water.

Adding to the paradox, Ms. Estrada never observed Raphael to be an out of control child. Ms. Estrada also testified that when she would try to comfort the child, Mom wouldn't let her.

This is a person that wasn't coming into the

house for a couple of hours a day to have lunch. This person was living in that household for, I believe the testimony was, somewhere between a month and a half and two months. She saw what was going in that house. She became a member of that household. And her description of what was occurring in that house is diametrically opposed to what Ms. Gomez and Mr. Arechiga are saying, and what their lay witnesses testified. But these lay witnesses weren't living there. They weren't experiencing the full brunt of what was occurring to Raphael while in the mother's care.

This child fits the mold of a targeted child for abuse.

As to the father, the Department submits that he is utterly incapable of putting himself in a parental role, in a protective role, as to his child Edgar Arechiga. The father heard the testimony of the medical professionals, that Raphael Arechiga died due to inflicted trauma, and yet, he testifies that he has no reason to fear his child, 17 months of age, being cared for by the mother. He is in no position whatsoever to protect the child.

Mr. Arechiga, as well as Ms. Gomez, both seek this mysterious illness, this blame-shifting to the Department, and to medical providers, because something was wrong and abnormal with this child. Once again, that fits pretty tightly with the concept of the targeted child.

As to Julianna, Julio and Maria, their lack of injuries is not the issue here. The issue is that these children, without a dependency -- They're 11, approximately 11, seven and five years old, they would be returned back into the home where Raphael died. That's what would happen. And at his death Raphael was, what, three years old? He couldn't tell you what was happening; he was too young. He wasn't able to tell the guardian ad litem what was happening, because he was too young. He wasn't able to tell the Department what was happening. But the circumstances of his death speak out in a deafening manner, because he died due to inflicted trauma.

If his death is going to serve any purpose, and a sad and tragic purpose it is, it is to protect his siblings.

What I am asking the court to do is to find these four children dependent so that the State of Washington can be involved, so that a guardian ad litem can be involved, so that the children can be protected. Because if not, these children will be returned back into the home where Raphael was killed.

I have no further argument. Thank you.

THE COURT: Thank you. Mr. Anderson, on behalf of mother?

MR. ANDERSON: Thank you, your Honor.

#### CLOSING ARGUMENT

MR. ANDERSON: Your Honor, I feel compelled to address a number of the issues and arguments Mr. Caballero brought up in his closing arguments.

Towards the beginning he focused on differences between the statement -- explanation that the mother gave to social worker Mario Gonzalez from what she

told the court -- (inaudible) under her testimony. To me these differences are differences (inaudible) whether or not Raphael hit his head two times or three to four times, that if it was two times as opposed to -- five -- five to six, six to seven. That might be more of a difference. One to two or three to four, especially now when we're -- five months, almost six months, past the date this actually occurred, whether or not Raphael was standing between her legs or in front of her, he clearly is going to still be in front of her, facing her front. Again, the difference is not really a difference.

As far as the argument that the mother was neglectful in her failure to recognize the danger (inaudible) Raphael (inaudible), I believe the testimony from some of the lay witnesses was that the mother, when she'd feed him, he would stand in front of her, or between her legs when she was feeding him. This has happened before; he's thrown himself back before. Nothing had ever happened before. (Inaudible) isn't even -- anything even close to this magnitude. He threw himself back. (Inaudible) mother testified that -- that it was one of the behaviors that she'd observed, and she was concerned about (inaudible) -- never happened. She did not see -- any need to move into a softer spot in the apartment floor, put a pillow behind him. He had done this before, and nothing had ever happened.

Mr. Caballero also stated that the mother, after he had lost consciousness, did not behave like a reasonable and prudent parent would be. At that point in time Maribelle Gomez was not a reasonable parent; she was in panic. Her child's eyes had rolled to the back of his head, (inaudible) limp, he was seemingly lifeless. She was in panic. She did not know what to do. (Inaudible) expecting her to behave as any reasonable and prudent parent would is somewhat incredulous.

As to the fact that she did call Murray Twelves, her agency social worker, I would submit that by that point she had -- she already testified that she had decided to take Raphael to the hospital. At that point the constant -- for lack of a better word I would say training that she had been put through for the last number of years having a dependent child kicked in; something happens to your child, contact your social worker; let him know. Don't (inaudible) after the fact, because after the fact he's -- the first thing that's going to come out of the -- (inaudible) come out of the Department's (inaudible) will be, "why didn't you contact us? what are you trying to hide?" She wasn't trying to hide anything; wasn't trying to hide anything. She called her social worker, (inaudible) said, "Something's wrong with my son." "Take him to the hospital."

Your Honor, as to the medical experts, the medical experts that testified, I'm not going to make any arguments to that, other than to say, the mother (inaudible) shelter care hearing, this fact-finding hearing, the version of events that happened -- September 9th. That has not varied. The mother has stated all along, (inaudible) testimony that she had been calling her social worker, calling (inaudible)

Department, saying, "You've got to do something. My son is just not right. And he has these behaviors you'd better address; they're not normal."

The (inaudible) the idea that she's trying to -- that the parents are trying to shift the blame, based upon this, (inaudible) ludicrous. (Inaudible) would have come forward shortly after the death occurred, and said, "Oh, well, he had these injuries all along," or "these behaviors all along." No; way back when the behaviors first started, they first started (inaudible), (inaudible), "we need to have this looked at," "we need to have (inaudible)." They were told, "well, we can't do (inaudible) -- have him looked at by a pediatric neurologist until he's at least three years of age." That's what they were told by the individuals at the Department. (Inaudible), "Between now and then, just keep an eye on him."

They -- They (inaudible). As to the -- I don't believe -- And I could be wrong -- their testimony was not that he did not feel pain, that he did not feel pain in a normal way. Yeah, he -- he obviously responded to the pin prick test that was given to him at the neurological exam. He could feel some pain. Whether or not he could feel pain in the way a normal child or a normal person would is also -- it's just not answered.

I know -- I know of several people, myself included, that have had operations (inaudible), the doctor gives you pain pills and says "If you start feeling pain, take them." They'll sit on the shelf; they're never taken. And another individual in the same circumstance, two hours after the surgery, popping the pills, because they've got pain. Same surgery, same (inaudible) thing, different people feel pain differently. And I don't think it's beyond the realm of possibility or beyond (inaudible) that Raphael was just not feeling pain the way a normal child would.

This could explain the chronic injuries. He injured himself, got injured somehow, whether it's an accident with -- playing with an elder sibling, does not necessarily cry out, (inaudible) not cry out (inaudible) -- when he fractured his femur back in December, does not cry out, nobody thinks anything's wrong. But (inaudible) goes on, but later finds (inaudible) is determined there was the injury, (inaudible) -- occurred earlier.

Your Honor, I wasn't going to mention this, but Mr. Caballero did bring it up, the testimony of Alicia Estrada. Your Honor, I found her testimony to be the most -- non-credible testimony that was given--

MR. CABALLERO: Your Honor, I'm going to object to that part of the argument. Mr. Anderson is -- That's an issue for the court to decide regarding credibility, not for counsel or to express his opinion regarding the witness's credibility.

THE COURT: The objection is noted and overruled. Continue with your argument.

MR. ANDERSON: Your Honor, she talked about injury -- or, corporal punishment that Maribelle Gomez inflicted upon Raphael, including one time kicking him (inaudible) over into (inaudible). Never was there any testimony, any evidence or any caseworkers that

said that on or about that time they noticed scratches on Raphael's face, that they noticed that he had been scratched in any way. (Inaudible) consistent with somebody who landed in the gravel. She talked about how Maribelle Gomez would ask her to go -- (inaudible) bring alcohol into the house because Maribelle Gomez asked her to bring alcohol into the house. At that time Maribelle Gomez was on -- taking UAs, she was -- she was actively pursuing treatment at Grant County (Inaudible). Never was there -- any evidence of a UA that came back positive for alcohol.

The other things that she said that had happened have not been corroborated by any other testimony. In fact, for the most part they have been -- completely countermanded by testimony that was given by Department social workers, by lay witnesses, everybody else who had (inaudible) contact with this family. (Inaudible) completely opposite of what her testimony was regarding her behavior towards Raphael and her other children. She testified that Maribelle also had a -- was mean, if you will, to her other children. All the testimony we had, from (inaudible) caseworkers, including Mario Gonzalez, every -- every observed visit that they had, every time they've stopped by the house, (inaudible) children in the home, everything seemed great. The mother was very appropriate with the children, very appropriate with Raphael, very appropriate with the other four children, and that bonding seemed very strong, seemed good,--.

And your Honor, although Mr. Caballero argues against this, I think that the fact that we're not here today for the court to determine whether or not Raphael died by (inaudible). It's an issue, yes, but it's not (inaudible) determine whether or not the other four children should be found to be dependents of the State of Washington.

As far as Maria, Julio and Julianna, they are definitely old enough to express to anybody, teacher, caseworker, guardian ad litem, police officer, that, "Hey, something's going on," "Mommy hurt me," "Daddy hurt me." They are not in a position where they are totally vulnerable. They have not been -- Other than the -- fracture of Julianna's leg, (inaudible) abuse has occurred with any of these children, any injuries occurred with any of these children, and I do not feel that they are in imminent danger of physical or psychological harm if they were to be returned home. In fact, considering all that's gone on in these young children's lives in the last six months, I would argue that continuing to keep them out of the home and (inaudible) harming them psychologically.

Your Honor, I believe the mother will also be -- be also -- asking to address the court. I'm going to stop there. I just want to re-emphasize that there -- there are explanations given as to what could have caused -- injuries to Raphael. They may not bring everything down to a (inaudible) preponderance of the evidence standard as to whether or not his death was accidental (inaudible), that's not -- I'm arguing that's not (inaudible) the court to (inaudible) before the court today; (inaudible) before the court today is whether by a preponderance of the evidence the state

has shown that the four remaining children need to be found (inaudible) dependent.

And I do not feel that that has been shown, and I would ask that the court deny the Department's motion for dependency as to (inaudible).

THE COURT: Thank you. Ms. Gomez, you have the right to be heard directly. Is there anything that you would like to say to me?

MS. GOMEZ (through interpreter): Yes.

Your Honor, I would like to say -- to the court and to -- that I feel 100 percent capable -- taking care of my children. The (inaudible) my son Raphael dying (inaudible) something that we could never have wanted to wish, and I want to make it clear to you and (inaudible) that I am (inaudible) with CPS because (inaudible) drugs, never (inaudible) -- but never (inaudible) for (inaudible) abused a child and even less so (inaudible).

And even if -- even the -- the use of drugs (inaudible). I've proven to CPS with (inaudible) that I'm clean for over two years -- And I (inaudible) just -- or, just exactly or precisely just to be in good with CPS, because -- really I'm taking -- I am taking this very seriously to make my life better, because I did commit the error about using drugs. And more than (inaudible) I am putting it to myself and (inaudible) of myself, and I want to ask you to return my children, because they are my life, and -- they're the only treasure that I have.

And if you want to send me to some classes or whatever, -- that you feel that I need to be better, do that. But please return my children to me. But I feel that I am very capable of taking care of the children in ever sense of the word of being a good mother and capable of taking care of my children. And (inaudible) say something if you will permit me.

I always -- or, sought assistance for my son Raphael, your Honor. (Inaudible) -- they say (inaudible) love my son so much, I would have never have changed, I would have never fought for him. If he hadn't been important to me why would have I gone into -- why (inaudible) back, wanting him back? I -- (inaudible) mattered to me, I would have just left him with CPS, but to the contrary -- but to the contrary I've always done everything, everything to get him back; to this day I have always done every thing that they have requested.

I want my children back. Your Honor, it's not fair for (inaudible). Raphael died. The same day that he died they take the others away. They removed Edgar from my breast because I breast feeding. Your Honor, how far does the state want to go with us? I need for this to be stopped now. I can't take any more.

I've analyzed the whole history since Raphael was born. I cannot see where our mistake -- My one mistake is that I used drugs. And (inaudible) concentrate (inaudible) where I was that I wasn't a good mother, and I -- I can't find it. They haven't even let me cry for my son, grieve for my son's death in peace.

And it hurts me a lot to see my children (inaudible) state. Each visit they ask me, "Mommy,

how many more days before I can go home?" "We miss you."

I want my children back. Thank you.

THE COURT: Thank you.

Mr. Moser, on behalf of Mr. Arechiga?

MR. MOSER: Yes, your Honor.

#### CLOSING ARGUMENT

MR. MOSER: Your Honor, this is a case, one of the most distinctive things about the evidence put on is that we have substantial medical testimony and we have I think about 15 lay witnesses, including the parents. And the medical testimony does not meet the lay testimony at any place that I could see. The two are not reconcilable.

We have overwhelming lay testimony that describes the home of Maribelle and Jose as stable, the children are well-mannered, they're well brought up, the house is under control. The mother is not given to violent fits, to overreaction, to harsh discipline of the children. And so, it is the theory, the Department's theory of the case, that we need to dispense, disregard all of the lay testimony for the sake of the medical testimony, as the Department has done.

The Department has substantial resources at its disposal to provide it with information. The condition of the homes of its clients. And we've heard from quite a few caseworkers. And these caseworkers were impressive with their experience. Murray Twelves, 20 years experience. Olga at 14-1/2 years. Gracie Alvarado, I believe 12 years. I mean, these are not people who, you know, are doing this as a summer job or just -- just between careers. These witnesses testified that these are good parents. And they took care of Raphael; they did a good job taking care of Raphael, and they didn't treat him differently from the other children. And that Jose treats Maribelle's oldest three children the same as if they were his own, and that he's a good father.

And these -- these people who are so -- experienced at relating and interacting with the Department's clients on a personal level, (inaudible) go into the home looking for specific things, and who are able to, you know, diagnose what's going on in the home, or what the problems are, and then to make recommendations. The Department has dispensed with their opinions. And -- and we know why. Because a child has died.

And so then we go back with the hindsight. When an organism is injured or undergoes severe stress or duress, it kind of rebels on its own prior conceptions, or it says, you know, "Everything has to be ignored," and "all prior knowledge has to be -- must have led me wrong before." And that's exactly what the Department has done. I mean, how many people have we seen? Six, I think, caseworkers from the Department. The Department, as a party to the case, has a theory on this case, and yet we've seen caseworkers from the Department present a picture that is entirely inconsistent with the Department's position. And, like I said, we know why.

And I don't -- I wouldn't even -- I wouldn't go

to the pressure from outside, pressure from the media or from the people in Ephrata; I think it's just the way an organism reacts when something like this happens. It just says "Everything that we thought before must be wrong. Our normal sources of information must be unreliable." "Our prior ways of making decisions must be faulty." "We're going to have to dispense with what we know."

And that's exactly what the Department is asking the court to do. Fifteen lay witnesses, including five, six caseworkers, Lucinda Garces was a neighbor, and she -- her son had some of the same problems as Maribelle's son. Overwhelming lay testimony of the stability of the home life that these four children, the subject of this case, were in before September.

And the Department, like any prosecutor, has to tell the story somehow. And it's not just to sell the case to the trier of fact, it's -- they have to explain to us how it is that this could have come about. They've got to tell us how is it that this terrible thing can happen. Where is their story? They've given us the conclusion, the medical opinions of doctors who examined the situation in a closed environment, who spent one, two, three hours -- I don't know if they spent more time than that. But, -- examining the case. But how does this take place? Where is the -- where's the evidence that this kind of thing was bound to happen, was likely to happen, or even that it's plausible that it could have happened -- the situation? Where's the explosiveness or Maribelle's temperament? Or where is her disposition to this kind of behavior?

