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Court of Appeals
Division I
State of Washington

NO. 73785-6-1

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

In re Personal Restraint Petition of
PARAMJIT SINGH BASRA,
Petitioner.

STATE'S RESPONSE TO PERSONAL RESTRAINT PETITION

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A. AUTHORITY FOR RESTRAINT OF PETITIONER

Paramjit Singh Basra is restrained pursuant to Judgment and Sentence in King County Superior Court No. 09-1-05492-1 KNT. Appendix A.

B. ISSUES PRESENTED

1. Whether Basra's claim that his right to be present for hardship challenges was violated, and his claim that his appellate counsel was ineffective for failing to raise this issue, should be rejected where the record explicitly reflects that Basra was present for this session.

2. Whether Basra's claim that he was denied his right to a public trial, and his claim that his appellate counsel was ineffective for failing to raise this issue, should be rejected where the record shows that individual questioning of jurors took place in the courtroom, and there is no indication that the courtroom was closed.

3. Whether Basra's claim that his attorneys denied him his right to testify, and that they were ineffective in doing so, should be rejected where Basra has not convincingly demonstrated that he unequivocally demanded to testify more extensively than he did,

and where he cannot show that any additional testimony would have had a reasonable probability of effecting a different outcome.

4. Whether Basra's claim that his attorneys were constitutionally ineffective in failing to seek evidence of a medical basis for his alleged depression, and failing to provide evidence of an alleged thyroid abnormality to the defense expert, should be rejected where the defense expert declares only that thyroid dysfunction can cause "depression-like symptoms," and the State's expert agreed that Basra was depressed.

5. Whether Basra's claim that his attorneys were ineffective in conceding his guilt of second degree manslaughter against his wishes should be rejected, where the record demonstrates that Basra's attorneys repeatedly argued to the jury that Basra was not guilty of first degree murder or any of the charged crimes, and urged conviction on the least serious charge only as a fallback position.

C. STATEMENT OF THE CASE

Petitioner Paramjit Singh Basra was charged by information and amended information with first and second degree murder for strangling his wife, Harjinder Basra, on July 27, 2009. Appendix B.

The jury was also instructed on the lesser offenses of manslaughter in the first and second degree. Appendix C.

The jury convicted Basra of both first and second degree murder. Appendix D. Judgment was entered on first degree murder only, and Basra received a sentence of 240 months of confinement. Appendix A.

This Court affirmed the conviction in an unpublished opinion, No. 68661-5-I. Appendix E. The mandate issued on April 16, 2014. Appendix F. Basra's personal restraint petition ("PRP") was timely filed on April 14, 2015.¹

D. ARGUMENT

To obtain relief through a personal restraint petition, a petitioner must show that he was actually and substantially prejudiced either by a violation of his constitutional rights or by a fundamental error of law. In re Personal Restraint of Benn, 134 Wn.2d 868, 884-85, 952 P.2d 116 (1998). The petitioner must carry this burden by a preponderance of the evidence.

¹ The original petition was filed on April 14, 2015. A "corrected" petition was filed on May 12, 2015. The State received both from this Court. The only difference appears to be that the corrected version contains additional documents in the undifferentiated appendix (two pages of medical records, a 12-page handwritten letter from Mr. Basra to Chief Justice Barbara Madsen, and Basra's verification of the petition).

In re Personal Restraint of Cook, 114 Wn.2d 802, 814, 792 P.2d 506 (1990).

A personal restraint petition is not a substitute for a direct appeal, and the availability of collateral relief is limited. In re Personal Restraint of St. Pierre, 118 Wn.2d 321, 328-29, 823 P.2d 492 (1992). "Collateral relief undermines the principles of finality of litigation, degrades the prominence of the trial, and sometimes costs society the right to punish admitted offenders." In re Personal Restraint of Hagler, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982).

1. BASRA'S RIGHT TO BE PRESENT AT HIS TRIAL WAS NOT VIOLATED.

Basra claims that he was not present in court when several jurors were questioned and excused, and that his right to be present at all critical stages of his trial was accordingly violated. The record refutes this claim.

a. Basra Was Present.

A criminal defendant has a due process right to be present at all critical stages of his trial. State v. Irby, 170 Wn.2d 874, 880-81, 246 P.3d 796 (2011) (citing Rushen v. Spain, 464 U.S.

114, 117, 104 S. Ct. 453, 78 L. Ed.2d 267 (1983); United States v. Gagnon, 470 U.S. 522, 526, 105 S. Ct. 1482, 84 L. Ed.2d 486 (1985)). A defendant has an independent right under the state constitution to “appear and defend in person, or by counsel.” Wash. Const. art. I, § 22. This right extends to voir dire sessions where jurors are evaluated individually and dismissed for cause. Irby, 170 Wn.2d at 882.

Basra claims that he was not present in court on February 6, 2012. PRP at 5. At this session, a number of prospective jurors were excused for hardship reasons, and several jurors were questioned individually, with some of those being excused for cause. Transcript of February 6, 2012 court session (attached to PRP).

Basra bases his claim on the notation at the beginning of the session: “On February 6, 2012, with counsel for the parties present, the following proceedings were had.” PRP at 5; Transcript (2/6/12) at 2. From this, he apparently infers that he was not present. Declaration of Paramjit Singh Basra, ¶ 3 (attached to PRP).

The Clerk’s Minutes directly refute this. The minutes for February 6, 2012, contain the following entry: “Deft, respective

counsel and interpreters Sarbjit Singh and Santosa Wahi are present in court.” Appendix G. In light of this specific notation from the courtroom clerk, Basra’s claim that he was not present is not credible, and should be rejected.

b. Appellate Counsel Was Not Ineffective.

To prevail on a claim that appellate counsel was ineffective for failing to raise a particular issue, a petitioner must establish the merits of the legal issue that appellate counsel failed to assert, and show that he was prejudiced. In re Personal Restraint of Netherton, 177 Wn.2d 798, 801, 306 P.3d 918 (2013). Failure to raise all possible nonfrivolous issues on appeal does not constitute ineffective assistance of counsel. In re Personal Restraint of Brown, 143 Wn.2d 431, 452, 21 P.3d 687 (2001). Indeed, “the exercise of independent judgment in deciding which issues may be the basis of a successful appeal is at the heart of the attorney’s role in our legal process.” In re Personal Restraint of Lord, 123 Wn.2d 296, 314, 868 P.2d 835 (1994).

The record is clear that Basra and his interpreters were present at the voir dire session on February 6, 2012. Under these

circumstances, Basra cannot meet his burden to show that counsel was ineffective in choosing not to raise this issue on direct appeal.

2. BASRA'S RIGHT TO A PUBLIC TRIAL WAS NOT VIOLATED.

Basra claims that his right to a public trial was violated when the trial court, in carrying out individual questioning of certain jurors, told them that their answers were "just for the people in the room." This claim is not supported by the record.

a. The Courtroom Was Not Closed.

The right to a public trial is guaranteed by the Washington Constitution. Wash. Const. art. I, §§ 10, 22. In analyzing a claim of a public trial violation, the reviewing court must determine:

1) whether the public trial right attaches to the proceeding at issue; 2) whether the courtroom was closed; and 3) whether the closure was justified. State v. Love, 183 Wn.2d 598, 605, 354 P.3d 841 (2015). The appellant bears the burden on the first two steps, while the proponent of the closure carries the burden on the third. Id.

The first step is satisfied here – the public trial right attaches to both for cause and peremptory challenges. Id. But Basra has

failed to show that the courtroom was closed. Prior to the start of jury selection, the trial court specifically addressed the public trial issue. Referring to the jury selection process, the court stated: "I never do it in chambers. It will be in open court." App. H-3.

In arguing that the courtroom was closed, Basra quotes the court's statement to a juror being questioned: "What you tell us is just for the people in the room." PRP at 9. He leaves out the next sentence, which clarifies what the court meant: "And I'd ask you not to talk about it to the other jurors." App. H-7, H-8. Moreover, in a similar admonishment to another juror being questioned in the same session, the court was more specific about the location of the questioning: "[W]hat you tell us is just for the people in the *courtroom*." App. H-9 (italics added).

