

64416-5

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STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 Michael deGalvez Williamson )  
 (your name) )  
 )  
 Appellant. )

No. 64416-5

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

1/ Michael deGalvez Williamson  
# \_\_\_\_\_, have received and reviewed the opening brief prepared by my  
attorney. Summarized below are the additional grounds for review that are not addressed in that brief.  
I understand the Court will review this Statement of Additional Grounds for Review when my appeal  
is considered on the merits.

Additional Ground 1

Misapplication of the Statute RCW 10.58.090  
(failure to adhere to the statute RCW 10.58.090),  
due to Prosecutorial Misconduct,  
and Abuse of Discretion  
(Trial Court error),  
and ineffective Representation of Counsel

Additional Ground 2

Cumulative error

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

Date: 8/27/10

Signature: Michael deGalvez Williamson

2010 SEP -1 AM 10:09

ORIGINAL

The Court of Appeals  
of the State of Washington  
Division One

State of Washington  
Respondent

vs.

Michael deGalvez Williamson  
Appellant

COA no. 64416-5

King County Superior Court NO. 09-1-01631-0PSEA

2010 SEP -1 AM 10:00

Statement of Additional  
Grounds For Review RAP 10.10

COMES NOW, I, Michael deGalvez Williamson  
blessed, here forth, with Counsel, Mr.  
Oliver Ross Davis (Washington Appellate  
Project), do implore this Court to  
address my pro se contention(s)  
via the Court's provision of "State-  
ment of Additional Grounds for Review  
RAP 10.10". On March 25<sup>th</sup>, 2010 this  
Court gave an Order, Staying my PRP  
(NO. 64984-1-1) arising from this  
same King County Superior Court NO.

09-1-01631-0 SEA, pending issuance of the mandate in this direct appeal no. 64416-5-1. Candidly, in my PRP I submitted both matters of direct appeal from the record, as well as matters outside of the record. However, I did so having hopes of a consolidation of the PRP and direct appeal (RAP 16.13). Furthermore, I admit to this Court that I also did include in my PRP, contentions of Trial Court Error and Prosecutorial Misconduct amongst the other contentions (grounds). Albeit, because I am a avid to be exonerated, I beseech this court to consider this "Statement of Additional Grounds for Review" while I attempt, respectfully, to contend these innovated issue(s) of Prosecutorial Misconduct and Trial Court Error; couching my argument(s) as Additional Grounds, Subjected (below) as:

**I. "Misapplication of RCW 10.58.090"**

The trial Court errors and the States areas of misconduct asserted in my CR 7.8 motion\* at best, were appraisings of a non-sequitur of RCW 10.58.090 by them. Because the

\*See footnote on page 3

trial in my case proposed to function according to or pursuant to RCW 10.58.090 & RP Sep 3, 09 a. 47-52, then, these errors and violations that I am contending, demonstrated acts of a misapplication of the Statute, resulting in an unfair trial, requiring reversal. As I will show the court, the State and my deficient counsel did not follow the Statute, rendering the Judgment void.

In the matter of the Decision of Justice, Director 12/10/09, 12/6/09, 12/9/09, 12/30/09, 12/98/09, the Court's authority is limited to the Statute and the courts failure to follow the Statute renders the court's decision void.

To better explain my position and convictions of the unfair trial that I am asserting did not follow (and says with misapplication of) the Statute RCW 10.58.090, I invite this court to please revisit the language set forth in these two recent cases that focused on the statute RCW 10.58.090, namely:

\* footnote

With regards to the CrR 7.5 motion submitted to the King County Superior Court on or about 03/30/09 (also submitted as part of my PRP for this cause), I do apologize for it perhaps being some what cryptic in places due to some of the inadvertent malapropism and verbosity. I drafted it howbeit, not only while still emotionally under the chagrin of the conviction but also while unfortunately still in the King County Jail, without the adequate provisions to modify it. My updated pleadings / makes it clearer, hopefully, however.

State v Gresham 2009 Wash.App.Lexis 3108  
no. 62862-3-1, Div One, filed 12-21-09 and  
State v Scherner 2009 Wash.App.Lexis 3111  
no. 62507-1-1, Div One, filed 10-06-08.  
Both of these case(s), (*Gresham and Scherner*)  
challenged the constitutionality of  
RCW 10.58.090. Ergo, because I  
do not challenge the statute, I  
acknowledge that these cases may-  
be distinguished from mine. Howbeit,  
because they both expound upon  
RCW 10.58.090, especially on the  
subject of admissibility of Evidence,  
specifically for COMMON SCHEME, or  
PLAN, I hope to make use of their lan-  
guage while addressing my concern to  
the Court. I am very adamant that  
while this court will hold that credibil-  
ity determinations are for the trier  
of facts (in my case, the jury), and  
will not be disturbed on appeal, I still  
am contending that the testimony of  
the said-victim and I were not the  
only decision maker for them. I will  
show how the misapplication of RCW  
10.58.090 prejudiced the jury against me

To show respect for the trial court, the state's prosecutor and my counsel, at bar (because they are authorities due respect), I have, heretofore, asserted that they made "Misapplication(s) of the Statute," (only to be modest). Notwithstanding that I am asserting that they did misapply the statute, still, howbeit, I am behooved for sake of this Court's clarity to be more firm in submitting that I contend that they did not ADHERE to the Statute. Please see Guillen v Pierce County 144 Wn.2d 696 at 730, 31 P.3d 647, which states:

("...when a statute that has evidentiary implication is part of a larger federal statutory scheme, the Supremacy Clause demands that the States adhere to the statute. To hold otherwise defeats a significant purpose of the federal act and cannot be justified in light of the Supremacy Clause") (citing pre - 1995 cases such as Yarnell, Sawyer, Wiedman, Claspill); Long, 743 So.2d 743 (citing U.S. Const. art vi. Cl. Z Jones v Rath Pack CO., 430 U.S. at 525")

(update)

Important side note

While I realize that this Court does not have the time and does not wish to entertain my personal ambivalances, I felt that it would behoove me to inform the court that: When I started the writing of this "Statement of Additional Grounds", even though I've had amicable parley with my counsel, (Mr. Davis (and he has been most kind and helpful), I, however, had not fully understood his position with regards to RCW 10.58.090. After my research and mulling over the subject I begin writing it on or about July 23, 2010. Pointedly here, (7/30/10) today, however I received a copy of my counsel's opening brief, of which he seems to me to be raising an issue about the statute, RCW 10.58.090. Ergo, I would like to make it clear that while I hold that there was a Misapplication of the statute; however, I do not disdain my counsel's representation or his position in my behalf.

(Argument continues)

I apologize to this Court for my veering away from my contention (argument(s)) regarding the Misapplication of RCW 10.58.090 by the trial Judge and the State and my counsel. Howbeit, I was enamored with my Counsel (Mr Oliver Ross Davis') opening brief, in my behalf. Albeit, still, even if this Court would hold that, as this Court did in State v Gresham 2009 Wash App. Lexis 3108 NO. 62862-3-1 file Dec 21, 2009 at ¶ 28

"...RCW 10.58.090 violates neither the separation of powers doctrine nor the ex post facto clause of the federal and state constitutions..."

I, still, maintain that in my Case, notwithstanding RCW 10.58.09, the proceedings before, during and post-trial (at the Sentencing) were violative and erroneously applied. Most of what I'm about to apprise is already averred in my proffered PRP, only to be re-iterated here. This, however, is momentarily why I have connoted that the PRP and the

direct appeal be consolidated (RAP 16.3); because the PRP could solidify and strengthen my direct appeal, supported with matters out-side of the record.\* Nevertheless, these are my contentions of how the State, my counsel and the trial court made a non-sequitur of RCW 10.58.090, as follows:

1. The trial failed to follow RCW 10.58.090(2)

I contend that even though the trial court did not properly file all of the correspondences, my writ of Mandamus was submitted to the court contending that I was not being endowed with discovery ("pursuant to CrR 4.7"). That writ was filed on Aug 21, 2009, and further acknowledged by the trial court. I've been advised by my appeal counsel that I am "not entitled to discovery as the criminal defendant". Albeit, I garner from his advice that he is simply advising that my trial counsel would be the one the State should've timely

\* I thought that it would save the court time if my PRP and direct appeal were consolidated; as well as, make issues clearer.

provided with discovery. I have not been [yet]\*  
provided with any of my averred  
submitted writs as part of my verbatim  
report. Howbeit, the reports does apprise  
from the record proof of my claim that  
not only had my <sup>trial</sup> Counsel failed <sup>to</sup> provide  
me discovery but the state and the  
Court were not complying with, and  
applying RCW 10,58,090(2). From the  
record please note on the subject  
the record made by my trial Counsel:

Ms. Lynn: Not to that issue. Mr. Williamson  
would like for me to bring something up.

The Court: Sure.

Ms. Lynn: He did receive a copy redacted  
discovery. He received it yesterday.  
We had made a couple of requests to  
the prosecutor's office with the pre-  
vious prosecutor. So it took some  
time and now he does have it but  
he received it yesterday and he has  
had a chance to read it. I don't be-  
lieve he included photographs, as  
he's looking at the photographs now.  
We are noting it for the record

\* update

Since writing the above  
have received additional  
documents on 08/11/10

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as it pertains to his pro se motion that he had filed and Judge Armstrong had addressed previous to trial assignment.

The Court: Right I believe I told everybody before this case came to me.

Ms Lynn: Right. RP Sep 9, 09 a 7-8

In my several correspondences ("pro se motion(s) a forementioned<sup>ed</sup> above) to the Omnibus Judge and the trial setting Judge I had contended that I had not been endowed with discovery, that my counsel had not visited me for over a month and kept me reasonably informed pursuant to RPC 1.4, that I had not been able to get Counsel to garner expert defense witness (a doctor to expound upon the scar that I had from my zipper accident) and most importantly here, I made contentions of the state's failure to produce statements, depositions, or any list of its proffered witnesses. I used as authorities premising<sup>my</sup> contentions: LCrR 4, 5(J), and<sup>a</sup> LR 26, which also included under section 4, "Exclusion of Testimony" See Writ of Mandamus Appendix 1

I also did submit as an authority in that "Writ of Mandamus - LR 98.40, Discovery LR 26, Preparation for trial" motion apprising RCW 10.58.090(2) as I restate it here

RCW 10.58.090(2)

In a case in which the state intends to offer evidence under this rule, the attorney for the State shall disclose the evidence to the defendant including statements of witnesses or a summary of any testimony that is to be offered at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

On that same note, I also applied as a fore-mentioned the Deposition and Discovery rule Rule 26-37 that states in relevant part that: "Each party shall, no later than the date for disclosure designated in the Case Schedule disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

#### 4) Exclusion of Testimony

Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as Jus-

ice requires.

As I've stated in my PRP, I also show here as follows, on the subject of discovery:

Estate of Davis v Department of Correction  
(27 Wn App 826, 833, 113 P 3d 1

"The purpose of the case management schedule and disclosure deadlines is to have an orderly by which a case can proceed. Requiring parties to disclose witnesses allows the opposing party to prepare for trial and conduct necessary discovery in a timely fashion."

In this case at bar, the videotape of the interrogation of myself by Detective Ditusa was not even provided by <sup>the</sup> State until the day of D. Ditusa's testimony in this current trial at bar. RP Sep. 2, 09 at 29. and see also RP Sep. 2, 09 at 39. Actually because of this failure to adhere to RCW 10.58.090(2), when the sound of the videotape in question presented technical difficulties, the problem delayed the Court proceedings for a full day. It was not resolved until the following day. RP Sep. 2, 09 at 42 - RP Sep. 3, 09 at 6. It was not the delay only,

by itself that I am contending that prejudiced my defense during the 3.5 Hearing, but my counsel after only being able to view it for the first time at trial was not able to reasonably prepare for the hearing especially when after viewing the video much of D. Ditusa's testimony was found inaccurate. D. Ditusa had alluded before watching the video that I had signed the Miranda and on cross exam, after watching the video admitted she did not see me sign it. RP Sep 2, 09 at 37 compare RP Sep 3, 09 at 7. However, most importantly had my attorney received discovery timely under CrR 4.7 (a) (1) and RCW 10.58.090(2) she would've been able to defend me better during the 3.5 hearing regarding the question of admissibility of the prior conviction (via Alford Plea) of the Amy Phan's complaint. The Court, even after the video and testimony of D. Ditusa still apprised confusion with the "other incidents" that D. Ditusa was accusing me of but unbeknownst to me at that time she <sup>was</sup> only investigating Amy Phan's complaint. In her, the trial Court's, finding for, example

during her fact-finding in regards to the admissibility of the interrogation by D. Ditusa and the prior Alford Plea Conviction the trial court still included "photographic evidence" (RP Sept 3, 09 at 42), whereas, though, confusing, the issue(s) (as the videotape apprises that D. Ditusa also confused when interrogating me), she D Ditusa testified that there was no bus video of the alleged incident. RP Sep 2, 09 at 30. Thus, the trial court abused discretion in including photographic evidence in her fact-finding Just mentioned. I contend that had my counsel also been endowed with proper discovery she would have had a chance to prepare for the erroneously, allowed-in Court-identification of me by Amy Phan when I was the only black man seated by my attorney in the Court room when she supposedly identified me as her offender. RP Sep 9, 09 at 64, 67 I submit that the trial court, here, failed to weigh the "corrupting effect of the suggestive identification (that my counsel raised) against factor, indicating

reliability (Manson v Brathwaitey 432 U.S.  
98, at 114) then in-court identification which  
violated (my) due process rights' Please  
see State v M<sup>≡</sup> Donald 40 Wn.App 743, 746,  
700 P2d 327, 329.

Had the trial Court, the state, and my  
trial Counsel, as well, followed the  
application set forth in RCW 10.58.090(2)  
the State would not have so easily  
been able to elicit impeachable test-  
imony from it's main witness, L. Rowell,  
that could have made a difference in  
the jury's view of her credibility and  
could have led, ergo, to a difference  
in the outcome. The impeachable  
testimony for, one, instance is: After  
testifying that the reason she (L. Rowell)  
did not report the alleged exposure  
to the bus driver was because:

L.R.: It was a different driver then  
when it happened. I didn't even want to  
talk about it right then. I can't explain  
really other than it was purely an emot-  
ional decision. I was just really upset  
and didn't want to talk about it. RP Sep 9, 09 at 36

However, one of the police reports, as well as,

the Certification for Determination of Probable Cause states:

"she thought about telling the driver but the aisle was too crowded" (Exhibit C)

(In my PRP I also apprise from Exhibit X that even the media reported that before the trial, with regards to the question why L.R. didn't report it to the driver if such occurred: "She told the police that the aisle was too crowded for her to reach the driver"

I submit to this court that because of the violation / misapplication of RCW 10.58(9)(2) and CrR 4.7(a)(1) by the state and the trial court when I contended during trial via my writ of mandamus, passed forward to the trial judge that the state had not complied with the "15 days before trial" prerequisite(s) (Appendix 1), the state still did not make the main witness L.R. available for interview within that 15 day period.\*

The state continued to produce its witnesses even after the trial began. 10/2/09 at 49  
Pointly, moreover, here, I contend that I did not receive a fair trial because had

\* As I contend in my PRP, I complained in my writ(s) to the court that L.R. was living out of Seattle and would return to Seattle only for trial; contrary to her testimony at trial.

my counsel been given a chance to interview Laurie Rowell in a timely fashion or more importantly had my counsel had <sup>been</sup> given an opportunity to watch the video earlier than during the trial and moreover, had she been able to cross-examine Laurie Rowell before Laurie Rowell had a chance to watch the video at trial and there after create a different story than prior to the trial, as reported regarding the reason why she did not tell the bus driver (even if she would have had to opt to shouting up to the driver even as she testified that she shouted at me, the defendant), the out come may have been different. After watching the video Laurie Rowell testified that the bus was not crowded. RP Sep 9, 09 at 49, and only because she could see while watching the video that my foot went in the aisle for only seconds, she there after which averred during testimony that she opted not to go up front and tell the driver because "of his legs sprayed across the aisle. I would have to step over him and get closer to him". RP Sep 9, 09 at 45. I submit to this court that up to date the jurors may not now appreciate after trial and now having

had an opportunity to see after the trial what the media had shown during or shortly before trial that L.R. had been reported to have told the police about "Crowded aisles on the bus. Please see exhibit X

Either the State did not disclose these matters to my counsel or my counsel failed to inquire. Still, the state was responsible for the disclosure.

