

No. 92816-9

Court of Appeals No. 72478-9

Supreme Court No. 85459-9

King County Superior Court No. 07-1-04039-7SEA

IN THE WASHINGTON COURT OF APPEALS  
DIVISION ONE

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In re the Personal Restraint of:

SIONE P. LUI,

Petitioner.

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SUPPLEMENT TO PERSONAL RESTRAINT PETITION

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By:

**David B. Zuckerman**  
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## I. INTRODUCTION

Mr. Lui filed his personal restraint petition (PRP) on December 29, 2010. At the time, his direct appeal was pending in the Washington Supreme Court. He filed the PRP in that Court in the hope that the Court would consolidate the two proceedings. Instead, on August 19, 2011, the Supreme Court stayed the PRP pending the direct appeal. On January 2, 2014, the Supreme Court affirmed Mr. Lui's conviction in a 5-4 decision. *State v. Lui*, 179 Wn.2d 457, 315 P.3d 493 (2014). The mandate issued on March 17, 2014. On April 11, 2014, the Supreme Court transferred the PRP to this Court.

While the PRP was stayed, Lui discovered a new ground for relief: evidence pointing to another perpetrator has come to light.

Although the PRP has been pending for several years, the one-year time limit has not even begun to run yet because Mr. Lui has a petition for certiorari pending in the U.S. Supreme Court. *See* RCW 10.73.090.

## II. SUPPLEMENTAL GROUND FOR RELIEF

### A. RELEVANT FACTS

On February 9, 2001, Elaina Boussiacos's body was found in the trunk of her car, which was parked in the lot of the Woodinville Athletic Club. PRP at 2. Crime scene investigators found a blood stain on the stick shift skirt. PRP at 4. On October 30, 2001, Washington State Patrol forensic scientist Jody Sass obtained a complete profile of the blood stain through standard STR testing, but she could not connect it with any person

known to be related to the Lui case, or with any profile in the CODIS<sup>1</sup> system. Opening Brief at 4.

In 2009, the trial court granted in part a defense motion for post-conviction DNA testing. Among other things, Lui obtained Y-STR testing of the blood stain so that the profile could be compared with some weak profiles found on other items. The testing continued through 2011 and was ultimately inconclusive.<sup>2</sup>

On August 8, 2013, undersigned counsel became aware of a television documentary concerning the Lui case. Jody Sass, trial prosecutor Kristen Richardson, and the case detectives appear in it. The documentary focuses on the mysterious blood stain, noting that it at first appeared to be a clue to an alternate suspect. Jody Sass is then heard explaining that the blood proved to be from a mechanic who had worked on Ms. Boussiacos's car.

Undersigned counsel promptly contacted Ms. Sass to find out how she had obtained that new information. She told me that the CODIS system revealed the match to a particular felon on May 6, 2010. A copy of her report is attached as Ex. A to App. 1. It identifies "Sandro M. Enciso" as the donor of the stick shift blood. Ms. Sass said she passed that

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<sup>1</sup> CODIS stands for Combined DNA Index System and is a computer database containing DNA profiles of various people, including everyone convicted of a felony in Washington.

<sup>2</sup> All assertions by undersigned counsel are reiterated under oath in the Declaration of David Zuckerman, which is attached as App. 1.

information on to the case detectives. She said she could not clearly recall how she learned that Mr. "Enciso" had worked on the car, but she believed that came from the detectives. I then left phone messages with the detectives and trial prosecutors.

On September 4, 2013, John Castleton, one of the trial prosecutors, sent me a copy of an email regarding the CODIS hit. He said he had first sent it to me in February 2011 and produced a copy of an email to that effect. I have no record on either my home or work computer of receiving that email before September 4, 2013. February 11, 2011 would in any event have been nine months after the State learned of the CODIS hit. Lui could have saved considerable time and expense with the postconviction DNA testing had he received notice in May 2010 that a subject had been identified.

On September 18, 2013, Mr. Castleton provided me with a 20-page "IRIS" printout. He confirmed that it was the only discovery following up on the CODIS hit. It shows that the blood donor's real name is Alesandro Biagi. The printout also shows that Biagi worked at some point for an automobile dealership, but says nothing about him being a mechanic. The IRIS printout also details Mr. Biagi's criminal history.

Mr. Biagi has a conviction for Assault in the Third Degree in Snohomish County No. 09-1-00470-1, which presumably led to the CODIS hit. The Affidavit of Probable Cause explains that Biagi stole

merchandise from an Everett Goodwill store and then attacked a security guard who attempted to restrain him. The guard suffered a cut to his cheek and a dislocated finger. In an interview with pretrial services, Biagi acknowledged “mental health and medication issues.” *See* Ex. G to App.

1. The prosecutors’ statement of prior criminal history, in which Biagi concurred, included the following felonies:

- First Degree Possession of Stolen Property (conviction in 1996)
- Second Degree Possession of Stolen Property (1996)
- Forgery (1997)

His adult misdemeanor convictions include:

- Supply Liquor to Minor (1996)
- Refusal to Give Information (1996)
- Driving While Suspended, two counts (2002)
- Reckless Driving (2005)
- Obstructing (2005)
- Driving While Suspended (2008)
- Resisting Arrest (2009)

*See* Ex. H to App. 1.

On September 27, 2013, detective Christina Bartlett called me back. She confirmed that there was no follow-up regarding Biagi other than running the IRIS printout. She added that John Castleton had now requested an interview, apparently due to my prompting.

On November 8, 2013, I received an audio recording of Biagi's interview. It was conducted in ICE detention in Oakdale, Louisiana. Because the State could not guarantee that it would produce a transcript promptly, I had my assistant prepare one. *See* Ex. D to App. 1. The State later prepared its own transcript (*see* Ex. E to App. 1), which is somewhat different, but the salient points discussed in this brief are the same. Mr. Biagi explained that he changed his name in 2001 (the year Boussiacos was murdered). Ex. D at 2.<sup>3</sup> When he worked for car dealerships it was as a salesman. He said he also detailed and sold "beaters" on the side. Ex. D at 5. When shown a picture of Boussiacos's car he insisted he was "100% sure" he had never seen it. Ex. D at 8. He noted that he had a very good memory of cars he had worked on. Ex. D at 8. When shown a photo of Elaina Boussiacos, he said "I know I've seen this lady before." Ex. D at 12.

Detective Bartlett then revealed that Boussiacos was murdered and placed in the trunk of her car and that Biagi's blood was found in the car. Ex. D at 12. He could not initially explain how his blood could be in the car. Ex. D at 8-9. He acknowledged that this was not a car he had sold. Ex. D at 8. He then said that he had been doing some detail work under the

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<sup>3</sup> Later in the interview, after being informed that his blood was found in the dead woman's car, he says he changed his name in 2000 or 2002. Detective Bartlett confirmed that Biagi was using his new name by the first quarter of 2001. *See* Ex. D at 18-19.

table in the Ravenna area of Seattle. Ex. D at 10, 16, 24. But he still insisted he never sold or worked on that car. Ex. D at 14, 15.

Eventually, he suggested that maybe he might have worked on the car during a “couple weeks” that he was working for “Auto Mart.” Ex. D at 15.

Biagi said he suffered from Bipolar disorder. Ex. D at 20. He was a member of 24 Hour Fitness, and he sometimes attended the branch in Kirkland. Ex. D at 23. Biagi said it was possible that he had gone to the Woodinville Athletic Club at some point. Ex. D at 30.

During the interview, Biagi said he would take a lie detector test. Ex. D at 22. When Detective Bartlett attempted to set that up, however, Biagi reneged. Ex. F to App. 1. Biagi is apparently subject to deportation due to his criminal convictions. *Id.*

#### B. LEGAL ARGUMENT

To obtain a new trial based on newly discovered evidence, a defendant must prove that the evidence: (1) will probably change the result of the trial; (2) was discovered after the trial; (3) could not have been discovered before trial by the exercise of due diligence; (4) is material; and (5) is not merely cumulative or impeaching. *State v. Williams*, 96 Wn.2d 215, 223, 634 P.2d 868 (1981).

There can be no question in this case that elements 2 and 3 are satisfied. Mr. Lui had no way to identify the person who left his blood on

the stick shift until he was informed of the CODIS hit, long after the trial. The evidence is certainly material because it points to a specific, alternate perpetrator. Further, Encisco flatly denies ever seeing Bouassiacos's car and therefore has no innocent explanation for leaving his blood in it.

The DNA hit does not merely impeach a witness who testified at trial but rather directly implicates a new person.

Finally, the evidence against Mr. Enciso would likely change the result of the trial. As discussed in the PRP at 2-6 and the Reply on PRP at 1-2, the evidence against Lui was quite weak and circumstantial. The State did not even charge him with the crime until six years went by. Had the jury known that there was evidence pointing to a named suspect, and one with a history of violent criminal activity and mental illness, it is probable that it would have found a reasonable doubt that Mr. Lui was the perpetrator.

### III. OATH

After being first duly sworn on oath, I depose and say that: I am the attorney for petitioner, I have read the supplement to the personal restraint petition, know its contents, and believe the petition is true.

DATED this 16<sup>th</sup> day of May, 2014.

Respectfully submitted,

  
\_\_\_\_\_

David B. Zuckerman, WSBA #18221  
Attorney for Sione Lui

SUBSCRIBED AND SWORN TO before me, the undersigned  
notary public, on this 16<sup>TH</sup> day of MAY, 2014.



Christina Alburas

Notary Public for Washington

My Commission Expires: 11/09/16

**CERTIFICATE OF SERVICE**

I hereby certify that on the date listed below, I served by United States Mail one copy of the foregoing Personal Restraint Petition and accompanying Appendix to Personal Restraint Petition on the following:

Ms. Deborah Dwyer, Senior DPA  
King County Prosecutor's Office  
Appellate Unit  
516 Third Avenue, W554  
Seattle, WA 98104

Mr. Sione P. Lui #319129  
Monroe Corrections Center  
Washington State Reformatory  
PO Box 777  
Monroe, WA 98272-0777

5.16.14  
Date

  
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IN THE WASHINGTON STATE COURT OF APPEALS  
DIVISION ONE

In re the Personal Restraint of:

SIONE P. LUI,

Petitioner.

Court of Appeals No. \_\_\_\_\_  
Supreme Court No. 85459-9  
King Co. Superior No. 07-1-04039-7SEA

DECLARATION OF DAVID ZUCKERMAN

David Zuckerman declares as follows:

1. I am the attorney for Petitioner Sione Lui.

2. In 2009, the trial court granted in part a defense motion for post-conviction DNA testing.

Ex. A. Among other things, Lui obtained Y-STR testing of the blood stain so that the profile could be compared with some weak profiles found on other items. The testing continued through 2011 and was ultimately inconclusive.

3. On August 8, 2013, I became aware of a television documentary concerning the Lui case and featuring interviews with Washington State Patrol forensic scientist Jody Sass, prosecutor Kristen Richardson and the case detectives. In the documentary, Jody Sass states that the blood stain found on the stick shift of victim Elaina Boussiacos's car proved to be from a mechanic who had worked on the car. This was the first I heard that the blood stain had been tied to a particular person.

4. I promptly contacted Ms. Sass and asked her how she obtained this new information concerning the blood stain on the stick shift. She told me that the Combined DNA Index System (CODIS) matched this blood stain to a particular felon on May 6, 2010. A copy of her report is

DECLARATION OF DAVID ZUCKERMAN – 1

LAW OFFICE OF  
DAVID B. ZUCKERMAN  
1300 Hoge Building  
705 Second Avenue  
Seattle, Washington 98104  
(206) 623-1595

1 attached as Ex. B. It identifies "Sandro M. Encisco" as the donor of this blood stain. Ms. Sass  
2 told me that she passed this information on to the case detectives. Ms. Sass could not clearly  
3 recall how she learned that Mr. Enciso worked on Ms. Boussiacos's car, but she believed that  
4 information came from the case detectives.

5 5. I then left telephone messages with the case detectives and the trial prosecutors. On  
6 September 4, 2013, trial prosecutor John Castleton sent me a copy of an email regarding the  
7 CODIS hit, which he said he first sent to me in February 2011. He produced a copy of an email  
8 to that effect. I have no record on either my home or work computer of receiving that email.

9 6. On September 18, 2013, Mr. Castleton provided me with a 20-page "IRIS" printout, and  
10 confirmed that it was the only discovery following up on the CODIS hit. Ex. C (Filed Under  
11 Seal). The IRIS printout shows that the blood donor's true name is Alesandro Biagi and details  
12 his criminal history. It also shows that Biagi worked for an automobile dealership, but says  
13 nothing about him being a mechanic.

14 7. On September 27, 2013, Detective Christina Bartlett returned my call and confirmed that  
15 other than the IRIS printout, there was no follow-up regarding Biagi. She added that John  
16 Castleton had requested an interview with Biagi, apparently due to my prompting.

17 8. On November 8, 2013, I received an audio recording of Biagi's interview conducted in  
18 ICE detention in Oakedale, Louisiana.

19 9. Because the State could not guarantee that it would produce a transcript promptly, I had  
20 my assistant prepare one. Ex. D.

21 10. The State later prepared its own transcript. Ex. E.