The record is clear that the questioning of these jurors took place in open court, but out of the presence of the other jurors. This is not a public trial violation.

b. Appellate Counsel Was Not Ineffective.

Basra has failed to show that this issue has merit. Accordingly, his claim of ineffective assistance of appellate counsel should be rejected. In re Netherton, 177 Wn.2d at 801.

3. BASRA'S RIGHT TO TESTIFY WAS NOT VIOLATED.

Basra claims that his attorneys violated his right to testify by asking him only limited questions when he took the witness stand. Basra's bare allegation does not merit the reference hearing that he requests. Nor has he shown the requisite prejudice. His request for a reference hearing so that he can demonstrate prejudice should be denied.

A criminal defendant has a constitutional right to testify on his own behalf. State v. Robinson, 138 Wn.2d 753, 758, 982 P.2d 590 (1999) (citing Rock v. Arkansas, 483 U.S. 44, 107 S. Ct. 2704, 97 L. Ed.2d 37 (1987)). Only the defendant has the authority to decide whether or not to testify; the right cannot be abrogated by defense counsel or the court. Robinson, 138 Wn.2d at 758 (citing State v. Thomas, 128 Wn.2d 553, 558, 910 P.2d 475 (1996)). "[I]n order to prove that an attorney actually prevented the defendant from testifying, the defendant must prove that the attorney refused to allow him to testify in the face of the defendant's unequivocal demands that he be allowed to do so." Robinson, 138 Wn.2d at 764.

A claim that a defendant was prevented by his attorney from testifying is addressed in Washington as a claim of ineffective assistance of counsel. Id. at 765. In order to prevail, the defendant must satisfy the Strickland² test by proving that counsel's performance was deficient (i.e., counsel actually prevented him from testifying), and that the defendant was prejudiced (i.e., that his testimony would have had a reasonable probability of effecting a different outcome). Robinson, 138 Wn.2d at 765-66, 769.

Basra's attorneys explicitly recognized that the decision whether to testify was Basra's alone. App. H-4 to H-5. At the appropriate time, following a conference with Basra, counsel announced that Basra wished to testify. App. H-38. Counsel accordingly called Basra to the witness stand, and asked him several questions about his turban. Basra testified that he had been wearing a turban for religious purposes since he was 16 or 17 years old, and that, based on photographs, he was wearing a maroon or brown turban on the morning of July 27, 2009 (the date of the charged crime). App. H-39 to H-40. When the State attempted to cross-examine Basra about whether he killed his wife,

² Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed.2d 674 (1984).

counsel objected as beyond the scope of direct examination, and the court sustained the objection. App. H-40 to H-41. The State asked no further questions of Basra. App. H-41.

Questioning Basra about his turban was not as odd as it might initially appear. Basra was clearly fixated on the discrepancy between the police officers' testimony about the color of his turban on July 27, 2009 (two officers testified that it was orange) and the color he believed it to be (maroon or brown). App. H-12 to H-13, H-17, H-40, H-78. Basra even wrote a letter to the court about the discrepancy, contending that if an officer either lied about the turban's color or could not distinguish between colors, "his or her testimony cannot be admissible in a criminal case." App. H-78; App. I-3 to I-5.

Basra now claims that he told his attorneys that he wanted to "explain everything," and that he did not think it was fair that they questioned him only about his turban. Declaration of Paramjit Singh Basra (attached to PRP). But Basra said nothing on the record at the time, although he showed himself willing on several occasions to speak up for himself in court. App. H-2, H-68 to H-69. "The defendant must, however, produce more than a bare assertion that the right was violated; the defendant must present substantial,

factual evidence in order to merit an evidentiary hearing or other action.” Thomas, 128 Wn.2d at 561.

But even if Basra could show that he made “unequivocal demands” to testify more broadly, he cannot show the requisite prejudice. He admitted both the murder and his motive in the immediate aftermath of the crime. App. H-14 (“Ah, ah, the problem is I killed my wife. She’s in the room to the right.”), H-20 (“I have family problems. I killed my wife. She has problems with men, so I killed her.”). Moreover, Basra’s story of depression, his claim that he thought his wife was attacking him, and his claim that he remembered nothing of his own actions, was in front of the jury through the testimony of Dr. Gollogly. App. H-25 to H-33. Basra’s account of the incident was repeated through the testimony of Dr. Judd. App. H-45 to H-64. Had Basra given a different account during his own testimony, he would only have hurt his case. Had he testified to the same story, it would have added little. He cannot show that testifying in more detail about the events would have effected a different outcome.

Basra nevertheless requests an evidentiary hearing “so that prejudice can be assessed.” PRP at 12. Basra has not even made an offer of proof as to what his testimony would have been. “[T]he

purpose of a reference hearing is to resolve genuine factual disputes, not to determine whether the petitioner actually has evidence to support his allegations.” In re Personal Restraint of Rice, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). Nor has Basra explained how more detailed testimony from him would have brought about a different outcome. “No evidentiary hearing is required in a collateral proceeding if the defendant fails to allege facts establishing the kind of prejudice necessary to satisfy the Strickland test.” Id. at 889. This Court should reject Basra’s claim, and deny his request for a reference hearing.

4. BASRA HAS FAILED TO SHOW THAT TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO INVESTIGATE AN ALLEGED THYROID PROBLEM.

Basra claims that his attorneys were ineffective in failing to order blood testing in the aftermath of his wife’s murder to establish a medical cause for his depression – an alleged thyroid problem. The record does not support this claim. Basra has produced no evidence of a thyroid disorder. In any event, the State’s expert did not dispute that Basra was depressed.

To prevail on a claim of ineffective assistance of trial counsel, a petitioner must demonstrate that: (1) counsel’s representation was

deficient, meaning it fell below an objective standard of reasonableness based on consideration of all the circumstances; and (2) the petitioner was prejudiced, meaning there is a reasonable probability that the result of the proceeding would have been different had counsel not performed deficiently. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed.2d 674 (1984); State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995). If the court decides that either part of the test has not been met, it need not address the other part. State v. Garcia, 57 Wn. App. 927, 932, 791 P.2d 244 (1990).

Basra can satisfy neither part of this test. There is no evidence that he ever alerted his attorneys to any relevant medical condition at or near the time of Harjinder Basra's murder. There is no showing that Basra's current claim of depression had even come to light at that time. And there is no showing that Basra ever had a thyroid disorder.

Nor has Basra shown prejudice. Dr. Gollogly's bare claim that "thyroid dysfunction can cause of [sic] depression-like symptoms" and that he would have "welcomed any information relevant to the issue of whether Mr. Basra's depression was caused by thyroid problems," does not establish how important he believes such information would

have been, how he would have used it, or its ultimate impact on the outcome.

In any event, Basra's claim that he was depressed was not disputed by the State. Dr. Judd, the expert called by the State, diagnosed Basra with "adjustment disorder with depressed mood, acute." App. H-65. Where Judd parted company with Dr. Gollogly, the expert called by the defense, was as to the effect of the depression – Judd did not believe that it interfered with Basra's ability to premeditate or to form intent. App. H-66. And the State did not argue in closing that Basra was not depressed, but that any mental illness did not prevent Basra from being able to both intend and premeditate his actions. App. H-70, H-76 to H-77.

As with the previous claim, Basra had not made a sufficient showing to merit an evidentiary hearing. This claim should be denied without a hearing.

5. TRIAL COUNSEL DID NOT CONCEDE THAT BASRA WAS GUILTY OF MANSLAUGHTER.

Basra finally contends that his trial attorneys rendered ineffective assistance by conceding during closing argument, without Basra's authorization, that he was guilty of second degree

manslaughter. He argues that prejudice must be presumed. Basra supports this claim by taking counsel's statements completely out of context. Fairly read, the argument was well within the strategic latitude afforded counsel in representing their client.

The right of a criminal defendant to the assistance of counsel is protected by the Sixth and the Fourteenth Amendments to the United States Constitution. Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed.2d 799 (1963). Under the due process clauses of the Fifth and Fourteenth Amendments, a criminal defendant has a right to require the State to prove every element of the charged crime. State v. Humphries, 181 Wn.2d 708, 714, 336 P.3d 1121 (2014) (citing In re Winship, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed.2d 368 (1970)).