And that's why we got the testimony of Alicia Estrada. And Alicia Estrada, I'll just say that her testimony was very different from the testimonies of all the other lay witnesses we talked to, including their neighbors and the caseworkers, and that Ms. Estrada was forced out of their home, by the parents, and that Ms. Estrada testified that she told everything to the Department, and the Department never believed her. That's what she testified; that "they did not believe me." Now the Department believes her. And the reason they do, is because of this reversal of thinking, this -- this irrational -- Excuse me, but I think it's analogous to an irrational behavior by an organism, to completely second-guess itself.

And that's why this witness, this one witness out of all these other lay witnesses, was put on. I mean, they wouldn't have put her on if they didn't believe her, if they didn't find that her testimony was exactly what the needed to tell the story. And it's only through her testimony -- And that's all that they've got to flesh this out.

The Department sought to establish a pattern of abuse. And the first two days of the trial, I mean, they were -- they were establishing this, -- said, "Look at this femur fracture," and doctors -- a couple of the doctors, I think Dr. Ross in particular -- It was Dr. Dixon, I believe, who was saying that everything was highly unlikely, highly unlikely that this could have been an accident.

And Dr. Feldman, we heard from yesterday

morning, said, "Yeah, the femur accident, probably -- probably an accident, the femur fracture." And he -- our first -- Or, our pediatrician explained to us how this mistake could have been made, although I don't believe he addressed it as anyone making a mistake. But he did tell us that in children it's -- it's sort of the opposite. The bones which are most -- are subject to breaking rather than spraining, are opposite than those in adults, which are -- (inaudible) breaking and/or spraining -- a bone that an adult would be more like to sprain than to break, a child would be more likely -- would be easier to break.

And so, that accounts for why we had so many doctors saying, "well, this femur fracture, highly unlikely there was an accident." Dr. Ross, I believe -- I believe he testified on the femur fracture; I believe he also said that it would not have been an accident. And Dr. Feldman yesterday just blew that away, because he's a pediatrician, and he studies these kind of cases, injuries to children, and he was able to say -- He said the explanation was reasonable, he said it was consistent with accident. He said it in a couple different ways, and I'm sure he was not inclined to testify on behalf of the father or the mother, but -- but he led it toward that direction, that -- very different from the testimonies of Drs. Dixon and Ross, who said this could not have been an accident.

And so where's the state's pattern of abuse? The shoulder fractures, I think, were acknowledged as significant by -- maybe by the court, and -- we don't know when they happened. There was no testimony when they happened. One thing that we know about Raphael is that he was only in the care of his parents about half of his life. And we never heard anything that could have accounted for when this might have occurred, this -- fractures to the shoulder.

MR. CABALLERO: I'm going to object to that. That misrepresents the facts, your Honor, because Dr. Feldman clearly testified that they were healing fractures, that there was calcification that was consistent with a healing fracture, and that it would have certainly been within the time line of the return to the parents' home.

THE COURT: That's argument, counsel. The objection's noted, but it's -- it's appropriate for argument.

Go ahead.

MR. MOSER: Okay. And I'm not trying to -- There was a lot of medical testimony. I'm (inaudible) represent. But --. Let's see.

At any -- And there was testimony as to the burns. You know, they looked like they were consistent with splashes, although the doctor was concerned that there were two of them and that -- didn't seem to be a connection between them. But all he could say was, "Yeah, they're consistent with -- accident."

Mainly the Department's main means of establishing pattern of abuse was the femur fracture, which now seems, based on the testimony of Dr. Feldman, to be -- to actually be an accident.

There've been quite a few injuries testified to in this case. I believe the Department has failed to establish a pattern of abuse. I know that your Honor has taken careful notes, and I think that without more from me you're able to determine whether there's a pattern of abuse here.

But the tibia fracture, which was only of concern to Dr. Feldman, he said, because -- (inaudible) the father did not give answers at the emergency room, and the father explained that yesterday, why that was. Because there was no interpreter and they did not understand him.

So I don't think that there is -- at least the main effort to establish a pattern of abuse has failed to establish exactly that.

Dr. Feldman told us how this could happen, that one child could be abused where the others are not. And I led him through some questions that, you know, maybe you didn't feel were necessary, but I did want to establish how it is that we see this taking place, other than with the conclusion that one child has been abused and the others haven't. I wanted to avoid circular reasoning.

And he said, "well, there are some other signs. The parents might be overly harsh with that child. Verbally upbraiding, you know, making a target that a child may be disciplined more often." And we don't have any evidence of this -- Except -- except Ms. Estrada, that testified to exactly this, that (inaudible) Department's case; that explains why they put her on. But we had 15 other witnesses testifying that this did not -- signs were not evident.

And so, we have the possibility that one child was abused and the others were not. But that's -- basically where we're starting with anyway.

The theory of targeting for abuse, I don't believe is helpful at all in this situation.

Your Honor, the emphasis of my argument has been that I'm -- I'm disinclined, or I would discourage the court from dispensing with the opinions of so many people who were there and who saw what was going on in this house, and who described a situation where this would not occur, where a child would not be beaten to death. And I would, for the same reason, like to address the testimonies of the doctors, because I think that there are some problems -- Just a few (inaudible).

And I don't doubt their qualifications. I think that they're dealing with a more limited amount of evidence. They're dealing in a laboratory situation, so to speak, where they examine a child for a limited amount of time, and they're looking for a limited number of things. And often they're relying on the opinions of other doctors. And the process I'm going to describe is where the neurologist formed an opinion, it was relied on by the other doctors, and Dr. Ross formed an opinion that was relied on by Dr. Feldman.

Dr. Dixon -- Dr. Dixon, the neurologist, I believe, concluded that this is a normal child, this child who throws himself backwards, this child who injures himself, this child who does not have a normal response to pain, but he responds to a pin prick. And

Dr. Dixon concluded that this is a normal child, a child who overeats, consistent with Lucinda Garces's son, who had Down's Syndrome. And the other doctors all formed their opinions assuming that they were dealing with a normal child.

My only point is that their opinion is limited. I do not -- do not appreciate Dr. Feldman's 100 percent certainty in some of his conclusions, because he was forming his conclusions based on what was in front of him.

Dr. Ross -- Dr. Ross (inaudible) the child died from blunt force trauma. And then Dr. Ross explained to us the array of things that blunt force trauma includes. As diverse as the scrape of a fingernail. Or diverse from kind of our vernacular sense of what blunt force connotes [sic]. And he also testified that he was not able to determine -- not able to narrow down the source of that injury. Not able to narrow it down whether it came from the floor, or someone's hand. And I don't mean to mis- -- I believe that that's true; he was not able to narrow down the source of the injury.

Your Honor, Dr. Ross -- the thing I thought most interesting about his testimony, he very -- knows a lot of terminology that was not -- I was not familiar with. Dr. Ross testified for an hour and a half, and he went through step by step the autopsy of the child. And it's true; he was very detailed, and he covered -- covered, you know, everything about the child, went through it step by step. And then counsel asked him questions, leading questions, asked him, "Is it your opinion that the child died from blunt force trauma?" "Yes." "Is it your opinion that the injury" -- or, "Is the injury consistent with an accident?" "No." And (inaudible). For me it just wasn't a very good -- wasn't a very good (inaudible). He went through the build up, there was a lot of -- a lot of technical description of the child's body, and then the conclusion. And it wasn't clear that the conclusion was established from the testimony. To me it was not clear. And -- But that's all I could -- I could not argue that it would not be clear to anyone.

Dr. Ross, of course, testified to quite a few things that -- that we could understand. He -- testifying to the -- to the shoulder injuries and to the head injuries, scratches on the -- or the abrasions on the face. But the conclusion, non-accidental, -- I think that it was lacking in the establishment of that conclusion.

And the only -- I wanted to mention one thing about Dodd. You know, the examination of him about the muscle development in the thighs. And I know your Honor asked him if he, you know, if he saw if there was any muscle development in the thighs. And I would just like to convey what I remember about that, that interchange.

He -- he did say, he says, "No; I am looking at the child, and I am trying to make a complete examination." But then he did say, also, "I'm not looking for that." "I didn't know this." And I made sure that that was, in my examination of him, that that was the limit of his testimony, that he did not know this, that there was unordinary [sic] muscle

development in the thighs.

Your Honor, there have been some facts that have come up in this case, and -- in opposition to all the medical testimony. There were some surprising facts that were highly consistent with the theory that the child's death was accidental. The fact that the parents had just moved into a new home two weeks before the child's death. And I believe -- And that the floor was much harder. And there has been substantial testimony, despite the people who did not see the child ever throw himself back, there's been testimony from Murray Twelves, testimony from quite a few friends and neighbors, who did see the child throw himself back. And it's been characterized differently.

I believe Murray Twelves actually said the child arched himself back.

And on a brand new -- or on a new floor that they're not used to, your Honor, it is a fact that is consistent -- with accidental death.

We certainly have a child who has injured himself, who was known to injure himself. The tibia fracture and the femur fracture, serious injuries. And we do have a pattern of accidental injury. Whether we have a pattern of abuse or not--.

The -- Counselor's opening of closing -- his closing argument was that the Department has established that the parents are not capable of caring for the four remaining children. That is exactly what the Department has not established. They have attempted to establish that through the theory that Raphael's death was non-accidental. The Department has not put on other evidence, very little evidence, that the parents are unable to care for the four remaining children.

What this case has established, well beyond a preponderance, is that these are very good parents. And more than capable of caring for the four remaining children.

Your Honor, the parents are not putting any conditions on the return of their children. They would like to have their children back, whether it's -- And if I understood their request to me, whether it's in-home dependency, or just return to them. They said they will do anything -- services. And they just want their children back.

Thank you.

THE COURT: Thank you, Mr. Moser.

Mr. Arechiga, would you care to be heard?

MR. ARECHIGA (through interpreter): Your Honor, (inaudible) my children (inaudible). (Inaudible) add to -- Mario Gonzalez, and he has contact with Maribelle's kids, (inaudible) not mine, so that you find out how I treat them.

And (inaudible) the fact that we -- (inaudible), we've (inaudible), we've done everything that the Department has asked us. (Inaudible) urine tests, originally three times a week, (inaudible) two times, and then once a week. And right now we're doing it every time they call.

I don't know why the Department is saying that we're not good parents. The Department itself has been saying that we are good parents. All those

(inaudible). I would like to ask who are the ones that have been visiting (inaudible) home said that there was abuse at home. I (inaudible) Mrs. Alicia said. Mrs. Alicia is (inaudible) from the home. It's not true that she (inaudible), and that's why she's angry and she came to say things that weren't true.

The only thing I wanted to (inaudible), and we are -- we are available to do whatever services that you want to order us to do. (Inaudible) the first time that my son fractured his leg, and I took him to the hospital, I asked for an interpreter. They didn't have an interpreter. (Inaudible). --just looked at the doctors and the doctors looked at me, and they said that I looked suspicious. And if I -- write out a paper in Spanish and gave it to them, well they see if they'll sign it; it's not the same. See, I don't know -- that's why I didn't answer anything, (inaudible). supposed to be because I looked suspicious. If I had been somebody else I would have sued the hospital for misinterpreting (inaudible).

When I came to pick up my son, you know, I tried to stand him up and he couldn't stand. These are things that (inaudible). (Inaudible) these are things that can happen to anybody. And the only thing I have (inaudible) is my children. I have four children in Mexico, and she's not their mother. But if I were to bring them feel I would feel that she would be capable of taking care of my children.

(Inaudible) referring to financial means, but I've been making some (inaudible). Okay. We (inaudible) doing drugs and we are involved with the state. And the state's saying that we're not capable of having our children in our home. They're good at wanting to give the children to the state. They should have been good at giving the assistance that we needed for my son. That's all (inaudible). I want my children back.

(Inaudible).

THE COURT: Thank you, Mr. Arechiga.  
Ms. Cullen, do you wish to be heard as CASA in

this case?

GUARDIAN AD LITEM: Thank you, your Honor.

#### RECOMMENDATION OF GAL

GUARDIAN AD LITEM: Over the course of this hearing we've heard from neighbors and acquaintances who saw nothing wrong in the Gomez-Arechiga home, however, a forensic pathologist has testified that young Raphael Gomez died of non-accidental blunt force trauma to the head. Clearly something was seriously wrong in the home.

The parents have testified that the child's behavior was not normal, and was odd, yet this child was observed, assessed, evaluated by a successive progression of more specialized experts, from home support specialists and caseworkers to emergency room physician, family practice physician, pediatrician, and finally a neurologist, yet there is no indication of any finding of any abnormalcy by any of the experts, in spite of the fact that he was born drug-affected.

That having been said, several friends of Ms. Gomez and Mr. Arechiga have testified to witnessing

Raphael falling back, or throwing himself backward. That behavior apparently occurred on several occasions. That would lead me to conclude that one should expect that behavior to occur again, yet nothing was done to protect this small child from -- protecting himself -- from hurting himself again.

As a guardian ad litem it raises concern for me with Ms. Gomez and Mr. Arechiga's ability to protect their other children. These children are not capable of, nor should they be responsible for protecting themselves.

The current situation for Maria, Julio, Julianna and Edgar is that they're doing fairly well in the turmoil that they've lived in for the past nearly six months. They're doing quite well in their foster home. Maria and Julio are both doing very well in school, in spite of the fact that when they started the school year in a new school shortly after the death of Raphael they were both significantly below grade level. They have made very good progress and according to their teachers are closing the deficit gap, if you will. Their attendance has been excellent in school this year, which was not the case in their previous school history; they had a very, very high absentee rate, which was obviously a contributing factor to their -- to their below grade level performance.

I guess when we consider the dependencies of Maria Gomez and Julio Gomez, Julianna Gomez and Edgar Arechiga, it seems that we must look at what's occurred in the past. And in fact if the best predictor of future behavior is past behavior, I guess I can only recommend that a dependency be established for these children and that they be maintained in their out of home placement.

Thank you.

THE COURT: Thank you, Ms. Cullen.

Does the Department wish to rebut?

MR. CABALLERO: Yes, your Honor.

#### REBUTTAL ARGUMENT

MR. CABALLERO: Just very briefly, to address counsel's argument:

In regards to the child's abnormalcy because he was unable to feel pain, the evidence showed that when he sustained the femur fracture in December, what brought Ms. Garces's attention to the incident was the fact that the child screamed. So that's pretty indicative. That goes beyond a pin prick. This kid feels pain. He screamed when he broke his leg.

In regards to the issue that was argued by Mr. Moser, about the medical facts not fitting the lay witness testimony, I'm going to give the following analogy:

A hiker's going through the woods. He locates an elk. The elk is down. It has an arrow through it. The hiker does not say -- And there's no archer. You don't conclude archery was not involved, there was no archer. And certainly the hiker wouldn't conclude, "The elk must have killed itself." That's circumstantial evidence. And the circumstantial evidence is very, very clear in this case, the medical evidence is very clear in this case, that Raphael did

not generate sufficient force to kill himself. There was no external agency involved here, because the mother has conceded that the child was injured while in her care. Nobody came into this house and took the child and provided sufficient tractional forces to pull his arms out of the socket, or to whiplash his head. There's no evidence of that.