22 11. Detective Bartlett's supplemental follow-up report is attached as Ex. F (Filed Under  
23 Seal).

24 12. The affidavit of probable cause in Mr. Biagi's Assault 3 case is attached as Ex. G.

25 13. The statement of criminal history in Mr. Biagi's Assault 3 case is attached as Ex. H.

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

3 Signed in Seattle, Washington:

4  
5 5/16/2014

6 Date



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David Zuckerman

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

State of Washington

No. 07-1-04039-7SEA

vs.

ORDER ON CRIMINAL MOTION  
(ORCM)

Sione Wi

Defendant

This Court, having heard a motion for post-conviction DNA testing.

IT IS HEREBY ORDERED that the testing, to the extent feasible, will be done by the  
Washington State Crime Laboratory. Defendant will present to the State by 1/9/10  
a list of items it wishes tested and the scientific tests to be done. The state will promptly forward  
the list to WSPCL, which will prepare a report by 2/8/10 regarding the feasibility of each requested  
test. After receipt of the report, either side may set a hearing to resolve  
any issues that remain in dispute. Report should include  
estimated time line to do tests.

Dated: 12/22/07

[Signature]  
Deputy Prosecuting Attorney, WSBA No. 29445

[Signature]  
JUDGE MICHAEL J. TRICKEY

[Signature]  
Attorney for the Defendant, WSBA No. 1820-i

Order on Criminal Motion (ORCM)

Ex. A

CHRISTINE O. GREGOIRE  
Governor



JOHN R. BATISTE  
Chief

STATE OF WASHINGTON  
WASHINGTON STATE PATROL

2203 Airport Way South, Suite 250 • Seattle, Washington 98134-2045 • (206) 262-6020 • www.wsp.wa.gov

CRIME LABORATORY REPORT

<b>Agency:</b> King County Sheriff's Office	<b>Laboratory Number:</b> 101-000571
<b>Agency Rep:</b> Detective Sue Peters	<b>Agency Case Number:</b> 01-041133
<b>Subject:</b> Victim – Bousslacos, Elaine M.	<b>Request Number:</b> 0015
<b>Subject:</b> Suspect – Lui, Stone P.	

The unidentified male DNA typing profile, Individual B, previously obtained from the stain from the stick shift skirt (Item SP-55) was submitted to the Washington State Patrol Combined DNA Index System (CODIS). Please refer to Washington State Patrol Seattle Crime Laboratory report 101-000571, requests 0001, 0002, 0004, 0005 and 0006, dated October 30, 2001, by this analyst. A match between the DNA typing profile of individual B and that of Sandro M. Enciso (alternate names noted, State ID #: WA 18076336, DOC #: 754701, DOB: 02/01/1970) was declared.

It is requested that a known reference sample from Sandro M. Enciso be submitted to the Washington State Patrol Seattle Crime Laboratory to confirm the match.

*Jodi C. Sass*  
Jodi C. Sass, Supervising Forensic Scientist

5-6-10  
Date



**Ex. B**

**Ex. C**

**Biagi IRIS Printout & ~~Discovery~~**

**Filed Under Seal**

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VERBATIM REPORT OF PROCEEDINGS

November 4, 2013

Interview of Alesandro Biagi performed by Detective Christina Bartlett. Witnessed by DPA John Castleton and ICE Agent Robert Hagen (phonetic).

1 BARTLETT: Detective Christian Bartlett, 06378, Unit #183, Case No. 01-  
2 041133. This is a statement of Alesandro --

3 BIAGI: Biagi

4 BARTLETT: Biagi.

5 BIAGI: (Spells name) B-I-A-G-I

6 BARTLETT: But, did you also go by Enciso?

7 BIAGI: No, I changed my name legally in King County for 2001.

8 BARTLETT: Okay. So, last name, I'm gonna just spell for the record is (spells  
9 name) B-I-A-G-I. And today's date is November 4<sup>th</sup>, 2013. Time now is 1012 hours. Also  
10 present is DPA John Castleton and ICE agent Robert Hagen (phonetic). And, Alexander,  
11 is it alright that we're tape recording. Is that okay with you?

12 BIAGI: I believe so, if there's a point I don't want to be recorded (let you  
13 know?).<sup>1</sup>

14 BARTLETT: Okay. So, as I explained to you, we're investigating an incident that  
15 occurred in King County in 2001. But, because you're in custody, I need to advise you of  
16 your rights. And --

17 BIAGI: Is this a consensual thing or you are, I'm being detained by you?

18 BARTLETT: No, you're not being detained by me.

19 BIAGI: Okay.

20 BARTLETT: You are -- the only reason that I'm doing this is because you are  
21 currently in custody.

22 BIAGI: I understand.

23 BARTLETT: But you're not being detained by us in any way.

24 BIAGI: Fair enough.

25 

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<sup>1</sup> Audio that is difficult to decipher is reflected as text in parentheses with question marks.

1 BARTLETT: So, Alexander, do you understand that you have the right to remain  
2 silent?

3 BIAGI: I do.

4 BARTLETT: Anything that you say can be used against you in a court of law.

5 BIAGI: I do.

6 BARTLETT: If you cannot afford an attorney, you have the right to have one  
7 appointed for you without any costs if you so desire.

8 BIAGI: I do.

9 BARTLETT: And that you have the right before making your cite – making or  
10 providing any statement of any type that you have the right to have an attorney present.

11 BIAGI: I do.

12 BARTLETT: Okay. Do you understand these rights?

13 BIAGI: Yes, I do.

14 BARTLETT: Okay. And keeping these rights in mind, are you willing to talk to  
15 me?

16 BIAGI: I will as much as I can.

17 BARTLETT: Okay.

18 BIAGI: When I'm not willing, want to talk, I will let you know as soon as I'm not  
19 retained.

20 BARTLETT: Okay. So let me just first start out with just some background about  
21 you. How long were you in the State of Washington?

22 BIAGI: I've been here ever since 1990 – that's a good question – since the middle  
23 of 1992.

24 BARTLETT: Okay. What brought you to Washington?

25 BIAGI: I was just in college here.

1 BARTLETT: Where did you go to college?

2 BIAGI: Edmonds Community College and Shoreline Community College and I  
3 also went to the University of Washington for a quarter of summer quarter.

4 BARTLETT: Okay. And, do you recall, what were you at school for?

5 BIAGI: By that time, I was taking my two year transfer degree general courses.  
6 Associate of Arts, I believe.

7 BARTLETT: And, were you working? So let me move you up a little bit.

8 BIAGI: (Unintelligible) Part time student and full time – part time students and  
9 then full time student and working at the same time.

10 BARTLETT: Okay. What – what was your jobs typically? Same field. Just say  
11 like 2000, 2001.

12 BIAGI: Yeah, I was – I remember exactly what I was working – I was working on  
13 a dealership.

14 BARTLETT: Do you know which one?

15 BIAGI: That's a great question, because I – I remember we couldn't compromise  
16 on the hours with my school and – 2001 – maybe are you – are you requesting this like  
17 before 9/11 or after 9/11 because I kinda position myself that way.

18 BARTLETT: It was before 9/11. I could probably help you out a little bit with –

19 BIAGI: But I don't know if you think you have better information you – it would  
20 be a (straight forward shooter in Bellevue?).

21 BARTLETT: Yeah.

22 BIAGI: Cause I worked in Chuck Everett Chevrolet and I worked in GMC,  
23 what's the name, Buick.

24 BARTLETT: Okay. So, it looks like the end of 2000, the end of 2000, you were  
25 working, it looks like for Air Touch Communications?

1 BIAGI: Oh yes. That's correct. The end of 2000, right? They're a cell phone  
2 company. Air Touch -- I told you it became Verizon and then I started working in a  
3 dealership.

4 BARTLETT: And that was Everett?

5 BIAGI: Everett Chevrolet, yeah, yeah.

6 BARTLETT: Okay.

7 BIAGI: He shared a different dealership as well and also a GMC dealership as  
8 well. That's why I got confused on that one.

9 BARTLETT: Okay.

10 BIAGI: So the owner had three dealerships so I was switching from different  
11 dealerships under the same owner.

12 BARTLETT: Okay. Who was the owner? Do you remember his name?

13 BIAGI: No, I couldn't remember.

14 BARTLETT: Okay.

15 BIAGI: I think it was Mark, but I don't know his last name.

16 BARTLETT: And what was your job?

17 BIAGI: At that time I was a salesman.

18 BARTLETT: And, when you worked for all these dealerships were you always in  
19 sales.

20 BIAGI: Yes, ma'am.

21 BARTLETT: Okay. Did you ever work on any cars?

22 BIAGI: Yes and no, because I always buy cars on the side.

23 BARTLETT: Okay.

24 BIAGI: I would buy 3, 4 beaters, 2 beaters, and then I will have it detailed by me  
25 or somebody else. On the weekends, I never sell cars.

1 BARTLETT: Did you belong to any gyms?

2 BIAGI: Yes. For a while, well at that time, well that was 2001, I think somebody  
3 stole my wallet too that time. I got records of that. Because it happened two times, my  
4 wallet got stolen in 90 – yeah, that was 2001. And my wallet, I left it, well he didn't get it  
5 stolen. I opened my car and my girlfriend's son called me and I left my duffel on the top,  
6 on the roof of my car and then I left.

7 MALE<sup>2</sup>: He drove off with it?

8 BIAGI: And then I came back. And a guy, he happened right next to the gym, it  
9 was a gym actually, 24 hours.

10 BARTLETT: 24 hours? (Unintelligible)

11 BIAGI: (Unintelligible) a little bit anyways.

12 BARTLETT: Who was your girlfriend at the time?

13 BIAGI: I don't remember. That was 2000 – it could be, I don't know, I mean, I  
14 know that I was at the time I had a girl that I had to see. So I remember I came to the gym  
15 and I remember she called me and said, hey, you know what, I think something to regards  
16 to the, she had an appointment or something and if I can give her a ride. So,  
17 (unintelligible) it was kinda late and cold and I remember left the gym and it was pretty  
18 cold and I get into my car with my duffel –

19 BARTLETT: But what was her name?

20 BIAGI: 2000, well the things I have to memorize because I had two girlfriends.

21 BARTLETT: Right. Can you tell me some of their names?

22

23

24

25 <sup>2</sup> It is unclear whether this is DPA John Castleton or ICE Agent Robert Hagen. The male never identifies himself, but he is the only male – other than Mr. Biagi – to speak during the interview.

1 BIAGI: Alright. Diane. Loretta. Like a friend?

2 BARTLETT: Anybody, anybody that you may have dated. Did you ever date  
3 anybody by the name of Elaina or Nina?

4 BIAGI: Elaina or Nina? No. No, the name sounds familiar to be honest with you.

5 BARTLETT: Okay.

6 BIAGI: But I heard somebody at that time was renting my house. That was in my  
7 house and my apartment in 2001. Yeah. (Unintelligible name) he was renting my place.  
8 He would bring some girls over.

9 BARTLETT: Okay.

10 BIAGI: I was opening a dealership and I was going to school, so, I'll be honest  
11 with you, my life was being very busy at that time. But, those names don't, don't even  
12 sound familiar, to be honest.

13 BARTLETT: Did you ever play sports? Like recreational sports?

14 BIAGI: Yes. Yes. Racquetball.

15 BARTLETT: Racquetball?

16 BIAGI: Racquetball and, well gym, racquetball, that was it.

17 BARTLETT: Did you ever play any rugby.

18 BIAGI: No, I don't even know how to play that.

19 BARTLETT: Okay. There was a, I'm going to show you a car, I know it's  
20 probably hard being in sales.

21 BIAGI: Now, at that time, I might have told you exactly all the cars I worked so  
22 maybe you already know this is nothing new, you know. Sometimes, in our dealership,  
23 we sell a car so (manager okay you get a good profit?) say you want to keep the beater  
24 because the dealer don't want that. If you want, just take it, I can still be like that for the  
25 compensation. So as long as you got license he can give the papers. To be honest with

1 you, at times I was the number 1 salesman on there. Then I got 5, 6, up to 10 cars, I  
2 would wash it, detail it, and sell it. All legal, nothing illegal.

3 MALE: So these were like the trade-ins for the?

4 BIAGI: Trade-ins or sometimes they might not really know because you spoke  
5 with the customer. Say, look, I'm your salesman. My guy wants to give \$1000 for my  
6 car. My car's 1500. And they would say, well I can make a little more on this car so we'll  
7 have somebody, may two other salesman, buy that car and, you know, something of that  
8 nature.

9 MALE: Sure.

10 BARTLETT: So did you ever put any of these cars into your name or was it just a  
11 quick flip?

12 BIAGI: Correct. Legally speaking, most of the time, I actually (unintelligible)  
13 customer, tell him what I was doing. And sometimes, I buy it for myself until I have the  
14 funds to get it, like, tint windows, not even then. Yes, I have tried to start. I put in my  
15 name, I'm assuming you're done. But I can tell you, if any car you can show me, I know  
16 it because the car. I got good memory.

17 BARTLETT: Okay. What I'm showing you is a 1994 Nissan Stanza 4-door.

18 BIAGI: I only sold one of these. I white one and a purple, and a pewter. I've  
19 never had that car before. And so, no. 100%. No. 100%.