The courts give defense counsel "wide latitude to control strategy and tactics." In re Personal Restraint of Stenson, 142 Wn.2d 710, 733, 16 P.3d 1 (2001). "[A]ppointed counsel, and not his client, is in charge of the choice of trial tactics and the theory of defense." Id. at 734 (quoting United States v. Wadsworth, 830 F.2d 1500, 1509 (9th Cir. 1987)). "To assure the defendant of counsel's best efforts then, the law must afford the attorney a wide latitude and flexibility in his choice of trial psychology and tactics. . . . For

many reasons, therefore, the choice of trial tactics, the action to be taken or avoided, and the methodology to be employed must rest in the attorney's judgment." In re Stenson, 142 Wn.2d at 735 (quoting State v. Piche, 71 Wn.2d 583, 590, 430 P.2d 522 (1967)).

Defense counsel began his closing argument by telling the jury that, in light of the evidence that Basra attacked his wife, and that she died, they were likely thinking that he was guilty. App. H-71. Counsel then asked rhetorically, "Guilty of what?" App. H-71.

Counsel then went on to argue in accordance with his strategy, i.e., to have the jury either acquit Basra altogether, or find him guilty of the least serious charge -- second degree manslaughter:

Now, let me make it clear, our position as Defense is that Mr. Basra is not guilty, not guilty of any of the crimes, not guilty as charged, or of any of the lesser offenses

But we are saying that this jury may find that Mr. Basra is guilty of the crime of Manslaughter in the Second Degree.

App. H-71.

Counsel continued in this vein:

Mr. Basra did not have a healthy brain, and for that reason, we're saying, again, that he's not guilty, not

guilty of the premeditated intentional murder of his wife, not guilty of intentionally murdering his wife, not guilty of intending to assault his wife and thereby strangle her and cause her death, not guilty of any of those crimes.

But again, folks, we think that you may find that he's guilty of Manslaughter in the Second Degree after you consider it. [counsel goes on to discuss Dr. Gollogly's diagnosis of major depressive disorder]

App. H-72.

Throughout the course of his argument, counsel continued to urge the jury to find Basra either not guilty, or guilty of manslaughter only. "Is he guilty of Manslaughter, or is he just not guilty of anything?" App. H-73. "And then, as a result of the mental illness, we get to say, and you get to decide, remember, guilty of Manslaughter, Criminal Negligence, or not guilty at all." App. H-74.

Finally, counsel summed up the defense position for the jury:

You folks can just go ahead and just go back there and just be, like, not guilty. Okay, that's fine. That's what our first position would be. That's what we prefer. But you're going to give it some thought. You can spend a whole bunch of time trying to grapple with all of these different theories the Prosecution's thrown out there.

Premeditated, intentional, reckless, you know, felony murder, felony murder under reckless, felony murder strangulation: You can just reject all of that if you want. You can just put "not guilty" on there. Go

ahead and fill in "guilty" on the Manslaughter in the Second Degree, and you'll be done.

App. H-75.

The record is thus clear that counsel did not simply concede Basra's guilt of second degree manslaughter. He followed a carefully thought out strategy of urging the jury to find Basra not guilty as a result of his mental illness, but in any event to find him guilty of nothing more than the least serious of the crimes on which the jury had been instructed – second degree manslaughter. This strategic decision did not demonstrate ineffective assistance of counsel.

The Washington Supreme Court recently held that a defense attorney's stipulation to the defendant's guilt as to an element of the crime, over the defendant's known objection, violates the defendant's due process right to hold the State to its burden of proof. Humphries, 181 Wn.2d at 718. However, the court was careful to distinguish a situation like the one in Basra's case: "[A]n attorney's concession during closing argument does not waive any of the defendant's relevant constitutional rights. The State is still required to bear its burden, present admissible evidence, and

convince a jury of every element of the crime beyond a reasonable doubt.” Id. at 717 n.4.

Basra’s contention that prejudice should be presumed under United States v. Cronin, 466 U.S. 648, 104 S. Ct. 2039, 80 L. Ed.2d 657 (1984) should be rejected. The Court in Cronin limited the presumption of prejudice based on the Sixth Amendment right to counsel to two situations: 1) complete denial of counsel at a critical stage, or 2) the situation where counsel “entirely fails to subject the prosecution’s case to meaningful adversarial testing.” Cronin, 466 U.S. at 659. The record here demonstrates neither.

Courts in other jurisdictions have declined to apply a presumption of prejudice in situations similar to Basra’s. In Commonwealth v. Cousin, 585 Pa. 287, 290, 888 A.2d 710 (2005), the defendant’s attorney acknowledged in closing argument that the defendant had caused the victim’s death, but argued that malice was absent and thus the defendant was guilty of manslaughter, not murder. The Pennsylvania Supreme Court declined to apply Cronin under these circumstances:

[T]here are multiple scenarios in which a defense attorney may reasonably determine that the most promising means of advancing his client’s interests is to admit what has become plain to all concerned – that his client did in fact engage in at least some of

the underlying conduct complained of – but either to argue for conviction of a less severe offense, or to plead for mercy in sentencing based upon the facts viewed in a light favorable to the defendant.

Cousin, 585 Pa. at 301. See Anderson v. Calderon, 232 F.3d 1053, 1087-90 (9th Cir. 2000) (rejecting application of Cronic where defense counsel acknowledged that defendant killed the victim, but argued that due to diminished capacity defendant lacked the ability to form specific intent to commit burglary, a prerequisite for the death penalty). See *also* Underwood v. Clark, 939 F.2d 473, 474 (7th Cir. 1991) (rejecting claim of per se ineffective assistance where defense counsel conceded defendant's guilt on lesser charge in order to build credibility with jury in opposing conviction on greater charge – “a lawyer is not required to consult with his client on tactical moves”).

In sum, Basra has not shown that his attorneys performed deficiently in carrying out their strategy in closing argument. Basra's claim should be rejected, and his request for an evidentiary hearing denied.

E. CONCLUSION

For all of the foregoing reasons, the State respectfully asks this Court to deny Basra's request for a reference hearing, and dismiss this personal restraint petition.

DATED this 10th day of November, 2015.

Respectfully submitted,

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SPECIAL VERDICT or FINDING(S):

- (a) While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
- (b) While armed with a **deadly weapon** other than a firearm in count(s) _____ RCW 9.94A.533(4).
- (c) With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A. offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
- (e) **Vehicular homicide** Violent traffic offense DUI Reckless Disregard.
- (f) **Vehicular homicide by DUI** with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g) **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h) **Domestic violence** as defined in RCW 10.99.020 was pled and proved for count(s) _____.
- (i) Current offenses **encompassing the same criminal conduct** in this cause are count(s) _____ RCW 9.94A.589(1)(a).
- (j) **Aggravating circumstances** as to count(s) _____.

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in **Appendix B**.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	0	XV	240 TO 320		240 TO 320 MONTHS	LIFE AND/OR \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in **Appendix C**.

2.5 EXCEPTIONAL SENTENCE

Findings of Fact and Conclusions of Law as to sentence above the standard range:
Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____.

Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. The court would impose the same sentence on the basis of any one of the aggravating circumstances.

An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State did did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court **DISMISSES** Count(s) II
VACATES

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set *wants to be present*
 - Defendant ~~waives presence~~ at future restitution hearing(s).
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____, Court costs (RCW 9.94A.030, RCW 10.01.160); Court costs are waived;
- (b) \$100 DNA collection fee (RCW 43.43.7541)(mandatory for crimes committed after 7/1/02);
- (c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); Recoupment is waived;
- (d) \$ _____, Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA (RCW 69.50.430); VUCSA fine waived;
- (e) \$ _____, King County Interlocal Drug Fund (RCW 9.94A.030); Drug Fund payment is waived;
- (f) \$ _____, \$100 State Crime Laboratory Fee (RCW 43.43.690); Laboratory fee waived;
- (g) \$ _____, Incarceration costs (RCW 9.94A.760(2)); Incarceration costs waived;
- (h) \$ _____, Other costs for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 600.00 *plus any restitution*. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

- Court Clerk's trust fees are waived.
- Interest is waived except with respect to restitution.