So, the issue here is not what this family does, and more specifically Ms. Gomez, what she does, when she's being observed and supervised, because the evidence is clear she does really well. It's what's happening in the secrecy of the family environment, in the closed walls of the home, what would happen to these children. And what would happen to these children is they would be exposed to the same home environment that the medical experts have established led to the death of Raphael by non-accidental means.

In regards to Dr. Ross's testimony, he connected the dots very, very well. He wasn't an academic person pursuing some type of lofty academic goal; he was describing the way that an autopsy is conducted and the findings of an autopsy. These are not academic issues; these are findings under microscopic examination, internal examination of a body, under external examination of a body. And his findings are inconsistent with the mother's version of events.

The final point, Mr. Anderson indicated that there's no way to tell how old the shoulder injuries were. Mr. Moser I think referred to this child was out of the parents' home for half of his life. That child was placed in the home from March of -- March 25th, I believe, was the testimony, 2003, to his death -- Actually, shortly before his death on September 9th, 2003. And Dr. Feldman said that he had, on examination the results reflected, old and new shoulder injuries, and the older injuries were calcified, and they were healing. And Dr. Feldman further testified that children heal really quickly. You'll recall his testimony about the femur fracture; how long would he expect pseudo-paralysis to occur in a child who breaks a leg, that protective behavior that children engage in to limit motion so that they don't hurt. I think he testified a week. Because--

THE COURT: I think the pseudo-paralysis testimony was in regard to the--

MR. CABALLERO: The femur--

THE COURT: --humerus, not the femur.

MR. CABALLERO: Oh. Yeah, actually it was as to the humerus. Which is even more relevant. Because certainly not five months before, when the child was in foster care. Pretty recent. Children heal quickly. This child had healing and new shoulder injuries.

So I think that the evidence is pretty clear regarding the repetitive pattern of abuse.

And in regards to moving into a new home with hard floor, the first time that your child falls on the hard floor, hits himself -- And the mother testified -- hear the knock of the head -- on the hard floor, you'd expect a reasonable and prudent parent to learn from that and do something. Move the child to a carpeted surface, feed the child in a different way. So just that they were there for a couple of weeks,

parents should be able to detect that there's a hard floor and that they're feeding a child with a propensity to fall down and hit his head, in a safe manner. And this mother had -- a very recent, contemporaneous occurrence of falling down and hitting the head. So there should have been some protectiveness. And that's -- and that's clear negligence.

Other than that I don't have anything further.  
Thank you.

THE COURT: Thank you, counsel, and parents, and guardian ad litem, for your arguments.

#### FINDINGS

THE COURT: Despite the uncertainties in the evidence in this case, and the divergence of points of view, this case, like all cases of this kind is in some ways quite simple.

There certainly are some complexities here that are unusual, and probably the foremost two that kind of shape and inform my thinking about the case are that first, no misconduct of any sort is alleged as to Mr. Arechiga, that is, as to one of the parents. Which creates certain difficulties in arriving at a conclusion.

And secondly, we're trying to determine the risk to four children not by events in their lives directly but by the things that happened to a different child. Which also creates some difficulty.

Having acknowledged that those things are different and difficult about this case, we can still say some things that we can say about any case of this kind. And that is that in regard to the primary issue we've been discussing, the death of Raphael Gomez or the suffering of injuries which led to his death, there are really, in all the world, four possibilities:

One of those possibilities is that the death was accidental, and it happened as described by Mother. And the other is that it's accidental but it happened in some other way than that described by Mother.

The other two possibilities are that the injuries were not accidental but were inflicted by the parent, by Mother, or the fourth possibility is that they are inflicted by someone else, by Father, by other children, by visitors, by foster parents.

And that really is the universe of possibilities.

We can reject one of those from our consideration, and that is that it was accidental but by some other means than that described by Mother. And the reason we can reject that is because there is simply no evidence of that, simply no suggestion that -- well, theoretically, for instance, there was an automobile accident and Ms. Gomez had failed to secure the child in the car; and being afraid to admit that she instead told of a different accident; he was eating and fell on the floor. That would be an example of this, if there were some evidence of it. But there is none. So we can reject it.

We can also eliminate from our consideration the two possibilities of inflicted injury. Because if

the injury was inflicted either it was inflicted by parent or it was inflicted by another while the child is in the care and custody of the parent. In either case dependency would seem to be an obvious choice, if it was inflicted injury.

So that then reduces us down to one possibility for serious consideration, and that is that the injury to Raphael was accidental and that it occurred in the way described by Ms. Gomez.

The state says even if that's the true one of the four possibilities, "Judge, you ought to impose a dependency because she should have known better." Before we -- Before we look at that, and see if the court should agree with that point of view, I think we have to recognize that we are dealing here with danger to four children, with risk to four children. And when you're dealing with risk you're dealing with two sides of an equation. One side is potential harm and the other side is likelihood. And if you multiply the potential harm times the likelihood you get the danger, or the risk. Let me explain with a couple of silly examples.

A meteor crashing into the earth. The potential harm is catastrophic; it's enormous. It's -- for our equation we'll put in a huge number. But the likelihood of its happening is miniscule, is tiny. So that if we multiply the great potential harm times the tiny likelihood we get relatively small danger.

Stubbing one's toe. The potential harm from stubbing one's toe is quite minimal. The likelihood that we will at some time stub our toe is huge; it's a big number. So once again, if we multiply the very small potential harm times the very high likelihood, we're going to get, again, a number similar to what we get from a meteor crashing into the earth. In that way the danger of a meteor is similar to the danger of stubbing one's toe, even though we wouldn't ordinarily think of them as being anything alike.

So, what does that have to do with this case?

Well, the potential harm in this case is like the meteor strike the earth; it's huge. Because if the conduct of the parents resulted in the death of an infant child, the issue is, should the parent -- should another infant child, and other small children, be subjected to those circumstances. So the potential harm, we know, is huge.

So, the question then becomes, what is the likelihood of that happening? And that really is the focus of the parties' disagreement. What is the likelihood -- And we draw that, as Ms. Cullen says, from past occurrences.

Was the -- Did the injuries to Raphael happen in the way Mom explains, and if so, what does that tell us about the likelihood of -- the likelihood side of our risk question?

Well, first, we have a preeminent expert in the field of abuse of children who not only says, "In my humble opinion this child was -- was killed by the intentional acts of someone else," he does not only say "It looks suspicious;" he says it is a medical certainty. In twenty years of serving as a judge, I don't recall ever hearing a medical doctor say that it is a 100 percent certainty as to anything. And so the

medical testimony here, the testimony of Dr. Feldman and Dr. Ross, is -- creates a substantial -- a substantial likelihood that Mother's account is not true.

The fact that there are both old and new injuries in a number of parts of Raphael's body strongly suggests that other things were going on besides Raphie falling down when he's eating soup. The old and new injuries to his arms, described by -- described by Dr. Feldman as literally pulling the ball off of the end of the bone, on both arms, and tearing the socket from which the -- in which the ball operates, and not just an event, but old and new, the old and new fractures to the skull, to both bones of the skull that are fragile and those that are not.

In that regard, everyone in the room who has had -- who has raised children, including these parents, know that there are times at which we wonder how any child can survive the process of childhood. They crash into things. They fall off bicycles onto pavement. They run into poles. The jump off of bunk beds. They do all sorts of things that are dangerous. And yet how many times have we all seen a child crash with his unprotected head into some hard object and the result of that is a bruise, a bump, a scrape, a scratch, an abrasion.

This child had a substantial fracture to the most rigid of bones in the skull. And a second fracture of a different age to the side of his skull. Those are medical facts which, again, strongly support the idea, the argument, that the likelihood side of our equation is -- is high.

And finally, we need to look at the likelihood if Mom's story is true. It could be. The doctors could be wrong. The autopsy could be wrong. It could be that this thing happened just as Mom described.

Well, I don't mean to, for this analysis, unnecessarily criticize Ms. Gomez. But let's look realistically at what that means.

If her story is true, she knows that she is now living in a home with a concrete floor. She knows that she has a child who is, as counsel argues, susceptible to hurting himself. She knows that this child has routinely pitched himself backward when his bowl nears empty. We know -- She knows that this is a child who can injure himself and not feel the pain, and therefore not alert the parent that he's hurt himself. And she knows that he has just done this moments before, as could be expected. And yet, it's undeniably true, knowing those things, that, as the Department argues, she puts the child right back into that same circumstance, eating standing up on a thinly covered concrete floor knowing that he's liable to pitch himself over, and that if he does he could injure himself and not bring it to the parent's attention.

Well, that's the -- that's, I think, the real crux of the likelihood question in regard to the other four kids, even if Mom's story is true, that there is some likelihood that the other children could be placed in those kinds of dangerous circumstances because Mom did not recognize the danger to Raphael, did not act appropriately, even if her story is

correct.

If we were talking about a lower harm, if we were talking about because of that behavior Raphael cut himself, Raphael stubbed his toe, or even Raphael broke his leg, that would be a different risk. But here the -- even if the story offered by Mom is true, the result is the death of a child. The harm is so high that the court has to believe that if there's any likelihood at all then the risk to the other four children is also quite high, and ought to be protected by the imposition of a dependency.

And so, that's my conclusion. That the other four children need the ongoing protection of the involvement of the Department in seeing to their safety.

Now, having said that, the dependency question is not the same as the disposition question. It's not the same as the question of where should the children reside. I'm satisfied on this evidence that these children need to have the ongoing attention and protection and care of the Department. I'm not satisfied on this evidence that that necessarily must occur outside of their home. That remains, I think, to be seen. That remains to be argued, and I'm looking forward to hearing the suggestions of both the state and the parents and the guardian ad litem in regard to that issue.

Dependency for these four children is ordered as to Mother.

I need to take a moment and address dependency as to Mr. Arechiga. The only argument that the Department makes and can make, I think, on this evidence, as to Mr. Arechiga, is that in spite of the medical testimony he clings to the notion that his child -- his child is entirely safe in the care of Ms. Gomez. I cannot find that his clinging to that, that his claiming to have no reason to fear in spite of the medical evidence, is a basis upon which he should be found -- that the children should be found dependent as to him. The medical evidence is what it is, and all of the other evidence is what it is, and there is certainly room for Mr. Arechiga to respond to those things that are more daily and real to him, and based on his own observations, than what a doctor opines having read some medical records, or having completed an autopsy.

On the other hand, I'm concerned about the fact that the -- that as I've said the injuries are old and new. And for that reason, based on the same analysis that I previously mentioned, I think it's important that the dependency be found as to Edgar -- that Edgar be found dependent as to Mr. Arechiga as well, so that there continues to be some level of additional protection and concern for Edgar.

So, dependency is found as to Mr. Arechiga in regard to Edgar.

Regarding entry of an order and a disposition hearing?

MR. CABALLERO: Your Honor, I would ask that the matter be continued to Tuesday for presentation of proposed findings. That could be done by -- by all the parties. And then--

THE COURT: Tuesday doesn't work because I'm

going to be gone all day Tuesday.

Just a moment.

What are you suggesting for disposition, here?

MR. CABALLERO: March 9, 2004, so that I can subpoena witnesses for -- for a disposition hearing, because the issues are different.

THE COURT: Yeah. They are. Would that be in the morning?

MR. CABALLERO: March 9th, it would be in the morning.

THE COURT: Would it extend into the afternoon? I'd better not risk this. My problem is I'm teaching a class in Richland Tuesday afternoon the 2nd, and Tuesday afternoon the 9th. And probably it makes sense that I would hear the disposition, after hearing this dependency hearing.

What I'm going to do is leave you to consult with the juvenile court and with the court administrator about finding another day other than our usual Tuesday docket.

MR. CABALLERO: Does the court want to have dependency findings and disposition findings entered on the same day?

THE COURT: Yes. I say that only because I thought about maybe coming in here on Tuesday morning to do the findings, and then -- But I'm just not -- I can't risk not being on time in Richland, so I better not.

So, that puts you to special set. And as long as you're going to special set you might as well look for one -- one date.

MR. CABALLERO: All right.

THE COURT: All right? Counsel, if you'll cooperate, then, with that. All right. Thank you. We'll be in recess.

Recess

MORNING SESSION  
April 20, 2004

ORAL DECISION ON MOTION FOR RECONSIDERATION

THE COURT: All right. Thank you.

First in regard to whether or not there is a basis to hear this motion at all, I think that with all due respect counsel for father makes an argument which extends greater breadth and depth to the threshold requirement of CR 59 than is appropriate in this setting. In an area where the question of substantial justice is so heavily involved with the best interests of children who can't otherwise protect themselves, I think that the rules should be liberally applied to ensure that both sides have every opportunity to see to it that the court's order does justice to the interests of the children.

In regard to the state's motion, I am not generally in agreement that justice to these children requires that we continue at every possible opportunity to disrupt their bond and relationship with their natural parents by the presence of a supervisor. I do not find, the court does not find, that it is unreasonable for anyone to suggest that as a reaction to the tragedy that occurred in this family. But it simply is not compelled by the

evidence in this case. And the Department's motion really asks the court to accept that continuing complete disruption of the parent-child relationship is mandated by the evidence before the court. It is not.

It amazes me in this case how the public commentary wants so badly to make this a case of evil that has no balance in good or in parental affection. This mother is repeatedly excoriated in the press for twice injuring the leg of a child, including one time when she was lying in a hospital bed giving birth to another child. No one wants to talk about the fact that the Department never observed so much as a hint of neglect or mistreatment of any of the four children who are presently before the court. No one wants to discuss the fact that after all of the children were returned in March to the home of their parents that no misconduct of any sort, no concern of any sort, arose for the period of six months before the next review in September.

Instead, people want to pretend that all of the evidence is on one side of the issue in this case. And it's not. There is, if you will, evidence that strongly suggests that Raphael Gomez was the victim of inflicted trauma. Let's call that the red evidence. And there is also substantial evidence to suggest that he was not. We'll call that the blue evidence. We can argue all day about whether the red outweighs the blue. What we can't argue is that the blue doesn't exist. Because it does. What we can't argue is that all of the red evidence that someone could bring forward applying to Raphael necessarily applies to these other four children.

The oldest of these children has spent through the course of her life something like 500 unsupervised weekends in the care of her mother. Without so much as a broken fingernail. So, should the court say "well, we're going to assume that because there's some red evidence in the case of Raphael that therefore we must end, for practical purposes, any unfettered bond between these parents and the other four children?" And I am standing up to say no, the court is not willing to make that connection.

Regardless of how much better that makes someone who is a public observer feel, regardless of whether that responds to concerns of the Department, it is not a mandated or, in my view, adequate or fair response to the evidence that's been presented to the court about this family.

So, what has the court done in regard to the fact that there is this, if you will, red evidence in regard to the life and the death of Raphael? The court has continued the other four children in dependency, in the care and guardianship if you will of the Department and the court. The court has continued their residential placement outside of the parents' home. The court has continued the process of supervising their visitations. And the court has changed the previous order to the extent that it imposes one unsupervised visitation every other week.

The Department asks the court to reconsider that one measure, that one step, that is taken in the direction of maintaining or restoring or fostering or

nurturing the bond that exists between these parents and the other four children.

Let me return to the beginning to say I do not disrespect the argument or the position. I do not believe, however, that it is mandated, or required, or even appropriate, given the evidence before the court.

I do think that the Department's motion is well taken in regard to -- as a response to the evidence, to grant the motion to the extent that it is required that both parents, both Mr. Arechiga and Ms. Gomez, be present for those visitations that are unsupervised. And that -- and the order is granted to that extent. However, to go along with that it should be ordered that what is considered a "weekend" should be adjusted to accommodate Mr. Arechiga's work schedule.