20 BARTLETT: Do you – okay, so as I explained to you a little bit. This car was  
21 involved in an incident where there was a drop of blood in the car found. And the blood  
22 work on that came back to you.

23 BIAGI: A lot of blood? No. I've never even seen this car, actually. I might have  
24 had a chance to look a trade which is a really quick thing that salesmen do, but that's a lot  
25 of cars that I bought a car, and I sold it, or transfer or use this, no. It could have be from a

1 customer maybe that in and out because customers show up, you see them the car, and  
2 you told them, tell them maybe I can give you 2000, 3000, something like that. I don't  
3 remember, not even a friend. I don't remember having a friend having a car like this.

4 BARTLETT: Do you recognize the name Elaina Negron.

5 BIAGI: Elaina Negron. No, the name, Elaina doesn't sound like, after you said  
6 before. Elaina and Nina, is that what you said the name?

7 BARTLETT: Yes. Sometimes she would go by Nina.

8 BIAGI: No. Honestly, no. I remember in those days where I was living there was  
9 couple Mexican lady. I don't remember. Myself, no I don't.

10 BARTLETT: How 'bout someone named Sione Lui?

11 BIAGI: No. Sione Lui.

12 MALE: Does the name Boussiacos ring a bell?

13 BIAGI: No. But, you know what I'm trying do? I'm not trying to be rude, but I'm  
14 trying to place myself at – what months are we talking about 2001?

15 BARTLETT: February.

16 BIAGI: February 2001. Okay. At that time I was living in Seattle. I wasn't in  
17 Snohomish.

18 BARTLETT: Downtown Seattle or do you remember where?

19 BIAGI: No, no, somewhere else. Let me see. 2001. February. No, at that time I  
20 was working at Verizon the company, Air Touch. And I move, no I was already,  
21 September was. I was in Seattle, okay, yes. I was in Seattle and I was working on  
22 Verizon and I wasn't going to school at the time. Okay, now I cannot remember what I  
23 was living. Okay, alright, 2001, this is, (I'm trying to figure this out myself?) I work in a  
24 detail shop at the time.

25 BARTLETT: At a detail shop?

1 BIAGI: Before selling my car, yes. And the detail shop is Ravenna Auto Detail.  
2 That was my own business actually. Well, I work with somebody else too.

3 BARTLETT: Ravenna what?

4 BIAGI: Auto Detail. But that doesn't exist no more, even the building, they just  
5 tore down everything. I'm trying to figure out that was that time. That was right before, I  
6 think I was doing that right before Air Touch, I don't know if you can get information  
7 there or not. If I tell, if I can know at that time where I was working exactly then I can  
8 help you better.

9 BARTLETT: Well, okay, so let me help you a little bit. The first and second  
10 quarter, so from January to June of 2000 you worked for Air Touch. And then the third  
11 quarter you worked for DBS Direct Connect.

12 BIAGI: Oh okay. Yeah, that was a scam. I remember what it called.  
13 (Unintelligible) they want us to sell DirecTV and then he never even pay us a paycheck.  
14 So, yeah, I work with for about 3 weeks, maybe a month or something.

15 BARTLETT: And then you also got paid from Verizon.

16 BIAGI: Yes, because they owe me that.

17 BARTLETT: But you didn't work?

18 BIAGI: Right, right, right.

19 BARTLETT: Okay.

20 BIAGI: They owe me a check because I left and they owe me check. Yes, I  
21 remember.

22 BARTLETT: Okay. And then it doesn't look like you had any employment the  
23 fourth quarter, so the last part of 2001 (sic).

24 BIAGI: Yes, that's correct. I didn't work and then I start working at the  
25 dealership, Everett Chevrolet.

1 BARTLETT: Okay. So do you remember when you started at the dealership?

2 BIAGI: November. November of 2000. Right, November of 2000?

3 BARTLETT: Well, you didn't have any wages.

4 BIAGI: They pay you after a month. No, they, I.

5 BARTLETT: So your first earnings for Everett Chevrolet.

6 BIAGI: Maybe it's going to be a month, in summer, in December, excuse me.

7 Christmas time, maybe.

8 BARTLETT: Okay.

9 BIAGI: Because I was thinking, maybe I remember, I cannot remember a little  
10 bit.

11 BARTLETT: So it could have been in December you started.

12 BIAGI: Late November. Late November.

13 BARTLETT: Okay. And, do you know anybody by the name of Midge Seacrest?

14 BIAGI: Mitch. No, I, I honestly think, I mean, you're gonna get the truth no  
15 matter what. And if I don't remember I'm going to tell you and if I think that I'm  
16 involved in something myself, incidentally, by whatever happened circumstantial, I will  
17 come and talk to you and I'll tell I need a lawyer. But if you are – maybe you can start the  
18 story from the other side so I can – I don't know – I think we're going too much around.  
19 Just refer what it is and then I might be able to help you. Because I don't remember  
20 everything.

21 BARTLETT: Okay.

22 BIAGI: Are you talking Manny or Midge in a dealership? (Unintelligible) Manny,  
23 sounds familiar. But I remember his last name.

24 BARTLETT: Okay. Do you have picture of him there?

25 MALE: Yes.

1 BARTLETT: That is Elaina Boussiacos or Negron. She used both last names.  
2 MALE: There's another photo, as well. I think that's the more recent photo –  
3 from when you would've – from back in that time.  
4 BIAGI: I know I've seen this lady before.  
5 MALE: Okay.  
6 BIAGI: Yeah.  
7 MALE: I was just –  
8 BIAGI: No customer, no girlfriend but I seen her before, somewhere. Hundred  
9 percent. Yes.  
10 MALE: Do you recognize anybody in those photos? In that photo?  
11 BIAGI: Wow. Mm, is this the same lady? Or is this somebody different?  
12 BARTLETT: Yeah.  
13 MALE: Yeah.  
14 BIAGI: No, I don't, I don't recognize the guy. But I recognize her, I seen her  
15 somewhere.  
16 MALE: Not him?  
17 BIAGI: No I don't. Yeah, I remember her.  
18 BARTLETT: So she was murdered and place in the trunk of this car.  
19 BIAGI: Wow.  
20 BARTLETT: And your blood was found in the car. So, did you murder her?  
21 BIAGI: Yeah right. I didn't murder that cat. (Mumbles something in Spanish). No  
22 I have not. I don't know what you're talking about.  
23 BARTLETT: Did you have anything to do with the murder?  
24 BIAGI: No, no, no.  
25 BARTLETT: Anything, murderer.

1 BIAGI: (Laughs) No, not at all. Hundred percent. If you done this before, you  
2 know somebody's lying and telling the truth about things somebody. No, no. Hundred  
3 percent.

4 BARTLETT: Okay.

5 BIAGI: I honestly didn't say anything more but I can tell you that I know that  
6 lady, I've seen her before somewhere. Trying to figure where. Hmm.

7 BARTLETT: Is there any reason – so the issue is that your blood is in her car.

8 BIAGI: When you first told me that I wasn't involved in any way, that it might be  
9 accidental, if I (unintelligible) or whatever. So I don't know what this for.

10 BARTLETT: Well, I – so look, I'm gonna show you. This is the lab report. On  
11 the stick shift, on the stick shift of the car is a little leather boot area.

12 BIAGI: Mm-hmm, yeah.

13 BARTLETT: There was a drop of blood.

14 BIAGI: That's kind of weird, right?

15 BARTLETT: Right.

16 BIAGI: So someone dropped something.

17 BARTLETT: So, at some point, you were probably in this car.

18 BIAGI: Okay. Do you guys have the killer already or whoever killed her or  
19 something?

20 BARTLETT: There is someone that has been convicted.

21 BIAGI: Oh okay. So what else do we do?

22 MALE: So, well, here's a photo of the stick shift, right? And, you said that you've  
23 worked on cars before. Correct? Okay, so, just so you know, that's where it was found  
24 inside the car. Just see where the hand is kind of pointing right there on the boot of the  
25 stick shift.

1 BIAGI: Okay.

2 BARTLETT: Okay. So then this unsubmitted, this, that drop was submitted to the  
3 crime lab and it came back to an individual being which is unidentified and it came back  
4 to you. So, the person that was convicted of this denies that he did it.

5 BIAGI: Oh.

6 BARTLETT: Which leaves, you know, just kind of unanswered question as to  
7 why your DNA would be in the car.

8 BIAGI: Of course.

9 BARTLETT: So what I'm trying to figure out is – to try and jog your memory the  
10 best I can, to figure out when you were in that car, if you knew anybody that owned that  
11 car, if you sold that car, you know –

12 BIAGI: No I didn't sell that. That I can tell you.

13 BARTLETT: Exactly how.

14 BIAGI: Yeah, that's a great question and, where you see the blood, can you tell  
15 that I was the driver or the seater because I was.

16 BARTLETT: No. It's, it's a, it's drop of blood.

17 BIAGI: Mm-hmm.

18 BARTLETT: You know, it could be suggested that maybe you were in the  
19 driver's seat just by the location, but that would just be speculation.

20 BIAGI: Yeah, I mean, I remember seeing that lady somewhere, actually that's  
21 true. (That I never seen it?)

22 BARTLETT: Did you ever talk with her?

23 BIAGI: No, no, no. I seen her somewhere that I – no, no, no – I don't think I even  
24 talked to her.

25

1           BARTLETT: So on a scale of 1-100 being absolutely 100% you've seen her  
2 before –

3           BIAGI: Yes.

4           BARTLETT: - or she's someone that looks familiar?

5           BIAGI: There could be true, but, I think I seen her before or it could be like – I  
6 think I seen her before. But I never spend time with her. I don't know. I never talk to her  
7 and I obviously never kill anybody or drove a car like that. Not even the many cars that I  
8 have own myself. I remember those two cars that I bought lately and those were the late  
9 times and that was purple and a white, like I said earlier. I never had that color of car  
10 before.

11           BARTLETT: This car was sold to a gal named Midge Seacrest. She lived in  
12 Magnolia – Lower Queen Anne.

13           BIAGI: So where we talk – I was working at that time? Exactly –

14           BARTLETT: It looks like you were working at Everett Chevrolet at that time.

15           BIAGI: So I still was living in Seattle. I was living at Ravenna.

16           BARTLETT: You were living on Ravenna?

17           BIAGI: Yeah, Ravenna.

18           BARTLETT: And what?

19           BIAGI: 63 or something. So I was in – okay – alright. This could be the time,  
20 before that, when I was with detail, I work doing detail – what was the name of this –  
21 Auto Mart – that was the name of the dealership.

22           BARTLETT: Auto Mart?

23           BIAGI: Yeah. That's in between Everett Chevrolet, that's my, I reported my own  
24 business on my papers in immigration so but – I only work for this guy a couple weeks.  
25 He drove cars that could be – that's the only that could be anything possible. Auto Mart.

1 They would drove these cars from Oregon, a lot of cars from this in Oregon. They were  
2 in there. That has Washington plates, right?

3 BARTLETT: Yes. Where was the Auto Mart located? Do you remember?

4 BIAGI: Yes. There's one Aurora – no, Lake City Way, excuse me. Lake City  
5 Way.

6 BARTLETT: Right, like 120<sup>th</sup> then?

7 BIAGI: Lake City Way and –

8 BARTLETT: By the Bill Pierre Dealership?

9 BIAGI: Before that. Somewhere around there, yeah. Yeah that's where I used to  
10 work.

11 BARTLETT: But what else is around there? What are the businesses? If you can  
12 remember.

13 BIAGI: The things there was, there were in a place – oh yeah, a Mexican  
14 dealership was quite a ways somebody, I think. I work on a part with everything – this  
15 was the beginning of Lake City Way. The beginning of the commercial area, actually.  
16 Lake City Way has a residential area and then start being kind of commercial. So, at the  
17 time, this was a place that – we had nothing in front. (Unintelligible).

18 BARTLETT: And what did you do at Auto Mart?

19 BIAGI: I didn't work for them directly. I was – I was Ravenna Auto Detail. So I  
20 would take cars and detail them and bring them back.

21 BARTLETT: Okay.

22 BIAGI: Right.

23 BARTLETT: Were you paid under the table for that?

24 BIAGI: Yes.

25 BARTLETT: Okay.

1 BIAGI: It was 60 or 65 dollars per car.

2 BARTLETT: Okay.

3 MALE: 60 or 65?

4 BIAGI: Yeah.

5 BARTLETT: Do you remember how long you worked? When that was? Period of  
6 time?

7 BIAGI: Same thing because he didn't want to pay us. Like, it was short time. I'll  
8 say a month and a half, month.

9 BARTLETT: And you don't know the time period.

10 BIAGI: The time period? That's what I said – month and a half.

11 BARTLETT: Right, but –

12 BIAGI: From where to where? Before I start working Everett Chevrolet. You can  
13 check it by that time.

14 BARTLETT: Okay.

15 BIAGI: Because that's what I did and then I work for customers then what I was  
16 doing didn't work out and then somebody told me, hey why you don't go work for a  
17 dealership or whatever. That's when I start working at dealership.