"The prosecutor has a duty to disclose evidence that is materially favorable to the accused even if the accused does not request it." Please see

Penton v. Keman 528 F. Supp. 1020, 1038

In re Personal Restraint of Benn, 134

Wn 2d 868 at 916 "Due process" requires disclosure only of evidence that is both favorable to the accused and material to either guilt or punishment . . . . .

In applying this "reasonable probability" standard the question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial resulting in a verdict worthy of confidence . . . ."

Turning now to the failure to follow RCW 10.58.090(1) with regards Evidence Rule 403.

### Evidence Rule 403, ISSUE

The trial Court apprised her own ambivalence of RCW 10.58.090 with regards to her dilemma as she averred "double inquiry" of Evidence Rule(s) 403 and 404B, stating in retrospect that she did not "feel comfortable just construing this inquiry under the statute because I don't think it's been looked at much on the appellate level so far." RP Sep 2, 09 at 59. On that note the up-to-date-cases in the Court of Appeals aforementioned namely Gresham and Scherner explains the balancing of 403 and 404(b). In State v Gresham 2009 Wash. App Lexis 3108 NO. 62862-3-1 at ¶ 18:

"RCW 10.58.090(1) states, "In a criminal action in which the defendant is accused of a sex offense, evidence of the defendant's commission of another sex offense or sex offenses is admissible, not withstanding 404(b), if the evidence is not inadmissible pursuant to Evidence Rule 403."

At bar, the trial court erred under RCW 10.58.090(1) by violating Evidence Rule 403

because as in State v Scherner 2009 Wash.App. 3111 at ¶ 86:

"A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. State v Devinentis, 150 Wn.2d at 17"

I submit that the trial court's decision in my case before this court, to allow the prior Alford Plea conviction involving Amy Phan was based on the following untenable grounds, to name some, here:

#### Untenable Grounds

1. In her 3.5 hearing finding the trial Court erroneously included "a number of reports," alleged "victims" other than Amy Phan that the 3.5 hearing was to decide and "photographic evidence" from one of the incidents, whereas there was no photographic evidence of the Amy Phan case see Exhibit L. RP Sep 3, 09 at 42 and RP Sep 2, 09 at 30.
2. The trial court erroneously allowed the Prior Alford Plea Conviction when I had my counsel to bring it to her attention that it was an Alford Plea Conviction. RP Sep 9, 09 at 80.

I contend that <sup>the</sup> trial court erred by prematurely allowing Amy Phan to testify before using the provision of an Offer of Proof, for an attempt to prove beyond a reasonable doubt <sup>the</sup> Amy Phan Alford Plea Conviction. I submit that prior to Amy Phan's testimony and despite the court's reasons for admitting it, I, still, contend that she erred under Evidence Rule 403 when she found (the prior conviction) "was proved beyond a reasonable doubt..." RP Sep 3, 09 at 49. The premises for <sup>my</sup> argument is simply because I only took the Alford Plea to accept the state's offer to drop all the other allegations but there is no document with me accepting responsibility for Indecent Exposure to Amy Phan especially when D. Ditusa had confused the dates.

Clark v Barnes 150 Wn 2d 905, 917, 89 P.3d 245, 251. A defendant who pleads guilty pursuant to Alford Plea has not had a full and fair opportunity to litigate the issues in the criminal action.

Also please see New York Underwriters Inc. Co v Doty 58 Wn. App. 546, 794 P.2d 521, 524

3. The trial Court, at bar, erred when she admitted

the prior Alford Plea Conviction to show intent  
RP Sep 3, 09 at 49-51. The premises for my con-  
tention is stated below:

State v Price 126 Wn. App. 617, 109 P. 3d 27 "Washington  
courts have held that the statements made in an  
Alford Plea constitute an admission for purposes  
of Wash R. 801(d)(2). While the doctrine of  
collateral estoppel and Alford Plea is not admis-  
sible to establish a party's intent... Such  
a plea does not constitute an admission..."

This admission of Amy Phan's conviction had to be confusing  
for the jury because just as in State v Dewey 93 Wn App  
50,966 P.2d 414; 1998 Wash. App. Lexis 1562 at 93 Wn App 53

"The Superior ruled that this evidence was admissible  
under 404(b) ... as evidence of common scheme or plan.  
But the court did not allow the state to show that Dewey  
was convicted for the incident" —

the same as in this case at bar. However, the proof  
of the prior or 'a' prior predicate offense was a pre  
requisite as in State v Bache 146 Wn. App. 897:193 P.3d  
198; 2008 Wash App. Lexis 2438. However, the state did not  
prove the predicate offense before the jury in this case  
at bar, especially when in my case the jury was  
not sure of when the predicate offense supposed.

to have occurred. see Appendix 2. Ergo, that predicate offense was never proved in this case, or decided by the trier of facts in my case at bar. I submit that there was no proving of the predicate offense, {required} simply premised on the stipulation (that my counsel ineptly entered with<sup>out</sup> consulting first me or garnering my approval or endorsement\*), nor proving with the J&S that <sup>the</sup> State told the Judge that she had because the prior conviction was via an Alford Plea.

State v Kimbriel 8 Wn. App. 859, 864 "it has long been the rule in this state that examination of a defendant with regard to prior convictions is error when the prosecutor is either unwilling or unable to prove the alleged conviction upon witness denial. State v Beard v Beard 74 Wn 2d 335, 444 P.2d 651 (1968);"

— State v Bache 146 Wn. App. 897; 193 P.3d 198; 2008 Wash. App 2438 at ¶ 21 " Prior convictions

certainly pose a great risk of prejudice. Id at 148.

And so the element of these predicate crimes may be more properly addressed through a special verdict

form. Id But the state must, nonetheless, prove these these predicate crimes beyond a reasonable doubt. Id at 46. (Citing Winship, 397 U.S. at 364)

\* Please see authorities on

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next page at footnote for my

Contention of Counsel Stipulating without my signature

4. The trial court erred in her findings and conclusions of law required by CrR 3.5 when she found: "The defendant's testimony was not credible regarding additional questioning after the interview," because the court would not grant my request to see the end of the video in question (RP Sep 3, 09 at 28-29) that my counsel deficiently allowed the state to prematurely end. (RP Sep 3, 09 at 5-6. In my PRP I provide proof that D. Gordon returned to further question me

\* authorities for stipulations unsigned by me, the defendant (contention)

Turner v. Briggs 94 Wn. App. 305 "orders entered without clients authority are voidable and may be vacated.

See Haller 87 Wn 2d 545

Long v. Harold 76 Wn App 317, 884 P.2d 934 (1994) (Part IV  
Rules for Superior Court - Rule 2. A. Stipulations  
No agreement or consent between parties or attorneys in respect to proceedings in a cause, the purport of which is disputed will be regarded by the court unless the same shall have been made and assented to in open court on the record or entered in the minutes or unless evidence be in writing and subscribed by the attorneys denying the same.

as reported by D. Ditusa. Please see Exhibit M.

5. The trial court failed to be reasonable in her decision under RCW 10.58.090(1) and Evidence R.403 to allow the prior conviction for Common Scheme or Plan. The Court admitted to me that she thought there was a risk of prejudice but she did not aver that it would be "unfair prejudice". She did not think that a jury would be confused or misled. RP Sep 3, 09 at 47-52. The jury's inquiry and the court's response (Appendix 2) apprise that they were just so, confused. The court's error, I would suggest came from D. Ditusa's earlier confusing the Amy Phan's allegation with other allegations, unbeknownst to me, at that time, that she actually did not have. I testified in this case at bar, that I never had seen Amy Phan before and more momentarily, here, I testified before the testimony and presence of Amy Phan during the trial at bar on cross exam that: "I didn't find out that the incident was supposed to be on January 8th until after I got my judgment and sentence. I was working for a lady named Mary Joseph, a Nigerian woman".

... "I didn't find out until I got my J and S, and that was on a Monday and I was working from sun<sup>up</sup> to Sundown." RP Sep. 3, 09 at 36-37. I submit to the court that the trial court therefore, acknowledged from my testimony that I denied even being at the scene involving Amy Phan (RP Sep. 3, 09 at 51), yet she, (the trial court) tenaciously stuck to the confusion that D. Ditusa had created with the dates and the subject of the "reaching in his clothing." RP Sep 3, 09 at 51) Howbeit, the court stated "...he has denied being the person..." RP Sep 3, 09 at 51, so that she failed to discern that it thereafter<sup>was</sup> not a matter of intent, motivation or plan but an issue of identity. And as I already argued, I contend that it was error and an abuse of discretion for the trial court to hold that the Amy Phan prior-conviction was "proven beyond a reasonable doubt" RP Sep 23, 09 at 49 merely because it was a conviction, because it was<sup>so</sup> via an Alford Plea and never<sup>was</sup> adjudicated, as regards, proven by a trial. Ergo, because the matter was rightly one of identity the misapplication of RCW

10.58.090 (1) under Evidence Rule 403, I contend, confused the jury as can be depicted from their inquiry (see Appendix 2) where they inquired:

"Clarification of Stipulation - Did the conviction happen on Jan 28, 2009?"

I contend that the trial court's response was leading by use of emphasis placed and the re-iterating 'clues' had the "prior Convictions". I contend that telling the jury that there was a conviction without proving it was ineffective Counsel. Strickland v Washington 104 Sct. 2052, 466 US at 688 and a conflict of interest Cuyler v Sullivan 466 at 346, especially too, when Counsel did so without consulting with me. I contend further that the prejudice was exacerbated when the Court emphasized as aforementioned "had" "prior"

State v Lough 70 Wn App. 302 at 322 "Repetition and commonality of features, until a threshold of improbability is reached, are irrelevant, for they may be based on coincidence or they may tend to establish only propensity - the forbidden inference by which a defendant may be deprived of his or her right to a fair trial."

Please review the Chart appraised below for:  
Common Scheme, or Plan(?)

(Prior Alford Plea Conviction) of <u>Amy Phan (A.P.)</u>	(Trial) of <u>Laurie Rowell (LR)</u>
1. defendant <u>denied</u> being at the scene RP Sep 3, 09 at 36-7	1. defendant <u>admitted</u> his presence but denied the act of Indecent Exposure RP Sep 09, 09 at 75-78
2. <u>NO</u> video or stills taken RP Sep 2, 09 at 30/exhibit L	2. <u>Video and stills</u> provided RP Sep 09, 09 at 39
3. A.P. testified that she "took the first seat on the bus" RP Sep 09, 09 at 61 [indicative to a crowded bus]	3. L.R. testified that the bus was <u>not crowded</u> RP Sep 09, 09 at 49. <sup>But</sup> L.R. had told the police that bus was crowded ( <u>exhibit X</u> ); Video and Stills apprise <u>no crowded bus</u> ( <u>exhibit K(3)</u> )
4. Incident allegedly on a " <u>Monday</u> " at " <u>like 5:30 PM</u> " RP Sep 3, 09 at 37 and Sep 09, 09 at 61	4. Incident alleged on a " <u>Wednesday</u> " at " <u>2:45</u> " PM RP Sep 09, 09 at 31 and 45
5. A.P. testified that <u>she</u> got on the <u>bus</u> after the alleged offender and he was <u>already</u> " <u>touching himself</u> " and she could see RP Sep 9, 09 at 61-2 / Police report - Exhibit L	5. L.R. testified that <u>I</u> the defendant got on the bus <u>after</u> her and allegedly begin the touching concealed and <u>when she shouted</u> allegedly, I, then, <u>overly-exposed</u> RP Sep 9, 09 at 31-33

(Continued)

Common, Scheme or Plan(?) (chart)

Amy Phan  
6. A.P. testified that she  
"Sat next to another Asian  
American" RP Sep. 09, 09 at 61  
and A.P.' deposition states  
that another female was also  
viewing the over-exposure  
Police report - Exhibit L  
RP Sep. 09, 09 at 61

7. A.P. did not testify to talk-  
ing to the said exhibitionist  
but said she went to tell  
the driver and "there was  
a big commotion and he  
said let me off, let me off"  
and I [she] said to the driver  
"don't let him off" but the  
driver had let him off RP Sep 9, 09 at 63-4  
In her written statement she  
complained about the driver  
not trying to help her and  
let the said offender off  
before getting to a bus stop  
Exhibit L

Laurie Rowell

6. The still presents  
L.R. sitting alone  
(Exhibit K(3))  
She testified being  
seated alone and  
that no one else witnessed  
it [or was victimized]  
RP Sep 9, 09 at 44

7. L.R. testified (after  
seeing the video and stills)  
that I, the defendant "got  
off on I believe 105<sup>th</sup>" but  
on cross examine testified  
"I didn't see where he went,  
I didn't [sic] (see) if he got  
off the bus. I lost visual  
contact of him when he  
walked to the front of the  
bus." RP Sep. 9, 09 at 45 and  
48. Also there was  
importantly an exchange  
of words between L.R.  
and RP Sep 9, 09 at

The chart on the previous pages was appraised to illustrate that even though the state tried to Co-erce a close similarity of the two allegations of Indecent exposure to Amy Phan and Laurie Rowell, I submit that the chart shows no indication that there was a plan or common scheme; first, because it was not proven that I was the perpatrator that exposed to Amy Phan and moreover their allegations do not show a plan of unique design. All snow flakes likely fall to the ground and eventually melt, howbeit, no snowflake is of the same design. I contend that the court erred by allowing Amy Phan's allegation and the State capitalized on that abuse of discretion using the opportunity to unfairly prejudice me. I, the appellant concede that comparing humans' behaviors to the countless designs of no flakes is candidly an unfair comparison, albeit, my point is that just because there are two uncommon reports of indecent exposure on Seattle Metro buses when the accused uncommonly exits the bus after the uncommon misconduct, does not prove that they are individual manifestations. In State v Dewey 93 Wn App. 50, 966 P2d 414 the court reversed a case of third degree rape

when the alleged incidents took place not on a bus as my case, (that is used not just by me for transportation, but for countless others), but in Dewey's common home; in his common bed. Albeit, the court found as follows: (in Dewey)

93 Wn. App. at 56

"By comparison, Dewey struck up a friendship with each woman and invited her on a date. After going out, Dewey invited each victim to his home and then forcibly raped her. After the rapes, Dewey acted as if each victim consented to the sex. With the possible exception of Dewey's conduct after the incidents, nothing in the rapes was unique or common only to these rapes. And we find Dewey's conduct after the rapes not sufficient to establish the "overarching plan" found in Lough."  
(State v Lough 70 Wn. App. 302, 853 P.2d 920.)