I think for the record and for the purpose of being thorough, here, it's also important to say that the court has required that during the unsupervised weekend that the Department complete at least one unannounced check-in visit to determine that all is well between parent and child or children. And to that extent even the so-called unsupervised visitations are at least in some way supervised or observed.

I think this disposition fairly provides for the concerns of both sides and serves those other purposes that the court has in mind in regard to the parent and child bond.

So with the exception I've just mentioned the Department's motions are denied, and only to that extent are the Department's motions granted.

Mr. Caballero, will you circulate an order?

MR. CABALLERO: Yes, I will.

THE COURT: Okay. Anything else in these matters?

MR. ANDERSON: No--

MR. MOSER: Not (inaudible).

THE COURT: All right. Thank you all. We'll

be in recess.

Recess

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

August 9, 2004

Kenneth C. Beck, Transcriber  
KENNETH C. BECK, TRANSCRIBER  
509-326-2438 ¥ drdocument@mac.com

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**Appendix 30**  
**Continuances**

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Continuances:

- 8/24/04: original trial date
- 5/25/04: 3.3 waiver, commencement date set for 9/16/04, trial date set for 12/15/04
- 7/27/04: trial set for 10/26/04
- 11/15/04: continued to 11/23/04 on Moser's request
- 11/23/04: continued to 12/6/04 on Moser's request
- 12/6/04: continued to 1/10/05 on Moser's request
- 1/10/05: continued to 2/14/05 on Moser's request
- 3/8/05: continued to 3/15/05 – reset for hearing on issue of court-ordered funding for consultation of experts by defense
- 3/15/05 continued to 5/2/05 on Moser's motion as the "expert will be available in May"
- 5/2/05: continued to 5/3/05 on behalf of Moser
- 5/3/05: continued to 6/27/05 for motion of pretrial compliance
- 6/27/05 continued to 6/28/05 because Moser not present
- 6/28/05 continued to 7/05 on Knodell's request
- 7/5/05: continued to 7/25/05 on Moser's request

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- 7/25/05: continued to 8/1/05 because Moser has no expert
- 8/1/05: continued to 10/3/05 or 9/7/05 because Moser can't find an expert
- 9/7/05: continued to 9/20/05 for expert
- 9/20/05: continued to 9/26/05 because Moser can't find expert
- 9/26/05: continued to 11/14/05, discussed trial date
- 11/14/05: continued to 1/16/06 on Moser's request
- 1/17/06 continued to 1/23/06 on Moser's request
- 1/23/06: continued to 2/7/06 on Moser's request
- 2/6/06: continued to 2/13/06, discussed pretrial issues
- 2/13/06: continued to 5/1/06 because Moser needs an expert to testify
- 4/11/06: continued to 5/9/06 on State's request
- 6/26/06: continued to 7/10/06 on State's request
- 7/10/06: continued to 7/11/06 on Moser's request
- 7/11/06: continued to 7/27/06 on Moser's request because the case has become complicated and expert not available until next week or later
- 7/25/06: continued to 8/1/06 on Scott's request
- 8/1/06: held motion hearing
- 8/9/06: continued to 8/18/06, held evidentiary hearing
- 8/22/06: continued to 10/3/06 on Moser's request, State says case has already been continued many times
- 9/5/06: continued to 10/10/06 on Moser's request because expert not available until Jan. Court set trial date for October but doesn't preclude Moser from asking for new trial date. Moser objects.
- 9/18/06: continued to 2/5/07 at Moser's request because he needs an expert
- 1/29/07: Continued to 2/12/07 at Moser's request

- 2/5/07: MG waives jury trial.
  - 3/14/07: continued to 3/15/07 at KNoddell's request
  - 3/28/07: verdict
  - 4/2/07: continued to 4/9/07 at Scott's request for sentencing.
-

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: MAY 25, 2004  
JUDGE: JOHN M ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: LINDA SPERLINE  
PLTF ATTY:  J. KNODELL

CLERK: AMY SPERLINE-Knighten

DEF ATTY:  Moser  
 R. SMITH  
 R. SCHIFFNER  
 A. WHITE  
 R. EARL

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: V. Guzman



=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS

COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
 RETAINED COUNSEL  
\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY  
\_\_\_\_ S&T  
 ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED  
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

=====SPECIAL MINUTES:=====

Mr. Moser requests Prelim app + arraign today; Mr. Knodell addresses conditions + requests no contact w/ minor children; alternatively supervision would be accepted; Ct + Cnsl discuss; Ct orders no unsupervised visits w/ minors;

CONTINUED TO: 9-7-04 FOR: PTC  
CONTINUED TO: 9-11-04 FOR: 3.5/3.6

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
JCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

JANFEN DOWNING

FILED	
KENNETH O. KUNES, CLERK	
BY _____	DEPUTY
JUL 27 2004	
RECORDED IN _____	
VOLUME _____	PAGE _____



04-003735

SUPERIOR COURT OF WASHINGTON, GRANT COUNTY

STATE OF WASHINGTON,  
 Plaintiff,

Case No.: 04-1-312-4

NOTE FOR MOTION DOCKET

v.

MARIBEL GOMEZ,  
 Defendant.

NOW THEREFORE the Defendant, Maribel Gomez, moves the Court to change the schedule for trial setting, particularly that the Compliance Date be moved to September 20, 2004, that the Pre-trial Conference be moved to October 11, 2004, that hearings on 3.5 / 3.6 issues be moved to October 21, 2004, and that trial be moved to October 26, 2004.

Dated July 27, 2004

Robert Moser  
 Robert Moser, WSBA # 32253  
 Attorney for Maribel Gomez

000034

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: AUGUST 3, 2004  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: SANDY MUDER

DEF ATTY:

B. Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 T. MAHR  
 R. SMITH  
 A. WHITE

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS

\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS



04-072098

COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL

\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_

\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED (Amended)  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED

\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser req conds & explains;  
Mr Knodell does not object

CONTINUED TO: 10-4-04 FOR: PTC

CONTINUED TO: 10-14-04 FOR: 3.5/3.6

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

000036

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: NOVEMBER 15, 2004  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- DEF ATTY:
- R. EARL
  - B. GWINN
  - B. HILL
  - T. MAHR
  - R. SMITH
  - A. WHITE

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS



04-082316

COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- DEFENDANT ADMITS VIOLATION
- DEFENDANT DENIES VIOLATION
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- ORIGINAL INFORMATION
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- DISMISSAL OF COUNT(S) \_\_\_\_\_
- PSI ORDERED
- PSI WAIVED
- PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

- JUDGMENT AND SENTENCE SIGNED
- BAIL EXONERATED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: MR. Knodell signs one on behalf of me mose

CONTINUED TO: 11.23.04 FOR: PTC

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY SONIA DAVIS

000049

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: NOVEMBER 23, 2004  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- DEF ATTY:  Moser
- R. EARL
  - B. GWINN
  - B. HILL
  - T. MAHR
  - R. SMITH
  - A. WHITE

DEF PRESENT:  YES  NO

INTERPRETER: U Gutman



PRELIMINARY HEARING/ARRAIGNMENT

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS

COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR-BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

PLEA ENTRY

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- DEFENDANT ADMITS VIOLATION
- DEFENDANT DENIES VIOLATION
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- ORIGINAL INFORMATION
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- DISMISSAL OF COUNT(S) \_\_\_\_\_
- PSI ORDERED
- PSI WAIVED
- PSI SENTENCING DATE ORDER SIGNED

SENTENCING

- JUDGMENT AND SENTENCE SIGNED
- BAIL EXONERATED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: MR Moser Reg's Cont; MR Knodell  
Concurs w/ MR Moser's Reg;

CONTINUED TO: 12-6-04 FOR: DTC  
CONTINUED TO: 12-16-04 FOR: 3.5/3.6

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

000050

SUPERIOR COURT OF WASHINGTON FOR GR. COUNTY  
CRIMINAL MINUTE SHEET

DATE: DECEMBER 6, 2004  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- DEF ATTY:  Moser
- R. EARL
  - B. GWINN
  - B. HILL
  - T. MAHR
  - R. SMITH
  - A. WHITE

DEF PRESENT:  YES  NO

INTERPRETER: J. Guzman

=====PRELIMINARY HEARING/ARRAIGNMENT=====



- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS

**COUNSEL:**

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR-BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
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- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- DEFENDANT ADMITS VIOLATION
- DEFENDANT DENIES VIOLATION
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- ORIGINAL INFORMATION
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- DISMISSAL OF COUNT(S) \_\_\_\_\_
- PSI ORDERED
- PSI WAIVED
- PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

- JUDGMENT AND SENTENCE SIGNED
- BAIL EXONERATED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: MR Moser mms to reset dates;  
MR Knodell mms;

CONTINUED TO: 1-10-05 FOR: Ptc  
CONTINUED TO: 2-3-05 FOR: 3.51.36

LMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JANUARY 10, 2005  
JUDGE: EVAN SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

DEF ATTY:  Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 T. MAHR  
 R. SMITH  
 A. WHITE

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: V. Cozman



=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS  
 READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS

COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL  
 ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_  
 ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 DEFENDANT ADMITS VIOLATION  
 DEFENDANT DENIES VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S) \_\_\_\_\_  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED  
 BAIL EXONERATED  
 ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser reviews matter w/ Ct;  
Regis Ave; State Concurs

CONTINUED TO: 2-14-05 FOR: PTC  
CONTINUED TO: 3-3-05 FOR: 35130

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

FILED  
KENNETH O. KUNES, CLERK  
BY \_\_\_\_\_ DEPUTY  
MAR 08 2005  
RECORDED IN \_\_\_\_\_  
VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON, GRANT COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

MARIBEL GOMEZ,

Defendant,

Case No. 04-1-00312-4

NOTE FOR CRIMINAL DOCKET



03-206999

TO: GRANT COUNTY SUPERIOR COURT CLERK  
GRANT COUNTY PROSECUTOR'S OFFICE

This matter has been set for hearing on Tuesday, March 15, at 9:00 a.m. for hearing on the issue of court-ordered funding for consultation with experts by the defendant.

Dated this 8th day of March, 2005

*Robert A. Moser*

Robert A. Moser, WSBA # 32253  
Attorney for Maribel Gomez

Robert A. Moser  
Attorney at Law  
110 E. Broadway  
Moses Lake, WA 98837  
(509) 764-2355; fax (509) 764-5169

SUPERIOR COURT OF WASHINGTON FOR GRAYS COUNTY  
CRIMINAL MINUTE SHEET

DATE: MARCH 15, 2005  
JUDGE: EVAN SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER: T. BARTUNEK/RECORDED  
PLTF ATTY:  J. KNOBELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

DEF ATTY:  MOSEK

- R. EARL
- B. GWINN
- B. HILL
- J. GOLDSTEIN
- R. SMITH
- A. WHITE

DEF PRESENT:  YES  NO

9.24

INTERPRETER: U. Gutman

=====PRELIMINARY HEARING/ARRAIGNMENT=====

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS



COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- DEFENDANT ADMITS VIOLATION
- DEFENDANT DENIES VIOLATION
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- ORIGINAL INFORMATION
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- DISMISSAL OF COUNT(S) \_\_\_\_\_
- PSI ORDERED
- PSI WAIVED
- PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

- JUDGMENT AND SENTENCE SIGNED
- BAIL EXONERATED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser Reg's cont of trial - State's expert will be available in May; State voted matter is not ready for trial & an expert is needed; Reg's a rpt from expert witness; Reg's date be set out post May; August Mr Moser re July or Aug trial date. Mr Moser

CONTINUED TO: 5-2-05 FOR: PTC  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

States CNTS (1) no should be  
sufficient,

MR Knobel reviews trial coming up in map!

Reg's trial set for Dec in map!

Cx suggests to cont trial to a realistic date;

grants defense motion to retain expert

witness (DR Ophoven) + CNTS trial

date;

State addresses pre date

04-1-3124

3.15.05

PS 2

000124

SUPER COURT OF WASHINGTON FOR GR COUNTY  
CRIMINAL MINUTE SHEET

DATE: MAY 2, 2005  
JUDGE: JOHN M. ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED DEPT 2  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- DEF ATTY:
- R. EARL
  - B. GWINN
  - B. HILL
  - J. GOLDSTEIN
  - R. SMITH
  - A. WHITE

DEF PRESENT:  YES  NO

10.24

INTERPRETER: V Gutman



04-125088

PRELIMINARY HEARING/ARRAIGNMENT

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS

COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR-BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

PLEA ENTRY

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- DEFENDANT ADMITS VIOLATION
- DEFENDANT DENIES VIOLATION
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- ORIGINAL INFORMATION
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- DISMISSAL OF COUNT(S) \_\_\_\_\_
- PSI ORDERED
- PSI WAIVED
- PSI SENTENCING DATE ORDER SIGNED

SENTENCING

- JUDGMENT AND SENTENCE SIGNED
- BAIL EXONERATED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: State Regs to Cont on penalty of Mr Moser; at awards

CONTINUED TO: S.3.05 FOR: DTC  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY DA

000127

SUPERIOR COURT OF WASHINGTON FOR GRAYS COUNTY  
CRIMINAL MINUTE SHEET

DATE: MAY 3, 2005  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED

CLERK: STARR WINTERS

STATE OF WASHINGTON

PLTF ATTY:  J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

DEF ATTY:  Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

10:00  
10:10

INTERPRETER: UCastman

PRELIMINARY HEARING/ARRAIGNMENT



INFORMATION PROVIDED TO DEFENDANT  
READING WAIVED  
ADVISED OF RIGHTS  
READ IN OPEN COURT  
ADVISED OF CHARGES  
ADVISED OF VIOLATIONS

COUNSEL:

APPOINTED COUNSEL  
ORDER APPOINTING ATTORNEY SIGNED  
WAIVED COUNSEL  
RETAINED COUNSEL  
ADVICE OF RIGHTS FILED/SIGNED  
INDIGENCE REPORT FILED/SIGNED  
NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
PROBABLE CAUSE STATEMENT MADE BY  
ORDER FINDING PROBABLE CAUSE SIGNED  
BAIL SET \$  
ORDER SETTING CONDITIONS OF RELEASE SIGNED  
RELEASED ON PERSONAL RECOGNIZANCE  
PR BOND \$  
SIGNATURES REQUIRED OF  
BENCH WARRANT ORDERED

PLEA ENTRY

NOT GUILTY PLEA ENTERED  
PLEA ACCEPTED OF NOT GUILTY  
ORDER SETTING SCHEDULE ENTERED  
GUILTY PLEA ENTERED  
DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
GUILTY PLEA ACCEPTED  
DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
PLEA AGREEMENT APPROVED  
PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
DEFENDANT ADMITS VIOLATION  
DEFENDANT DENIES VIOLATION  
ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
ORIGINAL INFORMATION  
AMENDED INFORMATION  
ORDER AMENDING INFORMATION SIGNED  
DISMISSAL OF COUNT(S)  
PSI ORDERED  
PSI WAIVED  
PSI SENTENCING DATE ORDER SIGNED

SENTENCING

JUDGMENT AND SENTENCE SIGNED  
BAIL EXONERATED  
ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Recall; Def & Cud discuss pre trial compliance; Def need not be present

CONTINUED TO: 6:27:05 FOR: Review trial notes

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

LMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NNGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JUNE 27, 2005  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED DEPT #2  
PLTF ATTY:  J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

CLERK: K PAULSON  
DEF ATTY:   
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

4:54

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS



COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL  
\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_  
\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED  
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

=====SPECIAL MINUTES:=====

MR Knodell states Mr Moser not present; moves for cont.