18 BARTLETT: Did you ever hang out in Kirkland or go to the Eastside?  
19 Woodinville?

20 BIAGI: Yes. In Kirkland, I went to school there, I forgot to mention. Yes,  
21 Washington Lake Technical School. But I went there to learn how to change, replace  
22 windshields. So I work there for a very short period of time. I mean I, I went there for  
23 school for like the windshield course was – they got, they got auto mechanics, so the auto  
24 mechanics they only do windshields like Monday or Tuesdays so I will go and do the  
25

1 windshield thing twice a week and I only did it for a month because then I finish – how to  
2 learn to replace windshields. And that was – yeah, I hang out there in Kirkland, yes I did.

3 BARTLETT: Okay.

4 BIAGI: Yeah, because that's in Kirkland.

5 BARTLETT: Right. Did you do anything else in Kirkland or Woodinville or?

6 BIAGI: I been everywhere, but Kirkland – I don't even remember even if I went  
7 to the gym because it's 24 thing, I did that before I don't know which one I went to.

8 BARTLETT: 24 Hour Fitness?

9 BIAGI: Right. You can see that I had membership a long time and, but, then they  
10 would have, you know, the membership you can use all clubs.

11 BARTLETT: Mm-hmm.

12 BIAGI: I think I went to the Kirkland a few times. Yeah.

13 BARTLETT: Did you – when you went there how would you check in?

14 BIAGI: You always check the card. They always scan the card or whatever.

15 BARTLETT: Okay. And how long did you have that gym membership? Do you  
16 remember?

17 BIAGI: The 24 hour? I had it for like, I don't know, 7 years, 6 years.

18 BARTLETT: So what – do you remember what name you used back then? Looks  
19 like you –

20 BIAGI: No, Sandro Enciso. That was my name. Because my name was, like I  
21 said, legally changed in, I believe, 2000 – oh, 2002. Because I wanted to do finance and  
22 that dealership but I am (unintelligible) and somebody told me, well you won't be able  
23 because you got two felonies and they won't – they wouldn't give you insurance, just a  
24 name like, insurance license like I could actually sell the, the warranties on insurance, the  
25

1 finance guy. So they told me, change your name or do a vacated. I thought it was easy to  
2 change my name so that's why they change my name. 2002.

3 BARTLETT: Okay. So that's how this other name came?

4 BIAGI: Yeah. Yeah, I couldn't get a better job or whatever. I remember that that  
5 start happening here before working at the dealership because I applied for American  
6 Express and I got a job for Discount Tire as a manager because I was going to school, as  
7 a local, almost graduated. And the guy told me, and I didn't disclose that, I didn't like  
8 (unintelligible) disclosing that obligation so pass all my interview and everything, even, I  
9 remember, my American (unintelligible) it was a good job – over \$100,000 a year. And I  
10 was – I was ready to all fly to New York and this guy said – he called me a day before  
11 and said – you know your background kills you, man. And I, I wish you would've told  
12 me before. I spent like \$1000 on you for all these interviews and now you cannot. So  
13 that's why I decided to change my name. And that's how we change it.

14 BARTLETT: Okay. But it looks like you started using this other name the first  
15 quarter of 2001. Did you use this name before you legally changed it?

16 BIAGI: No no no no. I, no, I, I start using it as soon as it came out of the King  
17 County Court and I went to the DMV. I did my – immediately I did my driver license  
18 change. Everything got changed within two weeks, that's right Even Social Security got  
19 changed, DMV, and I think something else changed but I did everything by the paper.

20 BARTLETT: Okay. So, you kind of stayed out of the legal system from like, for  
21 quite a while?

22 BIAGI: Correct.

23 BARTLETT: What happened?

24 BIAGI: Very simple and I'm glad you brought it up. I never got a chance to  
25 explain to immigration – they didn't want to listen to. I got, when I was working in

1           Everett Chevrolet, my first quarter, whatever, I remember that I couldn't sleep well and  
2           so forth. And I was waking up -- I couldn't sleep -- but then I couldn't raise and I had to  
3           wake up early. So I went to see a doctor and the doctor say that I was bipolar that I had  
4           times that I'm gonna be feeling like I'm rested and times I will feel depressed. But it was  
5           nothing serious, just, you know. So they start giving me Wellbutrin. Later on, here -- a  
6           doctor here, that was just two weeks ago and I don't know, a couple months, a couple  
7           years ago, a doctor told me I was a misdiagnose. And then they --

8                    BARTLETT: Told you what? I'm sorry.

9                    BIAGI: That the medication was a misdiagnose because Wellbutrin --

10                   MALE: You were misdiagnosed.

11                   BIAGI: Yeah, I was a misdiagnose and that medication was obviously not correct  
12           they should had no medication.

13                   BARTLETT: Okay.

14                   BIAGI: Okay. In my case, he said when they give you Wellbutrin, which is,  
15           whatever medication is, you have to get a more medication to actual balance that  
16           medication and yourself, as well. They call equalizer. And he couldn't believe how come  
17           they gave me so many years with the medication without him having an equalizer. For  
18           instance, they started giving me Lamictal after that. So I went to like 7, 8 years of  
19           medication that honestly kind of screwed up my life and, you know, it wasn't me. They  
20           know, nothing that I was doing things that I didn't --

21                   BARTLETT: Right.

22                   BIAGI -- don't get me wrong (unintelligible). Bipolar, like what they, say bipolar.

23                   BARTLETT: So, now that you're in here, are you diagnosed with any mental  
24           health conditions?

25

1 BIAGI: Well, according to ICE, I'm not anymore. No, I'm not. I don't take any  
2 medication any, any longer.

3 BARTLETT: Okay. And they said that you have no mental health history?

4 BIAGI: That's correct.

5 BARTLETT: Or no mental health –

6 BIAGI: They just come out - a lady with that conclusion. Yes.

7 BARTLETT: Okay. So you deny that you have any involvement in this woman's  
8 death?

9 BIAGI: No, but what I can do for you, I can think about it and maybe take a day  
10 and figure out something. I mean, I can't remember anything at this time to be honest  
11 with you.

12 BARTLETT: Oh – okay. Let me ask you this –

13 BIAGI: It's been so long. It's been so long you can understand that too, right?

14 BARTLETT: Let me ask you this: if you killed this woman you'd remember,  
15 right?

16 BIAGI: (Laughs) Of course.

17 BARTLETT: Right.

18 BIAGI: Yeah.

19 BARTLETT: So, when you say, let me think about –

20 BIAGI: No, no. I'm thinking about it and find out how do I seem – when what's  
21 around and who might be around her – personally, if I remember exactly where so I, I  
22 don't think I will, to be honest with you. But, if I do, who else might be – I mean, I'm  
23 talking about help here – and that's if you want it too, if you don't want to talk, that's  
24 fine.

25 BARTLETT: No, I want to figure out –

1           BIAGI: But I can give you hundred percent my word and you can bring a lie  
2 detector or whatever. No, no problem.

3           BARTLETT: So let me ask you: if I were – you know what a lie detector is, a  
4 polygraph.

5           BIAGI: I know what it calls. I never been in one.

6           BARTLETT: Okay. So what it is, is it just measures your body's physiological  
7 response because when we –

8           BIAGI: I understand why it works, ma'am.

9           BARTLETT: - if your (unintelligible) lie we make a choice. So if I were to give  
10 you a polygraph test – or a lie detector test – and ask you if you were involved in this  
11 woman's murder –

12          BIAGI: No, if you don't mind, how did she got killed/ You said, she ended up in  
13 the trunk. How she got killed?

14          BARTLETT: I think she was strangled.

15          BIAGI: Wow.

16          BARTLETT: So, if I were to put you on a polygraph machine and ask you if you  
17 were involved, if you were involved in this woman's death in any way – had any  
18 knowledge – how would you do.

19          BIAGI: Fine. Hundred percent. I mean, yeah. Why not?

20          BARTLETT: Would you be willing to do that?

21          BIAGI: Any time. No problem.

22          MALE: Can I ask you a couple questions? Just as, just follow up here.

23          BIAGI: Mm-hmm.

24

25

1 MALE: You, you were talking about the gym that you went to and you said that it  
2 was a 24 hour. Was it actually a 24 Hour Fitness like the big, you know, chain that's 24  
3 Hour Fitness?

4 BIAGI: It was 24 Hour Fitness.

5 MALE: Okay. So it wasn't a gym that just happened to be open 24 hours.

6 BIAGI: No, no. This is the 24 membership.

7 MALE: Okay. And do you remember how many of those were you a member of  
8 or did you go to, I guess?

9 BIAGI: Okay, that's a good question. I'm thinking like 3 or 4. You got one in  
10 Seattle, you got one in Kirkland, you got one in Shoreline – where I used to live close by.  
11 I'll say, 3 at least.

12 MALE: Okay. And it was one of those things that you remember of one you could  
13 go to any of them. Is that how it worked?

14 BIAGI: That's correct. It's –

15 MALE: Okay.

16 BIAGI: Well there was two types of membership. One that you just use for one  
17 and then when you pay a little more you can go always.

18 MALE: And you would go –

19 BIAGI: Yes.

20 MALE: Oh okay.

21 BIAGI: Sometimes no. Always I go to the one in Shoreline.

22 MALE: That was the main one you went to.

23 BIAGI: That's correct.

24 MALE: Okay. And then, you talked about the detailing business that you were  
25 working for.

1 BIAGI: Right.

2 MALE: I – I was a little confused about that. Are – it sounds like you, you would  
3 maybe flip cars, cars, you get cars and – maybe from the dealership – and flip them. Is  
4 that –

5 BIAGI: At that time, that didn't happen.

6 MALE: When you were working at Everett Chevrolet would you –

7 BIAGI: Yes. Yes.

8 MALE: Okay. And then prior to that you worked at this detail company.

9 BIAGI: No that was auto detail. Auto Ravenna. That was my own detail.

10 MALE: Auto Ravenna was your company?

11 BIAGI: Right.

12 MALE: Who did you do that with?

13 BIAGI: I was gonna say that to you.

14 MALE: Okay.

15 BIAGI: There was a guy there who actually knew a lot of people.

16 MALE: Mm-hmm.

17 BIAGI: And will go out a lot and knew a lot of people. And, that guy who was  
18 subrenting me the little space to work with and his name is – his last name is Naransic.  
19 Naransic.

20 MALE: Do you know how to spell that?

21 BIAGI: If I can, N-A-R-A-N- Naransic.

22 MALE: S-I-C?

23 BIAGI: Yeah. It's – it's a Czech last name. Naransic (unintelligible) Naransic

24 MALE: Remember the first name?

25 BIAGI: Anthony.

1 MALE: Anthony.

2 BIAGI: And he also will buy a lot of cars. He got – he got an auto mechanic  
3 business.

4 MALE: Mm-hmm.

5 BIAGI: And he will buy a lot of cars and then he will know a lot of people and  
6 that's it.

7 MALE: Okay.

8 BIAGI: That's all I can tell you. I mean, I place him, at that time, what I was  
9 doing around those –

10 MALE: Sure

11 BIAGI: - and then when I couldn't handle that job anymore because I wasn't  
12 getting paid – not even under the table, 60 dollar for a car, as well. Then I just left that  
13 place.

14 MALE: Was, was this – so this was before you started at Everett Chevrolet? Is  
15 that my – am I correct about that? Okay. And you did that job, I think you said, for a  
16 month and a half or so, but you weren't getting paid. Is that – did I understand that  
17 correctly?

18 BIAGI: Which one?

19 MALE: The – the detailing.

20 BIAGI: I wasn't getting paid because it was my own thing under the table.

21 MALE: That's right. Okay.

22 BIAGI: But the dealership, what I was primarily getting cars from, didn't pay  
23 enough.

24 MALE: I see. Okay.

25

1 BIAGI: And, well sometimes he didn't pay me in time and that's how somebody  
2 said look, you are doing physical job, just go get a – I can hook you up with a dealership.

3 MALE: So I'm, so I'm.

4 BIAGI: This guy Naransic told me that I had a lot people that – well, he told me  
5 I'd make a lot of money, I was making shit money.

6 MALE: Mm-hmm.

7 BIAGI: So he stop letting me use this spot in this place so I left but they would  
8 bring cars from there too, so, I mean. I'm talking about this because it's related to cars.  
9 Because, yes, another guy that I knew, he also has an auto shop with me. I mean, right  
10 next to, he was subrenting and stayed there.

11 MALE: So he – he was just giving you some area to do your detail work?

12 BIAGI: That's correct.

13 MALE: Okay. And, it sounds like a dealership – was it one dealership in  
14 particular you worked with or were there many people who would bring their cars in for  
15 detail?

16 BIAGI: It would be many people initially that would bring their car. The thing is,  
17 it didn't work out properly because there was a lot of – something was always wrong –  
18 and, at that time, we were at the booming of Seattle area – everybody has a lot of money  
19 and everything and they would complain for every little thing. So I say well this is too  
20 much so a guy who was there – I don't remember if he was customer or somebody works  
21 with this guy – he's like, there's a guy who actually is opening a dealership – that one  
22 guy was (unintelligible) Auto Mart – that was the name – Chinese guy. And that was  
23 what I start doing then. Because for him, he will send every day 5, 6 cars, I will do it.