4.4 **CONFINEMENT OVER ONE YEAR:** Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: immediately; (Date): _____ by _____ m.

240 months/days on count 1; _____ months/days on count _____; _____ months/day on count _____
_____ months/days on count _____; _____ months/days on count _____; _____ months/day on count _____

The above terms for counts _____ are consecutive / concurrent.

The above terms shall run CONSECUTIVE CONCURRENT to cause No.(s) _____

The above terms shall run CONSECUTIVE CONCURRENT to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: _____

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98)

The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is 240 months.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): _____ day(s) or days determined by the King County Jail.

For nonviolent, nonsex offense, credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.

For nonviolent, nonsex offense, the court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).

4.5 **NO CONTACT:** For the maximum term of _____ years, defendant shall have no contact with _____

4.6 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **APPENDIX G.**

HIV TESTING: The defendant shall submit to HIV testing as ordered in **APPENDIX G.**
RCW 70.24.340.

4.7 (a) **COMMUNITY CUSTODY** for qualifying crimes committed before 7-1-2000, is ordered for one year (for a drug offense, assault 2, assault of a child 2, or any crime against a person where there is a finding that defendant or an accomplice was armed with a deadly weapon); 18 months (for any vehicular homicide or for a vehicular assault by being under the influence or by operation of a vehicle in a reckless manner); two years (for a serious violent offense).

(b) **COMMUNITY CUSTODY** for any **SEX OFFENSE** committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months.

(c) **COMMUNITY CUSTODY** - for qualifying crimes committed after 6-30-2000 is ordered for the following established range or term:

- Sex Offense, RCW 9.94A.030 - 36 months--when not sentenced under RCW 9.94A.507
- Serious Violent Offense, RCW 9.94A.030 - 36 months
 - If crime committed prior to 8-1-09, a range of 24 to 36 months.
- Violent Offense, RCW 9.94A.030 - 18 months
- Crime Against Person, RCW 9.94A.411 or Felony Violation of RCW 69.50/52 - 12 months
 - If crime committed prior to 8-1-09, a range of 9 to 12 months.

The term of community custody shall be reduced by the Department of Corrections if necessary so that the total amount of incarceration and community custody does not exceed the maximum term of sentence for any offense, as specified in this judgment.

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections or the court.

APPENDIX H for Community Custody conditions is attached and incorporated herein.

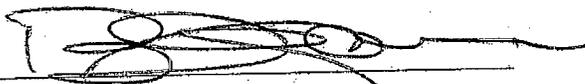
APPENDIX J for sex offender registration is attached and incorporated herein.

4.8 **WORK ETHIC CAMP:** The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement, subject to the conditions set out in **Appendix H**.

4.9 **ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480.** The State's plea/sentencing agreement is attached as follows:

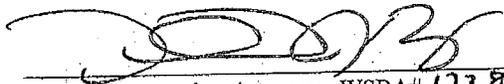
The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: 4/20/12



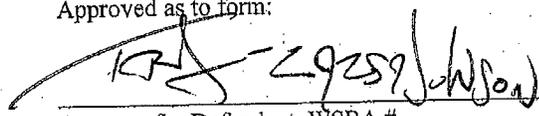
JUDGE
Print Name: Brian Cain

Presented by:



Deputy Prosecuting Attorney, WSBA# 17287
Print Name: DON RAZ

Approved as to form:



Attorney for Defendant, WSBA #
Print Name: _____

FINGERPRINTS BEST IMAGE POSSIBLE



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: Paramjit Singh
DEFENDANT'S ADDRESS: Dept. of Corrections

PARAMJIT SINGH BASRA

DATED: 4-20-12

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK
BY: Ann Dumais
DEPUTY CLERK

[Signature]
JUDGE, KING COUNTY SUPERIOR COURT

CERTIFICATE

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

OFFENDER IDENTIFICATION

S.I.D. NO. _____
DOB: FEBRUARY 10, 1958
SEX: M
RACE: W

CLERK

BY: _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

PARAMJIT SINGH BASRA

Defendant,

No. 09-1-05492-1 KNT

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

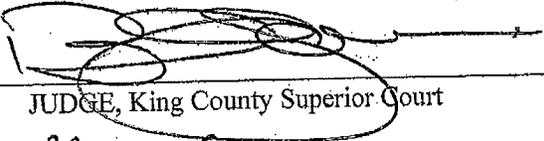
(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 4/20/12



JUDGE, King County Superior Court

BRIAN CAIN

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

PARAMJIT SINGH BASRA

Defendant,

No. 09-1-05492-1 KNT

JUDGMENT AND SENTENCE
APPENDIX H
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community restitution;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706)
- 7) Notify community corrections officer of any change in address or employment;
- 8) Upon request of the Department of Corrections, notify the Department of court-ordered treatment;
- 9) Remain within geographic boundaries, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 4/20/12


JUDGE BRIAN CAIN

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

WARRANT ISSUED
CHARGE COUNTY \$200.00

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

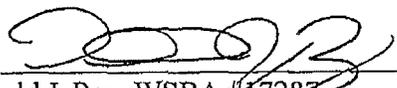
THE STATE OF WASHINGTON,)
)
) Plaintiff,)
) v.) No. 09-1-05492-1 KNT
)
)
) PARAMJIT SINGH BASRA,) INFORMATION
)
)
)
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)
) Defendant.)

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse PARAMJIT SINGH BASRA of the crime of **Attempted Murder in the Second Degree**, committed as follows:

That the defendant PARAMJIT SINGH BASRA in King County, Washington, on or about July 27, 2009, with intent to cause the death of another person, did attempt to cause the death of Harjinder Basra, a human being; attempt as used in the above charge means that the defendant committed an act which was a substantial step towards the commission of the above described crime with the intent to commit that crime;

Contrary to RCW 9A.28.020 and RCW 9A.32.050(1)(a), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

By: 
Donald J. Raz, WSBA #17287
Senior Deputy Prosecuting Attorney

INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

APPENDIX B

B-1

original

Cause Number:

**Auburn Police Department
Certification for Determination of Probable Cause**

That I, Anna WELLER, am a Detective with the City of Auburn Police Department and I have reviewed and assisted with the investigation conducted under City of Auburn Police Department case #: 09-09094.

There is probable cause to believe that BASRA, Paramjit S. (02/10/58) has committed the crime of Attempted Murder in the First Degree - Domestic Violence (RCW 9A.32.030) In the City of Auburn, County of King, State of Washington.

This belief is based on the following facts and circumstances:

On July 27, 2009 at 0640 hours, Amandeep Basra called 911 to report that her father was killing her mom. Amandeep was hysterical and repeated several times to the 911 operator that her father was killing her mom. The line disconnected and the operator was only able to get voicemail when she tried calling back. At 0644 hours, Amandeep called 911 again and reported that her father the defendant Paramjit Basra came home from work and just killed her mom Harjinder Basra.

Amandeep stated that she doesn't know what is wrong with the defendant and that he tried to kill her too. Amandeep said she was calling from the upstairs bathroom and Paramjit was still in the residence. She said that the defendant pushed his hands against Harjinder's throat and killed her. At one point she also stated that he had used a rope to try to kill both Harjinder and herself.

City of Auburn police responded to the Basra residence which is located at 29501 125th Ave SE in the City of Auburn, King County, Washington. When they arrived, the officer found the front door was slightly ajar. The defendant was observed looking out of the opening in the door. Officer Hauser told the defendant that he was a police officer and to come out with his hands raised. The defendant closed the door and Hauser heard the door lock engage. Hauser knocked on the door and advised the defendant to open the door. The defendant complied a short time later. Hauser handcuffed the defendant. As Hauser finished placing the handcuff on the defendant's left wrist, the defendant said in broken English "Ahh..ahh..the problem is, I killed my wife. She's in the room to the right." As the defendant made this admission he appeared very calm.

The officers located an unconscious woman, later identified as Harjinder Basra, in the upstairs master bathroom. Harjinder was laying on the floor by the foot of the bed. Her feet were two to three feet away from the bed and her head was pointing away from the bed towards the wall. The officer immediately noticed that Harjinder's face was a blue purple color and she was unresponsive. Harjinder was still warm to the touch but she did

not have a pulse and was not breathing. Officers noticed bruising on her neck and her eyes were slightly open.