CONTINUED TO: 6/28/05 FOR: Review Trial Status.  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JUNE 28, 2005  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED DEPT #2  
PLTF ATTY:  J. KNODELL

CLERK: K PAULSON  
DEF ATTY:  R Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

Maribel Gomez

DEF PRESENT:  YES  NO

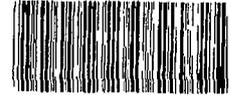
9:40

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ ADVISED OF VIOLATIONS

\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS



04-133057

**COUNSEL:**

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL

\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_

\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED

\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: MR Knodell states need for cont. MR Moser States he obj to cont trial date w/o def present.

CONTINUED TO: 7-5-05 FOR: Review Trial Status.

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

000130

SUPER. COURT OF WASHINGTON FOR GR. COUNTY  
CRIMINAL MINUTE SHEET

DATE: JULY 5, 2005  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED - DEPT 2  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS  
DEF ATTY:  MOSE  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

10.20

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS



COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL  
\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_  
\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED  
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: one moselega begins case of trial  
state has no obj

CONTINUED TO: 7-25-05 FOR: PR  
CONTINUED TO: 2 FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRACIA COUNTY  
CRIMINAL MINUTE SHEET

DATE: JULY 25, 2005  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED - DEPT 2  
PLTF ATTY:  J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

CLERK: STARR WINTERS  
DEF ATTY:  MOSE  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

11:34

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====



\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS

COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL  
\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_  
\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
\_\_\_\_ ORIGINAL INFORMATION  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI WAIVED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ BAIL EXONERATED  
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Mose stated having no expert witness @ this time; seeks cont; state Regs to know if def is going to cont; ask mose for cont for PR may Regs cont;

CONTINUED TO: 8:105 FOR: PR  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: AUGUST 1, 2005  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED - DEPT 2  
PLTF ATTY:  J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

CLERK: STARR WINTERS  
DEF ATTY:  Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: J. Guzman

PRELIMINARY HEARING/ARRAIGNMENT

INFORMATION PROVIDED TO DEFENDANT  READ IN OPEN COURT  
READING WAIVED  ADVISED OF CHARGES  
ADVISED OF RIGHTS  ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  ADVICE OF RIGHTS FILED/SIGNED  
ORDER APPOINTING ATTORNEY SIGNED  INDIGENCE REPORT FILED/SIGNED  
WAIVED COUNSEL  NOTICE OF APPEARANCE FILED  
RETAINED COUNSEL

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  ORDER SETTING CONDITIONS OF RELEASE SIGNED  
PROBABLE CAUSE STATEMENT MADE BY  RELEASED ON PERSONAL RECOGNIZANCE  
S&T  PR BOND \$ \_\_\_\_\_  
ORDER FINDING PROBABLE CAUSE SIGNED  SIGNATURES REQUIRED OF \_\_\_\_\_  
BAIL SET \$ \_\_\_\_\_  BENCH WARRANT ORDERED

PLEA ENTRY

NOT GUILTY PLEA ENTERED  DEFENDANT ADMITS VIOLATION  
PLEA ACCEPTED OF NOT GUILTY  DEFENDANT DENIES VIOLATION  
 ORDER SETTING SCHEDULE ENTERED  ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
GUILTY PLEA ENTERED  ORIGINAL INFORMATION  
DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  AMENDED INFORMATION  
GUILTY PLEA ACCEPTED  ORDER AMENDING INFORMATION SIGNED  
DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  DISMISSAL OF COUNT(S) \_\_\_\_\_  
COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  PSI ORDERED  
PLEA AGREEMENT APPROVED  PSI WAIVED  
PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  PSI SENTENCING DATE ORDER SIGNED

SENTENCING

JUDGMENT AND SENTENCE SIGNED   
BAIL EXONERATED  ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser moves for Conty State is not  
opposed to Conty, explains- Mr Moser explains hard to  
find experts re. Credentials; As guest Mr Moser re  
add'l Conty, Mr Moser stated once finds an expert no  
unknown to Experts Schedule; State Regs a Review of expert

CONTINUED TO: 10-3-05 FOR: PTC  
CONTINUED TO: 9-7-05 FOR: Def's mm for Appl of expert

PLMHRG ARRAIGN **MTHRG** ALPHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRAYS COUNTY  
CRIMINAL MINUTE SHEET

DATE: SEPTEMBER 7, 2005  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: STARR WINTERS  
DEF ATTY:

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- R. EARL
- B. GWINN
- B. HILL
- J. GOLDSTEIN
- R. SMITH
- A. WHITE
- E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

RECORDED IN DEPT # 2 START 9:18

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
 \_\_\_\_ READING WAIVED  
 \_\_\_\_ ADVISED OF RIGHTS

\_\_\_\_ READ IN OPEN COURT  
 \_\_\_\_ ADVISED OF CHARGES  
 \_\_\_\_ ADVISED OF VIOLATIONS



COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
 \_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
 \_\_\_\_ WAIVED COUNSEL  
 \_\_\_\_ RETAINED COUNSEL

\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
 \_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
 \_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
 \_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 \_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
 \_\_\_\_ BAIL SET \$ \_\_\_\_\_

\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 \_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
 \_\_\_\_ PR BOND \$ \_\_\_\_\_  
 \_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
 \_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
 \_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
 \_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
 \_\_\_\_ GUILTY PLEA ENTERED  
 \_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 \_\_\_\_ GUILTY PLEA ACCEPTED  
 \_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 \_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 \_\_\_\_ PLEA AGREEMENT APPROVED  
 \_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

\_\_\_\_ DEFENDANT ADMITS VIOLATION  
 \_\_\_\_ DEFENDANT DENIES VIOLATION  
 \_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 \_\_\_\_ ORIGINAL INFORMATION  
 \_\_\_\_ AMENDED INFORMATION  
 \_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
 \_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
 \_\_\_\_ PSI ORDERED  
 \_\_\_\_ PSI WAIVED  
 \_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
 \_\_\_\_ BAIL EXONERATED

\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES:

State writer spoken to Carl & Regis  
TO Come

CONTINUED TO: 9:20:00 FOR: mm to appoint expert

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
 NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

000136

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: SEPTEMBER 20, 2005  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: STARR WINTERS  
DEF ATTY: Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_ RECORDED IN DEPT # 2 START 10:57

=====PRELIMINARY HEARING/ARRAIGNMENT=====

- \_\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT
- \_\_\_\_\_ READING WAIVED
- \_\_\_\_\_ ADVISED OF RIGHTS
- \_\_\_\_\_ READ IN OPEN COURT
- \_\_\_\_\_ ADVISED OF CHARGES
- \_\_\_\_\_ ADVISED OF VIOLATIONS



04-175701

COUNSEL:

- \_\_\_\_\_ APPOINTED COUNSEL
- \_\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED
- \_\_\_\_\_ WAIVED COUNSEL
- \_\_\_\_\_ RETAINED COUNSEL
- \_\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED
- \_\_\_\_\_ INDIGENCE REPORT FILED/SIGNED
- \_\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- \_\_\_\_\_ PREVIOUSLY ESTABLISHED
- \_\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- \_\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED
- \_\_\_\_\_ BAIL SET \$ \_\_\_\_\_
- \_\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED
- \_\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE
- \_\_\_\_\_ PR BOND \$ \_\_\_\_\_
- \_\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_
- \_\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- \_\_\_\_\_ NOT GUILTY PLEA ENTERED
- \_\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY
- \_\_\_\_\_ ORDER SETTING SCHEDULE ENTERED
- \_\_\_\_\_ GUILTY PLEA ENTERED
- \_\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- \_\_\_\_\_ GUILTY PLEA ACCEPTED
- \_\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- \_\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- \_\_\_\_\_ PLEA AGREEMENT APPROVED
- \_\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- \_\_\_\_\_ DEFENDANT ADMITS VIOLATION
- \_\_\_\_\_ DEFENDANT DENIES VIOLATION
- \_\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED
- \_\_\_\_\_ ORIGINAL INFORMATION
- \_\_\_\_\_ AMENDED INFORMATION
- \_\_\_\_\_ ORDER AMENDING INFORMATION SIGNED
- \_\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_
- \_\_\_\_\_ PSI ORDERED
- \_\_\_\_\_ PSI WAIVED
- \_\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

- \_\_\_\_\_ JUDGMENT AND SENTENCE SIGNED
- \_\_\_\_\_ BAIL EXONERATED
- \_\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser Regs to strike Mr. Cruz's cust  
discuss expert to be added; Cruz reminds cust of  
upcoming trial date; cust explains problems w getting  
an expert; State explains difficulty in getting an expert  
to testify; Cruz directs cust to immediately resolve issue;

CONTINUED TO: 9.26.05 FOR: PR  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

State Regs to Reset PR, will not be  
Auction 10.3

CA Resets PR

4-1-3124

1120105

2

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: SEPTEMBER 26, 2005  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: STARR WINTERS  
DEF ATTY: MOSER  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

DEF PRESENT:  YES  NO

INTERPRETER: U. Guzman

RECORDED IN DEPT # 2 START 11:43

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT ADMITS VIOLATION  
 DEFENDANT DENIES VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S) \_\_\_\_\_  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED  
 BAIL EXONERATED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: cut & read discuss trial date

CONTINUED TO: 11-14-05 FOR: PTC  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRACIA COUNTY  
CRIMINAL MINUTE SHEET

DATE: NOVEMBER 14, 2005  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: STARR WINTERS  
DEF ATTY: Moser  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAJR

DEF PRESENT:  YES  NO

INTERPRETER: V. Guzman

RECORDED IN DEPT # 2 START 10:00

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY  
S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$  
 SIGNATURES REQUIRED OF  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT ADMITS VIOLATION  
 DEFENDANT DENIES VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S)  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED  
 BAIL EXONERATED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser Regis Cont,

CONTINUED TO: 11/16/06 FOR: PTC  
CONTINUED TO: 3/3/06 FOR: 3513.16

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JANUARY 17, 2006  
JUDGE: EVEN E SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: S GREEN  
DEF ATTY:  Moser  
 M. AIKEN  
 B. GWINN  
 J. GOLDSTEIN  
 M. HAAS  
 D. KRAFT  
 R. SCHIFFNER  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

RECORDED IN DEPT # 2 START

1139

PRELIMINARY HEARING/ARRAIGNMENT

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



04-173800

COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

PLEA ENTRY

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT ADMITS VIOLATION  
 DEFENDANT DENIES VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S) \_\_\_\_\_  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

SENTENCING

JUDGMENT AND SENTENCE SIGNED  
 BAIL EXONERATED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Knodel stated def was not present  
wrote def in (7) mos P.G; car wrote scheduling  
order stated hrs is 1-16-06 which is incorrect;  
Addresses trial date; Mr Moser Reas Cont; have  
not been able to speak w/ univest, Mr Knodel Reas

CONTINUED TO: 1/23/06 FOR: PR

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **NTNHRG** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

000146

(1) wk conty, when need add'l  
time to review invest Rpt;  
one member stated will provide Rpt  
to statly Rcdy;  
Act RATS to address cont & invest ing

24.1.312-4

1/17/06

PS 2

000147

SUPERIOR COURT OF WASHINGTON FOR GRAYS COUNTY  
CRIMINAL MINUTE SHEET

DATE: JANUARY 23, 2006  
JUDGE: EVAN SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: S GREEN  
DEF ATTY: Jay R. Moser  
 M. AIKEN  
 B. GWINN  
 J. GOLDSTEIN  
 M. HAAS  
 D. KRAFT  
 R. SCHIFFNER  
 E. VASTILADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: V. Guzman

RECORDED IN DEPT # 2 START 11:56 30

PRELIMINARY HEARING/ARRAIGNMENT

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

PLEA ENTRY

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT ADMITS VIOLATION  
 DEFENDANT DENIES VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S) \_\_\_\_\_  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

SENTENCING

JUDGMENT AND SENTENCE SIGNED  
 BAIL EXONERATED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Court & Counsel hold discussion re: counts as requested by Mr Moser

CONTINUED TO: 2-07-06 FOR: PTC

CONTINUED TO: 2-22-06 FOR: 3.5/3.6 Lrp.

LMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY SHELLY SPENCER

SUPERIOR COURT OF WASHINGTON FOR GRACIA COUNTY  
CRIMINAL MINUTE SHEET

DATE: FEBRUARY 6, 2006  
JUDGE: EVAN SPERLINE

CAUSE NO: 04-1-00312-9  
REPORTER:  
PLTF ATTY:

CLERK: SHUANA JAY  
DEF ATTY:  R. Moser

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS  
*Maribel Gomez*

DEF PRESENT:  YES  NO

INTERPRETER: *U. Guzman*

RECORDED IN DEPT # 2 START *9:54:00*

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



**COUNSEL:**

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

**NOT GUILTY** PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 **GUILTY** PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT **ADMITS** VIOLATION  
 DEFENDANT **DENIES** VIOLATION  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 ORIGINAL INFORMATION  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 DISMISSAL OF COUNT(S) \_\_\_\_\_  
 PSI ORDERED  
 PSI WAIVED  
 PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED  
 **BAIL EXONERATED**

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: *Court & Counsel hold discussion re: pretrial issues. Court states Court will be reluctant to grant any further cuts.*

CONTINUED TO: *2-13-06* FOR: *PTC*  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
 NCHRG ARGPSH ARGPOH **(PTMHRG)** FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRACIA COUNTY  
CRIMINAL MINUTE SHEET

DATE: FEBRUARY 13, 2006  
JUDGE: EVAN SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER: T Bartonek  
PLTF ATTY:  J. KNODELL

CLERK: STARR GREEN  
DEF ATTY:  M. MOSEB  
 M. AIKEN  
 B. GWINN  
 J. GOLDSTEIN  
 M. HAAS  
 D. KRAFT  
 R. SCHIFFNER  
 E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: V. Coveman

RECORDED IN DEPT # START

PRELIMINARY HEARING/ARRAIGNMENT

INFORMATION PROVIDED TO DEFENDANT  
READING WAIVED  
ADVISED OF RIGHTS

READ IN OPEN COURT  
ADVISED OF CHARGES  
ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  
ORDER APPOINTING ATTORNEY SIGNED  
WAIVED COUNSEL  
RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
INDIGENCE REPORT FILED/SIGNED  
NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
PROBABLE CAUSE STATEMENT MADE BY  
S&T  
ORDER FINDING PROBABLE CAUSE SIGNED  
BAIL SET \$

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
RELEASED ON PERSONAL RECOGNIZANCE  
PR BOND \$  
SIGNATURES REQUIRED OF  
BENCH WARRANT ORDERED

PLEA ENTRY

NOT GUILTY PLEA ENTERED  
PLEA ACCEPTED OF NOT GUILTY  
ORDER SETTING SCHEDULE ENTERED  
GUILTY PLEA ENTERED  
DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
GUILTY PLEA ACCEPTED  
DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
PLEA AGREEMENT APPROVED  
PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF

DEFENDANT ADMITS VIOLATION  
DEFENDANT DENIES VIOLATION  
ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
ORIGINAL INFORMATION  
AMENDED INFORMATION  
ORDER AMENDING INFORMATION SIGNED  
DISMISSAL OF COUNT(S)  
PSI ORDERED  
PSI WAIVED  
PSI SENTENCING DATE ORDER SIGNED