24 MALE: Okay.

25 BIAGI: I work them.

1 MALE: And that was gonna be my next question: how many cars would you say  
2 you detailed in a day on average?

3 BIAGI: Sure. Well it was a lot because I working from 6 to 11 at night  
4 sometimes.

5 MALE: Okay.

6 BIAGI: Average, let's say 8 o'clock. 4 cars. 5 cars.

7 MALE: And, am I – so you would get these cars in from the dealership or  
8 dealerships –

9 BIAGI: Private customers.

10 MALE: - or from private customers. And the private customer I presume just  
11 wants their car detailed and cleaned so they can –

12 BIAGI: (Unintelligible)

13 MALE: And the dealership, I'm assuming, wanting you to detail it so they could  
14 then turn it over – they could sell it. Is that right?

15 BIAGI: That's correct. Yeah, so they could present it and then, yeah, of course.

16 MALE: So were these cars that, say, the dealership was just getting on their lot,  
17 say, from wherever they got a used car. They bring it you – hey detail it – and then we're  
18 gonna sell it. Is that how it works? I'm just trying to understand what the dealership was  
19 using you for. Was it to clean the used car essentially? Is that what it was?

20 BIAGI: Okay. Good question. The dealership wants used cars, cars that he has  
21 brought from auctions, primarily.

22 MALE: Okay.

23 BIAGI: They would buy a package from 12 to 14 cars, 16 cars, and they will give  
24 me from 16 cars, 5 to 6 to detail within 2 or 3 days.

25 MALE: Okay. And so – and you did this – so you, you detailed –

1 BIAGI: But no, no, yes on that job. I always – I mention to you that, that was my  
2 sales –as you know, on anything – can go up and down and so forth. Especially in those,  
3 those days. I remember the sale was pretty good on cars but after 9/11 things just  
4 dropped. So I was – we'll buy a car and, you know, or else I will have somebody give me  
5 their car to sell it for too. So in many instances that has to do with the car. That's the only  
6 thing that I can be – presence in that particular car.

7 MALE: How long does it take you to detail a car on average? Say one of the  
8 auction cars.

9 BIAGI: Well depending on how they were treated. That's why there's no exact  
10 number for that but it could be from 3 hours to 6 hours.

11 MALE: Okay.

12 BIAGI: Yes. I don't know what else to tell you, to (unintelligible).

13 MALE: I had one other question for you. It was just a name I wanted to ask you  
14 about. Let me see if I can remember.

15 BIAGI: What you asking exactly? Like what time or?

16 BARTLETT: February of 2001.

17 BIAGI: Okay. That's what I'm gonna have to remember. So.

18 (Unintelligible chatter between Ms. Bartlett and an unidentified male)

19 BIAGI: Why don't you ask this guy if he knows me, I mean, (unintelligible) to  
20 them. Why you don't ask them if they know me, I mean, that's easier than asking me, I  
21 mean.

22 MALE: Do you know an Al Serito (phonetic)? Does that name ring a bell?

23 BIAGI: What's the full name?

24 MALE: Al.

25 BIAGI: Alister (phonetic) Serito, yes I know.

1 MALE: How – how do know him?

2 BIAGI: From the school – from Shoreline Community College.

3 MALE: How about Euronova (phonetic) Auto Brokers?

4 BIAGI: Yeah, that was my business – the auto detail. The Ravenna Auto Detail  
5 has that – Ravenna was for the, the detailing part and the Euronova, I would use that  
6 when they sell the cars.

7 MALE: Okay. So Euronova is what you sold the car through?

8 BIAGI: Yes.

9 MALE: Okay. And did – was Al associated with that? Al Serito.

10 BIAGI: No no no. He was, at that time, well, we used to go to school in 1996,  
11 1997, 1998.

12 MALE: Okay.

13 BIAGI: And then work at the – oh he works at The Home Depot and I work next  
14 to, to the cell phone company.

15 MALE: Okay.

16 BIAGI: Right next to and –

17 BARTLETT: In Shoreline?

18 BIAGI: Shoreline, yes. Aurora. The Home Depot –

19 BARTLETT: Right.

20 BIAGI: That's where the Verizon – right next to Costco as well. Where I used to  
21 work and he used to work in close. We were quite friends actually.

22 MALE: Okay. So, would you have listed Euronova Auto Brokers as your  
23 employer at any point?

24 BIAGI: Yes.

25 MALE: Okay.

1 BIAGI: Of course, I work I work for them.

2 MALE: Okay. And your position would have been what, car wholesaler? Is that a  
3 fair –

4 BIAGI: When I used to sell the car?

5 MALE: Yeah.

6 BIAGI: Yeah, and that's what I would define myself.

7 MALE: Okay. Okay. Okay.

8 (Long pause with occasional unintelligible chatter)

9 BIAGI: So you fly all the way from Seattle.

10 BARTLETT: Mm-hmm.

11 BIAGI: Can I take a look at that picture where the guy is right next to her?

12 BARTLETT: Yeah. So that –

13 BIAGI: Is that the guy who was convicted or?

14 BARTLETT: That is a picture of Elaina and her boyfriend.

15 BIAGI: No, I'm saying who is the guy – that might be helpful.

16 BARTLETT: Let me show you this picture a minute, I'm going to number it  
17 number 4 just so I know what picture we're talking about for the tape. This picture is a  
18 picture of the Woodinville Athletic Club. Right here in the parking lot – it's the overhead  
19 view. Do you know if you ever went to this gym – the Woodinville Athletic Club?

20 BIAGI: This is like – isn't it like extension from Lake City? I mean –

21 BARTLET: No. This, no, this is in Woodinville, Washington. By Target and that  
22 big complex in Woodinville.

23 BIAGI: It could be a possibility, actually. Because I will go to my gym but  
24 sometimes you have friends who say come with me. You know what I'm saying? But  
25 we're talking about –

1 BARTLETT: Did you hang out in Woodinville?

2 BIAGI: No no no.

3 BARTLETT: Okay.

4 MALE: You wanted to see this photo?

5 BIAGI: Yeah because I'm trying to remember when I seen her or where I seen  
6 her.

7 MALE: Is that photo of her or one of these.

8 BIAGI: Actually these look quite different because the other one she looks like a  
9 way that I – she never went to Shoreline Community College?

10 BARTLETT: No.

11 BIAGI: And she didn't live in Seattle and that area – Ravenna? Because she looks  
12 familiar to, she looks familiar from the area where I used to the car in Ravenna if I am  
13 correct. Nothing else I can tell you.

14 BARTLETT: Okay. And is everything you've told me today, Alexander, true and  
15 correct to the best of your knowledge?

16 BIAGI: Hundred percent.

17 BARTLETT: Were you – did you make this statement freely and voluntarily  
18 without any threats or promises of any kind by me?

19 BIAGI: Yes.

20 BARTLETT: Or anybody?

21 BIAGI: Yes I did.

22 BARTLETT: Do you have anything else?

23 MALE: Is it Alexander or Alesandro?

24 BIAGI: I said Alexander because people will ask me ten thousand times, you  
25 know, how you spell that? But, it's Alesandro.

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MALE: It's Alesandro?

BIAGI: Yes sir.

MALE: Okay. I just wanted to make sure we had that clear. Okay.

BARTLETT: That concludes the statement. Today's date is 11.4.2014. Excuse me, 2013. Time now is 1100 hours.

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CERTIFICATE

I, WILLIAM BRENC, swear, under penalty of perjury, that the foregoing is a correct transcript to the best of my ability from the record of proceedings in the above-entitled matter.

1.24.14



DATE

WILLIAM BRENC

FILED  
COURT OF APPEALS  
STATE OF WASHINGTON  
2014 MAY 19 PM 12:08



**KCSO Case # 01-041133**  
**Witness Statement**  
**ALESSANDRO BIAGI**

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DET: Detective CHRISTINA BARTLETT, 06378, unit number: 183. Case number: 01-041133. Um, this is a statement of ALESSANDRO. . .

WIT: BIAGI.

DET: BIAGI.

WIT: B..I..A..G..I.

DET: But did you also go by ENCICO?

WIT: No, ma'am. I changed my name legally in King County court in 2001.

DET: Okay.

DPA: (unintelligible)

DET: Um, so last name, I'm gonna just spell it for the record is B..I..A..G..I. And today's date is November 4<sup>th</sup>, 2013. Time now is 10:12 hours. Also present is DPA JOHN CASTLETON, and ICE agent, ROBERT HAGEN. And ALEXANDER, is it all right that we're tape recording? Is that okay with you?

WIT: I believe so. If there's a point I don't want to be recorded, I'll let you know.

DET: Okay. Um, so as I explained to you, we're investigating an incident that occurred in King County in 2001, um, but because you're in custody, I need to advise you of your rights, um.

WIT: Is this a consensual thing or you are. . .I'm being detained by you?

DET: No; you're not being detained by me.

WIT: Okay.

DET: Um, you're. . .the only reason I'm doing this is because you are currently in custody.

WIT: I understand.

DET: Um, but you're not being detained by us in any way.

WIT: All right, ma'am.

DET: Um, so ALEXANDER, do you understand that you have the right to remain silent?

WIT: I do.

DET: Anything that you say or sign can be used against you in a court of law.

WIT: I do.

DET: If you cannot afford an attorney, um, you have the right to have one appointed for you without any cost if you so desire.

WIT: I do.

DET: And that you have the right before making or say. . .si. . .making or providing any statement of any type that you have the right to have an attorney present?

WIT: I do.

DET: Okay. Um, do you understand these rights?

WIT: Yes, ma'am; I do.

DET: Okay. And keeping these rights in mind, are you um, willing to talk to me?

WIT: I will as much as I can.

DET: Okay.

WIT: And when I wouldn't want to talk, I will let you know since I'm not detained.

DET: Okay. Um, so let me just first start out with just some background about you. How long were you in the State of Washington?

WIT: Been residing there since 1990. . .that's a good question, ah, since, let's say, middle of 1992.

DET: Okay. What brought you to Washington?

WIT: Ah, I was just in college there.

DET: Where did you go to college?

WIT: Ah, Edmonds Community College and Shoreline Community College. I also went to University of Washington for a quarter, summer quarter.

DET: Okay. And do you recall, what were you in school for?

WIT: At that time I was taking my two year transfer degree general courses, associate art, art, art associate degree.

DET: And were you working? So let me move you up a little bit.

WIT: I was half, part, part-time student and full time. . .part-time student, sometimes full-time student and working at the same time.

DET: Okay. Um, what, what was your jobs typically?

WIT: Well, at the time. . .

DET: Did you stay in the same field?

WIT: Well, actually. . .

DET: In say like 2000. . .

WIT: Yes.

DET: 2001. . .

WIT: Yeah; I was. . .right I remember exactly where I was working. I was working on a dealership.

DET: Do you know which one?

WIT: That's a great question, 'cause I, I remember they, they. . .we couldn't compromise on the hours with my school and ah. . .2001. These. . .are you requesting this like before 9-11 or after 9-11? I kind of, I kind of (unintelligible)

DET: Ah, it was before 9-11. I can probably help you out a little bit with. . .

WIT: I don't know. If you can (unintelligible) good information, I mean, it'll be a straightforward (unintelligible)

DET: Yeah.

WIT: Because I, I work in ah, Everett Chevrolet. Then I work in ah, GMC. . .ah, what's the name, Buick, ah.

DET: Okay. So it looks like um, the end of 2000, the end of 2000 you were working, it looks like, for Air Touch Communications.

WIT: Oh, yes. That's correct, end of 2000, right?

DET: Right.

WIT: They were cell phone company. Air Touch, it became Verizon.

DET: Okay.

WIT: Yeah; then I start working at a dealership because. . .

DET: And that was Everett?

WIT: Everett Chevrolet.

DET: Chevrolet.

WIT: Yeah, yeah.

DET: Okay. And then. . .

WIT: (unintelligible) different, also at GMC ah, dealership as well, so that's why I got confused on that one.

DET: Okay.

WIT: Because the owner had three dealerships, so I was switching from different dealerships under the same owner.

DET: Okay.

WIT: (unintelligible)

DET: Who was the owner? Do you remember his name?

WIT: No. I couldn't remember.

DET: Okay.

WIT: I think it's MARK, the name, but I don't really know his last name.

DET: And what was your job?

WIT: At that time I was a salesman.

DET: Um, when you worked for all these dealerships, were you always in sales?

WIT: Yes, ma'am.

DET: Okay. Did you ever work on any cars?

WIT: Yes, I have, 'cause I always buy cars on the side.

DET: Okay.

WIT: Yeah. I buy three or four beaters, two beaters, and then ah, I will have it detailed by me or somebody else on the weekends and then sell the car.

DET: Did you belong to any gyms?

WIT: Yes (unintelligible) oh, by the way, and that time. . . I don't know if that was 2001. I think somebody stole my wallet too that time. I got records of that, 'cause it happened two times. My wallet got stolen and my ID. Yeah; that was 2001. My, my (unintelligible) and my wallet, I left it. . .well, it didn't get stolen. I opened my car, and my girlfriend's son called me, and I left my duffle on the top of my roof of my car.

DET: Okay.

WIT: So I left, and then I realized it.

DPA: But you drove off with it?

WIT: Yeah (unintelligible) and then I came back, and a guy had been right next to the gym. It was (unintelligible) 24 Hours.

DET: 24 Hour. . .

WIT: I don't know he had nothing to do with it.

DET: Okay.

WIT: Anyways.