The more so, in this case at bar as illustrated there was untenable reasoning of the trial court in allowing the prior conviction to show Common Scheme or plan, because no overarching plan was found. Howbeit, the question any reasonable person would ask is why would, and how could a total stranger co-incidentally accuse another stranger of exhibitionism? I cannot answer why or how

Laurie Rowell did so. I would assume that she knows, as well as, my surmise would be that her husband/ (ex-husband/ boy-friend/ room-mate / Person that she says loves her, but he says "We are working on a divorce"... "We are close friends") perhaps knows her reason. {I do not emphasize the different ways Laurie Rowell's consort or paramour is/was so stated with any disrespect but just to give the court a point, if you will, a point of inference on what could have led to Laurie Rowell's (L.R.'s) Story} I realize that this court will not disdain the jury's ability to assess the witnesses' credibility (s). The jury had a chance to weigh Michael Rowell's testimony (of which I also contend was an abuse of the trial court's discretion to allow. The prosecutor misstated that Michael Rowell's testimony corroborated L.R.'s, RP, Sep 10, 09 at 8.

The jury had a chance to hear Michael Rowell testify and go beyond the allegation made by L.R. as he testified: "She told him to get away from her, get away and stop doing that, get away. He didn't. He just kept sit [sic] there, doing what he was doing until I think the bus driver made him leave or he got off

or something." RP Sep. 9, 09 at 57. The jury may have not caught the overstatement as compared to L.R.'s version of events or they may've noticed it and treated it as innocuous. I do not ask this court once again to second-guess the jury. Howbeit, I do believe that we all can agree that either Michael Rowell added to L.R.'s story or she told the jury different than what she told Michael Rowell. That being neither here, nor there, whatever; the motive to lie; a motive is apparent. But again why and just as important is how and why did they (the trier of the facts) also, fail to consider it? I submit to the court that the trial court answered that question herself, as she, also, caused the jury to miss this momentous clue(s) by her invading the province of the trier of facts when she excluded exculpatory evidence. I will expound upon that exclusion of evidence, fittingly, in my conclusion. Howbeit, please first allow me to set the prelude for that remonstrance with <sup>the</sup> following ways in which

I contend...

the state's Prosecutorial Misconduct unfairly prejudiced me and ergo, did not afford me a fair trial.

### Prosecutorial Misconduct

As stated from the onset of this statement of additional grounds, the trial court in this case proceeded with a novice out-look of the statute RCW 10.58.090, even as, from what I garner, she must've felt that this court too, had not, at that time, become acclimated with (the statute). I am averring so because she stated:

"I don't feel comfortable just construing this inquiry under the statute, because I don't think it's been looked at much on the appellate level so far." RP Sep. 2, 09 at 59

With the ambivalence of the Court being expressed regarding the statute there was given 'added room' for the state's gamemanship when the court averred...:

"I don't order prosecutor S not to engage in misconduct either because I know they won't." RP Sep 3, 09 at 47

... The prosecutor took advantage of such generosity and violatively prejudiced me. Because I expound in colossal exegesis on the subject of Prosecutorial

Misconduct in my PRP, and should this court decide to consolidate the pleadings, than I will try to curtail the issue(s) and be as germane as I can, as follows:

1. The prosecutor violated RCW 10.58.090 (2) and CrR 4.7 as shown previously. (158P.3960-61):

"In order to provide adequate information for informed pleas, expedite trials, minimize surprise, afford opportunity for effective cross examination, and meet the requirements of due process, discovery prior to trial should be as full and free as possible consistent with protections of persons effective law enforcement, the adversary system, and national security." State v. Yates, 111 Wn.2d 793, 797 765 P.2d 291 (1988).

2. The prosecutor violatively excluded exculpatory evidence when the state did not provide a 'different camera angle'. This is relevant because not just the fact alone of the jury not being able to see below my mid-section on the video but as I've argued in my PRP and clamored to my defense attorney during trial, that the state was withholding a different footage or camera angle to look for L.R.'s testified reactions.

It has been connoted to me that in order for me to raise this issue of prejudice I would have to produce the said-other camera angle via a PRP. Howbeit, I contend that the record provides the Court recognition that such an "other camera angle" existed because:

a) The video shown at trial only showed me, the appellant and did not show L.R., as L.R. testified to not seeing herself in the video. R.P. Sep 9, 09 at 42 and 52.

Also, L.R. and I, the defendant testified that another woman got off the bus shortly after I got on. R.P. Sep 9, 09 at 49 and 76-7. The video provided did not show the other woman getting off the bus.

b) D. Young<sup>had</sup> showed me a still of L.R. and I sitting at the same time. See Appendix 3 at p. 12

c) The still apprised L.R. sitting where you could see where I was sitting before I got up from the view of us at<sup>the</sup> same time. See exhibit K(3)

The fact that we could be seen juxtaposed is/ was relevant because<sup>the</sup> jury would've been able to look for<sup>L.R.'s</sup> reactions, if any, to decide the truthfulness or mendacity of L.R. or I. After my contentions to my counsel during trial on the matter, instead of her addressing the matter as an objection to the Court, she ineffective

ly only tried to appeal the exclusion of the exculpatory evidence by making innuendos of it in her closing argument to the Jury:

MS. Lynn: It doesn't show anything. It part of those cameras that capture different movements and we saw an angle, but it didn't show anything and as I told you in opening, it's too bad it isn't in a different placement because it could have exonerated him." RP Sep 10, 09 at 21-22.

As I've contended in my PRP, as I do here, such a statement was ineffective Counsel that only exacerbated the ordeal by needling the jury, especially too, when she'd garnered testimony from L.R. that she (L.R.) was not apprised on the video.

MS. Lynn: We've seen on this videos doesn't include you?

L.R. : Correct

MS Lynn: In fact you were seated in the back your headphones on, right?

L.R. Yes RP Sep. 9, 09 at 42

Still, albeit, the state was responsible for the video. Even if they would've produced another one of Just L.R.

"The prosecutor has a duty to disclose evidence that is materially favor to the accused even if the accused does not request it." See Penton v Keman 528 F.Supp 1020 at 1038.

citing Stricker v Green 557 U.S. 263, 280,  
in my case, at bar the...

Jury must have considered that there reasonably should have  
been another camera angle as they inquired:

"May we watch the video again at 1:10?"

"May we see different camera angles?"

Court's response

3. yes, we'll will arrange for you to see the video but it possible  
it may not be until 1:30 P.M.

4. No, you will be able to view the exhibits as admitted only.  
please See Appendix 2

3. The Prosecutor misled the jury and discredited me  
by telling the jury that I had not been honest  
to them with regards to the interrogation by D.  
Young when the court had in contrast ruled unbe-  
knowing to the jury that with regards to  
that interrogation (as <sup>the</sup> court showed her  
favoritism toward the state\*) because, as she  
asserted "He made a clear and unambiguous  
request for Counsel"... detectives did not  
simply stop"... unfortunately that means  
that everything said there after is inadmiss-  
ible". RP Sep 3, 09 at 44

4. The prosecutor and my counsel prejudiced me  
by allowing <sup>hearsay</sup> testimony about Patricia Turner  
and D. Grossman, that were present during

\*I'm averring that the trial court appraised bias here  
because she did not say "unfortunately for the State  
so that it was so, for her personally.

D. Young's questioning of me because the Court (while abusing its discretion) allowed the prosecutor to discredit me with the rebuttal testimony of D. Young and to follow it up in closing argument, momentarily regarding my testimony that I got caught in/on my zipper and my not telling the detectives, whereas, "they" [D. Grossman] was saying "And you were working it." RP, Sep 9, 09 at 94 I invite this court to please consider the investigation transcript that the jury asked for in their inquiry that the Court refused (Appendix 2); and from the onset it's cognizant that a discussion of me being accused of Indecent Exposure had already begun before the recording began because after the recorder was on, and he began to read me my rights and I thereafter asked to have my counsel present, the 1st thing I responded to was "I haven't did any indecent exposure at no time I'm." (Appendix 3 at p 1) As regards the Miranda D. Young said "It's just standard procedure, We read this all the time... We read this

to people all the time and don't arrest them." and D. Grossman was being adamant that he had to read it just "So he can tell you why he's here and what'd (unintelligible)... See Appendix 3

The State and my counsel did not allow for the Jury to hear from D. Grossman and Patricia Turner as they both had input at the interview and witnessed it. Also, I did tell Patricia Turner about the zipper incident before the trial. See Exhibit E

5. The prosecutor's closing argument was improper and the prosecutorial misconduct was not harmless because she appealed to the jury's sympathy by having them, especially the women, (especially, the juror, of which I contend should have been excused because she had been the victim of Indecent Exposure), to put themselves on a metro bus and personally be victims themselves, or women they knew or "anyone else". She made non expert testimony about me being able to walk being caught in my zipper and asked the Jury to convict me for women, not discussed at trial, beyond the scope and to have me pay for Amy Phan by conviction of Laurie Rowell or/and vice versa. Convict me to pay for Laurie Rowell with Amy Phan's allegations.

6. The prosecutor violatively and mendaciously vouched for the veracity of L.R. by stating that L.R.'s story was corroborated by Michael Rowell. RP Sep 10, 09 at 8-9. Howbeit, Michael Rowell's testimony went beyond the story L.R. testified to. More importantly, the Judge did not state that she was admitting Michael Rowell's testimony to corroborate the truthness of L.R.'s testimony. RP Sep 2, 09 at 53. This was improper by the State and prejudiced me unfairly. The prosecutor also lied to the Jury averring that L.R. statements to the police had been consistent. The police reports and certification for Determination of Probable Cause and her testimony shows that untrue. Please compare Exhibits C, K and W. The prosecutor lied to the Jury that L.R. had reported the allegation to the police on two different occasions." RP Sep 10, 09 at 9. This was not true because the State was referring to Young and before him, Thomas. Howbeit, the Jury was not told that before L.R. talked to Thomas the police earlier had not found probable cause and told her that there was nothing they could do.

Please see (Certification For Determination of Probable Cause) Exhibit C.

7. The prosecutor made improper statements by misstating the law when she turned the jury's attention to instruction number three. During that phase of her closing argument she averred, in relevant part:

"Now the law recognizes that there are limitations on jurors. None of you were there during the incident, so you can't know beyond a shadow of a doubt. It's not beyond all doubt. If you were there you would be witnesses in [sic] case instead of jurors." RP Sep 17, 05  
at 7-8

Here, not only did the prosecutor subtly shift her (the state's) burden of proof over to the jury and relieve herself by saying in effect 'you weren't there so you can't prove it, either, beyond all doubt'; but she invaded the province of the jurors and expunged the presumption of innocence by co-ercing the juror(s) to engage in such a thought process. I'm asserting so because<sup>as</sup> a famous man named Marvin Gaye once sang 'Believe half of what you see, some or none of what you hear.'

Ergo, she wrongly imposed on the jury to

make themselves present at the incidence or to imagine so and if they could not, then as she went further, her case would then be proven beyond a reasonable doubt as she asserted by the as-she-averred-corroborated hearsay statements that Michael Rowell, D. Young and D. Thomas testified to regarding, allegedly, what L.R. told them. I submit that not only have I uncovered the inconsistencies of L.R. testimony and those witnesses and the inconsistent police reports, howbeit, I contend, even if the Judge had not allowed those witnesses and the juror(s) had instead been "there during the incident" as the prosecutor imposed them to engage in such a thought process, it did not prove or rather would not have proven beyond a reasonable doubt that first, the Jury would have been witnesses. Please be mindful, I implore you, that there were others present on the bus, that in fact, did not become witnesses.

"The "Bedrock upon which [our] criminal Justice system stands does not erode simply because the State presents witnesses

that supports its theory of the case. Bennett, 161 W.2d  
at 315 as quoted in State v Venegas 155 Wn.App. 507,  
228 P.3d 813, 822

I contend also in this case that even if one of the Jurors or any/all of the Jurors had been present at the incident at bar, does not mean they would have been witnesses, for a second reason, because had they been so, it's possible too, that it may have not been a trial at all, because it's possible that they may have resolved the matter through a reasonable intervention. It also possible that may have not seen the incident the way L.R. alleged she did. I offered the court an adage from the song by an old singer, Marvin Gaye, ("Heard it through the Grapevine") not to amuse the Court but to illustrate how the minds of Common people percieve what they see, differently. The juror(s) may not have seen or percieved the incident the way L.R. asserted and that is my reason for arguing that it was mere sophistry that the prosecutor used improperly.

State v Davenport 100 Wn. 2d 757 at 763 "The prosecuting attorney misstating the law of the case is a serious irregularity having grave potential to mislead the jury."

Again, Prosecutorial Misconduct is argued in my PRP, albeit, again because necessity behooves me to address my contention now, I will try to laconically quote from the verbatim report<sup>s</sup> some of the major improper Comments of the prosecutor in her closing argument that I contend were designed to use sophistry to appeal to the jury's base passions and sympathy and to convict me for protection of presumed other victims. From the record:

States closing arguments RP, Sep 10, 09 at (-)

(the emphasis has been added by me; appellant):

"I want you to think about riding the bus" (5)

"you're on your way to work" (6) "A lots of

young women on the bus" (6) "And there's not

really anywhere to go on the bus until you

stop and exist" (6). "We make the choice

of who we get to see naked" (6) "If

you were there you would be witnesses (8)

... "maybe he enjoyed the thrill of getting caught, maybe the thrill of cornering

young women on the bus" (11)

... this kind of action on a public bus

in the middle of the daytime to a perfect

stranger..." (14) he testified about ten

years rides the bus frequently" (16)

"Convict him because he doesn't get to make that choice for Laura Rowell or for anyone else" (17)

"That's his scheme. That's the way he corners young women and then exposes himself" (25)...

"Is that a convenient venue to encounter young women? Maybe, we don't know. (26) ... hold him accountable for that, as well" (26)

Merriam Webster's Collegiate Thesaurus (1998) defines "as well" as "also", "additionally", "besides", "furthermore", "likewise", "more", "too", and "over and above". So that the prosecutor in my case in bad faith appealed to the Jury's sympathy to convict me for Amy Phan and Laura Rowell and, (also, additionally, furthermore) "Young women" and "anyone else" that rides Metro Buses. See Media's effect, Exhibit X(4)

State v. Belgrade 110 Wn.2d 504, 507 "The Court citing State v. Claflin, 38 Wn App. 847, 690 P.2d 1186 (1984) review denied, 103 Wn.2d 1014 (1985) recognized that mere appeals to jury passion and prejudice, as well, as prejudicial allusions to matters outside the evidence are inappropriate. State v. Belgrade 46 Wn App 441, 448 730 P.2d 746 (1986) review granted 108 Wn 2d 1002 (1987)

In conclusion even if this court should agree with some or all the errors that I've assigned, but would not deem any one of those errors, alone as qualifying reversal, then I ask this court to consider those errors with the shown undisclosed (to the jury) impeachable evidence, together, as cumulative error which was unfairly prejudicial. Please refer to State v Gregory No. 71155-1 (Wash 11/30/2006) at 80 and Ben v Lamert 283 F3d 1040, 1056 (9<sup>th</sup> cir 2002)

Finally, returning now to my assertion at page 33 of this Statement of Additional Grounds, where I averred that even the trial Court answered herself why and how the trier of facts could not consider how and why Laura Rowell's allegation came about. I am behooved to add as I've shown it was kept from the jury that the police that L.R. first talked to, told her that there was nothing they could do. Exhibit C . . . She being spurred by her co-hort went further by during her owned research. As the report shows she "was thinking" that I was masturbating underneath the newspaper. . . .

submit to this court that her surmise alone, googled into her search engine <sup>with</sup> words such as 'sex offender' and 'Metro bus' and 'masturbation' would give her my name and picture. Ergo, she and/or Michael Rowell plagiarized from the Seattle Weekly. It is considerably apparent by the way her story from the onset tried to match Amy Phan's. I submit that the Judge abused her discretion by excluding this evidence. Please consider:

The Court: Here's my concern: To the extent that the defendant was allegedly caught masturbating earlier or allegedly the subject of a newspaper article about look out for this guy, he's bad and he's on a bus, that's classic 404 B evidence, and I'm really having trouble finding that's more probative than prejudicial here . . . . RP Sep 2, 09 at 63 . . . It's why she saw the picture that's concerning. You can see somebody's picture on the internet for a lot of reasons. But it's the reason she saw the picture that bothers me up front. My inclination, unless somebody objects to it, is to provide testimony from her that after the event she saw a picture of the defendant, she called the police they moved forward from there. Okay?