Amandeep was located in the master bathroom, not more than 15 feet away from where her mother Harjinder lay. Amandeep was removed from the bedroom and officers began CPR on Harjinder. Valley Regional Fire Authority emergency medical technicians arrived and took over CPR. The technicians were able to obtain a pulse and Harjinder was transported to Harborview. Harjinder was placed on a ventilator and a CAT scan was ordered to determine the extent of brain damage. It is unknown at this time if Harjinder will survive her injuries.

Officer Williams advised the defendant of his rights. The defendant requested an attorney. All questioning of the defendant ceased. He was transported to the Auburn City Jail and booked.

The residence was searched under a judicially authorized warrant. There was limited furniture in the residence and there did not appear to be any overt signs of a struggle. In the upstairs bedroom where Harjinder had been found, a car charger cord was found laying on the bed.

I have probable cause to believe that the defendant intended to cause the death of Harjinder by strangling her with either his hands or the car charger cord until she stopped breathing.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge. Signed and dated July 29, 2009, in Auburn, Washington.


Detective Anna Weller
City of Auburn Police Department

1
2 CAUSE NO. 09-1-05492-1 KNT

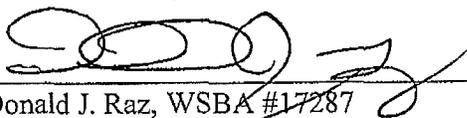
3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable
6 Cause signed by City of Auburn Police Department Detective Anna Weller under Auburn Police
7 Department number 09-09094 on July 29, 2009.

8 REQUEST FOR BAIL

9 Bail in the amount of one million dollars is appropriate in this case. The defendant
10 presents a clear danger to the public in general but a significant danger to the eyewitness to the
11 crime, his daughter. During the incident, the defendant attacked not only the charged victim, but
12 his daughter as well. Save for the daughter's ability to locked herself in a bathroom, she would
13 likely have been seriously injured or killed at the hands of the defendant. The defendant's release
14 presents significant safety issues for our eyewitness. Further, the defendant presented a
15 significant risk of flight. Due to the nature of the injuries to Harjinder Basra, it is a distinct
16 possibility that the defendant will soon face murder charges. The defendant has significant
17 family ties to India that increase the likelihood he will flee the jurisdiction.

18 Signed this 29th day of July, 2009.

19 
20 Donald J. Raz, WSBA #17287

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3 KING COUNTY
4 SUPERIOR COURT CLERK
5 SEATTLE, WA

6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7	THE STATE OF WASHINGTON,)	
)	
	Plaintiff,)	
8	v.)	No. 09-1-05492-1 KNT
)	
9	PARAMJIT SINGH BASRA,)	AMENDED INFORMATION
)	
10)	
)	
11	Defendant.)	

12 I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
13 authority of the State of Washington, do accuse PARAMJIT SINGH BASRA of the crime of
Murder in the Second Degree, committed as follows:

14 That the defendant PARAMJIT SINGH BASRA in King County, Washington, on or
15 about July 27, 2009, with intent to cause the death of another person, did cause the death of
Harjinder Basra, a human being, who died on or about July 30, 2009;

16 Contrary to RCW 9A.32.050(1)(a), and against the peace and dignity of the State of
17 Washington.

18 DANIEL T. SATTERBERG
Prosecuting Attorney

19 By: 
20 Donald J. Raz, WSBA #17287
21 Senior Deputy Prosecuting Attorney

22 AMENDED INFORMATION - 1
23

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

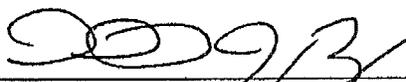
B-5

1 CAUSE NO. 09-1-05492-1 KNT

2 SUPPLEMENTAL PROSECUTING ATTORNEY CASE SUMMARY

3 The victim, Harjinder Basra, was declared brain dead at 11:31 a.m. on July 30, 2009.
4 Dr. Lubin from the King County Medical Examiner's Office conducted the autopsy on August 3,
5 2009. Ms. Harjinder Basra's death was determined to be a homicide due to asphyxiation caused by
6 ligature strangulation.

7 Signed this 4th day of August, 2009.

8 
9 _____
10 Donald J. Raz, WSB# 17287

FILED
KING COUNTY, WASHINGTON

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SUPERIOR COURT CLERK
LESLIE J. KEITH
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

PARAMJIT SINGH BASRA,

Defendant.

No. 09-1-05492-1 KNT

SECOND AMENDED INFORMATION

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse PARAMJIT SINGH BASRA of the crime of **Murder in the First Degree**, committed as follows:

That the defendant PARAMJIT SINGH BASRA in King County, Washington, on or about July 27, 2009, with premeditated intent to cause the death of another person, did cause the death of Harjinder Basra, a human being, who died on or about July 30, 2009;

Contrary to RCW 9A.32.030(1)(a), and against the peace and dignity of the State of Washington.

COUNT II

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse PARAMJIT SINGH BASRA of the crime of **Murder in the Second Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant PARAMJIT SINGH BASRA in King County, Washington, on or about July 27, 2009, while committing the crime of Assault in the Second Degree, and in the course of and in furtherance of said crime and in immediate flight therefrom, did cause the death

SECOND AMENDED INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

B-7

1 on or about July 30, 2009 of Harjinder Basra, a human being, who was not a participant in the
2 crime;

3 Contrary to RCW 9A.32.050(1)(b), and against the peace and dignity of the State of
4 Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

6 By: 
7 Donald J. Kaz, WSBA #17287
8 Senior Deputy Prosecuting Attorney

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KING COUNTY, WASHINGTON

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SUPERIOR COURT CLERK
BEVERLY ANN ENEBRAD
DEPUTY

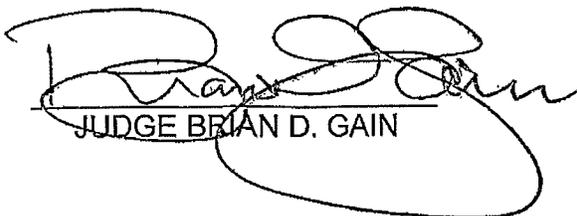
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

State of Washington,)
)
 Plaintiff(s),)
)
 vs.)
)
 Paramjit Singh Basra,)
)
 Defendant(s).)

Cause No.: 09-1-05492-1 KNT

COURT'S INSTRUCTIONS TO THE JURY

February 21st, 2012


JUDGE BRIAN D. GAIN

APPENDIX C

C-1

No. 19

To convict the defendant of the crime of Manslaughter in the First degree, as included in count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about July 27, 2009, the defendant engaged in reckless conduct;

(2) That Harjinder Basra died as a result of defendant's reckless acts; and

(3) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty as to the crime of Manslaughter in the First degree, a lesser crime of Murder in the First Degree as charged in count I.

On the other hand, if, after weighing all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty as to the crime of Manslaughter in the First degree, a lesser crime of Murder in the First Degree as charged in count I.

No. 21

To convict the defendant of the crime of Manslaughter in the Second Degree, as included in Count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about July 27, 2009, the defendant engaged in conduct of criminal negligence;
- (2) That Harjinder Basra died as a result of the defendant's criminally negligent acts; and
- (3) That the acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty as to the crime of Manslaughter in the Second Degree, a lesser crime of Murder in the First Degree as charged in Count I.

On the other hand, if, after weighting all of the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty as to the crime of Manslaughter in the Second Degree, a lesser crime of Murder in the First Degree as charged in Count I.

FILED
KING COUNTY, WASHINGTON

FEB 22 2012

SUPERIOR COURT CLERK
BEVERLY ANN ENEBRAD
DEPUTY

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

STATE OF WASHINGTON,)
) No. 09-1-05492-1 KNT
)
) Plaintiff,)
)
) vs.) VERDICT FORM I-A
)
)
) PARAMJIT BASRA.)
)
)
) Defendant.)

We, the jury, find the defendant PARAMJIT BASRA
guilty (write in "not guilty" or "guilty") of the
crime of premeditated murder in the first degree as charged in
Count I.