DET: Who was your girlfriend at the time?

WIT: I don't remember. I (unintelligible) it could be. . . I don't know. I mean I know that I, at that time I had a girl that I had to see 'cause I remember I finished the gym, and I remember she called and said, hey, you know what, I (unintelligible) regardless of (unintelligible) she wasn't getting appointment with something, and if I can give her a ride; say, well, I'm (unintelligible) I know it's kinda late and cold. I remember I left the gym, and it was pretty cold. I get into my car. I put my duffle. . .

DET: But what was her name?

WIT: 2000. . .well, the thing is (unintelligible) 'cause I had a few girlfriends.

DET: Right. Can you tell me some of their names?

WIT: All right. Ah, DIANE, LORETTA. I mean (unintelligible) more like ah, like a friend (unintelligible)

DET: Anybody, anybody that you may have dated? Did you ever date anybody by the name of ELAINA or NINA?

WIT: NINA, NINA, no, no, the two. . .none of the name sounds familiar, to be honest with you.

DET: Okay, um.

WIT: But I had some buddy that at that time was renting my house, that was in my house and my apartment 2001, yeah, (unintelligible) he was renting our place, will bring some girls over.

DET: Okay.

WIT: But I was working at dealership, and I was going to schools, so I'll be honest with you. My life has been very busy at that time, but ah. . .

DET: Okay.

WIT: . . .those names don't, don't even sound familiar, both of them, to be honest.

DET: Did you ever play sports?

WIT: Yes.

DET: Like recreational sports?

WIT: Yes, yes.

DET: Um. . .

WIT: Ah, Racquetball.

DET: Racquetball.

WIT: Racquetball, and ah, well, gym, Racquetball. That was it.

DET: Did you ever play rugby?

WIT: No; I don't even know how to play.

DET: Okay. Um, there was, ah. . . ah, I'm gonna show you a car. I, I know it's probably hard being in sales.

WIT: Now at that time, I'm gonna tell you exactly all the cars I worked, so maybe you already know, nothing new, you know. Sometimes, you know, our dealership we sell a car, so (unintelligible) say, okay, be a good project, you want, you want to keep the beater? 'Cause the dealer don't want that. If you want, still I can sell it to you like as a compensation. So as long as you got a license and he can give you the papers. So to be honest with you, will be times I was the number one salesman there, that I got five, six, up to ten cars; I wash it, detail it, and sell.

DPA: So you're. . .

WIT: (unintelligible) I mean nothing (unintelligible)

DPA: No. So, so these were like the trade ins for the. . .

WIT: Trade ins, sometimes the money we don't even know because (unintelligible) say, hey, look, I'm your salesman. (unintelligible) wants to give me a 1,000 dollar for my car, my car's 1500.

DPA: Um-hum.

WIT: And they will say, well, I can make a little more on this car; so we'll have somebody, maybe (unintelligible) buy that car, you know, some, some of that nature.

DPA: Sure.

DET: So did you ever put any of these cars in your name, or was it just a quick (unintelligible)

- WIT: All right. Legally speaking, ah, most of the time I actually was (unintelligible) and tell her what I was doing. And sometimes I buy for myself until I have the funds to get like tint windows, nice, and then yes, I have (unintelligible) those cars. I put in my name, I'm assuming a few times. But like I tell you, if anybody want to show me, I know if I had that car.
- DET: Okay.
- WIT: I got good memory (unintelligible)
- DET: So what I'm showing you is a 1994 Nissan. I think Stanza four door.
- WIT: I only sold one of these, a white one and a purple on ah, (unintelligible) never, never had a car this color, and so no, 100 percent. No 100 percent.
- DET: Do you . . . okay. So as I explained to you a little bit, um, this car was um, involved in an incident where there was a drop of blood in this car found, and the blood work on that came back to you.
- WIT: Oh, was a lot of blood? No. I never even seen this car actually. I might of had a chance to look at trade, which is a very quick thing that salesman do; but that's a lot of cars that. . . that I bought a car and I sold it, or transfer, or use this car, no. It could of been from a customer maybe that in and out, 'cause customer show up; you sit in the car and (unintelligible) you know, just told 'em, yeah, maybe I can give you 2,000, 2,000, something like that; but no, I don't remember, not even a friend. I don't remember a friend having a car like this.
- DET: Do you recognize um, the name ELAINA NEGRON?
- WIT: ELAINA NEGRON, well, the name ELAINA doesn't sound like. . . as you say before ELAINA, NINA is that what you say the name?
- DET: Yes. Sometimes she would go by NINA?
- WIT: No. I would say no. I, I remember in those days where I was living, there was a couple (unintelligible) No; I don't know. I don't remember that name myself; no, I don't.
- DET: Um, how about someone named SIONE LUI?
- WIT: No. To be honest with you, no, SIONE LUI. No.
- DPA: Does the name ah, BOUSSIACOS ring a bell?

WIT: No, but you know what, I'm trying to. . .I'm not trying to be rude, but I'm trying to place myself at. . .what months are we talking about 2001, 'cause (unintelligible)

DET: February.

WIT: February 2001. Okay. At that time I was living in Seattle. I wasn't even in (unintelligible)

DET: Downtown Seattle, or do you remember where?

WIT: No, no, no (unintelligible) 2001 February, no, at that time I was working at Verizon, if I'm correct, Air Touch. And I move. . .ah, I was already, September was. . .I was in Seattle, okay. Yes; I was in Seattle, and I was working in Verizon, and I wasn't going to school at the time. Okay. Now I kinda remember. And where I was living. . .okay, around 2001 this is. . .I'm just trying to figure out myself. I working at detail shop at the time.

DET: At a detail shop?

WIT: Before selling the car. . .yes, details shop is ah, Ravenna Detail. That was my, that was my own business actually. I work with somebody else too.

DET: Ravenna what?

WIT: Auto Detail, but that was (unintelligible) and everything. But I'm trying to figure out that was a time, that was right before. . . (unintelligible) I was doing that right before Air Touch. I don't know if you can get information there. Um, if I tell, if I can know at that time where I was working exactly, then I can help you better.

DET: Well, okay. So let me help you a little bit. The first and second quarter, so from January to June of 2000 you worked for Air Touch. And then the third quarter you worked for DBS Direct Connect.

WIT: Okay. Yeah; that was a scam, yeah, yeah. I remember what you're talking. . .they selling. . .see, 'cause this guy want us to sell Direct TV, and then he never even paid us the first check, so yeah; I worked there for about three weeks, I think, a month or something.

DET: And then you also got paid from Verizon.

WIT: Yes, because they owe me.

DET: But you didn't work.

WIT: Right, right, right.

DET: But you. . .

WIT: They owe me a check, because I left, and they owe me a check. Yes; I remember.

DET: Okay. And then it doesn't look like you had any employment the fourth quarter, so the last. . .

WIT: That's correct.

DET: . . .part of 2001.

WIT: Yes; that's correct. I didn't work; and then I started working at the dealership, Everett Chevrolet.

DET: Okay.

WIT: That's where I worked.

DET: So wha. . .do you remember when you started at the dealership?

WIT: November, November of 2000, right, November of 2000.

DET: Well, you didn't have any wages until. . .

WIT: They paid me after a month. No; they. . .I, I remember. . .

DET: So the first, your first earnings for Everett Chevrolet were. . .

WIT: Maybe, could it be on, on, on summer, on December, excuse me, Christmastime, I believe.

DET: Okay.

WIT: 'Cause I was thinking. . .yeah, I remember, yeah, (unintelligible) a little bit at the time.

DET: So it could of been in December you started at Everett Chevrolet.

WIT: Late November, late November.

DET: Okay. And um, do you know anybody by the name of MIDGE SEACREST?

WIT: MIDGE, no. I, I (unintelligible) I mean, you're gonna (unintelligible) no matter what. And if I remember, I will tell you. And if I think that I'm involved in something myself incidentally by whatever happen, circumstantial, I will. . . I won't talk to you. I will tell I need a lawyer. But if you are. . . maybe you can (unintelligible) the story from the other side so I can. . . I don't know. I think we're going too much around. Just be truthful what it is, and then I may be able to help you, 'cause I don't remember his name.

DET: Okay.

WIT: (unintelligible) or MIDGE in a dealership. I believe he was a salesman. Then he come a manager. Sounds familiar, but I don't remember his last name.

DET: Okay. Do you have a picture of ELAINA?

DPA: Yeah.

DET: That is ELAINA BOUSSIACOS or NEGRON. She used both last names.

DPA: There's another picture of her as well. I think that's the more recent photo from when you would of, back in that time.

WIT: And I did seen this lady before.

DPA: Okay.

WIT: Yeah.

DPA: I was just (unintelligible)

WIT: No close friend, no girlfriend, but I seen her before somewhere, 100 percent, yes.

DPA: Do you recognize anybody in those photos, in that photo?

WIT: Well, is she the same lady?

DET: Yeah.

WIT: She look kind of (unintelligible)

DPA: Yeah.

WIT: No; I don't, I don't recognize at all. But I recognize her. I seen her somewhere.

DPA: How about him?

WIT: No; I don't.

DPA: Okay.

WIT: Yeah; I remember her.

DET: So she um, was murdered.

WIT: Um-hum.

DET: And placed in the trunk of this car.

WIT: Wow.

DET: And your blood was found in the car. So did you murder her?

WIT: Yeah, right. I didn't murder (unintelligible) No; I have not. I don't know what you're talking about.

DET: Did you have anything to do with her?

WIT: No, no, no.

DET: Anything, murder?

WIT: No, no 100 percent. If you (unintelligible) before, you know somebody's lying (unintelligible) killing somebody. No, no, I don't, 100 percent.

DET: Okay.

WIT: I don't have to even say anything more, but I can tell you that I know a lady. I seen her before somewhere. Trying to figure where. Um, is there any reason... so the, the issue is, is that your blood is in her car.

WIT: You first told me that I wasn't involved any way, that it might be accidental, if I (unintelligible) or whatever, ah, so I don't know (unintelligible)

DET: Well, I . . .

WIT: (unintelligible)

DET: So look, I'm gonna show you. This is the lab report. So on the stick shift, on the stick shift of the car, the little leather boot area.

WIT: Um-hum, yes.

DET: There was a drop of blood.

WIT: (unintelligible) That's kind of weird, right?

DET: Right.

WIT: 'Cause (unintelligible) drop something.

DET: So at some point you were probably in this car.

WIT: Okay. Do you guys have the killer already or whoever killed her or something?

DET: Ah, there is someone that has been convicted.

WIT: Oh, okay, so yeah. So what that has to do with me?

DPA: So well, here's a photo of the stick shift.

WIT: Um-hum.

DPA: Right. Um, and you said that you've worked on cars before, correct?

WIT: Yes.

DPA: Okay. So just so you know, that's where it was found inside the car, just see where the hand is kind of pointing. It's right there on the boot of the stick shift.

WIT: Okay.

DPA: Okay.

DET: Okay. So then this unsubmitted, this, that drop was submitted to the crime lab.

WIT: Um-hum.

DET: And it came back to an individual B, which is unidentified, and it came back to you.

WIT: All right, wow.

DET: So the person um, that was convicted of this denies that he did it.

WIT: All right.

DET: Which leaves, you know, just kind of this unanswered question as to why your DNA would be in the car.

WIT: Of course.

DET: So what I'm trying to figure out is to try and jog your memory the best I can to figure out when you were in that car. . .

WIT: Um-hum.

DET: . . .if you knew anybody that owned that car, if you sold that car, you know, if that's. . .

WIT: No; I didn't sell the car. That, I can tell you.

DET: Exactly how. . .

WIT: Yeah. That's a great question. And where you see the blood, can you tell that I was the driver or the, the seater, because I was. . .

DET: No. It's, it's a, it's a drop of blood.

WIT: Um-hum.

DET: You know, it could be suggested that maybe you were in the driver's seat just by the location, but. . .

WIT: Um, (unintelligible)

DET: . . .that's, that would just be speculation.

WIT: Yeah. I mean ah, I, I remember seeing the lady somewhere actually. That's true. I've never seen (unintelligible)

DET: Did you ever talk with her?

WIT: No, no, no. I seen her somewhere, but ah, no, no. I don't think I even talk to her.

DET: So on a scale of 1 to 100 being absolutely 100 percent you've seen her before?

WIT: Yes.

DET: Or she's someone that looks familiar?

WIT: That could be too, but um, I think I've seen her before. It could be like some. . . I think I seen her before, but I never spend time with her. I don't know. . . I never talk to her, and I obviously never kill anybody or drove a car like that. (unintelligible) the many cars that I have (unintelligible) myself. Because I remember those two cars that I bought lately; that was the late times, and there was a purple and a white, like I said earlier. I never have color of the car before.

DET: This car was um, sold to a gal named MIDGE SEACREST. She lived in Magnolia, lower Queen Anne.

WIT: So where were you telling me I was working at the time? Exactly when is this?

DET: It looks like you were working at Everett Chevrolet at that time.

WIT: So I still was living in Seattle. I was living at Ravenna.

DET: You were living on Ravenna?

WIT: Yeah, Ravenna.

DET: And what?

WIT: 63 and something. So I wasn't. . .okay. Right. This could be a time before that when I was doing detail; I work doing detail. . .what was the name of this. . .Auto Mart, that was the name of the dealership.