Without saying how it was she came to see the picture.  
Miss Scudder: That's fine. RP Sep 2, 09 at 64-5.

I submit not only did the Court advise the state to elicit perjury but "Courts generally should not exclude

evidence under ER 403 where the evidence is  
"crucial to the central contention of a valid defense"  
see 5 Teglund, Washington Practice: Evidence Law and  
Practice 403.9, at 468. Also Please see State  
v. Roberts 80 Wn. App. 342, 352, 908 P.2d 892 (1996).

I contend there that the trial court at bar  
based her decision to exclude the truth about  
how L.R. came about my picture on-line was,  
"under ER 403, on an untenable ground."

"A trial court's erroneous exclusion of evidence  
in a criminal trial is not harmless if there  
exist a reasonable probability that the  
outcome of the trial have been materially  
affected had the evidence been admitted."

see Kennewick v Day 142 Wn. 2d 1, 15.

Even when the court precluded full clarity  
of how L.R. saw my picture, with no  
objection from <sup>my</sup> deficient Counsel and an  
abuse of discretion from the Judge, that  
still allowed the state to elicit false  
and pre judicial testimony on the subject;  
as follows:

L.R.: My roommate wanted me to, and I said, What are they  
going to do about it. It happened two hours ago. The guy  
got off the bus. What are they going to do about it." He  
said you should still call." I saw the man's face on-line.

and so I called I think I called the Seattle Police  
and they transferred me to Metro police and I told  
them? RP Sep. 9, 09 at 37

(Please see the "google" L.R. found online Exhibit X(2) and (3))

I contend that not only did that testimony above go  
beyond the Judge's ruling a forementioned but it  
was also perjury that was inconsistent  
with the police reports and Certification for  
the Determination of Probable Cause. Actually  
the 1st police said there's was nothing they  
could do, Thus, she was not then, transferred  
to Metro Police as she testified. She did not  
just see my picture happen stancely (as  
she was violatively allowed to impress the jury, as  
if I was someone/bad in the media to look  
out for). See Exhibit(s). X(1)-(4)

State v Bartholomew 98 Wn.2d 173, 206 "The conviction  
must be set aside if there is any reasonable likelihood that  
false testimony could have affected the Judgment of the jury  
... where undisclosed evidence demonstrates that the pro-  
secutor's case included perjured testimony and the prosecutor  
knew or should have known..."

Considering the premises of this remonstrations  
and on the merits, this Court should grant  
reversal, and remand for re-trial or dismissal.

50 of 50

Respectfully submitted

08/27/10

*Michael*  
Michael Williams

Appendix 1 - Writ of Mandamus

Appendix 2 - Jury's Inquiry / Court's  
Response

Appendix 3 - Statement Form  
by Detective C. Young

Exhibit C - Certification for  
Determination of Probable Cause

Exhibit E - DOC Hearing (before trial)  
with CCO<sup>W</sup> Patrice Turner

Exhibit K - Police Reports  
(Thomas, Mc Mahon,)

Exhibit L - Incident Report  
Detective Dituska

Exhibit M - Incident Report  
Detective Dituska

Exhibit W - Police Report - Dt. C. Young

Exhibit X - Media Coverage

Appendix 1  
Exhibit

Writ of Mandamus  
filed with the  
Superior Court  
file Aug 21, 2009

**FILED**  
KING COUNTY, WASHINGTON

**AUG 21 2009**

**SUPERIOR COURT CLERK  
BY TRAVIS M. OGLE  
DEPUTY**

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

**STATE OF WASHINGTON**

Plaintiff/Petitioner,

vs.

Michael Williamson

Defendant/Respondent.

NO. 09-1-01631-0  SEA  
 KNT

Motion

is attached.



08-24-09. She added that there was a document that they were yet to get from the state. She was, after which, rather, vehemently, adamant that that was the length of what she could disclose to me. Ergo, while I remain optimistic about the out-come of my cause, considering my innocence and considering my, first, impression of Ms. Lynn (of which has not diminished), still, I have qualms, and reasonable concerns that it seems incredulous that I will be endowed with a fair trial because of the following:

### Contentions

- 1) I have not been updated on the status quo of my defense.
- 2) I have requested (via phone messages/voice mail, of my attorney), and implored the para legal to provide me "Discovery" (and re-assured her that - while I appreciate their concerns about my having the nature of such contents in my possession, in jail, it was OK, and she then averred that she would provide it), but I've only recieved the Certification of Determination of Probable Cause document (Recieved July 30, 2009).
- 3) I have requested interviews (and documents thereof) by my counsel of any proffered State witnesses and depositions (LR 26(2), to no avail.

- 4) I have made request of my attorney to subpoena for my defense, lay and expert witness(es); to no avail. She has not contacted any of my doctors or had me examined.
- 5) I have requested to see briefs of the defense theory and the paralegal has answered in writing "At this time we do not have briefing or jury instructions to provide you" (07/21/09). As of 08/17/09 I have not received those requested documents.

Once again, and even as I have already redundantly left messages on my Counsel, Kate Lynn's voice mail that while I am confident that she is a bonafide attorney, howbeit, to my chagrin I have not been able to garner the effectiveness from her to meet the prerequisite of diligence set down under the prongs of effective counsel appraised in the United States Supreme Court case of Strickland v Washington

Hopefully, Ms. Lynn will visit me and resolve this matter. However, I would deem it necessary, as I do, in the case of a guilty verdict, that I make record of this ordeal for appellate review.

The following authorities (rules) governs and supports the premises for my contention(s):

### Premises for Relief Sought

The premises for my contentions aforementioned numbered 1-5 on page(s) 2-3 are set forth in the following rule(s):

RCW 10.58.090(2) In a case in which the State intends to offer evidence under this rule, the attorney for the state shall disclose the evidence to the defendant including Statements of witnesses or summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or a such a later time as the court may allow for good cause.  
(emphasis added)

### LCrR 4.5 Omnibus Hearing

j) Discovery shall be completed to the extent possible during the plea bargain period following the initial arraignment. The parties shall have completed and furnished to the criminal motion judge and to counsel copies of their respective Omnibus application before the hearing. (emphasis added)

### Depositions and Discovery Rule 26

LR 26 Discovery of Possible Lay and Expert Witnesses  
and Scope of Protection Order

b) Disclosure of Primary Witnesses

Each party shall no later than the date for disclosure

designated in the Case Schedule. disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses.  
(emphasis added)

### Exclusion of Testimony

A person not disclosed in compliance with this rule may not be called to testify at trial, unless the court orders otherwise for good cause and to such condition as justice requires.

### Conclusion

Considering the contentions and premises, supra, it could be surmised that there is prosecutorial misconduct involved, but it is premature to contend at this time, without knowing the scope of what the state intends offer, and I do not know if they have or have not been cooperative with my attorney. "Strickland" apprises a "conflict of interest" not just when Counsel for the defense has connections or interest with a third party, especially of the opposing side, howbeit, but, when anything within the defense Counsel's representation "conflicts" with the interest of defending the defendant. Ergo, I beseech this Court's supervision and request that the record apprise my concerns via this writ.

*respectfully submitted*

Attachment  
Addendum  
Update

from \* foot note a page 1 of 5

(update) This is an update on the assertion made about having not communicated with my attorney Kate Lynn since July 1, 2009;

On Monday, August 17, 2009 I did get a visit, at the jail from my counsel, Kate Lynn (when she had also tried to visit me on that prior Friday, August 14, 2009, but something thwarted her, here, with the jail's slowness in bringing me out.

To my chagrin and pity for her she informed me that she had been into a bad traffic accident (her reason for not having been to visit, which I understand 100%). She averred that she is still trying to garner discovery from the state and interview witnesses.

I do sympathize with her unfortunate injury, and I do believe that this Court will be considerate of her handicap. Albeit, still I am behooved to ask the Court to address my previous concerns in order to afford me a fair trial.

Thank-you  
W. Gregory Williamson  
08/20/09

Appendix 2  
EXhibit

Jury's Inquiry &  
Trial Judge's Response

**FILED**  
KING COUNTY, WASHINGTON

SEP 10 2009

SUPERIOR COURT CLERK  
EILEEN L. MCLEOD  
DEPUTY

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

State of Washington

Plaintiff,

vs.

Michael D. Williamson

Defendant.

NO. 09-1-01631-0 SEA

INQUIRY FROM THE JURY  
AND COURT'S RESPONSE  
(JYN)

*Jurors: If you need to ask the court a question that you have been unable to answer among yourselves after reviewing the evidence and instructions, write the question simply and clearly in the space provide below. Please print legibly. The presiding juror should sign and time-date the question and give it to the bailiff. In your question, do not indicate how your deliberations are proceeding. Do not state how the jurors have voted on any particular issue or charge.*

Jury's Question:

MAY WE SEE EXHIBIT 10? (DET. YOUNG'S TRANSCRIPT)

CLARIFICATION OF STIPULATION - DID THE CONVICTION  
HAPPEN ON JANUARY 28, 2009.

MAY WE WATCH THE VIDEO AGAIN AT 1:10?

MAY WE SEE DIFFERENT CAMERA ANGLES?

DATE AND TIME: 9-10-09 11:40 JENNIFER McLELLAN  
PRESIDING JUROR

DATE AND TIME RECEIVED: SEP 10 2009 11:40 A.M.

\*\*\*\* DO NOT DESTROY - LEAVE IN JURY ROOM \*\*\*\*

1 **COURT'S RESPONSE:** (AFTER AFFORDING ALL COUNSEL / PARTIES OPPORTUNITY  
2 TO BE HEARD):

3 1. You have been provided with all the admitted  
4 exhibits. You may consider testimony concerning  
5 exhibits that we marked but not admitted,  
6 but no non-admitted exhibit will be provided to you.

7 2. The stipulation is that as of January  
8 28, 2009, the defendant had the prior conviction  
9 for a qualifying predicate offense.

10  
11 3. Yes, we will arrange for you to see the  
12 video but it possible it may not be until  
13 1:30 pm.

14  
15 4. No, you will be able to view the  
16 exhibit as admitted only.  
17

18  
19  
20  
21 

22 JUDGE CATHERINE SHAFFER

23  
24 DATE AND TIME RETURNED TO THE JURY: 9/10/09 11:55 AM  
25

26  
\*\*\* DO NOT DESTROY - LEAVE IN JURY ROOM \*\*\*

Appendix 3

EXhibit

interview by

Detective C. Young

&

D. Grossman

with the presence

and input of

Patrica Turner

CCO



SEATTLE  
POLICE  
DEPARTMENT

STATEMENT FORM

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Date: 02-25-09	Time: 1040	Place Department of Corrections
Statement of: <input type="checkbox"/> Complainant <input type="checkbox"/> Witness <input type="checkbox"/> Victim <input type="checkbox"/> Officer <input checked="" type="checkbox"/> Other: Suspect		
Name (Last, First MI) Williamson, Michael		DOB
Statement Taken By: Detective Chris Young	Serial 5977	Unit B722B
Transcribed by (Taped/Translated Statements) Michelle McRae	Serial 6513	Unit B720

YOUNG: All right we're recording now, today's date February 25, 2009 and the time is 10:40. This is Detective Young of the Seattle Police, let's see this is in regards to case #2009-41359 uh we're here at the Department of Corrections office with Mr uh Michael Williamson are you aware this is being recorded Mr. Williamson?

WILLIAMSON: Yes sir.

YOUNG: And uh his DOC Officer Patricia Turner and Kevin Grossman. Um ok so I would just like to know a little bit about you, um where are you living these days?

WILLIAMSON: I live at 4003 Airport Way South.

YOUNG: Oh ok and I forgot what I was saying I need to, need to advise you of your rights, get into this incident. Um before any questioning and the making of uh any statements um I'm gonna advise you that...

Unknown Person: (Cough)

YOUNG: One you have the right to remain silent, two anything that you say can be used against you in a court of law.

WILLIAMSON: That sound like you tryin to arrest me so I want to have a lawyer available.

YOUNG: So ok so you don't want to give a statement?

WILLIAMSON: Uh I do want to hear what you got to say, I know I ain't did no indecent exposure I could just tell you that bottom line.

YOUNG: Ok

WILLIAMSON: I haven't did any indecent exposure at no time. I'm...

YOUNG: Uh huh

Witness
Witness

X



**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: Absolutely positive about it.

YOUNG: Ok well I don't want to arrest you if didn't do nothing wrong but...

WILLIAMSON: Well I haven't did anything.

YOUNG: But I'm just reading you this...

GROSSMAN: Why don't you let him finish...

WILLIAMSON: Ok

GROSSMAN: And then if you want to stop...

WILLIAMSON: Ok

GROSSMAN: Or ask for a lawyer at any time...

YOUNG: Yeah

WILLIAMSON: All right

GROSSMAN: Just let, just let him finish the things and then...

YOUNG: Yeah

GROSSMAN: So he can tell you why he's here and what'd (unintelligible)...

YOUNG: It's just standard procedure, we read this all the time.

WILLIAMSON: Ok sir All right, all right.

YOUNG: We read this to people all the time and then don't arrest them.

WILLIAMSON: All right.

YOUNG: Ok anything that you say can be used a, against you in a court of law, uh you have the right at this time to talk to a lawyer and have him present with you while you're being questioned (unknown sounds in background). If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. You can decide at any time to exercise these rights and not answer any question or make any statements. So you understand those rights?



SEATTLE  
POLICE  
DEPARTMENT

**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: I understood.  
YOUNG: Ok  
WILLIAMSON: It's just like you just said.  
YOUNG: Having these rights in mind do you want to talk about this incident?  
WILLIAMSON: I, I, I don't even care cause I know I haven't...

YOUNG: Uh...  
WILLIAMSON: Did anything.  
YOUNG: Ok  
WILLIAMSON: But I thought maybe I could be helpful...  
Unknown Person: (Cough)  
WILLIAMSON: To you to help...  
YOUNG: Sure...  
WILLIAMSON: You appreciate that I haven't...  
YOUNG: Sure.  
WILLIAMSON: Did anything.  
YOUNG: Sure and I'm not gonna try to trick you or play any games.  
WILLIAMSON: I know that.  
YOUNG: But um so you said you lived on Airport?  
WILLIAMSON: That's right Airport way, 4003 Airport Way South.  
YOUNG: What building is that?  
WILLIAMSON: Um it's a orange looking building.  
YOUNG: Ok it doesn't have a name? Is it apartments?



**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: Ontario.

YOUNG: The Ontario ok.

WILLIAMSON: Uh huh

YOUNG: And are you working?

WILLIAMSON: Yes

YOUNG: Where do you work?

WILLIAMSON: I work for a lady uh up uh on Mary (beeping)

YOUNG: Oh North Seattle?

WILLIAMSON: Yes

YOUNG: Ok how do you get to work?

WILLIAMSON: On the bus.