2/22/2012
Date

Shelley Dullanty
Presiding Juror

APPENDIX D

D-1

FILED
KING COUNTY, WASHINGTON

FEB 22 2012

SUPERIOR COURT CLERK
BEVERLY ANN ENEBRAD
DEPUTY

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

STATE OF WASHINGTON,)

Plaintiff,)

vs.)

PARAMJIT BASRA)

Defendant.)

No. 09-1-05492-1 KNT

VERDICT FORM II

We, the jury, find the defendant PARAMJIT
BASRA guilty (write in "not guilty" or "guilty") of
the crime of felony murder in the second degree as charged in
Count II.

2/22/2012
Date

Shelley Dullanty
Presiding Juror

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent,

v.

PARAMJIT SINGH BASRA,

Appellant.

No. 68661-5-1

DIVISION ONE

UNPUBLISHED OPINION

FILED: November 25, 2013

NOV 26 2013
CLERK OF COURT
COURT OF APPEALS
STATE OF WASHINGTON

GROSSE, J. — Paramjit Basra appeals his first degree murder conviction, contending the State failed to produce sufficient evidence of premeditation. We disagree and affirm the conviction. We also reject the issues Basra raises in his statement of additional grounds as meritless, except as to the community custody term. We accept the State's concession and remand for the trial court to correct the period of community custody.

FACTS

On July 27, 2009, Amandeep Basra called 911 screaming, "[M]y father's killing my mom." When police arrived at the house, Paramjit Basra (hereinafter Basra) opened the door. An officer immediately put Basra in handcuffs. Basra said, "Ah, ah, the problem is I killed my wife. She's in the room to the right." As another officer walked Basra to a patrol car, Basra said, "I have family problems." Basra also said, "She has problems with men, so I killed her." The police found Basra's wife, Harjinder, lying unconscious on the bedroom floor, not breathing. Aid personnel transported Harjinder to the hospital, where she died three days later.

The State charged Basra with first degree murder and second degree felony murder. At trial in February 2012, 24-year-old Amandeep testified that on the morning of July 27, 2009, she was working on her homework on the computer in her parents' bedroom while her mother was lying awake on the bed. Then Basra returned to the house and came into the bedroom looking for his wallet. Basra and Harjinder began quarreling. Basra told Amandeep to leave the room. When Amandeep refused, Basra slapped her face. When Harjinder told Basra to stop, Basra grabbed Harjinder by the neck or shoulders and pushed her against the wall. As Basra held and pushed on Harjinder's neck, Amandeep called 911, screaming that Basra was killing her mother, but the call was disconnected. Amandeep then called her brother on the phone. Amandeep testified that she then saw Basra with his hands on Harjinder's neck while Harjinder was lying on the floor near the bedroom door. At some point during the altercation, Amandeep slapped Basra, knocking off his turban, in an attempt to make him stop attacking Harjinder. Amandeep then locked herself in the bathroom to speak to the 911 operator, who had called back. The State also played a recording of Amandeep's 911 calls, in which she said Basra was "beating" Harjinder, he tried to kill Harjinder by "pushing her neck," and "he grabbed a rope and just put it on my mom's neck."

Detective Anna Weller of the Auburn Police Department testified that she interviewed Amandeep in October 2009. Amandeep told her that Basra's attack of Harjinder began when "he got mad and started beating her" by "[s]lapping and pushing" her.

Dr. Micheline Lubin, of the King County Medical Examiner's Office, testified that she found two parallel lines across Harjinder's neck, consistent with ligature strangulation, which she identified as the cause of death. Dr. Lubin testified that strangulation by ligature takes 10 to 20 seconds to produce unconsciousness and 30 to 60 seconds to produce irreversible brain damage. Dr. Lubin also testified that a Global Positioning System (GPS) cord found at the scene by police was consistent with the ligature impression on Harjinder's neck.

The jury found Basra guilty as charged. The trial court imposed a standard range sentence on the first degree murder conviction and vacated the felony murder charge.

Basra appeals.

ANALYSIS

Premeditation

Basra contends the State failed to produce sufficient evidence to determine that he acted with premeditated intent to kill Harjinder. Evidence is sufficient to support a conviction if, viewed in the light most favorable to the prosecution, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt.¹ "A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom."² We defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence.³

¹ State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

² Salinas, 119 Wn.2d at 201.

³ State v. Walton, 64 Wn. App. 410, 415-16, 824 P.2d 533 (1992).

A person is guilty of first degree murder when "[w]ith a premeditated intent to cause the death of another person, he or she causes the death of such person."⁴ Premeditation involves "more than a moment in point of time."⁵ Premeditation is the deliberate formation of and reflection upon the intent to take a life. It involves the mental process of thinking beforehand, deliberation, reflection, and weighing or reasoning for a period of time, however short.⁶ Premeditation may be proven by circumstantial evidence where the inferences drawn by the jury are reasonable and the evidence supporting the jury's finding is substantial.⁷ A wide range of proven facts will support an inference of premeditation.⁸ Factors relevant, but not necessary, to establish premeditation include motive, procurement of a weapon, stealth, and method of killing.⁹

⁴ RCW 9A.32.030(1)(a).

⁵ RCW 9A.32.020(1).

⁶ State v. Gentry, 125 Wn.2d 570, 597-98, 888 P.2d 1105 (1985); State v. Hoffman, 116 Wn.2d 51, 82-83, 804 P.2d 577 (1991).

⁷ State v. Pirtle, 127 Wn.2d 628, 643, 904 P.2d 245 (1995); Hoffman, 116 Wn.2d at 83.

⁸ Gentry, 125 Wn.2d at 598-99; State v. Finch, 137 Wn.2d 792, 831, 975 P.2d 967 (1999); see, e.g., State v. Ollens, 107 Wn.2d 848, 850-53, 733 P.2d 984 (1987) (sufficient evidence of premeditation where defendant stabbed victim multiple times and then slashed the victim's throat, defendant procured a knife, struck victim from behind, and had motive to kill); State v. Gibson, 47 Wn. App. 309, 312, 734 P.2d 32 (1987) (where victim suffered three blunt force injuries to the head before ligature strangulation by long, thin rope or cord-like object, brief lapse of time was sufficient for jury to find premeditation beyond reasonable doubt).

⁹ Pirtle, 127 Wn.2d at 644; see also State v. Ortiz, 119 Wn.2d 294, 297, 312-13, 831 P.2d 1060 (1992) (sufficient evidence of premeditation without discussion of motive or stealth); see also State v. Sherrill, 145 Wn. App. 473, 485, 186 P.3d 1157 (2008) (sufficient evidence of premeditation despite lack of evidence of motive, procurement of a weapon, or stealth).

Relying on State v. Bingham,¹⁰ Basra argues that evidence of ligature strangulation, alone, does not support an inference of premeditation. Basra first claims that the State failed to produce evidence of manual strangulation because Dr. Lubin testified that she did not find physical evidence of manual strangulation. Basra also claims that the State proved nothing beyond a "quick act of strangulation," whether manual or ligature, resulting in Harjinder's death, thereby demonstrating intent, but not premeditation.

But Bingham, in which the State presented nothing more than physical evidence suggesting that a manual strangulation took 3 to 5 minutes to prove premeditation, is easily distinguished from the facts here, which include testimony and statements of an eyewitness to the murder, Amandeep, as well as physical evidence and the opinion of the medical examiner. Viewed in the light most favorable to the State, the evidence showed different methods of attack. Basra began by slapping and pushing Harjinder, then grabbed her neck and held her against the wall, where he continued to manually strangle her. Then Harjinder somehow moved from standing against the wall to lying on the floor near the bedroom door. Finally, while Amandeep was screaming at him and slapping him, and calling 911 and repeatedly screaming at the operator that he was killing her mother, Basra changed his hold on Harjinder's neck, obtained the GPS cord, and then wrapped it around her neck where he held it tightly for at least 30 to 60 seconds. Shortly after the killing, Basra volunteered to police that he had killed his wife because she had problems with men.

¹⁰ 105 Wn.2d 820, 719 P.2d 109 (1986).