DET: Auto Mart?

WIT: Yeah. That's in-between Everett Chevrolet. That was my. . .I, I reported my own business on my papers immigration. So but so I, I only work for this guy like couple weeks. He brought cars. That could be. . .that's the only thing that could be, I'm thinking possibly Auto Mart. They would get all these cars from Oregon, a lot of cars this from Oregon ah, that were in there. That has a Washington plate, right?

DET: Yes. Where was the Auto Mart located? Do you remember?

WIT: Yes. This one's Aurora, no Lake City Way, excuse me, Lake City Way.

DET: Right at like 120<sup>th</sup> there?

WIT: Lake City Way and. . .

DET: It's by the Bill Pierre Dealerships?

WIT: Before that. Somewhere around there, yeah, yeah; that's where I used to work at the time.

DET: What, what else was around there, what other businesses, if you can remember?

WIT: The thing is it was. . .we were locating our place. Oh, yeah, ah, a Mexican dealership, West. . .Wild West, something like that, I think. We were kind of part of everything. This was the beginning of Lake City Way, the beginning of the commercial area actually, 'cause Lake City Way has a residential area, and then it start being kind of commercial. So at time this was a place that ah, we had nothing in front. And that's all I can tell you I remember.

DET: And what did you do at Auto Mart?

WIT: I didn't work for them directly. I was Ravenna Auto Detail, so I would take cars and detail 'em and bring it back.

DET: Okay.

WIT: Right.

DET: Were you paid under the table for that?

WIT: Yes.

DET: Okay.

WIT: Well, 60 or 65 dollars um, per car.

DET: Okay, um.

DPA: 60 or 65?

WIT: Yeah.

DET: Do you remember how long you worked, when that was? What period of time?

WIT: Um, same thing, this guy didn't want to pay us. It was short time. I'll say a month and a half, month.

DET: And do you remember the timeframe?

WIT: The timeframe, that's what I said, month and a half.

DET: Right, but when?

WIT: From where to where, before I start working Everett Chevrolet; you can check it by that time.

DET: Okay.

WIT: Because that's what I did, and then I look for customers. Then what I was doing didn't work out; and then somebody told me, hey, why you don't go out and work for a dealership or whatever? That's when I start working at dealership.

DET: Did um, did you ever hang out in Kirkland or go to the east side, Woodinville?

WIT: Yes. In Kirkland I went to school there, and I forgot to mention. Yes. Ah, Washington Lake Technical school, but I went there to learn how to change, replace windshields; so I go there for a very short period of time. I mean ah, I went there for school for like, that windshield course was. . .they got, they got auto mechanics, so in the auto mechanics, they only do windshields like Monday or Tuesdays. So we'll go and do the windshield thing ah, twice a week, and I only did it for a month because then I finished how to learn to replace windshields. And that was in. . .yeah, I hang out there in Kirkland. Yes; I did.

DET: Okay.

WIT: Yeah, 'cause I was Kirkland.

DET: Right. Did you do anything else in Kirkland or Woodinville or?

WIT: I've been everywhere, but (unintelligible) I don't remember even if I went to the gym because it's 24 Hour thing will have. . .I did that before. I don't remember which ones I went to, but I did. . .

DET: 24 Hour Fitness?

WIT: Right. (unintelligible) membership for long time, and but then they will have ah, you know, the membership where you can use other clubs.

DET: Um-hum.

WIT: I think I went to Kirkland a few times. Yeah.

DET: Did you um, when you went there, how would you check in?

WIT: You always show the card. They always scan the card or whatever.

DET: Okay. And how long did you have that gym membership? Do you remember?

WIT: I had it for like, I don't know, seven years, six years.

DET: So what. . .do you remember what name you used back then? It looks like you. . .

WIT: No. Summer season, that was only. . .'cause my name was ah, like I say, legally changing. I believe 2000. . . (unintelligible) 2003, yes.

DPA: Because. . .

WIT: I wanted to do a finance in the dealership, but (unintelligible) And somebody told me, well, you won't be able because you got two felonies, and they won't, they wouldn't give you insurance, ah, has a name like ah, insurance license (unintelligible) sell the, the warranties and insurance, the finance guy. So they told me change your name or do a (unintelligible) I told was easy to change a name, so that's why I changed my name, 2002.

DET: Okay. So that's how this other name came.

WIT: Yeah, 'cause. . .

DET: Um. . .

WIT: Yeah; I couldn't get a better job or whatever. I remember that, that started happening even before working at dealership, because I apply for American Express, and I got a job for Discount Tire as a (unintelligible) 'cause I was going a school (unintelligible) almost graduated. And the guy told me. . .and I didn't disclose that. I didn't, like I didn't disclose on the application; so I pass my interview and everything. Even I remember American Express was a good job. It was over 100,000 dollars a year. And then I, I was ready to go fly to New York, and this guy said. . .he called me a day before and said, you know your background (unintelligible) And I, I wish he would told me before I spend like a 1,000 dollars on (unintelligible) for all this little interviews, and now you cannot ah. . .so that's why I decided to change my name, and that's why we change it.

DET: Okay. Um, but it looks like you started using this other name the first quarter of 2001. Did you use this name before you legally changed it?

WIT: No, no, no. I. . .no; I start using it as soon as came out of the King County court, and I went to the DMV, did my. . .immediately I did my driver license change. Everything got changed within two weeks (unintelligible) I went to, even Social Security got changed, DMV, and I did something, changed, but I, I (unintelligible)

DET: Okay. So you kind of stayed out of the legal system from like, for quite a while.

WIT: (unintelligible)

DET: What happened?

WIT: (unintelligible) I never got as much as (unintelligible) I didn't want to listen to ah. . . I got ah, when I was working Everett Chevrolet, my first quarter, whatever, I remember that I couldn't sleep well and so forth. And I was waking up. I couldn't sleep, but then I couldn't rest, and I had to wake up early, so I went to see a doctor, and the doctor said that I was bipolar, that I have times that I'm gonna be feeling like I'm rested and times I will feel depressed. But it wasn't nothing serious, just, you know. . . so they started giving me ah, Wellbutrin. Later on here, a doctor here. . . well, that was just two weeks ago; and I don't know, couple months, couple years ago a doctor told me I was misdiagnosed, and that medication. . .

DET: Told you what? I'm sorry.

WIT: I'm sorry, the, the medication was ah, misdiagnose because Wellbutrin. . .

DPA: You were misdiagnosed?

WIT: Yeah, miss. . . I was misdiagnosed, and the medication was obviously not correct. I should of had another medication.

DET: Okay.

WIT: Okay. My case he said, they gave you Wellbutrin, which is whatever medication is, you have to get more medication to actual balance that medication and yourself as well. They call it equalize, and he couldn't believe how come they gave me so many years with this medication with having an equalizer. For instance, they started giving me (unintelligible) after that. So I went like seven, eight, eight years with a medication that honestly kind of screw up my life and it wasn't me.

DET: Okay.

WIT: And the. . . nothing that I was doing things that I didn't. . .

DET: Right.

WIT: Don't get me wrong. (unintelligible) bipolar. (unintelligible) say bipolar.

DET: So now that you're in here, are you diagnosed with any mental-health issues?

WIT: Well, according to ICE, I'm not anymore, ah, no; I'm not. I don't take any medication any longer.

DET: Okay. And they say that you have no mental-health history.

WIT: That's correct.

DET: Or no mental health (unintelligible)

WIT: They just come up lately with that conclusion.

DET: Okay.

WIT: Yes.

DET: Um, so you deny that you have any involvement in this woman's death.

WIT: No, but what I can do for you, I can think about it in a meditation way, and I can figure out something. I mean I can't remember anything at this time to be honest with you.

DET: Oh, okay. Let me ask you this.

WIT: Been so long. You can understand that too, right.

DET: Let me ask you this.

WIT: (unintelligible)

DET: If you killed this woman, you'd remember, right?

WIT: Of course.

DET: Right.

WIT: Yeah.

DET: So when you say, let me think about it. . .

WIT: No, no.

DET: . . .you're not talking about her murder.

WIT: I'm thinking about it and find out how, why it seem, when what's around, and who might be around here. First of all, if I remember exactly where, so um, I don't think I will to be honest with you, but if I do, who else might be. . .I mean

I'm talking about help here, um, and that's if you want to. If you wouldn't want to talk, that's fine (unintelligible)

DET: No. I want to figure out. . .

WIT: But I can give you 100 percent my word and you can bring a lie-detector, whatever, no problem.

DET: So let me ask you. If I were. . .you know what a lie-detector is, a polygraph?

WIT: I know what it calls; I never been on one.

DET: Okay. So what it is is it just measures your body's physiological response because when we. . .

WIT: I (unintelligible)

DET: . . .as human beings lie, we make a choice.

WIT: Um-hum.

DET: So if I were to give you a polygraph test or a lie-detector test and ask you if you were involved in this woman's murder. . .

WIT: No. (unintelligible)

DET: And if. . .

WIT: You don't mind asking, how was she killed? She. . .just like she ended up in the trunk; how she got killed?

DET: Um, I think she was strangled.

WIT: All right.

DET: So if I were to put you on a polygraph machine and ask you. . .

WIT: If you were to put me (unintelligible)

DET: . . .if you were involved, if you were involved in this woman's death in any way, had any knowledge. . .

WIT: Um-hum.

DET: . . .how would you do?

WIT: Fine 100 percent. I mean, yeah.

DET: You'd pass?

WIT: Right now if you want it, yes.

DET: Would you be willing to do that?

WIT: Anytime, no problem.

DPA: Can I ask you a couple questions?

WIT: Sure.

DPA: Just, just follow-up here.

WIT: Um-hum.

DPA: Um, you, you were, you were talking about the gym that you went to, and you said it was a 24 Hour. Was it actually a 24 Hour Fitness like the big, you know, chain?

WIT: Yes.

DPA: 24 Hour Fitness.

WIT: Yeah, 24 Hour Fitness.

DPA: Okay. So it wasn't a gym that just happened to be open 24 hours.

WIT: Oh, no, no.

DPA: It's actually, ah. . .

WIT: This is ah, the 24 Hour.

DET: Okay.

WIT: Yeah, membership.

DET: And, and do you remember how many of those were you a member of or did you go to, I guess?

WIT: Okay. That's a good question. I, I'm thinking like three or four.

DPA: Okay.

WIT: They got one in Seattle.

DPA: Um-hum.

WIT: They got one in Kirkland.

DPA: Um-hum.

WIT: They got one in Shoreline.

DPA: Um-hum.

WIT: Where I used to live close by.

DPA: Um-hum.

WIT: I'll say three at least.

DPA: Okay. And, and it was one of those things if you're a member of one, you could go to any of 'em. Is that how it's run?

WIT: That's correct, yes.

DPA: Okay, ah.

WIT: Well, there's two types of membership, one that you use for one.

DPA: Okay.

WIT: And then when you pay a little more, you can go others.

DPA: And you would go. . .

WIT: Yes.

DPA: Okay.

WIT: Sometimes no; always I go to the one in Shoreline.

DPA: That was the main one you went to.

WIT: That's correct.

DPA: Okay. And then ah, we talked about the detailing business that you were working for.

WIT: Right.

DPA: Um, I, I was a little confused about that. Are. . .it sounds like you, you would maybe flip cars, cars, you'd get cars and maybe from the dealership and flip 'em. Is that. . .

WIT: At that time that didn't happen, ah.

DPA: When you were working at Everett Chevrolet, would you, you would do that?

WIT: Yes.

DPA: Okay.

WIT: Yes.

DPA: Um, and then prior to that, you worked at this detail company.

WIT: No; that was my own detail, Auto Ravenna; that was my own detail.

DPA: Auto Ravenna was your company.

WIT: Right.

DPA: Who did you do that with?

WIT: Ah, I was gonna say that to you.

DPA: Okay.

WIT: Ah, there is a guy there who actually knew a lot of people.

DPA: Um-hum.

WIT: And will go out a lot, and knew a lot of people, and the guy was sub-renting me the legal space to work with; and his name is, his last name is NARANCIC, NARANCIC.

DPA: Do you know how to spell that?

WIT: If I can. . .N. . .N. . .

DPA: Ah-huh.

WIT: . . .A..R..A..N. . .NARANCIC.

DPA: S.I..C?

WIT: Yeah; it's, it's a Czech last name.

DPA: Okay.

WIT: NARANCIC, just as I said, NARANCIC.

DPA: Remember his first name?

WIT: NARANCIC, ANTONY.

DPA: ANTONY. Okay.

WIT: And he also will buy a lot of cars. He had a, a, he had an auto-mechanic business.

DPA: Um-hum.

WIT: And he will buy a lot of cars, and then he will ah, know a lot of people, and that's it.

DPA: Okay.

WIT: That's all I can tell you. I mean (unintelligible) at that time what I was doing around those. . .

DPA: Sure.

WIT: And then when I couldn't ah, handle the job anymore because I wasn't getting paid, not even under the table, 60 dollar for, for a car is no, ah. . .then I just left that place.

DPA: Was, was this um. . .so this was before you started at Everett Chevrolet. Is that my, am I correct about that?

WIT: Yes.