YOUNG: Ok so what bus do you take there?

WILLIAMSON: I take uh number 15.

YOUNG: Uh huh any other busses?

WILLIAMSON: Always take number 15.

YOUNG: Ok so where do you catch the 15?

WILLIAMSON: I take it uh I walk over to from where I live at across ya know like uh fourth and (unintelligible) and I'm, I'm not gonna say that's the way I take it all the time.

YOUNG: Sure but typically.

WILLIAMSON: Most of the time that's where I walk over there and take it and it usually be like uh 27 or whatever then it changes to a 15.

YOUNG: Ok so do you catch it on Air, Airport way or 4<sup>th</sup> Avenue?



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DEPARTMENT

**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: Walk across the 4<sup>th</sup> see....

YOUNG: (Unintelligible)

WILLIAMSON: See Airport Way from, from there I walk through, through there...

YOUNG: Uh huh

---

WILLIAMSON: And take the bus.

Unknown Person: (Cough)

YOUNG: So you go to 4<sup>th</sup> then you, you go North on the 15. Now is this uh, this lady what kind of work do you do for her?

WILLIAMSON: Clean up her house and do yard work...

YOUNG: Yard work...

WILLIAMSON: Uh huh

YOUNG: Or inside work?

WILLIAMSON: Both.

YOUNG: Ok so she could be, she could maybe vouch for ya?

WILLIAMSON: Yeah well I'm, I'm gonna tell ya something...

YOUNG: Do you have her contact...

WILLIAMSON: I'm gonna be honest with ya know I'm not tryin to pull nothing on you, she's not always there when I'm working.

YOUNG: Ok

WILLIAMSON: See I got a key to her house.

YOUNG: Ok

WILLIAMSON: All right?



SEATTLE  
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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: Would you be comfortable telling me her name and number...

WILLIAMSON: Uh huh

YOUNG: And address?

WILLIAMSON: Yes

YOUNG: What's, what's her name?

WILLIAMSON: Pala, P-A-L-A.

YOUNG: P-A-L-A.

WILLIAMSON: Or Paula.

YOUNG: Ok

WILLIAMSON: Uh last name is Proud.

Unknown Person: (Cough)

YOUNG: P-R-O-U-D?

WILLIAMSON: Uh huh, D-E, Froude, Froude, Froude.

YOUNG: With an "F"?

WILLIAMSON: Yeah

YOUNG: What's the, what's the address there at Paula's house on Mary?

WILLIAMSON: In fact...

YOUNG: Do you know?

WILLIAMSON: I wouldn't know I think...

YOUNG: What's the cross...

WILLIAMSON: 80 something.

YOUNG: It, it's like cross street 80<sup>th</sup> and Mary Northwest?



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DEPARTMENT

**STATEMENT FORM**  
CONTINUATION SHEET

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: No about 85<sup>th</sup>.

YOUNG: Ok

WILLIAMSON: No wait a minute, yeah I guess something like that between...

YOUNG: Uh huh

WILLIAMSON: 80 and 85.

YOUNG: All right.

WILLIAMSON: I don't know the address.

YOUNG: So how long you been working for Paula?

WILLIAMSON: For about...Ms. Turner you know how long I've been working for her?

TURNER: No

WILLIAMSON: All right.

YOUNG: What's Paula's number?

WILLIAMSON: Uh I don't know her number.

YOUNG: Ok

TURNER: Do you have it in your phone?

WILLIAMSON: Huh?

TURNER: Do you have it in your phone?

WILLIAMSON: I don't have my phone.

YOUNG: So um I mean have you been working for her a month...

WILLIAMSON: Longer than that.

YOUNG: A week, a year?



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DEPARTMENT

**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: Longer than that.

YOUNG: Ok and uh...

WILLIAMSON: At, at least uh three months.

YOUNG: How did you get, is that an everyday thing or once a week or?

WILLIAMSON: Everyday pretty much cause I had a long thing to do for her cleaning her basement...

YOUNG: Uh huh

WILLIAMSON: And that took me almost a month.

YOUNG: Oh wow.

WILLIAMSON: And before that I was doing landscaping for her.

YOUNG: Now if I talk to her I'm not gonna throw you under the bus and tell her about your history but does she know you've been in trouble with the law?

WILLIAMSON: Yeah she know I've told her about that, I told her about the...

YOUNG: Ok

WILLIAMSON: Indecent exposure, told her about the rape against my first wife.

YOUNG: Ok, ok honesty's the best policy, um so when do you typically go up there?

WILLIAMSON: It varies uh mostly, typically I would say from uh 10:00 ta night.

YOUNG: Uh huh

WILLIAMSON: Uh huh till dark.

YOUNG: Ok do you have to switch busses downtown and all?

WILLIAMSON: No

YOUNG: Ok all right.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: But I'm not trying to say I have not switched em...

YOUNG: Sure, sure I mean your schedule...

WILLIAMSON: Yeah depends on what I'm doing if I'm going downtown to shop for something...

YOUNG: Uh huh

WILLIAMSON: I can cross over and take another bus and go downtown...

YOUNG: Ok

WILLIAMSON: I mean go to her place.

Unknown Person: (Cough)

YOUNG: Ok have you ever, would you ever take a number five?

WILLIAMSON: Not to go there.

YOUNG: Why not?

WILLIAMSON: Why would I take a five to go there? Five I think goes to uh somewhere like uh Aurora or something.

YOUNG: Ok so I have, I have a picture to show you.

WILLIAMSON: All right.

YOUNG: That's you on the five.

WILLIAMSON: It looks like me.

YOUNG: Do you remember that?

WILLIAMSON: No.

YOUNG: This is in January, I don't want to get the date wrong, January 28<sup>th</sup> at about 2:00 in the afternoon, 2:30.

WILLIAMSON: That look like me but I don't have a shirt that color.



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**STATEMENT FORM**  
CONTINUATION SHEET

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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: Well you have a shirt that's almost exactly like it on right now it's just maybe thicker (unintelligible).

WILLIAMSON: You know when I got this shirt here?

YOUNG: Yeah

WILLIAMSON: I got this shirt here about a week ago.

---

YOUNG: Uh huh

WILLIAMSON: I got this shirt...

YOUNG: Yeah...

WILLIAMSON: Here about a week ago.

YOUNG: (Unintelligible) and let's see ok.

WILLIAMSON: I got this shirt here about a week ago and I bought it in the thrift store right down the street from here.

YOUNG: Sure and...

WILLIAMSON: But that does look like me.

YOUNG: I mean this is you dude, this is you.

WILLIAMSON: Oh that is my shirt it, it is my shirt.

YOUNG: That's a closer picture, it's you.

WILLIAMSON: Yeah that's my shirt I, I got a shirt, I was looking at this one.

YOUNG: Ok so we know that's you well see this lady right here...in the back?

WILLIAMSON: Yeah I see her.

YOUNG: She's the one who filed a complaint.

WILLIAMSON: I didn't expose myself to nobody...



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: And she said...

WILLIAMSON: In no back uh no bus.

YOUNG: She said you were doing yourself a big favor underneath that newspaper.

WILLIAMSON: No sir.

YOUNG: And you flashed her.

---

WILLIAMSON: No sir.

YOUNG: Ok

WILLIAMSON: No sir.

YOUNG: And...

WILLIAMSON: I ain't flashed on nobody.

YOUNG: And check this out, check this out...

WILLIAMSON: I ain't flashed on nobody.

YOUNG: She's not even from Seattle dude.

WILLIAMSON: I ain't flashed on nobody.

YOUNG: She's, she's from like the Midwest.

WILLIAMSON: I haven't flashed on nobody I'm positively telling you the truth I haven't flashed on anybody.

YOUNG: Ok well hear me out, hear me out she doesn't know you, she doesn't know Seattle...

WILLIAMSON: I haven't flashed on anybody, I haven't flashed...

YOUNG: And I talked...

WILLIAMSON: On anybody, I don't even remember this person here but...

YOUNG: Uh huh

WILLIAMSON: You're saying that this person said this (tapping) so it look like I came from back there.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

*Exhibit*

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: Right...

WILLIAMSON: But...

YOUNG:  You were sitting back there. Um you were sitting back there next to her...

WILLIAMSON: I haven't flashed on anybody.

---

YOUNG: Ok

WILLIAMSON: I'm positively sure of it.

YOUNG: Ok well that's why I'm here, that's why I'm not assuming anything but check this out this lady is not from Seattle, doesn't know you, you don't know her...

WILLIAMSON: So you're saying why would she pick me out to say I, I flashed her?

YOUNG: Right.

WILLIAMSON: Yeah

YOUNG: And uh I mean this you were, she was here and you were seated, seated right here so can't really be seen on the video but you were like facing uh to the left of this.

WILLIAMSON: I have never in my life flashed on nobody sitting up there and they sayin how could I flash on her?

YOUNG: (Papers shuffling) see this seat here this is your, you're sitting right here right behind the back door I mean I've watched the whole video (beeping) and your feet are sticking out here and your heads here and she, this is her getting off the bus.

WILLIAMSON: Did it like appear to you that I was flashing?

YOUNG: I couldn't see your hands.

WILLIAMSON: I, I haven't, I haven't...

YOUNG: (Unintelligible) but...

WILLIAMSON: Flashed on anybody that's the truth.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: I'll, I'll be honest with you I'm not gonna, I'm not gonna lie and say we got you on video but...

WILLIAMSON: I never flashed on her, I never fla, I don't even remember that woman...

YOUNG: But...

WILLIAMSON: But that is me sitting there that's me right there (tapping) I'm not gonna try to deny that that's not me.

YOUNG: Right

WILLIAMSON: That's me but I didn't flash on anybody.

YOUNG: But the thing is...

WILLIAMSON: Maybe I might appear to look like that because I've done stuff like that before. ]

YOUNG: Right

WILLIAMSON: Maybe it may of looked like that to her.

YOUNG: It's the exact same thing you did in 2007 and she, she wasn't here in 2007 she doesn't know about it.

WILLIAMSON: I understand that.

YOUNG: So what are the chances that she sees a guy do the exact same thing you did in two thou...

WILLIAMSON: Maybe, maybe I was doing something of the nature, maybe, a lot uh time I get erections and I...

YOUNG: Yeah.

WILLIAMSON: And I straighten em up but I don't take my penis out uh my pants.

YOUNG: Right ok, uh...

WILLIAMSON: Maybe I reached down in my clothes and pulled my penis up this way.

YOUNG: Sure, sure

WILLIAMSON: And so it, so it but I didn't have....



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: Adjusting yourself.

WILLIAMSON: I've done that before.

YOUNG: I know.

WILLIAMSON: I'm not even saying that that's what I did at that time.

YOUNG: That's a guy thing, ok well what she told me was you had your penis in your right hand and you were rubbing it up and down and she told you to stop it and you moved the news paper and, so she could get a better view...

WILLIAMSON: No sir.

YOUNG: And you did that several times.

WILLIAMSON: That didn't happen, that did not happen.

YOUNG: Ok

WILLIAMSON: Not with me. Nobody would tell me, I haven't, first of all I have not done an indecent exposure since I've been out of jail.

YOUNG: Uh huh

WILLIAMSON: And if somebody if, if when I did used to do something like that somebody would uh told me uh stop doing that or something...

YOUNG: Uh huh

WILLIAMSON: I would uh probably took off runnin so that's the bottom line.

YOUNG: Well did you take off running in the last time you did it?

WILLIAMSON: I haven't did that in a long time.

YOUNG: I know but it was 2007 is your last, the last case of that.

WILLIAMSON: I didn't do that indecent exposure.

YOUNG: The one you got convicted of?

WILLIAMSON: I didn't do that.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: So you were falsely convicted?

WILLIAMSON: Yes I just...

YOUNG: So...

WILLIAMSON: I, I copped a plea.

---

YOUNG: Oh really, so what was the last time that you, you got caught doing it and you really did it?

WILLIAMSON: Probably 2003, 2003.

YOUNG: Ok and did that, was that on a bus?

WILLIAMSON: It was, I don't remember where it, no I don't think it was on a bus I think it was...

YOUNG: Uh huh

WILLIAMSON: Somewhere, where I did an indecent exposure over on 5<sup>th</sup>, not 5<sup>th</sup>, yeah 5<sup>th</sup> somewhere, a young girl saw me...

YOUNG: Uh huh

WILLIAMSON: Doing that to another woman and then I caught the bus with her, then she went and made a false story that I...

YOUNG: Right

WILLIAMSON: Exposed myself to her and I didn't.

YOUNG: Ok well I understand this is upsetting for you and I, I don't think...

WILLIAMSON: It's not upsetting for me cause I didn't do it I, I...

YOUNG: I don't think you're, I think you did do it.

WILLIAMSON: I didn't do it.

YOUNG: And I don't think you're a bad guy I just think you have...

WILLIAMSON: I didn't do it.



**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: A sex addiction problem.

WILLIAMSON: I didn't do it.

YOUNG: Ok

WILLIAMSON: I didn't do it. I did not expose myself to no, I don't even remember this person and...

---

YOUNG: I, I didn't say you did remember her I mean I don't remember the last person I rode with on a bus either ok.

WILLIAMSON: Well I know I didn't do no indecent exposure on no bus and nobody said stop...

YOUNG: You know busses have video on em now?

WILLIAMSON: Yes

YOUNG: Ok

WILLIAMSON: Yes and I wouldn't do an indecent exposure on somebody and then, and then they tell me stop doin that and then I, look it there's nobody on the bus why would I go back there expose myself to this woman, she tell me stop doin it then I flash my penis on her and then walk, walk for the bus driver seeing me knowing that I'm on camera?

YOUNG: Because you, because you...

WILLIAMSON: I wish I would never, I wish I hadn't even had that paper.

YOUNG: Cause it gives you sexual gratification to do it...

WILLIAMSON: But...

YOUNG: And you have a, a compulsion to do it that you can't control.

WILLIAMSON: I haven't exposed myself to nobody, I haven't exposed myself to...

YOUNG: You've had, you've been battling this issue since the 1970's and I know it's a huge problem and it's a, a huge addiction to have.

WILLIAMSON: But if anything, if anything...



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POLICE  
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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

Unknown Person: (Cough)

WILLIAMSON: I, I probably reached down in my clothes and pulled myself up but I never took myself out uh my clothes (beep)...

YOUNG: Ok

WILLIAMSON: Ever.

---

YOUNG: Ok (unknown person talking in background)

WILLIAMSON: Not since I've been out of jail.

YOUNG: Ok well we, we've established this is a problem in your life, this is a battle you have to deal with every day. I mean come on let's be honest do you, you've been in trouble for this in many different states ya know over...

WILLIAMSON: That's in the past.

YOUNG: The past 30 years and it's a battle for you, it's a struggle.

WILLIAMSON: That's in the past.

GROSSMAN: It's just like alcoholism.

YOUNG: Yeah

GROSSMAN: I mean it really is just like alcoholism.

YOUNG: It's uh...

WILLIAMSON: Let, let me just say something, I don't know where (unintelligible) I have not exposed myself to...

YOUNG: Ok...

WILLIAMSON: Anybody since...

YOUNG: Fine.

WILLIAMSON: I've been out of jail that's all I got to say.

YOUNG: Fine.



**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: I'm, I'm satisfied with that I know at least...

YOUNG: Well...

WILLIAMSON: Go ahead.

YOUNG: Hear this, check this out we, we know that this is a battle for you, it's an addiction that you fight every day its...

WILLIAMSON: But I have not exposed myself to anybody.

YOUNG: If you have these urges, fine, fare enough.

WILLIAMSON: I'm not even lying to you.