SENTENCING

JUDGMENT AND SENTENCE SIGNED  
BAIL EXONERATED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Out of Cust discuss pretrial compliance  
Mr Moser stated must need an expert to testify  
Mr Knodell states, Disc is not complete; will need  
to interview PR, agree to court side bar conference  
if case, but grants court order to pro pro part of

CONTINUED TO: 5-1-06 FOR: PTC  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY REBECCA CHURCH

ophoven By 3-15-06 + proo wimess  
list y info 2-27-06

04-1-3124

2/13/06

PS 2

000.77

SUPERIOR COURT OF WASHINGTON FOR GRAY COUNTY  
CRIMINAL MINUTE SHEET

DATE: APRIL 11, 2006  
JUDGE: EVAN E SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: R. HAZEN  
DEF ATTY: R. Moser  
 M. AIKEN  
 B. GWINN  
 J. GOLDSTEIN  
 M. HAAS  
 D. KRAFT  
 R. SCHIFFNER  
 E. VASILIADES

STATE OF WASHINGTON

VS  
Maribel Gomez  
DEF PRESENT:  YES  NO

J. KNODELL  
 S. SCOTT  
 E. OWENS  
 A. LIN  
 C. FAIR

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: \_\_\_\_\_ RECORDED IN DEPT # \_\_\_\_\_ START 10:47 AM

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS  
\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS



COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL  
\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_  
\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED  
\_\_\_\_ DEFENDANT ADMITS VIOLATION  
\_\_\_\_ DEFENDANT DENIES VIOLATION  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Crit + cnsl hold disc re: pretrial compl; Mr Knodell states doesn't believe will be ready on May 9 + explains; Crit + cnsl hold disc re: jury selection etc; Mr. Moser does not obj to 2 ut conts; Crit + cnsl hold disc re: conds of release + def not to be in presence of children;

CONTINUED TO: 5-9-06 FOR: PTC

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG GPON GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG  
ARGPSH ARGPON (PTMHRG) FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JUNE 26, 2006  
JUDGE: EVAN E SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: REBECCA HAZEN  
DEF ATTY:  R. Moser

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: \_\_\_\_\_ RECORDED IN DEPT # \_\_\_\_\_ START 11:16

=====PRELIMINARY HEARING/ARRAIGNMENT=====

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS



COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- PSI ORDERED
- PSI SENTENCING DATE ORDER SIGNED
- DEFENDANT ADMITS/DENIES VIOLATION
- ORDER ON REVIEW OF COMPLIANCE
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

- JUDGMENT AND SENTENCE SIGNED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Knodell req conts, states was only served w/def mtngs last monday; Mr Moser states not opposed to mtn to make offer of proof being cont, however objects to conts of other mtngs; Ct makes stmnts re: mtn for bill of Part + mtn for more definite stmnt as basically one mtn, quest. Mr

CONTINUED TO: 07-10-06 FOR: PTC  
CONTINUED TO: 07-10-06 FOR: mtn to make offer of proof

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG  
ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY LISA PONOZZO

Knodell re: mtn for more definite  
stmt/Bill of part, stating that  
the state should respond & order  
to do so within a week;

04-00312-4  
no-26-07  
pg 2

000229

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JULY 10, 2006  
UDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: REBECCA HAZEN  
DEF ATTY:

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

INTERPRETER: V. Gusman

RECORDED IN DEPT # START 3:13'55

FINANCIAL COLLECTOR SANDRA JONES

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- R Moser
- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

=====PRELIMINARY HEARING/ARRAIGNMENT=====

- INFORMATION PROVIDED TO DEFENDANT
- READING WAIVED
- ADVISED OF RIGHTS
- READ IN OPEN COURT
- ADVISED OF CHARGES
- ADVISED OF VIOLATIONS



COUNSEL:

- APPOINTED COUNSEL
- ORDER APPOINTING ATTORNEY SIGNED
- WAIVED COUNSEL
- RETAINED COUNSEL
- ADVICE OF RIGHTS FILED/SIGNED
- INDIGENCE REPORT FILED/SIGNED
- NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

- PREVIOUSLY ESTABLISHED
- PROBABLE CAUSE STATEMENT MADE BY S&T
- ORDER FINDING PROBABLE CAUSE SIGNED
- BAIL SET \$ \_\_\_\_\_
- ORDER SETTING CONDITIONS OF RELEASE SIGNED
- RELEASED ON PERSONAL RECOGNIZANCE
- PR BOND \$ \_\_\_\_\_
- SIGNATURES REQUIRED OF \_\_\_\_\_
- BENCH WARRANT ORDERED

=====PLEA ENTRY=====

- NOT GUILTY PLEA ENTERED
- PLEA ACCEPTED OF NOT GUILTY
- ORDER SETTING SCHEDULE ENTERED
- GUILTY PLEA ENTERED
- DEFENDANT ADVISED OF GUILTY PLEA RIGHTS
- GUILTY PLEA ACCEPTED
- DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY
- COURT SIGNS STMT OF DEF ON PLEA OF GUILTY
- PLEA AGREEMENT APPROVED
- PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
- AMENDED INFORMATION
- ORDER AMENDING INFORMATION SIGNED
- PSI ORDERED
- PSI SENTENCING DATE ORDER SIGNED
- DEFENDANT ADMITS/DENIES VIOLATION
- ORDER ON REVIEW OF COMPLIANCE
- ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

- JUDGMENT AND SENTENCE SIGNED
- ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr. Scott makes stmts re: def's mtn for state to make offer of proof, states will be setting matter on for hearing, pres response to mtn to act for review; Ct reviews response & mtn in file. Mr. Scott makes further stmts re: mtn to make offer of proof; Ct quest what elements are for homicide by abuse; Mr. Scott

CONTINUED TO: 07-11-2006 FOR: mtn to reset dates + ATC

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG  
ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY LISA PONCZZO

00024201

responds;

Ms Fair states citing is Rev 9a32055  
Ct reviews statute;

Mr Moser states has two briefs to  
support the motion + makes stmts  
re: mtn to make offer of proof of  
relevancy of other injuries, further  
states wishes to argue mtn today;  
Mr Scott states agree that must make  
offer of proof + will do that through  
a hearing;

Mr Moser states wants to know how  
the hearing will be conducted  
procedurally, cites case St vs Bankin  
Division 1; conts making stmts in  
support of mtn;

Mr Scott states wants ct to be  
able to rule on all authority to  
admit the evidence, explains +  
makes stmts re: 404B exceptions +  
what may or may not be subject to  
404B; makes stmts re: Doctrine of  
chance; + battered child syndrome

24-1-00312-4

7-10-06

pg 2

Mr Knodell states believes most of  
testimony at leg hrg, could be done  
via affidavits + explains; further

000243

states will have circumstantial  
evidence as well;  
but quest how much time will be  
needed for hearing; states will have  
to be special set;  
Mr Moser req conts of trial;

24-1-00312-4

10-2006

pg 3

000244

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JULY 11, 2006  
JUDGE: JOHN ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: R. HAZEN  
DEF ATTY:  R. Moser

STATE OF WASHINGTON

VS  
Maribel Gomez  
DEF PRESENT:  YES  NO

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: J. Chambers

RECORDED IN DEPT # START 3:35:56 / 4:02:58

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS



COUNSEL:

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 GUILTY PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY

PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 PSI ORDERED  
 PSI SENTENCING DATE ORDER SIGNED  
 DEFENDANT ADMITS/DENIES VIOLATION  
 ORDER ON REVIEW OF COMPLIANCE  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Ms Fair states on for resetting dates + pretrial conference; Mr Moser states case has become complicated + req conts of trial + explains expert wont be avail until next week or later; Mr Knodell quest possibility of 1 day hrg before August 14, special set; Ms Finke responds possibly Aug 09 or July 19th;

CONTINUED TO: 07/27/06 FOR: 3.5/3.6 Hearing

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN PTMHRG 3POH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG

ARGPSH ARGPOH PTMHRG FNRHRG NGPH

3.5/3.6 HEARING STRICKEN

PREPARED BY: MARIELE BUSH

000249/23

Mr Moser makes stmt re: unavailability  
of expert until Aug 14 which  
would mean trial could not begin  
Aug 9th;

Case recalled;

Mr Moser states allowed def to leave,  
pres agreed ord setting new  
schedule;

Crt notes def did not sign new ord +  
req Mr Moser make sure def gets  
copy;

Mr Moser pres amendment for conds  
to allow def to go to funeral;

Crt + Cnsel hold disc re: pretrial compl

4-1-00312-4

7-11-06

Pg 2

000250

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: JULY 25, 2006  
JUDGE: ~~JOHN M. ANTOSZ~~  
*Ken Gorgensen*

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: SANDY JONES  
DEF ATTY:

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS

**MARIBEL GOMEZ**

DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: \_\_\_\_\_

RECORDED IN DEPT # 2 START 2:00 pm

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS

**COUNSEL:**

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
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ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED ON PERSONAL RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

**NOT GUILTY** PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 **GUILTY** PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY

PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 PSI ORDERED  
 PSI SENTENCING DATE ORDER SIGNED  
 DEFENDANT **ADMITS/DENIES** VIOLATION  
 ORDER ON REVIEW OF COMPLIANCE  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Scott req 1 wk cont.

CONTINUED TO: 8-1-06 FOR: Mtn to Suppress Evidence  
 CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG

ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

KENNETH O. KUNES

DATE: AUGUST 1, 2006  
JUDGE: Ken Jorgensen

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: M. WEBB  
DEF ATTY: R. Moser

STATE OF WASHINGTON

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- R. MOSER
- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

VS  
Maribel Gomez  
DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: \_\_\_\_\_ RECORDED IN DEPT # 2 START 2:08

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT       READ IN OPEN COURT  
 READING WAIVED       ADVISED OF CHARGES  
 ADVISED OF RIGHTS       ADVISED OF VIOLATIONS

**COUNSEL:**

APPOINTED COUNSEL       ADVICE OF RIGHTS FILED/SIGNED  
 ORDER APPOINTING ATTORNEY SIGNED       INDIGENCE REPORT FILED/SIGNED  
 WAIVED COUNSEL       NOTICE OF APPEARANCE FILED  
 RETAINED COUNSEL

**PROBABLE CAUSE:**

PREVIOUSLY ESTABLISHED       ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T       RELEASED ON PERSONAL RECOGNIZANCE  
 ORDER FINDING PROBABLE CAUSE SIGNED       PR BOND \$ \_\_\_\_\_  
 BAIL SET \$ \_\_\_\_\_       SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

NOT GUILTY PLEA ENTERED       PLEA AGREEMENT APPROVED  
 PLEA ACCEPTED OF NOT GUILTY       PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 ORDER SETTING SCHEDULE ENTERED       AMENDED INFORMATION  
 GUILTY PLEA ENTERED       ORDER AMENDING INFORMATION SIGNED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS       PSI ORDERED  
 GUILTY PLEA ACCEPTED       PSI SENTENCING DATE ORDER SIGNED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY       DEFENDANT ADMITS/DENIES VIOLATION  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY       ORDER ON REVIEW OF COMPLIANCE  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED       ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr. Moser makes stmts. in supp. of suppression, Mr. Scott states Mtn in limine rather than suppression mtn. & explains, at allows motion, Mr Moser presents mtn ex parte

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG

ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON COUNTY OF GRANT

KENNETH O. KUNES, CLERK

NATURE OF HEARING: OFFER OF PROOF

DATE: AUGUST 9, 2006  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
CR: RECORDED - CC: M. WEBB/S. JONES  
COURT ROOM #2  
PLTFS ATTY:  
STEPHEN SCOTT  
John Knodell

PLAINTIFF(S):  
STATE OF WASHINGTON

VS

DEFENDANT(S):  
MARIBEL GOMEZ

DEF ATTY:  
ROBERT MOSER Int: V. Guzman

PLAINTIFFS PRESENT  YES  NO  
DEFENDANT PRESENT  YES  NO

PLTF ATTY PRESENT  YES  NO  
DEF ATTY PRESENT  YES  NO

\*\*\*\*\*

Court convenes @ 9:44 AM

Mr Knodell calls case on for Offer of Proof

Mr Moser states the state has to prove on the preponderance of evidence

Mr. Knodell states provided a brief states RCW 404B explains what state plans to offer as proof

Ct asks Mr Knodell re: Amended Information

Mr Knodell explains Amended Information is reason state amended charges

Ct is not conv disc re: Amended Charges

Mr Moser states reason why he is needed today on for an offer of proof by a preponderance, objects to Memorandum by state, not timely

Mr Knodell explains reasons why memorandum was not timely  
Ct states will not rely on S

CONTINUED TO 8-18-06 for

MTHRG  EVTHRG  Other

PREPARED BY: 000273-138

memo today, will allow def's  
counsel to respond  
Ct & counsel cont disc re: preservation  
of evidence, mtn to exclude  
evidence, req ct to find  
evidence on 404.B, & what  
testimony will be presented  
today

John Phillips S+T (10:02AM-10:03AM)  
Mr Knodell req ct to allow a  
disc w/ witness in private  
Ct allows

Mr Knodell req to call another  
witness & call John Phillips Oaxley  
Denise Griffith S+T (10:03AM-10:46AM)

Direct exam by Mrs Scott  
Clerk marks & announces Exhibits 1-17

Direct exam contd by Mrs Scott  
Mr Moser objects - Pearson

04-1-00312-4 Ct sustains

State Mr Scott makes obj in  
vs supp of quest  
Gomez Mr Scott moves to admit Exhib  
Offer of Proof # 12

9-9-06 Mr Moser does not object  
Jury 1 Ct admits Exhibit #12

pg 2 Direct exam contd by Mrs Scott

000274

Clerk marks & announces Exhibit 18 → 23

Direct exam cont'd by Mrs Scott

Mr Scott offers Exhibit #18

Mr Moser does not object

Ct admits Exhibit #18

Direct exam cont'd by Mr Scott

Mr Scott offers Exhibit #19

Ct admits Exhibit #19

Direct exam cont'd by Mr. Scott

Mr Scott moves to admit Exhibits

#20 → #23

Mr Moser does not object

Ct admits Exhibits #20 → 23

Cross exam by Mrs Moser

Re-direct exam by Mrs Scott

witness excused

Olga Gaxiola S+T (10:47am - 11:39am)

Direct exam by Mrs Moser

Cross exam by Mr Knodell

04-1-00324 Ct questions witness

State Re-cross exam cont'd by Mr Knodell

vs

Gomez Ct takes recess @ 11:02am

offer of Proof Ct reconvenes @ 11:19am

8-9-06

Day 1 Ct req to go off record at at

pg 3 11:23am as waiting for

Ct interpreter

000275

Cit req to go back on the record at 11:31 AM

Ms. Gaxiola resumes stand at 11:32 AM

Re-direct exam by Mr Moser

Re-cross exam by Mrs Knodell

Witness excused

John Phillips Prev S+T (11:39 AM - 1:57 PM)

Direct Exam by Mr. Knodell

Mr. Knodell offers P Exhibit 1 → 10

Mr. Moser does not obj.