Thus, in addition to his admitted motive, Basra had several opportunities to deliberate and reflect before he continued with the killing, given Amandeep's attempts to stop him and screams for help, the change in Harjinder's position, and his decision to release her neck and then wrap the cord around it. A rational trier of fact could find beyond a reasonable doubt that Basra acted with premeditation.

Statement of Additional Grounds

In his statement of additional grounds, Basra contends that his conviction of both first degree murder and second degree felony murder violate his right against double jeopardy, that the trial court should have instructed the jury on "separate acts" to support the two charges, and that charging the two crimes violated legislative intent and the applicable "unit of prosecution." But the State may properly file and prosecute multiple counts where the evidence supports the charges, as long as convictions are not entered in violation of double jeopardy protections.¹¹ Because the trial court properly vacated the second degree felony murder conviction, Basra fails to identify any error.¹²

Basra next argues that the trial court erroneously admitted his statements to the officers as evidence in violation of his constitutional rights. In particular, he claims that he could not have voluntarily and knowingly waived his rights, because he was "completely unable to understand the arresting/detaining officers['] statements." But the trial court held a CrR 3.5 hearing and found that

¹¹ State v. Calle, 125 Wn.2d 769, 777 n.3, 888 P.2d 155 (1995).

¹² See, e.g., State v. Womac, 160 Wn.2d 643, 660, 160 P.3d 40 (2007) (multiple convictions entered in violation of double jeopardy principles must be vacated).

Basra's statements, which Basra made in English and which the officers clearly understood, were spontaneous and not in response to police interrogation. Under these circumstances, the trial court properly admitted the statements as voluntary and Basra fails to establish grounds for relief.¹³

Basra also claims that the arresting officer violated his right to an attorney by failing to put him in contact with an attorney immediately upon his request. But nothing in the record supports his claim.

Basra also contends that the prosecutor improperly "coached" State witnesses in violation of ER 612.¹⁴ A prosecutor may not "urge a witness to create testimony . . . under the guise of refreshing the witness's recollection under ER 612."¹⁵ Prosecutorial misconduct is grounds for reversal if the prosecutor's conduct was both improper and prejudicial.¹⁶ Without a timely objection, reversal is required only if the prosecutor's conduct is so flagrant and

¹³ See, e.g., State v. Ortiz, 104 Wn.2d 479, 484, 706 P.2d 1069 (1985) (spontaneous statement is voluntary and therefore admissible if not solicited and not the product of custodial interrogation).

¹⁴ ER 612, "WRITING USED TO REFRESH MEMORY," provides in pertinent part:

If a witness uses a writing to refresh memory for the purpose of testifying, either: while testifying, or before testifying, if the court in its discretion determines it is necessary in the interests of justice, an adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness thereon, and to introduce in evidence those portions which relate to the testimony of the witness.

¹⁵ State v. McCreven, 170 Wn. App. 444, 475, 284 P.3d 793 (2012), review denied, 176 Wn.2d 1015 (2013).

¹⁶ State v. Monday, 171 Wn.2d 667, 675, 257 P.3d 551 (2011) (internal quotation marks omitted and citations omitted).

ill-intentioned that it causes an enduring and resulting prejudice that could not have been neutralized by a curative jury instruction.¹⁷

Although his citations to the record are incomplete and/or inaccurate and he does not indicate that he objected to any particular incident on these grounds at trial, Basra contends that the prosecutor attempted to improperly supplement the testimony of several witnesses rather than merely refresh recollections. He claims that there is "no question of the prejudicial effects" and that "prejudice is clearly now established" when officers were invited to review their reports and Amandeep was directed to review an interview transcript in the jury's presence. But Basra fails to actually articulate an enduring prejudice resulting from any such incident that could not have been neutralized by a curative jury instruction.

Basra also contends that the prosecutor's closing argument was improper because he urged the jury to find him guilty of two counts of murder for one death. He also claims the prosecutor misstated the facts and improperly appealed to the passions and prejudices of the jury. But Basra's descriptions of the prosecutor's arguments are not supported by the record and his claims of error are meritless.

Basra claims that the prosecutor added the first degree murder charge to punish him for exercising his right to a jury trial. He claims that the fact that the prosecutor considered lesser charges during plea negotiations and added the more serious charge without the benefit of any new evidence after he rejected

¹⁷ State v. Warren, 165 Wn.2d 17, 43, 195 P.3d 940 (2008).

the plea offers demonstrates vindictiveness. But his bare assertion is insufficient to support a claim of vindictiveness.¹⁸

Basra argues he was denied a fair trial when the trial court failed to ensure that he had no conflicts with his trial attorney. Although Basra's attorney indicated on the record during pretrial hearings that counsel and Basra had disagreements over strategy, Basra did not make a motion to discharge his attorney and defense counsel did not move to withdraw. Because Basra did not request new counsel and the record shows nothing more than a disagreement over strategy, Basra fails to demonstrate error.¹⁹

Basra next claims that his attorney provided ineffective assistance by failing to investigate evidence regarding his mental health. On the contrary, the record reveals that trial counsel presented the testimony of a forensic psychologist and argued to the jury that Basra's mental health issues prevented him from forming the intent to kill his wife. Basra's reliance on matters outside the record, including blood tests and homeopathic medicines, is misplaced in this direct appeal.²⁰ Likewise, Basra claims the trial court and his attorney interfered with his right to testify by limiting the scope of his direct examination and providing an interpreter to translate his testimony from his native language. But Basra testified at trial, and again, we cannot consider matters outside the record in a direct appeal.

¹⁸ State v. Terrovonia, 64 Wn. App. 417, 422-23, 824 P.2d 537 (1992).

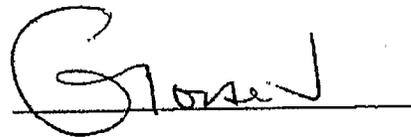
¹⁹ See State v. Stenson, 132 Wn.2d 668, 734, 940 P.2d 1239 (1997) (defendant dissatisfied with appointed counsel must show good cause to warrant substitution of counsel; general loss of confidence or trust alone is not sufficient).

²⁰ State v. McFarland, 127 Wn.2d 322, 338 n.5, 899 P.2d 1251 (1995).

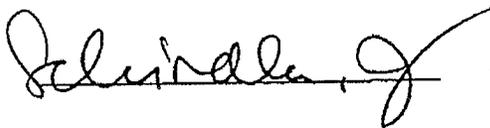
Also, because Basra fails to identify any trial error, he is not entitled to relief under the doctrine of cumulative error.

Finally, Basra contends, and the State concedes, that the sentencing court improperly imposed 36 months of community custody for a "sex offense," instead of a "serious violent offense." Although the trial court later entered an order to correct the scrivener's error with regard to the type of offense, the term of community custody must also be corrected to reflect a range of 24 to 36 months. We therefore remand for correction of the term of community custody.

Affirmed and remanded.

A handwritten signature in cursive script, appearing to read "G. Stone", written over a horizontal line.

WE CONCUR:

A handwritten signature in cursive script, appearing to read "Schindler", written over a horizontal line.

A handwritten signature in cursive script, appearing to read "COX, Jr.", written over a horizontal line.

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

STATE OF WASHINGTON,
Respondent,
v.
PARAMJIT SINGH BASRA,
Appellant.

No. 68661-5-1

MANDATE

King County

Superior Court No. 09-1-05492-1 KNT

Court Action Required

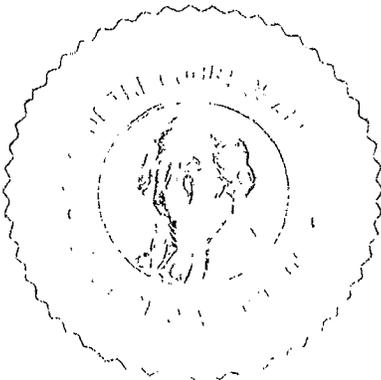
FILED
KING COUNTY, WASHINGTON
APR 21 2014
SUPERIOR COURT CLERK

THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington in and for King County.