YOUNG: Now you're human you, we all make mistakes we're all human, if you did give into temptation and make a mistake for just a second...

WILLIAMSON: I would admit it.

YOUNG: And expose yourself would you admit it?

WILLIAMSON: I would admit it.

YOUNG: I mean the stakes are high for you because I mean are you aware of your offender score, I'm not but I mean are you? Well...

WILLIAMSON: Well it seems if you...

YOUNG: If you admitted to it what, what would happen, let's just say hypothetically, I'm not saying you did it but if you, right now, said Detective Young you got me I screwed up I did it, what would happen?

WILLIAMSON: I'd probably go to jail I'm sure.

YOUNG: For how long?

WILLIAMSON: I don't know.

YOUNG: Ok how do you feel about that?

WILLIAMSON: How do I feel about what?



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: If, if you did get convicted of this I mean what, what would your feelings be on that? Do you not want to go to jail? Do you want to go to jail? Don't care?

WILLIAMSON: Who, who, who would want to go to jail?

YOUNG: Some people do, some people do.

WILLIAMSON: But I don't.

---

Unknown Person: (Cough)

YOUNG: It's true, it's tough out there, it's hard to make it, some people like it in.

WILLIAMSON: One thing about it is...

Unknown Person: (Cough)

WILLIAMSON: I'm willing to go to court with that, I didn't expose myself to that woman.

YOUNG: Ok

WILLIAMSON: Whoever that is.

YOUNG: All right, Kevin?

GROSSMAN: I just would say, I mean the, the...

WILLIAMSON: -If I, if I had exposed myself I would admit it.

GROSSMAN: I, I, I understand the first step in getting help if you have a problem like you do just like an alcoholic...

WILLIAMSON: Ya know what?

GROSSMAN: Is admitting you have a problem and you haven't reached that step yet.

WILLIAMSON: Ok but you know what?

GROSSMAN: It's been, it's been what 40 years now? You, you're never gonna get help until you admit you have a problem.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: You, I did, let me, let me say something.

GROSSMAN: And you're not there yet so...

WILLIAMSON: Let me say something about that since you, since you got this on recording and we have...

GROSSMAN: Yeah

WILLIAMSON: I did not expose myself to that woman. I do realize that I've had issues with exhibitionism, the last time I took a lie detector test they had issues with that. I think about it I, sometime I fall asleep on the bus and wake up thinking that I've done that. I did not expose myself to anybody.

GROSSMAN: So but you would, you would admit that you have, you have an addiction, you have basically a chronic disease that you need treatment for, yes?

WILLIAMSON: But I, but I controls it.

GROSSMAN: You do?

WILLIAMSON: Yes I do.

GROSSMAN: How do you control it?

WILLIAMSON: I don't do it.

YOUNG: Do...

GROSSMAN: Um.

YOUNG: Michael do you know anybody that's an alcoholic?

WILLIAMSON: Yes I do.

YOUNG: You, you've heard of a relapse?

WILLIAMSON: Yes I have.

YOUNG: Ok people have relapses ya know they do.

WILLIAMSON: But I didn't have one. I did not take my penis out of my clothes.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: I think you did and I don't think you're a bad guy um it...

WILLIAMSON: (Sigh)

YOUNG: That's why I'm here to talk to you about this just man to man, I, I don't want to make a...

WILLIAMSON: I did not take my penis out of my clothes.

YOUNG: Huge deal out of this.

---

WILLIAMSON: I wouldn't lie to you.

YOUNG: You didn't hurt anybody.

WILLIAMSON: I never taken my penis out of my clothes since I've been out of jail...

YOUNG: Ok

WILLIAMSON: I could, when I tell her that, I tell her that with all confidence.

YOUNG: Ok

WILLIAMSON: I never thought...

YOUNG: Well...

WILLIAMSON: It would come to this day, I would be worried about that if I thought I had taken my penis out of my clothes.

YOUNG: So why would this lady lie on you man?

WILLIAMSON: Maybe, maybe it appeared to her, maybe somebody else has exposed to her before? Maybe I look like that type of person of cou...

YOUNG: Ya know she never she, she said you were a clean cut nice middle aged black man and she thought you were totally normal...

WILLIAMSON: Well that's beside the point.

YOUNG: And she was shocked.

WILLIAMSON: That's me right there (tapping)...



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: She was shocked.

WILLIAMSON: I know my face, that's my clothes.

YOUNG: She was, she's a normal nice 24 year old girl and she was really scared and she said this never happened to her before and she was petrified and didn't know what to do, she was really scared.

WILLIAMSON: I wish I knew what I had on that day, a why...

---

YOUNG: (Sigh)

WILLIAMSON: I mean as far as pants is concerned why did it appear that way to her because I didn't expose myself to anybody.

YOUNG: Well she said you weren't being, being shy about it, you had your erect penis out uh your pants and you were rubbing it and you were strategically moving the news paper so she'd get a nice view.

WILLIAMSON: No it didn't happen.

YOUNG: And she's describing the exact behavior that you've done over the years...

WILLIAMSON: That, that didn't happen.

YOUNG: The exact behavior.

WILLIAMSON: That didn't happen sir.

YOUNG: Ok

WILLIAMSON: I'm, I'm positively sure it didn't happen.

YOUNG: Ok

WILLIAMSON: First of all I haven't, I don't even get erections that much but the only...

YOUNG: Um...

WILLIAMSON: Thing I'm trying to say is if I was doing anything...

YOUNG: Uh huh



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: In a newspaper way it was probably straitening up my penis because I may have had an erection but I've been taking pills and stuff to keep from getting an erection.

YOUNG: What kind of pills.

WILLIAMSON: Some stuff that a doctor gave me?

YOUNG: Opposite of Viagra kinda?

WILLIAMSON: No it ain't opposite of Viagra.

YOUNG: I heard of that.

WILLIAMSON: I heard of it but it's some other stuff...

YOUNG: Uh huh

WILLIAMSON: Because I told him I was nightmares about that, he told me...

YOUNG: Uh huh

WILLIAMSON: He gave me that and it keeps me from even getting an erection.

YOUNG: Well maybe you were kind of a little bit out of touch and didn't realize you were doing it?

WILLIAMSON: I wasn't doing that.

YOUNG: Has that ever happened that you kind of go into, it's like a fugue.

WILLIAMSON: I'm not delirious.

YOUNG: Kind of a waking sleep.

WILLIAMSON: No I, I...

YOUNG: And do stuff you're not (unintelligible)?

WILLIAMSON: I, I waking up on the bus...

YOUNG: Uh huh

WILLIAMSON: It's oh wow (unintelligible).



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

YOUNG: Well that's possible.

WILLIAMSON: But I've never...

YOUNG: You could of...

WILLIAMSON: Did that on, on no bus. I never did uh...

YOUNG: Did you fall asleep then maybe and while you were asleep touch yourself? I mean you said. I mean you said yourself you have kinda nightmares.

WILLIAMSON: Yeah but my penis would uh had been out uh, out uh my pants though.

YOUNG: Well it's, only takes a second to whip it out ya know what I'm saying? And you could potentially, and or ya know I, I'll admit it sometimes I forget to zip up after I go to the bathroom and...

WILLIAMSON: Bottom line is you're gonna arrest me because you think I did it, I didn't that's all I got to say.

YOUNG: Ok

WILLIAMSON: I didn't, I didn't take my penis out of my clothes. At no time, on no bus since I've been uh, uh made my day (unintelligible)...

YOUNG: Uh huh

WILLIAMSON: Out here in the street.

YOUNG: Uh huh

WILLIAMSON: I have not done that, that's why when I sit there and took that lie detector test I could say with all (unintelligible) I have not had my penis out of my clothes and I'm very proud of myself that I have not had my penis out of my clothes.

YOUNG: And I'm proud of you too I mean you've struggled and you've worked really hard but everybody makes mistakes ok and you got to own up to em.

WILLIAMSON: I didn't take my penis out of my clothes.

YOUNG: Ok



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: You could give me a...

YOUNG: I don't...

WILLIAMSON: Lie detector test right now if you want to. I have not taken my penis out of my clothes or in January 21<sup>st</sup>...

YOUNG: What does it say?

---

WILLIAMSON: First, whenever.

YOUNG: It's January 28<sup>th</sup> sir.

WILLIAMSON: And in fact ya know I don't would you, so you wouldn't remember the person that you rode a bus with, I don't even remember that individual.

YOUNG: I didn't say you did.

WILLIAMSON: But I can't see that...

YOUNG: Oh she remembers you (laugh).

WILLIAMSON: Ok well fine.

YOUNG: That's the problem.

WILLIAMSON: Well.

YOUNG: That's the problem she remembers you and she was very descriptive and this woman's never been in trouble in her life, never lied that I know of and if she did, say hypothetically she did lie why would she describe what you've done in the past? What are the chances of that?

WILLIAMSON: But...

YOUNG: You know what I'm saying?

WILLIAMSON: I understand.

YOUNG: So...

WILLIAMSON: But I didn't do it.

YOUNG: Ok



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
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Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: That's all I got to say.

YOUNG: Ms. Turner you have anything to add?

TURNER: (Cleared throat) ya know Michael I, ya know I'm concerned, I mean clearly you and I talk on a regular basis about how you think about doing this but you, you control it and if you're saying...

WILLIAMSON: But he's saying, he's saying that the woman said stop doing that and that the pers, well that is me, that I'm allegedly say here take a look at this, that's rude.

YOUNG: Ya know she was scared, she's pretty young and this never happened to her before and she could of muttered or said, you might of not even heard her say that she, she admitted that she was scared and she just froze.

WILLIAMSON: But the thing is I haven't had my penis out.

YOUNG: Ok well she was very, very clear on top of that ok very clear so hypothetically if this goes to court what are you going to do?

WILLIAMSON: Do whatever I have to do, just tell em I'd never had my penis out of my...

YOUNG: Are you going to plead guilty?

WILLIAMSON: No I'm not.

YOUNG: Ok so you're gonna make this woman who has come to court and tell this whole story again cause she, I talked to her in an office like this and she was pretty upset, you have...

WILLIAMSON: She has every right to be if somebody...

YOUNG: Yeah

WILLIAMSON: If, if, if she think that I exposed myself to her if that's the truth but I haven't...

YOUNG: Yeah

WILLIAMSON: Exposed myself to her.

YOUNG: And I ya know everybody in this room we deal with this issue on a regular basis but I know it's still embarrassing ok and it takes a big man to admit when he made a mistake and this is embarrassing to talk about.



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**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # <b>09-41359</b>
RELATED EVENT#

Statement of: Williamson, Michael  
Transcribed by: Michelle McRae 6513  
Taken by: Detective Chris Young 5977

WILLIAMSON: I haven't exposed myself in public.

YOUNG: Um and I, I think...

WILLIAMSON: I have not exposed myself in public at no time since I got out of jail.

YOUNG: Ok

---

WILLIAMSON: If this person says that somebody, that this man, me, was masturbating, you can see that is me I'm not gonna deny that that's not me.

YOUNG: Uh huh

WILLIAMSON: That is my face, I know my face.

YOUNG: Sure.

WILLIAMSON: That is when you, when I first showed you this shirt that's not the same shirt, I do have a shirt...

YOUNG: Some...

WILLIAMSON: Like that...

YOUNG: Fair enough.

WILLIAMSON: I still have that shirt.

YOUNG: Fair enough.

WILLIAMSON: But I did not expose myself. I see myself with a newspaper, I regret that I had a news paper I said I was gonna stop taking news papers...

YOUNG: (Laugh)

WILLIAMSON: But I, I have news papers...

YOUNG: Ok

WILLIAMSON: I eat on news papers, I use news paper to clean out one uh those windows and stuff.

YOUNG: Oh you were using the news paper all right.



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DEPARTMENT

**STATEMENT FORM**  
**CONTINUATION SHEET**

GENERAL OFFENSE # 09-41359
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Statement of: Williamson, Michael  
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Taken by: Detective Chris Young 5977

WILLIAMSON: Ok...

YOUNG: That's your MO.

WILLIAMSON: I'm done.

YOUNG: All right well I'm gonna have to take you in...

---

WILLIAMSON: I know.

YOUNG: Michael. Can you stand up and put your hands behind your back please?

WILLIAMSON: Yup.

YOUNG: Thanks.

GROSSMAN: Well take those off first.

WILLIAMSON: Oh you want to take them off?

GROSSMAN: No just wait...

WILLIAMSON: Or you can leave em on it don't really matter.

GROSSMAN: Just wait.

WILLIAMSON: Well Ms. Turner I guess I'm gone for good now but I did not expose myself cause...

YOUNG: Ok

WILLIAMSON: That's all I'm gonna say.

YOUNG: I'm gonna go ahead and turn this recording off, it's uh 1103.

Appendix

EXhibit C

Certification of Determination  
of Probable Cause  
Cause No 09-1-01631-0 SEA

Exhibit  
C

CAUSE NO. 09-1-01631-0 SEA



**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

GENERAL OFFENSE # 2009-41359
UNIT FILE NUMBER

That Christopher Young is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2009-41359;

There is probable cause to believe that MICHAEL DEGALVEZ WILLIAMSON committed the crime(s) of Indecent Exposure RCW 9A.88.010 within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

The victim in this case is a 24-year-old woman named LR. On Wednesday, January 28th, 2009, at around 2:05pm, LR boarded a King County Metro bus in downtown Seattle. She was taking Route 5 to her home in North Seattle. She sat in the left rear corner of the bus. LR saw a middle aged black man get on the bus after she had been there several minutes. The man sat on the other side of the bus across from her, behind the rear door. She noticed that his lap underneath his newspaper was moving and he was looking at her. Thinking that he was masturbating, LR glared at him and told him to "stop it." He responded moving the newspaper and exposing his erect penis to LR. The suspect was holding his penis with his right hand and moving his hand up and down. She then looked away, but every time she would look at him he would expose himself to her. LR said that she was shaking and trying not to cry. She thought about telling the driver, but the aisle was too crowded to move quickly away from him. Nobody else saw him touch himself to her knowledge. The suspect touched himself 5-7 minutes. He got off the bus before she did in the area of the Aurora Bridge. ↗

↘ The first person LR told was her ex-husband. He told her to report it to the police and they said that there was nothing they could do. She did her own independent research online and found an article in the Seattle Weekly about a notorious repeat exposor who had the *modus operandi* of using a newspaper to selectively conceal his penis when masturbating on public transit. This man's name was Michael Degalvez Williamson, born 8-25-1957. The article had a picture of Mr. Williamson and LR recognized him as the man who exposed himself to her. The next day she reported incident to the King County Metro Transit Police under case number 2009-23028. King County Detective Dennis Wilson obtained the security video of this incident and turned the case over to me. I am detective in the Seattle Police Sexual Assault and Child Abuse Unit.

On February 9th, 2009, I interviewed LR and showed her a photomontage containing a picture of Mr. Williamson and five fillers. She immediately picked out the suspect, Michael Williamson. I have examined the security video. Mr. Williamson and LR are clearly visible on the bus. During the exposing incident Williamson's torso and arms are concealed by bus seats, so he cannot be seen exposing himself, but the video does corroborate LR's account of events.

Mr. Williamson has numerous convictions around the country for exposing himself. His latest conviction for Indecent Exposure occurred in King County Superior Court on 6-5-2007. Because of this conviction, any future violation of this law is a felony.



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Exhibit  
C(2)

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER	2009-41359
UNIT FILE NUMBER	

I contacted Mr. Williamson at Department of Corrections on 2-26-2009 and he gave me a statement about this incident. He said that the video on the bus was him, but he did not expose himself.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 26<sup>th</sup> day of February, 2009, at Seattle, Washington.