Cit Admits P Exhibit 1 → 10

Direct Exam Cont'd by Mr. Knodell

Mr. Knodell offers P Exhibit 11 → 17

Mr. Moser Obj. to P Exhibit 13

Cit Admits P Exhibit 11 → 17

Cit takes recess @ 12:00 pm

Cit reconvenes @ 1:36 pm

04-1-00312-4

State

Mr John Phillips resumes stand @ 1:37

vs

Direct Exam Cont's By Mr. Knodell

Gomez

Cit questions witness

offer of proof

Direct exam cont'd by Mrs Knodell

Mrs Moser objects to line of questioning

8906 Cit & chal hold disc re: line of

Day 1

questioning as to prior injury &

pg 4

as an offer of proof

000276

Ct sustains

Cross exam by Mr Moser

Redirect Exam by Mr. Knodell

Witness Excused

Alicia Estrada S+T (2:00pm - 2:37pm)

Direct Exam By Mr. Scott

Ct questions Witness

Direct Exam Cont's by Mr. Scott

Cross Exam by Mr. Moser

Re-direct Exam By Mr. Scott

Re-Cross Exam By Mr. Moser

Witness excused

Ct & Case hold disc. re: Witnesses

Clerk Marks & announces P Exhibit 24 & 25

Mr. Scott explains Exhibits P24 & P25

Mr. Moser Objs. to Exhibits P24 & P25

as redundant

Ct admits Exhibits P24 & P25

Murray Twelves S+T (2:42pm - )

54-1-00312-4

Direct Exam By Mr. Moser

State

Ct. questions Witness

vs.

Direct Exam Cont'd By Mr. Moser

Gomez

offer of proof

Ct takes a recess @ 3:05pm

8-9-02

Ct reconvenes @ 3:22pm

day 1

pg 5

Mr. Moser states made a mtn

000277

a couple month ago for a bill of particulars

Mr. Scott explains he has provided a bill of particulars to Counsel  
Mr. Moser states new testimony has brought up further inquiry as to injuries

Mr. Twelve's resumes stand 3:24 pm

Direct exam cont'd by Mr. Moser

Cit questions witness

Cross exam By Mr. Scott

Re-direct exam By Mr. Moser

Witness excused

Jose Arechiga S+T (3:56 pm - 4:30 pm)

Direct exam By Mr. Moser

Cross exam By Mr. Knedell

Re-direct exam By Mr. Moser

Witness excused

Cit & counsel hold disc about def.

Testimony in this case, &

what Cit's role is in this HRG,

& what it must decide, legal

standards

Gomez Mr. Knedell req. Cont.

offer of proof & counsel hold case re:

8/9/06 excluding Mr. Estrada's testimony

Day 1 cont conts to 8/18/06 for final

argument

Court adjourns

04-003124

Stack

vs.

Gomez

offer of proof

8/9/06

Day 1

pg 6

000278

Ct recon Venes @ 11:02 AM  
Mr. Knodelle calls case on for  
admissibility of evid. of prior injuries & Abuse  
Mr. Moser states that Ms. Estrada's  
testimony is not credible.  
Ct explains Mr. Moser's Brief  
Supporting Requirements of  
proof of prior Bad acts is  
correct & whether it can be  
through RCW 404B or Doctrine of Chances  
Ct reviews Ms. Estrada's  
testimony through a RCW 404B  
perspective & its applicability  
to the def. feelings and acts  
towards the child & explains  
why it will not revert to  
RCW 404B analysis.

Mr. Knodelle req. Mr. Moser may  
want to take a couple minutes  
to consult with his client

Mr. Moser obj.s & states that he  
does not need time to consult  
with the def. & explains the  
doctrine of Chances & its relation  
to this case

Mr. Moser explains he has other  
witnesses & what they can testify to.

04-1-003124  
State  
vs  
Gomez  
offer of proof  
8-18-06  
July 2  
pg 7

Cit states those witnesses should be heard in front of a jury.

Mr. Knodell states hearing is for offer of proof & evidence to prove manslaughter case & explains his burden of proof.

Mr. Knodell req. Cit analyze Ms. Estrada's testimony through RCW 404B.

Cit & case hold disc. re. Ms. Estrada's testimony is the correct reason for this hearing.

Mr. Moser req. cont. to call his final witnesses & states he will not be ready for trial on Sept. 6.

Cit. conts & case will contact Cit admin to set date & time.

Cit adjourns

04-00312-4  
State  
Vs.  
Gomez  
offer of proof  
8-18-02  
Day 2  
Pg 8

Crt reconvenes @ 6:11pm

Crt = Cnel hold disc re what  
Cnel going to present &  
narrow down issues &  
what witnesses will be  
called for testimony &  
what the witnesses will  
testify to, expert witness  
testimony as to injuries,  
Mrs Knodell makes stmts re  
Nolan case & preponderance  
of evidence.

Crt questions Mrs Moser  
re what witness will  
testify to

Mrs Moser responds

Mrs Fair requests witness  
be excluded

041-003124

State

vs

Gomez

Off of Prof

9-13-06

Day 3

pg 9

Crt excludes witnesses

Lucinda Garces, S+T (6:20pm - 6:50pm)

Direct exam by Mrs Moser

Cross exam by Mrs Scott

Clerk marks & announces P 26 exhib

Cross exam contd by Mrs Scott

Mrs Moser objects to questions  
related to P exhibit # 26

000281

Mr Scott offers P exhibit #26

Mr Moser does not object  
Crt admits P exhibit #26

Cross exam contd. by Mr Scott  
witness excused

Gregorio Arechiga Saltono ST (6:55pm - 7:17pm)  
via Interpreter: Victor Maldonado

Direct exam by Mr Moser

Cross exam by Mr Fair  
witness excused

Jose Ramos Arechiga ST (7:19pm - 8:20pm)

Direct exam by Mr Moser

Cross exam by Mr Scott

Redirect exam by Mr Moser

Crt questions witness

Redirect exam by Mr Moser

Crt takes recess @ 7:56pm

04-1003124 Crt reconvenes @ 8:08pm

St

vs

Gomez

Off of Prof

91306

Day 3

pg 10

Mr Moser makes admits  
re: testimony of Mr Jose R.  
Arechiga

Mr Jose Ramos Arechiga resumes  
stand at 8:09pm

Cross exam by Mr Scott

000282

witness excused  
Mr Moser rests on behalf of  
def.

Mr Scott states would like  
to offer two documents  
into evidence

Clerk marks & announces P exhibits  
27 & 28

Mr Moser does not obj  
Mr Scott offers P exhibit  
27 & 28 which are not  
objected to

Crt admits P exhibit 27 & 28

Mr Knodell makes closing  
argument at (8:23pm - 8:32pm)

Crt states need to bring out  
evidence that def was not  
present at the time of injury  
& does not believe it was  
brought out in testimony

Mr Scott makes addtl stmnts  
re: time frames when  
mother was present in the  
home

Crt makes stmnts re: 404B & 403  
& what Crt must find  
as a result of this arg

04-00312-4  
St  
vs  
Gomez  
offer of Proof  
9-13-06  
day 3  
pg 11

Mr Moser makes closing argument at (8:36pm - 8:38pm)  
Ct makes stmt re: case law, connection, preponderance of the evidence as to incidents & mother's presence, 404B, doctrine of chance & batter child syndrome & accidents would be admissible under 404B & 403

Ct questions unfair prejudice  
Mr Moser explains prejudice under 403

Ct makes stmts re: unfair prejudice substantial outweighs prob evidence, not sure what Mr Moser is wanting to exclude, Ct reviews file as to bill of particulars dec. # 120.2

04-1-00312-4

St

vs.

Gomez

Off of Prot

9-13-06

Day 3

pg 12

Ct & case held disc re: bill of particulars

Ct finds sufficient evidence to go to jury

000284

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

KENNETH O. KUNES

DATE: AUGUST 22, 2006  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: M. WEBB  
DEF ATTY: R. Moser

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS  
Maribel Gomez

DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: J. Chambers

RECORDED IN DEPT # 2 START 11:51

=====PRELIMINARY HEARING/ARRAIGNMENT=====

INFORMATION PROVIDED TO DEFENDANT  
 READING WAIVED  
 ADVISED OF RIGHTS

READ IN OPEN COURT  
 ADVISED OF CHARGES  
 ADVISED OF VIOLATIONS

**COUNSEL:**

APPOINTED COUNSEL  
 ORDER APPOINTING ATTORNEY SIGNED  
 WAIVED COUNSEL  
 RETAINED COUNSEL

ADVICE OF RIGHTS FILED/SIGNED  
 INDIGENCE REPORT FILED/SIGNED  
 NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

PREVIOUSLY ESTABLISHED  
 PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 ORDER FINDING PROBABLE CAUSE SIGNED  
 BAIL SET \$ \_\_\_\_\_

ORDER SETTING CONDITIONS OF RELEASE SIGNED  
 RELEASED-ON-PERSONAL-RECOGNIZANCE  
 PR BOND \$ \_\_\_\_\_  
 SIGNATURES REQUIRED OF \_\_\_\_\_  
 BENCH WARRANT ORDERED

=====PLEA ENTRY=====

**NOT GUILTY** PLEA ENTERED  
 PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
 **GUILTY** PLEA ENTERED  
 DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
 GUILTY PLEA ACCEPTED  
 DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 COURT SIGNS STMT OF DEF ON PLEA OF GUILTY

PLEA AGREEMENT APPROVED  
 PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 AMENDED INFORMATION  
 ORDER AMENDING INFORMATION SIGNED  
 PSI ORDERED  
 PSI SENTENCING DATE ORDER SIGNED  
 DEFENDANT **ADMITS/DENIES** VIOLATION  
 ORDER ON REVIEW OF COMPLIANCE  
 ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

JUDGMENT AND SENTENCE SIGNED

ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr. Moser req. cont., Mr. Knodell state the dates have been cont. many times already, Ct & Cnsel disc trial date, Ct Stats may be hard to find due to news coverage,

CONTINUED TO: 10-3-06 FOR: PTC  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GP0H GP5H SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG  
ARGP5H ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

KENNETH O. KUNES

DATE: SEPTEMBER 5, 2006  
JUDGE: KEN JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: S Jones  
DEF ATTY:

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS  
Maribel Gomez  
DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: Jeremy Chambers

RECORDED IN DEPT # 2 START 11:18 AM

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS

\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS

**COUNSEL:**

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL

\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

**PROBABLE CAUSE:**

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_

\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
 ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY

\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED  
\_\_\_\_ DEFENDANT ADMITS/DENIES VIOLATION  
\_\_\_\_ ORDER ON REVIEW OF COMPLIANCE  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED

\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr Moser makes stmts in supp of conts of bond, Mr Knodell objects & explains Mr Moser states expert witness not available until January, Ct & Mr Moser cont. disc re: need for conts, Ct & chal cont disc, re: expert witness & readiness for bond, Ct sets Oct trial

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_  
CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG  
ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY LISA PONOZZO

000318

date but will not preclude  
Mr Moser for asking for a  
new trial date  
Mr Moser states objection

SA

vs

Gomez

44-003124

pg 2

000319

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

KENNETH O. KUNES

DATE: SEPTEMBER 18, 2006  
JUDGE: KENNETH JORGENSEN

CAUSE NO: 04-1-00312-4  
REPORTER:  
PLTF ATTY:

CLERK: M. Welds  
DEF ATTY:  B. Moser

- J. KNODELL
- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

- M. AIKEN
- B. GWINN
- J. GOLDSTEIN
- M. HAAS
- D. KRAFT
- R. SCHIFFNER
- E. VASILIADES

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT  YES  NO

INTERPRETER: M.J. Castillo

FINANCIAL COLLECTOR SANDRA JONES

RECORDED IN DEPT # 2 START 1:45

=====PRELIMINARY HEARING/ARRAIGNMENT=====

<input type="checkbox"/> INFORMATION PROVIDED TO DEFENDANT	<input type="checkbox"/> READ IN OPEN COURT
<input type="checkbox"/> READING WAIVED	<input type="checkbox"/> ADVISED OF CHARGES
<input type="checkbox"/> ADVISED OF RIGHTS	<input type="checkbox"/> ADVISED OF VIOLATIONS

COUNSEL:

<input type="checkbox"/> APPOINTED COUNSEL	<input type="checkbox"/> ADVICE OF RIGHTS FILED/SIGNED
<input type="checkbox"/> ORDER APPOINTING ATTORNEY SIGNED	<input type="checkbox"/> INDIGENCE REPORT FILED/SIGNED
<input type="checkbox"/> WAIVED COUNSEL	<input type="checkbox"/> NOTICE OF APPEARANCE FILED
<input type="checkbox"/> RETAINED COUNSEL	

PROBABLE CAUSE:

<input type="checkbox"/> PREVIOUSLY ESTABLISHED	<input type="checkbox"/> ORDER SETTING CONDITIONS OF RELEASE SIGNED
<input type="checkbox"/> PROBABLE CAUSE STATEMENT MADE BY _____ S&T	<input type="checkbox"/> RELEASED ON PERSONAL RECOGNIZANCE
<input type="checkbox"/> ORDER FINDING PROBABLE CAUSE SIGNED	<input type="checkbox"/> PR BOND \$ _____
<input type="checkbox"/> BAIL SET \$ _____	<input type="checkbox"/> SIGNATURES REQUIRED OF _____
	<input type="checkbox"/> BENCH WARRANT ORDERED

=====PLEA ENTRY=====

<input type="checkbox"/> NOT GUILTY PLEA ENTERED	<input type="checkbox"/> PLEA AGREEMENT APPROVED
<input type="checkbox"/> PLEA ACCEPTED OF NOT GUILTY	<input type="checkbox"/> PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF
<input type="checkbox"/> ORDER SETTING SCHEDULE ENTERED	<input type="checkbox"/> AMENDED INFORMATION
<input type="checkbox"/> GUILTY PLEA ENTERED	<input type="checkbox"/> ORDER AMENDING INFORMATION SIGNED
<input type="checkbox"/> DEFENDANT ADVISED OF GUILTY PLEA RIGHTS	<input type="checkbox"/> PSI ORDERED
<input type="checkbox"/> GUILTY PLEA ACCEPTED	<input type="checkbox"/> PSI SENTENCING DATE ORDER SIGNED
<input type="checkbox"/> DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY	<input type="checkbox"/> DEFENDANT <b>ADMITS/DENIES</b> VIOLATION
<input type="checkbox"/> COURT SIGNS STMT OF DEF ON PLEA OF GUILTY	<input type="checkbox"/> ORDER ON REVIEW OF COMPLIANCE
	<input type="checkbox"/> ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

<input type="checkbox"/> JUDGMENT AND SENTENCE SIGNED	<input type="checkbox"/> ORDER OF RESTITUTION ENTERED/TO BE ENTERED
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SPECIAL MINUTES: Mr. Moser states he cannot try this case w/out his expert witness & explains, his expert is unavailable until January, Mr. Knodell defers to the Ct & explains, Mr. Moser req. cont, Mr. Knodell recalled 3:11

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN MTHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG

ARGPSH ARGPOH PTMHRG FNRHRG NGPH

3.5/3.6 HEARING STRICKEN

PREPARED BY \_\_\_\_\_

000335

SUPERIOR COURT OF WASHINGTON COUNTY OF GRANT

NATURE OF HEARING: Pretrial Motion Hearing

DATE: January 29, 2007  
JUDGE: John Antosz  
PLAINTIFF(S):  
State of Washington

CAUSE NO: 04-1-00312-4  
CR: Tom Bartunek  
PLTF ATTY:  
John Knodell  
Stephen Scott  
Carolyn Fan

CC: M. Webb  
S Green



VS

DEFENDANT(S):  
Maribel Gomez

DEF ATTY:  
Robert Moser

Interpreter: V. Maldonado

PLAINTIFFS PRESENT  YES  NO  
DEFENDANT PRESENT  YES  NO

PLTF ATTY PRESENT  YES  NO  
DEF ATTY PRESENT  YES  NO

\*\*\*\*\*

Court convenes @ 1:34 pm  
Mr Scott states Mr Moser req. for cont.  
Mr. Moser explains reasons for cont.  
Ct & Cpl. hold disc. re: reasons trial should  
be cont.  
Ct states reasons why trial should not be  
cont. & req. matter be recalled to allow  
time for research  
Ct takes recess @ 2:55  
Ct resumes @ 3:16  
Ct states Resonab'g if he is cont. gives man  
to cont. trial; Regis info re Jurors to call and  
how to conduct voir dire; prepare juror questions;  
would like questions prepared for Ct by end of wk; &  
list of witnesses; estimate of length of trial;  
how many Ct cost would like to have;  
Mr Scott gives who want here mm to show  
that is set on 1/30/07

2-5-07 Pretrial conference

CONTINUED TO 2-12-07 for Trial

MTHRG EVIHRG Other: \_\_\_\_\_

PREPARED BY: \_\_\_\_\_

Cat stated JMA will be hearing  
me Scott stated we will not have findings  
yet from waiting w/ KLS; we will  
present prop'd.