DPA: Okay.

WIT: Yeah.

DPA: And you did that job, I think you said for a month and a half or so, but you weren't getting paid. Is that. . .did I understand that correctly?

WIT: The what job?

DPA: The, the detailing.

WIT: I was getting paid 'cause it was my own thing, under the table.

DPA: That's right. Okay.

WIT: But the dealership what I was primarily getting cars from didn't pay enough.

DPA: I see. Okay.

WIT: And sometimes they didn't even pay me on time.

DPA: Okay.

WIT: And that's how somebody said, look, you are doing physical job, just go get. .  
. I can hook you up with this dealership and things like that, and that's. . .

DPA: I'm. . .so I'm. . .and, and I. . .

WIT: Besides, this guy NARANCIC told me that I had a lot of people there. Well, he  
thought I was making a lot of money. I was making (unintelligible)

DPA: Um-hum.

WIT: So he, ah, he say stop letting me use this spot in this place, so I left. But ah,  
they will bring cars from there too, so I mean I'm talking about because it's  
related to cars, only because yes, a guy that I knew, he also has an auto shop  
with me, I mean, right next to. He was sub-renting his space there so.

DPA: So he, he was just giving you some area to do your detail work.

WIT: That's correct.

DPA: Okay.

WIT: Yes.

DPA: And um, it sounds like a dealership. . .was it one dealership in particular you  
worked with, or were there many people who would bring their cars in for  
detailing?

WIT: It will be many peoples initially that will bring their cars.

DPA: Um-hum.

WIT: The thing is things didn't work out properly because there was a lot of .  
.something was always wrong.

DPA: Um-hum.

WIT: And at that time (unintelligible) see our area, with everybody, has a lot of  
money and everything. And they will complain for (unintelligible) things and  
say, well, this is too much. So a guy who was there. . . I rem. . . I don't  
remember if he was a customer or somebody who works where this guy is at.  
Ah, there is a guy who actually is open a dealership, the, the one that I was  
tell. . . Auto Mart, I think that was the name, Chinese guy, and that's when I  
start doing the detailing for him. He will send me every day five, six cars. I will  
do it.

DPA: Okay.

WIT: And work it and so forth.

DPA: And that was gonna be my next question. How many cars would you say you  
detailed in a day on average?

WIT: Sure, ah, well, it's a lot because I was working from 6 to 11 at night  
sometimes.

DPA: Okay.

WIT: (unintelligible) say 8 o'clock ah, four cars, five cars.

DPA: And in my. . . so you would get these cars in from this dealership, um, or  
dealerships that. . .

WIT: Or from private customer.

DPA: Or from private customers.

WIT: Yeah.

DPA: And the private customer, I presume, just wants their car detailed and cleaned  
so they can (unintelligible)

WIT: (unintelligible) yes.

DPA: And the dealership, I'm assuming, wanted you to detail it so they could then  
turn it. . . they could sell it. Is that right, or what. . .

WIT: That's correct, yeah, yeah. They. . .

DPA: Okay.

WIT: So they could present it and then, yeah, of course, yes.

DPA: So were these cars that say the dealership was just getting on their lot, say from wherever they got a used car, they'd bring it to you, hey, detail it, and then we're gonna sell it? Is that how it worked? I'm just trying to understand. . .

WIT: Sure.

DPA: . . .what the dealership was using you for. Was it to clean a used car essentially? Is that what it was?

WIT: Hey. . .okay. Good question. Ah, the dealership was used cars, um, cars they just brought from auctions.

DPA: Okay.

WIT: (unintelligible)

DPA: Okay.

WIT: They will buy a package, package from 12 to 14 cars, 16 cars, and they will give me from 16 cars, 5 to 6 to detail within two, three days.

DPA: Okay. And so, and you did this. . .so, so you detailed. . .

WIT: But no (unintelligible) on that job. I always. . .I, I mention to you that, that was like my. . .'cause sales, as you know, in anything kinda goes up and down.

DPA: Sure.

WIT: And so forth, and especially in the, the, those days. I remember the sales was pretty good on cars; then after 9-11, things just dropped. So I was, will buy a car and, you know. . .or I was have somebody give me the car to sell it for too. So in many instances that has to do with a car that's the only thing that I can be. . .for instance, on that particular car.

DPA: How long does it take you to detail a car on average? Say it's one of the auction cars.

WIT: Well, depending how dirty it is (unintelligible) but it could be from three hours.

DPA: Um-hum.

WIT: To six hours.

DPA: Okay.

WIT: Yes. I don't know what else to tell you (unintelligible) so what you're telling me is kinda (unintelligible).

DPA: I had one other question for you. It's a name I wanted to ask you about. Let me see if I have it.

WIT: When she was killed exactly? What, what time or around what time?

DET: In February of 2001.

WIT: Okay. I'm gonna have to remember 2001 February.

DPA: There it is. No. Sorry. I thought it was here.

WIT: Why don't you go ask this guy's if he knows me. I mean, somebody related to them, why you don't ask them if they know me? I mean that's easier than asking me, I mean.

DPA: Do you know an AL CERRITO? Does that name ring a bell?

WIT: What is the full name?

DPA: AL.

WIT: ALISTAIR CERRITO, yes, I know.

DPA: How do you. . .how do you know him?

WIT: From school, from Shoreline Community College.

DPA: Okay. Um, how about Euro Nova Auto Brokers?

WIT: Yeah; that was my business, auto retail at Ravenna (unintelligible) that ah, Ravenna was for the, for the detailing part, and the Euro Nova I would use that when I sell the cars.

DPA: Okay. So Euro Nova is what you sold the cars (unintelligible)

WIT: Yes.

DPA: Okay. And did. . .was AL associated with that, AL CERRITO?

WIT: No, no, no. He was at that time. . .well, we used to go to school. . .

DPA: Um-hum.

WIT: . . .in 1996, 1997, 1998.

DPA: Okay.

WIT: Then we work at the. . .oh, he works at the Home Depot, and I work next to, to the ah, cell phone company.

DPA: Okay.

WIT: Right next to um, the. . .

DET: In Shoreline?

WIT: Shoreline, yes, Aurora, The Home Depot.

DET: Right.

WIT: That's where the Verizon, right next to Costco. That's where I used to work, and he used to work (unintelligible) We were friends actually.

DPA: Okay. So would you have listed Euro Nova Auto Brokers as your employer at any point?

WIT: Yes.

DPA: Okay.

WIT: Of course, I work (unintelligible)

DPA: Okay. And your position would have been what, car wholesaler? Is that a fair. .

WIT: When I used to sell the cars, yeah.

DPA: Yeah.

WIT: That's what I would. . .

DPA: Okay.

WIT: . . .identify myself.

DPA: Okay, okay. Okay. All right.

WIT: So you fly all the way from Seattle?

DET: Um-hum.

WIT: Can I see the, the picture where that guy is right next to it?

DET: Yeah. So that. . .

WIT: Is that a guy who's convicted?

DET: That is a picture of ELAINA and her boyfriend.

WIT: I'm saying, who's the guy? (unintelligible)

DET: Let me show you this picture. I'm gonna, I'm gonna number it number 4 just so I know what picture we're talking about for the tape. This picture um, is a picture of the Woodinville Athletic Club right here, the parking lot. It's a overhead view. Do you know if you ever went to this gym, the Woodinville Athletic Club?

WIT: This is like ah, isn't it like extension from Lake City?

DET: No.

WIT: I mean Woodinville.

DET: This. . .no, this is in Woodinville, Washington. It's by Target and that big complex in Woodinville.

WIT: It could be a possibility (unintelligible) because I will go to my gym, but sometimes you have friends who say, come with, you know what I'm saying. But we're talking (unintelligible) 2000. . .

DET: Did you hang out in Woodinville at all?

WIT: No, no, no, no.

DET: Okay.

DPA: You want to see just the photo?

WIT: Yeah, because I, I'm trying to remember when I seen her or where I see her.

DPA: Is that photo better or one of these?

WIT: Actually this look quite different, because the other one. . .

DPA: Yeah.

WIT: . . .she looks like (unintelligible) She never went to Shoreline Community College?

DET: No.

WIT: And she didn't live in Seattle in that area, Ravenna? 'Cause she looks familiar too. She looks familiar from the area where I used to (unintelligible) Ravenna if my mind correct. Nothing else I can tell you.

DET: Okay. And is everything you've told me today, ALEXANDER, true and correct to the best of your knowledge?

WIT: 100 percent.

DET: Were you, um. . .did you make this statement freely and voluntarily without any threats or promises of any kind by me?

WIT: Yeah.

DET: Or anybody?

WIT: Yes; I did.

DET: Do you have anything else?

DPA: Is it ALEXANDER or ALESSANDRO?

WIT: I said ALEXANDER because people will ask me 10,000 times, you know, how you spell that, but ah, it's ALESSANDRO.

DPA: It's ALESSANDRO.

WIT: Yes, sir.

DPA: Okay. I just wanted to make sure we had that clear. Okay.

DET: Okay. That concludes the statement. Today's date is 11-4-2014, excuse me, 2013. Time now is 11 hundred hours.

*End of Statement* rh

**Ex. F**

**January 30, 2014 King County Sheriff  
Follow-up Supplemental Report by  
Christina L. Bartlett**

**Filed Under Seal**

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CL13546419

SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

BIAGI, ALESANDRO JASON

Defendant.

No. 09-1-00470-1

AFFIDAVIT OF PROBABLE CAUSE

Aliases: »

Other co-defendants in this case:

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant(s) in this cause, and that I believe probable cause exists for the arrest of the defendant(s) on the charges because of the following facts and circumstances:

The following information was obtained through police reports and witness statements submitted by the Snohomish County Sheriff's Office. The undersigned has no personal knowledge of these events.

On or about March 9, 2009, in Snohomish County, Washington, Alesandro Biagi assaulted a security guard as he stole merchandise from Goodwill.

Mark Taylor is a security guard who works at the Everett Goodwill. On the afternoon of April 9, he had his eye on the defendant who was gathering items from the store shelves. The defendant took a pair of cargo pants from the shelves, put unpaid-for items in the pockets, placed other items into a zippered bag, and left the store without paying for anything.

Taylor followed the defendant out and identified himself as store security. At first, the defendant complied but when Taylor tried to escort him to the security office, the defendant refused and tried to leave. Taylor blocked his way; the defendant shoved him and ran. Taylor chased him outside where the two struggled. The defendant cut Taylor's cheek with a key and dislocated Taylor's finger.

Affidavit of Probable Cause Page 1  
St. v. BIAGI, ALESANDRO JASON  
PA#09F01034

Snohomish County Prosecuting Attorney  
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VIO/JCA/jfr

*clb*  
*2*

**Ex. G**

When police arrived, the defendant was anxious to talk. He first said he had stolen sunglasses and CDs but paid for other items. Later, he claimed to have been in the store earlier and purchased items, left, then returned to wait for the bus inside the store. He said he feared for his life when Taylor, who was "not neat [sic] looking dress very poorly" and who "look[ed] confused and nervous [sic]," attacked him and forced him into the store. He said he would have called the police but his cell phone was in his under pants.

The defendant has convictions for three felonies and 8 misdemeanors. According to PTS, he has self-described mental health and medication issues. His address and work references could not be confirmed. He said he worked for Blackwater International and the State Department. The State respectfully requests that bail be set as in District Court at \$5000.

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

  
\_\_\_\_\_  
JANICE C. ALBERT, #19865  
Deputy Prosecuting Attorney

DATED this 14<sup>th</sup> day of March, 2009 at the Snohomish County Prosecutor's Office.

**APPENDIX A TO PLEA AGREEMENT  
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY  
(SENTENCING REFORM ACT)**

DATE: May 27, 2009 (da/dhw/gp)  
DEFENDANT: BIAGI, Alessandro Jason  
Aka ENCISO, Sandro Martin  
DOB: 2/1/70 W/M  
SID: WA18076338 FBI: 745479CB1 DOC: 754701

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
<b>ADULT FELONIES:</b>			
First Degree Possession (B) Stolen Property	8/5/96	Snohomish County 96-1-01071-0	12 Mos. Comm. Supervision 3 Mos. Confinement
*Second Degree Possession (C) Stolen Property	8/5/96	Snohomish County 96-1-01071-0	12 Mos. Comm. Supervision 45 Days Confinement
*Forgery (C)	6/17/97	Snohomish County 97-1-00446-7	12 Mos. Comm. Supervision 2 Mos. Confinement

\*Conviction "washes"

**ADULT MISDEMEANORS:**

1. Supply Liquor to Minor	2/11/96	Snohomish County
2. Refusal to Give Information	5/27/96	Snohomish County
3. Driving While Suspend/Revoked (2 Counts)	11/29/02	Snohomish County
4. Reckless Driving	12/12/05	Snohomish County
5. Obstructing	12/12/05	Snohomish County
6. Driving While Suspend/Revoked	9/6/08	Snohomish County
7. Resisting Arrest	2/14/09	Snohomish County

**JUVENILE FELONIES:**

None.

**JUVENILE MISDEMEANORS:**

None.

**OTHER: (NOT COUNTED AS CRIMINAL HISTORY)**

5/28/09  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Deputy Prosecuting Attorney/WSBA #

**Ex. H**