Christoph J. [Signature]

Appendix  
Exhibit-E

DOC, Hearing with CCO (5)

Patrica Turner

E

Dennis Marsh

3/25/69

before trial

"...caught in zipper"

Exhibit E  
DO

STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

Williamson  
#2589

HEARING AND DECISION SUMMARY

SUMMARY OF FACTS PRESENTED/ REASONS FOR FINDINGS:

Re 1 - Violation was for being deceptive  
Poly graph results were inconclusive  
Re 2 - PCC and call from PD. Person  
identified himself as witness as appearing himself  
P claims his name was caught in zipper  
Person TX does report.  
PCC recommended 60 days  
P recommends same

SANCTIONS AND REASONS FOR SANCTION:

60 days, effective 2/05/09. Report in  
person to CCO when on business  
day of release.

\*\*OBEY ALL FACILITY RULES  
\*\*REPORT IN PERSON TO CCO WITHIN ONE BUSINESS DAY OF RELEASE

OFFENDER SIGNATURE

DATE

HEARING OFFICER SIGNATURE

HEARING OFFICER NAME (PRINTED)

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: Original - Hearing File, Copy - Offender, Field File, Receiving/detaining Facility  
DOC 09-233 (Rev 11/28/07)

Page 2 of 2

DOC 320.140, DOC 320.145, DOC 320.155, DOC 380.605, DOC 460.130

Appendix

Exhibit(s) K

(1)-(2) - Sheriff R. Thomas

Report

(3) Still apprising

Petitioner/Appellant

and

Laurie Rowell

on "the bus"

(5) Rosemary L. McMahon

Report

Exhibit  
KW

Shames, Raymond B  
No

<b>DO NOT DISCLOSE!</b> <input checked="" type="checkbox"/>		<b>SHERIFF KING COUNTY</b>	INCIDENT REPORT		09-023028	Page 2		
Domestic Violence: <input type="checkbox"/>					143-F-0	District: MT1 0		
Association: VICTIM	Last, First Middle [REDACTED]			Interpreter Needed <input type="checkbox"/>	Phone Numbers: [REDACTED]			
Address [REDACTED]		City SEATTLE		ST WA	Zip [REDACTED]			
Sex	Race	DOB	Height	Weight	Hair	Glass	Eyes	Facial Hair
		[REDACTED]						
Scars, Marks & Tattoos			Clothing			Gang		Set
Occupation U/E		Employer		OLN	ST	SSN	AFIS#	
MO								

Suspect Trademarks: SUSPECT MASTURBATED IN FRONT OF (V)

Instrument: HAND / NEWSPAPER

Entry Point: PUBLIC

Entry Method: SITTING

Premises Type METRO BUS	Locked <input type="checkbox"/>	Occupied <input checked="" type="checkbox"/>	Total Property Cost:
<input type="checkbox"/> Aid Req <input type="checkbox"/> Weapons <input type="checkbox"/> Injury <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Dom Viol <input type="checkbox"/> Drug <input type="checkbox"/> Juvenile <input type="checkbox"/> Gang			

**Narrative:**

(8) On 012908 at approximately 1110 hrs., I was asked by KCSO dispatch to phone (V) [REDACTED] reference an Indecent Exposure complaint which occurred on the previous day. At approximately 1120 hrs., I contacted (V) on her cellular phone. (V) told me that on 012809 at about 1400 hrs., she boarded a Rt. 5 bus N/B on 3rd Ave. at Union St..

(V) stated that she sat near the rear of the bus on the driver's side. (V) believed that (S) boarded the bus prior to the bus crossing the Aurora bridge and sat across from (V) on the last passenger side seat which faces the aisle. (V) was listening to music through her headphones when she noticed a lot of movement around (S)'s lap area. As the bus approached No. 105 St. / Greenwood Ave. No., (V) said that noticed that (S) had covered his lap with a newspaper and masturbating underneath.

(V) told me that she observed (S) as he looked directly at her and exposed his penis. (V) felt that she was targeted and was alarmed and "shocked" that someone would do this in front of her. (V) yelled at (S) to "Stop It" and (S) got up and walked to the front of the bus. (V) stated that she was "frozen" and she did not tell the driver or report the incident.

(V) exited the bus at her destination, but she did not remember where (s) got off. (V) stated that she can positively identify the suspect and she is willing to assist in prosecution. (V) is a regular rider of the Rt. 5; however, she had not seen (S) on the bus prior to the incident.

I completed the Incident Report and recommend Detective Follow-up.

**Additional Attachments/Reports Associated with this Incident/Follow-up Report:**

Continuation/Statement/OR

Thursday 01/29/09

Active

**Certification**

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

Date and Place: \_\_\_\_\_

Signature/Agency: \_\_\_\_\_

END OF REPORT

Exhibit  
K (2)

		King County Sheriff's Office		CaseNbr: 09-023028	
Officer ID: 09139		Name (Last, First, Middle): Thomas, Reginald B		DateReportTaken: Time: 1/29/2009 14:38	
Residence Phone:		Business Phone:			
Address:		City:		State: Zip: Occupation: Race: Sex: DOB:	
To: Case File		Via: Case Routing		Subject: Indecent Exposure	
<b>Statement:</b>					

While talking with (V) over the phone, she advised me that she went home and did some "research" to determine if there had been any similar incidents on the Seattle Metro bus system. She found a article written in the Seattle Weekly about a subject named Williamson, Michael. She advised me that the actions by Williamson in the story represented his M.O. in her case. Also, the picture in the article of Williamson matched the suspect in this case. (V) advised me to Google "Michael Williamson Indecent Exposure" and I would be able to access the article. I accessed the article and the title "Seattle News Media Beat Seattle Weekly" about Williamson was published 03/20/07 at 2019 hrs.. The article states that Williamson was arrested and booked for Felony Indecent Exposure by SPD Detective M. S. Ditusa.

Williamson was identified as a suspect in (4) indecent acts on Metro buses since 2004 in which he shielded his penis from the victim's view with a newspaper. Also, Williamson history includes (7) convictions of Public Indecency or Public Exposure in Louisiana, Georgia and Illinois. Based on this background and the fact that (V) can positively ID (S); I highly recommend that a photo montage be completed to establish PC for Williamson's arrest. I checked in IRIS and there is a possible match. Williamson is listed as a "Subject" in several entries for Sexual Offender Registration and as a "Suspect" in an Indecent Liberties case.

Williamson, Michael Degalvez B/M 67" 160 lbs  
 Address: 4003 Airport Way So. #23 Seattle, WA 98108  
 Phone: 206-422-4187  
 OLN: Willimd435HS

Officer ID: 09139	Reporting Officers Name: Thomas, Reginald B	Unit: Metro An	SupervisorID:	SupervisorID:	ReviewedDate:
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Exhibit  
K (3)

ChieS

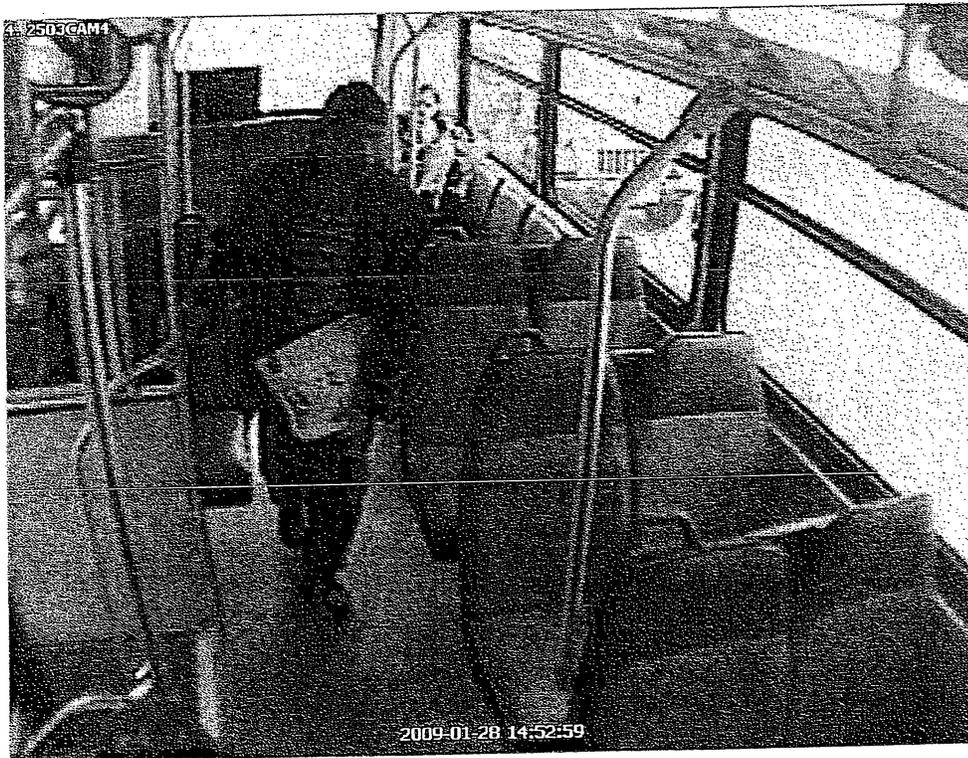
09-41359

105<sup>th</sup> Greenwood N

Digital Image



Clip Description : 1400-1500  
Camera Number : 4  
Recorded Time : 2009-01-28 14:52:59





Appendix  
EXhibit L

D. Ditusa's Report

NO photographs

Coach not equipped

with video recorder"

Exhibit  
L



CONTINUATION SHEET

INCIDENT NUMBER 07-057659
UNIT FILE NUMBER 07-057

ITEM OR ENTRY	INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SUPERFORM	OTHER: (specify)
	PAGE 2 OF 6		
4	02/14/07 1305 Computer check of Williamson's history in Seattle. Requested case #04-243640 from Crime Records. This is the most recent case involving Williamson.		
5	2/14/07 1330 Received incident #04-243640. The case was inactivated due to lack of evidence, however, Williamson was identified by a witness as the person that masturbated in front of several elementary aged children on a bus, route #71.		
6	2/14/07 1430 Ran Williamson's Criminal History III. I learned that he was convicted of Rape 2 and two Indecent Exposures in Seattle, one of which was a felony.		
7	2/15/07 1200 PC from V [redacted] to change the time to meet for 14:00 hrs at Starbucks 4555 University Wy NE.		
8	2/15/07 1400 I met with V [redacted] and showed her Photo Lineup #58124, which included Williamson's photo in position #5. V [redacted] without hesitation, pointed to photo #5 and stated that this was the man she saw masturbating from under 5 feet away from her. V [redacted] stated that she got onto the metro bus route #71 at the 3 <sup>rd</sup> and Union stop. She sat down and immediately saw the black male showing his penis to her and another female that she was seated next to. V [redacted] stated that it appeared that the suspect had been exposing himself to the female already seated when she (V [redacted]) entered the bus. The suspect then obviously showed his penis to V [redacted] and continued to masturbate. He was trying to hide what he was doing from other people by holding the green bag up. The victim got up to tell the bus driver and the suspect immediately got up and began yelling at the bus driver to let him off. They were not at a designated stop and the suspect continued to yell, so the driver stopped the bus and let him off of the bus. V [redacted] stated that as the suspect walked off the bus, she was telling the driver while pointing at the suspect that he had just masturbated in front of her. The driver was unconcerned and continued to drive. V [redacted] told her mom, who called police for her.		
9	2/16/07 1000 PC to KC Det. Herrera 684-2762. He stated that the coach involved in this incident under investigation, was not equipped with a video recorder.		
10	2/16/07 1100 After preparing a Search Warrant for the arrest of S/Williamson and the search of his residence, I screened the document with Deputy Spoor of the KC Prosecutor's Office.		
11	2/16/07 1400 I reviewed the sex offender file of Williamson and determined the nature of his previous convictions. See Certificate of Probable Cause.		
12	2/16/07 1415 I requested incident reports from records, 00-483552 and 01-372760 involving Williamson. He was convicted of Indecent Exposure on both cases.		
13	2/16/07-1430 I emailed Det. Herrera my Certificate of Probable Cause as he will be attempting to have officers be on the look out for incidents involving Williamson over the weekend.		

INVESTIGATING OFFICER	SERIAL	UNIT	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER	SERIAL
M.S. DITUSA	5852	792				[Signature]	4706

Appendix  
Exhibit M

Interrogation  
by Detectives  
Ditusa &  
Gordon

"Det. Gordon Spoke  
with Williamson  
again"

Exhibit M



CONTINUATION SHEET

INCIDENT NUMBER 07-057659
UNIT FILE NUMBER

ITEM OR ENTRY	INCIDENT INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SUPERFORM	OTHER: (specify)	PAGE 6 OF 6
---------------	--	---	------------------	-------------

2/21/07  
2/22/07  
2/23/07

Williamson stated that "The State of Washington" exaggerates things and that he knew that it wasn't him on the other cases but he only admitted to the previous cases because he knew that he couldn't prove it so he pled guilty. He again stated that the person in the photo is not him.

I reminded Williamson about the time that he left the bus so abruptly when he knew that the victim was going to tell the bus driver what he had done. I told him that he left his ID behind in that case. I asked him why he had to stop the bus so abruptly. He asked what bus that was on. I told him the 36. He asked what the bus driver said. I explained that the bus driver stopped although it was not a stop. I told him that the bus driver didn't want a fight. I again asked him why he stopped the bus so abruptly. I reminded him that he yelled at the bus driver to stop the bus when he saw the victim going to the front to tell the bus driver. He denied ever stopping the bus. I told him two victims said that he stopped the bus abruptly in two separate incidents when he realized that they were going to tell the bus driver what he was doing. He said that he hasn't told drivers to stop the bus and that he isn't like that.

Williamson stated that there is video in his hallway that will show him going to his room. It will show what he was wearing. I told him that I would look into that.

Williamson stated that the judge will find you guilty in the state of Washington even if you didn't do it.

Williamson continued to ask questions about the allegations and the incidents in question. He stated that he didn't remember exposing himself in January.

My portion of the interview concluded after 1 hr 18 minutes.

Det. Gordon spoke with Williamson again. He continued to ask questions of Williamson. Williamson told him that the night that he lost his ID he had been smoking marijuana and on "shrooms". He doesn't remember what he did but he knows that he didn't expose. Williamson was fixed on the photo and that he doesn't have the items of clothing that the person in the photo has.

- 17 2/21/07 1245 Det. Gordon and I transported Williamson to KC Jail for booking Investigation Indecent Exposure.
- 18 2/22/07 0800 Prepared case for Rush filing.
- 19 2/23/07 Case cleared by Arrest.

INVESTIGATING OFFICER M.S. DITUSA	SERIAL 5852	UNIT 792	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER <i>[Signature]</i>	SERIAL
--------------------------------------	----------------	-------------	-----------------------	--------	------	---	--------

Appendix  
Exhibit-W

Detective C. Young's

Report

Exhibit W (1)

SEATTLE POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY (ORIGINAL RELEASE)  
KC PROSECUTOR COPY  
GO 2009-41359 (REFERRED - K) 1199 - 4 SEXOFF-LEWD CONDUCT

Related text page(s)

Document: SUPPLEMENTAL  
Author: 5977 - YOUNG, CHRISTOPHER R  
Subject: FOLLOWUP

Related date/time: Feb-26-2009 1211  
2009-41359

DATA CENTER: Please change the victim's first name to [REDACTED] L

1. 2-4-2009: Sgt. McMahon assigned this case to me..