Cat stated we will have to see if KLS  
would have to hear mm during mm  
tomorrow; advised ms Jinki that  
this cat reg'd to hear mm tomorrow

Mr Moser presents order setting schedule

Cat stated ms Jinki will notify Carl as  
to time for PTC; entered order setting  
schedule

Cat adjourns @ 3!

SUPERIOR COURT OF WASHINGTON COUNTY OF GRANT

NATURE OF HEARING: Pretrial Motion Hearing

DATE: February 5, 2007  
JUDGE: John Antosz  
PLAINTIFF(S):  
State of Washington

CAUSE NO: 04-1-00312-4  
CR: Tom Bartunek CC: Starr Green

PLTFS ATTY:  
John Knodell  
Steve Scott  
Carolyn Fair

VS

DEFENDANT(S):  
Maribel Gomez

DEF ATTY:  
Robert Moser

Int J. Chambers  
PLAINTIFFS PRESENT  YES  NO  
DEFENDANT PRESENT  YES  NO

PLTF ATTY PRESENT  YES  NO  
DEF ATTY PRESENT  YES  NO



\*\*\*\*\*  
Court convenes @ 9:03

Ms. Fair called matter;  
Ct reviews list of witnesses  
Ms. Fair stated may have a name add'd to  
witness list;  
Ct asks Ms. Fair to rec name as soon as she knows  
gives Mr. Moser list of witnesses;  
Mr. Moser stated yes  
Ct asks Mr. Moser to compile a list of all witnesses  
Mr. Moser stated he had another witness to  
add  
Ct stated having a suppl. witness list; but  
real's all witnesses be on one list;  
Mr. Moser stated Gregoria Creechiga is a  
added witness;  
Ct gives up of down; states in doc stated  
2004  
Mr. Moser states 2003  
Ct & Cst discuss Act know need'd  
Mr. Moser asks for (3) atty presents waiver of  
jury trial;  
Ms. Fair stated just the state heard of a

CONTINUED TO \_\_\_\_\_ for \_\_\_\_\_

MTHRG EVIHRG Other: \_\_\_\_\_

PREPARED BY: SG

was jury trial, reviews witnesses  
have busy schedules, would need  
time to schedule

Cx stated (3) wts should be blocked  
out for trial, also state if  
they did to do jury trial

Ms. Fair stated it's the def's right  
Cx asks Mr. Moser when they decided  
to waive jury trial

Mr. Moser stated decision was made last  
week,

Cx asks Mr. Moser if he advised Def of  
waiving jury trial

Mr. Knodell suggests Cx having advise  
Def of waiving jury trial waiver in  
chambers

Mr. Moser stated def would have to legit  
Cx advises def as to waiver of jury trial

Def stated understanding Cx

04-1-312-4 Cx asks def if she waived jury trial  
state def stated yes

US Cx asks def if she has any guests

Gomez Def stated no

Dimbrg Cx asks def if she spent enough time discussing  
2/5/07 waiver of adv

July 1 Def stated yes

PS 2

Cit grants Def's decision of waiver is threatened by anyone

Def stated no

Cit asks def if waiver was read to her in Spanish

Def stated yes

Cit Con'ts w/ Advising def as to waiver grants waiver, entered order; Reviews

timeliness of trial; week of 2/8/07 by

Ms Javi Reviews timeliness of trial & organizing witnesses

Mr Scott stated having (2) witnesses having been add'l injuries prior to death

Reqs to intro evidence; Angie

& Jacie Avonado; Both state & def witnessed; Reqs cit to render decision

prior to trial

Mr Moser objects - lateness

Cit stated will rule prior to trial

04/13/12-14 Mr Scott Reqs to include def's drug test  
State & including that uteri Betty Born under  
US influence of drugs; def was representing  
Gomez that pregnancy was normal & kid  
from DR's so CPS would not be involved

2/5/07 Cit Reverses Rule of Evidence

Jay 1 Mr Moser STATES MM was previously ruled on

PS 3

stated that ruled that would not be admissible

Att Regis a brief RE man;

Mr Scott stated man was interviewed upon

Can not show notice info Presently History

Att claims man

Mr Scott reinterviewed man; stated drug use would present suspicion

Att Regis a brief be presented;

Mr Scott stated def has an expert witness & objects to interviews after trial starts objects that expert witness has never presented a report;

Mr Moser stated no apprehensions present on 2-12-07 by TIC; on 19<sup>th</sup>; suggests state interview @ 7:00 AM

Att suggests set up interview 7:12 @ 8:00

Mr Scott stated having a couple of witnesses to be called as witnesses; will testify to incident on 12-6 & 7<sup>th</sup>, 2002

witnesses from Central Hospital But Contact Read

vs

Signature;

Gomez Att will keep meeting @ noon on 2-8-07

Amber Att Adjoining @ 9:48;

2/5/07

way 1

PS 4

04-1-312-4

Date

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY  
CRIMINAL MINUTE SHEET

DATE: MARCH 14, 2007  
JUDGE: JOHN M. ANTOSZ

CAUSE NO: 04-1-00312-4  
REPORTER: TOM BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: M. WEBB  
DEF ATTY:  B. Moser  
 M. AIKEN  
 B. GWINN  
 J. GOLDSTEIN  
 M. HAAS  
 D. KRAFT  
 R. SCHIFFNER  
 J. PETERSON  
 A. WHITE

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

DEF PRESENT:  YES  NO

FINANCIAL COLLECTOR SANDRA JONES

INTERPRETER: J. Chambers

RECORDED IN DEPT # 1 START 1:34 pm

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
\_\_\_\_ READING WAIVED  
\_\_\_\_ ADVISED OF RIGHTS

\_\_\_\_ READ IN OPEN COURT  
\_\_\_\_ ADVISED OF CHARGES  
\_\_\_\_ ADVISED OF VIOLATIONS

COUNSEL:

\_\_\_\_ APPOINTED COUNSEL  
\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
\_\_\_\_ WAIVED COUNSEL  
\_\_\_\_ RETAINED COUNSEL

\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_ PREVIOUSLY ESTABLISHED  
\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
\_\_\_\_ BAIL SET \$ \_\_\_\_\_

\_\_\_\_ ORDER SETTING CONDITIONS OF RELEASE SIGNED  
\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
\_\_\_\_ PR BOND \$ \_\_\_\_\_  
\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_ NOT GUILTY PLEA ENTERED  
\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
\_\_\_\_ GUILTY PLEA ENTERED  
\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
\_\_\_\_ GUILTY PLEA ACCEPTED  
\_\_\_\_ DEFENDANT SIGNS STMT OF DEF ON PLEA OF GUILTY  
\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY

\_\_\_\_ PLEA AGREEMENT APPROVED  
\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
\_\_\_\_ AMENDED INFORMATION  
\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
\_\_\_\_ PSI ORDERED  
\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED  
\_\_\_\_ DEFENDANT ADMITS/DENIES VIOLATION  
\_\_\_\_ ORDER ON REVIEW OF COMPLIANCE  
\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED

=====SENTENCING=====

\_\_\_\_ JUDGMENT AND SENTENCE SIGNED

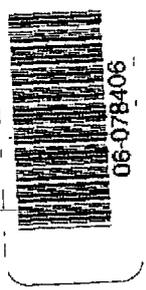
\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: Mr. Knodell informs the CRT to continue trial today & explains, Mr. Moser objects & explains, CRT grants motion, Mr. Moser objects to any testimony of Dr. Feldman by Aff & explains,

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **MTHRG** GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP NCHRG MARLA WEBB  
ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_



SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

DATE: APRIL 2, 2007  
JUDGE: JOHN M. ANTOSZ  
PLAINTIFF(S):  
STATE OF WASHINGTON

CAUSE NO: 04-1-00312-4  
CR: TOM BARTUNEK CC: M. WEBB  
PLTFS ATTY:  
STEVE SCOTT/CAROLYN FAIR/JOHN KNODELL

VS

DEFENDANT(S):  
MARIBEL GOMEZ

DEF ATTY:  
ROBERT MOSER

Recorded in Dept # 1 start \_\_\_\_\_

PLAINTIFFS PRESENT  YES  NO  
DEFENDANT PRESENT  YES  NO

PLTF ATTY PRESENT  YES  NO  
DEF ATTY PRESENT  YES  NO

\*\*\*\*\*

Hearing set for: MOTION TO ARREST JUDGMENT

Court convenes @ \_\_\_\_\_

Mr. Moser thought he had noted his mtn to arrest conviction for Tues. but Ord States Monday.

Ms Fair & Mr. Scott req. cont. for sent. Mr. Moser req. cont. of his mtn to arrest conviction to date of sentencing. Crt & Crol hold disc re: when to cont. both matters.

Crt req. both parties contact Crt admin Mikki Finke to set time & date.



CONTINUED TO 4-9-07  
4-9-07  
MTHRC Other: \_\_\_\_\_

for Sentencing (Special Set)  
motion to arrest conviction  
PREPARED BY \_\_\_\_\_

**Appendix 31**

**Superior Court Criminal Minute Sheet 2/15/05**

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SUPERIOR COURT OF WASHINGTON FOR GR. COUNTY  
CRIMINAL MINUTE SHEET

DATE: FEBRUARY 15, 2005  
JUDGE: EVAN E SPERLINE

CAUSE NO: 04-1-00312-4  
REPORTER: RECORDED/T BARTUNEK  
PLTF ATTY:  J. KNODELL

CLERK: STARR WINTERS

STATE OF WASHINGTON

VS

MARIBEL GOMEZ

11:29

- S. SCOTT
- E. OWENS
- A. LIN
- C. FAIR

DEF ATTY:  Mose  
 R. EARL  
 B. GWINN  
 B. HILL  
 J. GOLDSTEIN  
 R. SMITH  
 A. WHITE

DEF PRESENT:  YES  NO

INTERPRETER: \_\_\_\_\_

=====PRELIMINARY HEARING/ARRAIGNMENT=====

\_\_\_\_\_ INFORMATION PROVIDED TO DEFENDANT  
 \_\_\_\_\_ READING WAIVED  
 \_\_\_\_\_ ADVISED OF RIGHTS  
 \_\_\_\_\_ READ IN OPEN COURT  
 \_\_\_\_\_ ADVISED OF CHARGES  
 \_\_\_\_\_ ADVISED OF VIOLATIONS



04-087723

COUNSEL:

\_\_\_\_\_ APPOINTED COUNSEL  
 \_\_\_\_\_ ORDER APPOINTING ATTORNEY SIGNED  
 \_\_\_\_\_ WAIVED COUNSEL  
 \_\_\_\_\_ RETAINED COUNSEL  
 \_\_\_\_\_ ADVICE OF RIGHTS FILED/SIGNED  
 \_\_\_\_\_ INDIGENCE REPORT FILED/SIGNED  
 \_\_\_\_\_ NOTICE OF APPEARANCE FILED

PROBABLE CAUSE:

\_\_\_\_\_ PREVIOUSLY ESTABLISHED  
 \_\_\_\_\_ PROBABLE CAUSE STATEMENT MADE BY \_\_\_\_\_ S&T  
 \_\_\_\_\_ ORDER FINDING PROBABLE CAUSE SIGNED  
 \_\_\_\_\_ BAIL SET \$ \_\_\_\_\_  
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 \_\_\_\_\_ RELEASED ON PERSONAL RECOGNIZANCE  
 \_\_\_\_\_ PR BOND \$ \_\_\_\_\_  
 \_\_\_\_\_ SIGNATURES REQUIRED OF \_\_\_\_\_  
 \_\_\_\_\_ BENCH WARRANT ORDERED

=====PLEA ENTRY=====

\_\_\_\_\_ NOT GUILTY PLEA ENTERED  
 \_\_\_\_\_ PLEA ACCEPTED OF NOT GUILTY  
 \_\_\_\_\_ ORDER SETTING SCHEDULE ENTERED  
 \_\_\_\_\_ GUILTY PLEA ENTERED  
 \_\_\_\_\_ DEFENDANT ADVISED OF GUILTY PLEA RIGHTS  
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 \_\_\_\_\_ COURT SIGNS STMT OF DEF ON PLEA OF GUILTY  
 \_\_\_\_\_ PLEA AGREEMENT APPROVED  
 \_\_\_\_\_ PROBABLE CAUSE STATEMENT ADOPTED BY PLTF/DEF  
 \_\_\_\_\_ DEFENDANT ADMITS VIOLATION  
 \_\_\_\_\_ DEFENDANT DENIES VIOLATION  
 \_\_\_\_\_ ORDER ON COMMUNITY SUPERVISION VIOLATIONS SIGNED  
 \_\_\_\_\_ ORIGINAL INFORMATION  
 \_\_\_\_\_ AMENDED INFORMATION  
 \_\_\_\_\_ ORDER AMENDING INFORMATION SIGNED  
 \_\_\_\_\_ DISMISSAL OF COUNT(S) \_\_\_\_\_  
 \_\_\_\_\_ PSI ORDERED  
 \_\_\_\_\_ PSI WAIVED  
 \_\_\_\_\_ PSI SENTENCING DATE ORDER SIGNED

=====SENTENCING=====

\_\_\_\_\_ JUDGMENT AND SENTENCE SIGNED  
 \_\_\_\_\_ BAIL EXONERATED  
 \_\_\_\_\_ ORDER OF RESTITUTION ENTERED/TO BE ENTERED

SPECIAL MINUTES: MR MOSEL MRS RICE FOR UNVEST FOOD,  
explains ~ at great cost re DR's off R. Epileptic  
MR MOSEL REGS TO DETERMINE IF CHILD HAD EPILEPTIC - explains  
state has not rec'd mm; at grants mm for unvest food;  
enters order for dispersal of funds

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

CONTINUED TO: \_\_\_\_\_ FOR: \_\_\_\_\_

PLMHRG ARRAIGN **(MTHRG)** ALFHRG GPOH GPSH SNTHRG SCVHRG RVWHRG DSMHRG HSTKIC HSTKPA HSTKSTP  
 NCHRG ARGPSH ARGPOH PTMHRG FNRHRG NGPH 3.5/3.6 HEARING STRICKEN  PREPARED BY \_\_\_\_\_

SONIA DAVIS

000105