The victim in this case is a 24-year-old woman named [REDACTED] UR. On 1-28-2009 Ms. [REDACTED] was riding a Metro bus on Aurora when she observed a black male masturbating while partially covering his penis with a newspaper. She did some online research and read an article about the following man, who has been caught numerous times engaging in the same behavior:

Williamson, Michael Degalvez  
BM/8-25-1957

I located the following relevant Seattle Police Reports regarding Mr. Williamson.

1993-414996 Lewd Conduct Arrest  
2000-483552 Arrest and Conviction Indecent Exposure  
2004-243640 SUSP POS SEXOFF-OTH  
2007-057659 SUSP VER SEXOFF-EXPOSE

I only ordered the last case.

2. 2-4-2009 1700: Sheriff's Detective Dennis Wilson (206.396.5245) had previously given me his report and security video from the bus. I reviewed the video and made video stills of the following events:

- It appears that the victim is likely the woman sitting in the right rear corner of the bus. She got on the bus at 1407 hours.
- The suspect entered the bus at 1439 hours. I could not really see what he was doing when by where he sat.
- The suspect exited the bus 1453 hours.

3. 2-5-2009 1400: I telephoned the victim at [REDACTED] and left a message to call.

4. 2-5-2009 1650: Ms. [REDACTED] called and agreed to come in next week to meet me.

Exhibit W(2)

SEATTLE POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY (ORIGINAL RELEASE)  
KC PROSECUTOR COPY

GO 2009-41359 (REFERRED - K)

1199 - 4 SEXOFF-LEWD CONDUCT

5. 2-9-2009 1435: Ms. <sup>LR</sup> [REDACTED] came to my office and granted me a recorded statement. She said that she moved into her current apartment in [REDACTED] on December 22, 2008. She lives there with her ex-husband, [REDACTED] <sup>MR</sup> She is currently unemployed, but is planning on working at the [REDACTED].

On the day the incident she got on the bus at 2:05-2:10 pm at Third Avenue/Union St. She was trying to go home. However, it was her first time taking the bus from downtown to home and she got on the wrong bus. There are three number 5 busses that take different routes. She took the bus to Northgate instead of Shoreline. After she realized she was on the wrong bus, the incident had occurred and she was too afraid to get off the bus. She stayed on the bus until it went back downtown and then she caught the correct bus. She said that she was too frightened by the man exposing himself to get off the bus sooner.

Ms. <sup>LR</sup> [REDACTED] said that when she got on the bus she sat in the rear left corner. The suspect got on the bus after she had been there 20-25 minutes. She described him as a middle aged black man dressed casually. The suspect sat on the other side of the bus across from her, behind the rear door. She noticed that his lap was moving and he was looking at her. Once she realized what he was doing she glared at him. He looked away and kept doing it. She said "stop it." He covered himself up with a newspaper and walked out.

I obtained some more detail about the event: The suspect had his penis out and was masturbating with his right hand. Every time Ms. [REDACTED] looked he would move the newspaper and show her his penis. She felt that he was targeting her. The suspect's penis was erect and his right hand was wrapped around it and moving up and down. Ms. [REDACTED] said that she was shaking and trying not to cry. She thought about telling the driver, but there were a lot of people standing in aisle between her and the driver. Nobody else saw him touch himself to her knowledge. The suspect touched himself 5-7 minutes. He got off the bus before she did, where she does not know. She thinks that he got on the bus right before they crossed the Aurora Bridge.

The first person Ms. <sup>LR</sup> [REDACTED] told was her ex-husband. He told her to report it to the police. She called and was told that there was nothing they could do. She researched online and found the suspect in a Seattle Weekly article. The next day she reported it to the transit police.

I then showed Ms. <sup>LR</sup> [REDACTED] a photomontage and she immediately picked out the suspect, Michael Williamson.

Her email address is:

[REDACTED]

6. 2-19-2009 1600: I did computer checks on Mr. Williamson. He has 13 arrests, almost all for exposing. According to the NCIC (National Criminal Information Center) his first arrest was in 1975 in New Orleans for

Appendix  
EXhibit X

Media Coverage

Exhibit-X

**Seattle 911: A police blog**

<http://blog.seattlepi.nwsourc.com/seattle911/archives/163781.asp>

Accused bus flasher caught thanks to Seattle Weekly story

King County prosecutors have filed charges against a repeat bus flasher identified in part because of a Seattle Weekly story.

According to police, a 24-year-old woman was heading downtown on a Route 5 Metro bus when she noticed a man later identified as Michael Degalvez Williamson, a convicted, untreated sex offender, looking at her.

The woman later told police she saw that Williamson, 51, was moving his hand under a newspaper placed over his groin. When she confronted Williamson, he removed the paper, exposing his genitals as he continued masturbating.

Though shaken by the experience, the woman remained aboard the bus until she reached her stop. She told police the aisle was too crowded for her to reach the driver.

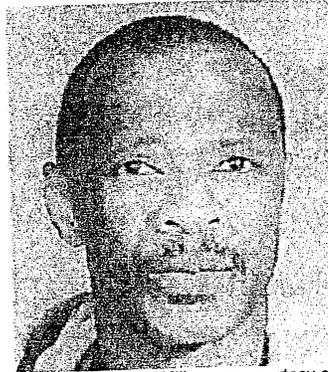
Returning home, the woman found a Seattle Weekly article about Williamson. On reading it, she contacted police the day after the Jan. 28 incident and later picked Williamson out of a photomontage. According to police, a bus security video supports her allegations.

A convicted rapist, Williamson has been convicted of indecent exposure or related offenses 11 times, most recently on June 5, 2007, for a King County offense. He declined sex offender treatment while incarcerated.

Williamson remains in King County Jail on \$50,000 bail. He has been charged with felony indecent exposure.

Posted by **Levi Pulkkinen** at March 9, 2009 6:29 p.m.

Return to [Accused bus flasher caught thanks to Seattle Weekly story](#)



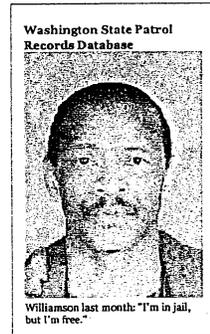
Michael Degalvez Williamson, courtesy of the Washington Association of Sheriffs and Police Chiefs

Exhibit X(1)

## Media Beat

### Chronic bus masturbator shuns the Internet for newsprint.

By John Metcalfe  
published: March 21, 2007



No matter how dismal the future of print media may look, what with the ascension of the all-powerful Internet, it's comforting to know that newspapers will always have at least one loyal demographic: bus masturbators.

The case of Michael Williamson proves that MacBooks can never replace a standard broadsheet when it comes to perviness on public transit. In the most recent police filing against Williamson, Seattle Detective M.S. Ditusa identifies him as a suspect in four indecent acts on Metro buses since 2004. In two of the cases, according to the detective, a slim, black man matching Williamson's description used a newspaper to shield his penis from all but his intended victim's view. During an incident last December on Route 36, police say a video camera on the bus captured the man stationed across from a 17-year-old woman. His hand in his lap and his newspaper flapping up and down.

When arrested at his home on Airport Way South last month, the 49-year-old Williamson said he's indeed a regular newspaper reader—or at least newspaper user. "He uses it to hide his pelvis when he has to scratch inside his pants, push on his hernia, or hide his marijuana," wrote Ditusa. "All of which he must do on the inside of his pants. He may at times have to unzip his pants to do so." (Full disclosure: Williams said in his statement that the *Weekly* was his paper of choice.) He's being held in King County Jail on a charge of felony indecent exposure.

Williamson apparently has been a reader for some time. His meticulously handwritten, 100-plus-page appeal of a 2001 King County conviction for indecent exposure on a bus shows him to be at least as erudite as the average *Seattle Weekly* reader. The essay, in which he gives his life story in Humbert Humbert-like prose, is rife with "ergos," "howbeits," and "remonstrations." Williamson also included a bibliography of fetish-related reading material for the judge's edification, including Patrick Carnes' *Out of the Shadows: Understanding Sexual Addiction*, *The Kinsey Institute New Report on Sex: What You Must Know to Be Sexually Literate*, and *Other Vices, Other Crimes*, a scholarly article from the 1956 *Iowa Law Review*.

Williamson is seemingly a rare breed. Over the past 15 months, according to the King County Sheriff's Office, Metro Transit police have logged only one complaint for bus exhibitionism and one for groping. In the exhibitionism incident, the man left behind the ID of Michael Williamson. If that means the man was Williamson, he's the maverick among 103 million yearly riders who prefer to masturbate off the bus, probably in the glow of computer monitors.

In a jail interview, Williamson says he is innocent of the current charge but also speaks with seeming authority about the Seattle exhibitionist underground. "Everybody that does exhibitionism goes on buses," he says. "I've had young women expose themselves to me and young men expose themselves to me."

**Like many** traditional lovers of newsprint, Williamson shows an unwillingness to alter lifelong habits. At age 14, he says, he picked up masturbating in the hopes of increasing his genital size—"I was trying to get this huge thing to make me a tough guy"—and has hardly had a break since. "I have this compulsive disorder," he says. "I can't stop."

He racked up his first lewd charge in 1975, when New Orleans police caught him in an abandoned building with his pants down. Over the next two decades, according to the King County Prosecuting Attorney's Office, Williamson was convicted seven times of public indecency or public exposure in

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Exhibit X (3)

Louisiana, Georgia, and Illinois.

During the time he was adding inches to his rap sheet, Williamson was married and living with five children. In the early '90s, he followed his wife from Chicago to Washington state on a supposedly temporary visit and then refused to leave, according to a restraining order she later filed against him. Williamson was eventually arrested for the second-degree rape of his wife, a crime that put him away in Washington until June of 2000. Four months after he got out, Williamson exposed himself to a 13-year-old girl on Route 28, which earned him his first indecent-exposure conviction in Seattle.

His lawyer's advice in that trial, as Williamson recalls it in his appeal, was to keep his hands on the stand when giving testimony. That way, the lawyer told him, "the jury would not think that I was trying to touch myself."

The following year, Williamson was convicted in Seattle Municipal Court of indecent exposure at the Northgate Transit Center. Police said he masturbated on the bus in front of two women, and then followed them, continuing his activities, after they got off.

"When the police approached me they did not see my phallus, mainly to be honest, because I saw them before they got out of the car," wrote Williamson in his opus. By his own recollection, he had a newspaper over his crotch, unzipped pants, and "a slight erection apprising a noticeable protrusion inside my briefs....One [officer] asserted that he'd seen bodily fluids emit from me from under the newspaper. I denied it, albeit it was true."

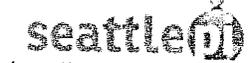
Williamson says now that being jailed for a month has killed his sex drive, and proves it by looking disinterestedly at two women sitting in the visiting room. "A couple months ago, that's all that would be on my mind," he says. Now, "I'm in jail, but I'm free."

Carol Spoor, the King County senior deputy prosecuting attorney who handles sex crimes, is of two minds about the news media's role in the Williamson affair. "You're providing...free props for people to conceal themselves," she jokes. On the other hand, she says she prefers concealing to revealing. "So I can't say that's bad."

[imetcalfe@seattleweekly.com](mailto:imetcalfe@seattleweekly.com)

1  
Exhibit  
X (4)

Page 1 of 2



[http://www.seattlepi.com/local/410069\\_bus10.html](http://www.seattlepi.com/local/410069_bus10.html)

## Repeat bus flasher convicted by Seattle jury

Thursday, September 10, 2009  
Last updated 5:31 p.m. PT

By LEVI FULKKINEN  
SEATTLEPI.COM STAFF

A day after his trial began, a King County jury has convicted a man police described as "addicted" public masturbator for exposing himself to a woman aboard a Seattle bus.

Michael Degalvez Williamson was convicted Thursday of a single count of indecent exposure with sexual motivation, a felony that could garner him a two-year prison term. Williamson has previously been convicted of indecent exposure or related offenses nine times, according to court documents, including a 2007 incident aboard another Metro Transit coach in Seattle.

In the current case, King County Deputy Prosecutor Michelle Scudder claimed Williamson exposed himself to a then-24-year-old woman aboard the No. 5 bus in January. Addressing jurors during opening statements Wednesday, Scudder asserted the evidence against Williamson forced his way into the world of a woman who was simply returning home after a day job hunting in downtown Seattle.

↙

"We get to choose with whom we're intimate, and we get to choose, thankfully, who we see naked," Scudder said. "In this case, the defendant made that choice for (her)."

Described by police in court documents as a man "addicted" to public masturbation, Williamson, 52, already had eight indecent exposure convictions in 2007 when he was caught masturbating aboard another Metro bus, authorities said. In that case, the circumstances of which were much the same as those presently alleged, he pleaded guilty of exposing himself while staring at another young woman.

↙

Williamson's earlier activities had drawn the attention of the Seattle Weekly, which, in an odd twist, led to his arrest in the current case. Hours after the incident, the woman told police, she found a Weekly story published following Williamson's 2007 arrest. She said she recognized him from photos accompanying the story.

Confronted by police, Williamson admitted to being on the bus but denied any improper behavior.

Addressing the jury, Williamson's attorney, Kate Lynn, relayed a claim her client had previously made to police -- that he was "adjusting," not exposing, himself.

"What he'll tell you is that he was adjusting himself, and that, if anything, is what (the woman) saw," Lynn said. "There was no masturbation."

<http://www.seattlepi.com/printer2/index.asp?ploc=t&refer=http://www....> 9/10/2009

ORIGINAL

In the Court of Appeals of  
the State of Washington  
Division One at Seattle,

2010 SEP -1 AM 10:09

COURT OF APPEALS  
STATE OF WASHINGTON

State of Washington  
respondent

NO. 64416-5-I

v.

Michael de Galvez Williamson  
appellant

Declaration of document submitting  
(for filing) / Service

I, Michael de Galvez Williamson, the petitioner  
do submit by US mail postal service my  
Statement of Additional Grounds, to be filed  
in the Court of Appeals Div one and a true  
copy of the same to be served upon:  
The King County Prosecuting Attorney  
and

my attorney Mr. Oliver Ross Davis of  
Washington Appellate Project

*Michael de Galvez Williamson* 08/27/10  
Signed before the notary at Coyote Ridge  
Correction Center Connell, WA on Aug 27 2010

State of Washington

County of Franklin

This (proof of Service), instrument was  
acknowledged before me on this  
27<sup>th</sup> day of August, 2010



*Melisa Gilbert*  
Notary Public, in and for  
the state of Washington  
Residing in Connell  
My Commission expires 10-10-2012

Attached to Declaration p. 2 of 2

2010 SEP -1 AM 10:09

Modified

In the Court of Appeals of  
the State of Washington  
Division One at Seattle, WA

State of Washington  
respondent

NO. 64416-5-I

v.

Michael de Galvez Williamson  
appellant

Declaration of document submitting  
(for filing) / Service

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The King County Prosecuting Attorney  
and

my attorney Mr. Oliver Ross Davis of  
Washington Appellate Project

*Michael de Galvez Williamson* 08/27/10  
Signed before the notary at Coyote Ridge  
Correction Center Connell, WA on Aug 27<sup>th</sup>

page 1 of 2

2009 SEP -1 AM 10:09

COYOTE RIDGE CORRECTION CENTER

State of Washington

County of Franklin

This (proof of service), instrument was  
acknowledged before me on this  
27<sup>th</sup> day of August, 2010



*Melisa Gilbert*  
Notary Public, in and for  
the state of Washington  
Residing in Connell  
My Commission expires 10-10-2012

Attached to Declaration p. 2 of 2

page 2 of 2