This is to certify that the opinion of the Court of Appeals of the State of Washington, Division I, filed on November 25, 2013, became the decision terminating review of this court in the above entitled case on April 16, 2014. An order denying a petition for review was entered in the Supreme Court on April 2, 2014. This case is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion.

c: Thomas Kummerow
Deborah Dwyer
Hon. Brian Gain

Court Action Required: The sentencing court or criminal presiding judge is to place this matter on the next available motion calendar for action consistent with the opinion.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Seattle, this 16th day of April, 2014.

RICHARD D. JOHNSON
Court Administrator/Clerk of the Court of Appeals, State of Washington, Division I.

State of Washington vs Paramjit Singh Basra
King County Cause No. 09 1.05492 1 KNT

Date: February 6, 2012

Judge: Brian D. Gain
Bailliff: Maria Diga
Court Clerk: Beverly Ann Enebrad
Reporter: Joe Richling

Continued from: February 2, 2012

MINUTE ENTRY

Deft, respective counsel and interpreters Sarbjit Singh and Santosa Wahli are present in Court

Court and respective counsel discuss juror questionnaires and hardship.

Following prospective jurors sworn and examined re juror questionnaires: juror no. 13, 77, and 86.

Continued to February 7, 2012 at 9:00am.

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

STATE OF WASHINGTON,)
Plaintiff,)

) No. 09-1-05492-1
Vs) COA# 68661-5

PARAMJIT BASRA,)
Defendant.)

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VERBATIM REPORT OF PROCEEDINGS

February 2, 2012

HEARD BEFORE THE HONORABLE BRIAN GAIN

Maleng Regional Justice Center
Kent, Washington

APPEARANCES:

DON RAZ, Senior Deputy Prosecuting Attorney,
Representing the State;

TIM JOHNSON and ANY LUTHRA, Attorneys at Law,
Representing the Defendant.

Whereupon, the following proceedings occurred, to wit:

Sheri Lenn Runnels, Official Court Reporter

COPY COPY

1 FEBRUARY 2, 2012

2 THE COURT: Please be seated. Counsel, I think we
3 had sometime ago discussed that we would go through the
4 motions and we would start with the State's trial memorandum
5 and then the defense.

6 MR. RAZ: Yes. I believe the defense wanted to
7 address something before we started going through the
8 proceedings.

9 MR. JOHNSON: If we could, your Honor. Mr. Basra I
10 think wanted to address the court. I'm going to let him do
11 it directly. It has to do with the issue that he's
12 Had with some of his prior lawyers. I think he may not be
13 happy with us, again, at this point, but I've tried to talk
14 to him about any of the issues that he has.

15 So Mr. Basra, did you want to address the judge
16 directly?

17 THE DEFENDANT: My speech is limited, but I have
18 written a letter to the court, if the court can see this
19 letter?

20 THE COURT: Have you had an opportunity to see this?

21 MR. JOHNSON: I have not, your Honor. We have not.

22 THE COURT: What I will do is, we will finish the
23 pretrial motions and then I'll give you an opportunity to
24 talk to Mr. Basra, but at this point we need to proceed with
25 this trial.

1 do it in open court. And there will be no sidebars. So if
2 you feel it appropriate, I will, if you remind me, instruct
3 the jury up front that they may be excused from time to time
4 for legal issues to be discussed. Particularly with regard
5 to the interpreter informing the defendant of what is going
6 on.

7 So the second issue is the jury selection process, at
8 least to being interviewed. I never do it in chambers. It
9 will be in open court. Everybody who is here will be
10 present, but none of the other jurors.

11 MR. RAZ: So just to clarify, is the court saying
12 that you prefer -- are you saying we should limit sidebars
13 or just not do sidebars?

14 THE COURT: I'm saying if you think that it's
15 appropriate to have a sidebar, we will not have one, we'll
16 excuse the jurors and we'll do it in open court.

17 MR. RAZ: All right. So we would ask for a sidebar
18 and the court's response would be for the jury to return to
19 the -- the only reason I would throw this out there, and I
20 don't hear the defense objecting, but they certainly can, is
21 that sometimes sidebars are such a purely administrative
22 concern. For example, one of my colleagues was in front of
23 Eadie recently and there was a purely -- it was just
24 scheduling, and because he does no sidebars, there was no
25 opportunity to just quickly and efficiently communicate that

1 for the most part we've been able to get along. But he did
2 address the court about his feelings about the situation at
3 this point.

4 THE COURT: He is not to talk to the court.

5 MR. JOHNSON: Okay.

6 THE COURT: We've had a number of attorneys in this
7 case, and we need to proceed to trial.

8 MR. JOHNSON: And, your Honor, I guess maybe if --
9 this is just a little bit unusual, but if the court had any
10 kind of a comment about what it perceives as the current
11 defense counsels' abilities or performance so far to be
12 appropriate, to how the trial has been conducted so far, if
13 the court wanted to direct any of those to Mr. Basra.

14 THE COURT: I have no concerns with your
15 representation of Mr. Basra.

16 MR. JOHNSON: Okay. Thanks, your Honor.

17 THE COURT: Nor do I have any concerns about Mr. Raz.

18 The only additional comment, both of you are extremely
19 competent attorneys and know your ethical obligations. If
20 there is a call that Mr. Basra is entitled to make, he makes
21 the decision. If it is a trial tactic or matters in which
22 it is in the province of the attorneys, then you make the
23 call.

24 MR. JOHNSON: That is right, your Honor. And just on
25 that first point would be whether or not Mr. Basra chooses

1 to testify or accept an offer to try to settle the case,
2 those are definitely, those two decisions that he is going
3 to make, no matter what, and we support him on that one.
4 Let me see if I can talk to him briefly for a second.

5 THE COURT: Let me just indicate I am not aware of
6 any expert opinions or the basis for their opinions in a
7 mental defense of some sort that is being proffered in this
8 case, so at some later time after I become more aware of
9 what the mental issues are, we can re-examine, but at this
10 point I'm satisfied that you can present his defense in the
11 best manner possible.

12 MR. JOHNSON: Okay. Thanks, your Honor. Let me talk
13 to Mr. Basra.

14 Your Honor, I apologize, we are at a bit of an
15 impasse, and the situation is that Mr. Basra has strong
16 feelings about how yesterday's suppression hearing regarding
17 his statements went. He just has a strong-- he disagrees
18 with a lot of the testimony that the officers gave and has
19 other ideas about what should have been or other things that
20 might matter. All I'm trying to say is that my ability to
21 represent Mr. Basra is being impeded by the fact that I have
22 tried to explain to him that the proceeding is over, we made
23 our best showing, and we made our decisions, and the rulings
24 have been made, but Mr. Basra is not going to accept that
25 and move on with what we need to start executing with regard

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SUPERIOR COURT OF KING COUNTY, WASHINGTON

STATE OF WASHINGTON,
Plaintiff,
v.
PARAMJIT BASRA,
Defendant.

) Case No.10-1-05492-1 KNT
)
) COA: 68661-5-I
)
) February 6, 2012
)

VERBATIM REPORT OF PROCEEDINGS, JURY VOIR
DIRE, taken before the HONORABLE BRIAN GAIN, at the
Maleng Regional Justice Center.

APPEARANCES

FOR THE PLAINTIFF:

Mr. Don Raz
Deputy Prosecuting Attorney

FOR THE DEFENDANT:

Mr. Tim Johnson
Ms. Anu Luthra
Attorneys at Law

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Washington Appellate Project

JOSEPH T. RICHLING
OFFICIAL COURT REPORTER
MALENG REGIONAL JUSTICE CENTER
KENT, WASHINGTON

1 JURY PANELIST 13 PRESENT

2 THE COURT: Those are microphones so they can
3 hear you. The attorneys have some questions for you
4 about your answers. What you tell us is just for the
5 people in the room. And I'd ask you not to talk about
6 it to the other jurors.

7 Mr. Raz, any questions?

8 EXAMINATION

9 BY MR. RAZ:

10 Q. On your questionnaire you indicated that you
11 were familiar with someone who had a mental illness and
12 also familiar with someone who had been accused of or
13 arrested or convicted of some type of assaultive
14 behavior against someone they were in a relationship
15 with.

16 A. Right.

17 Q. Are both of those things that you wish to talk
18 about outside the presence or was there one over the
19 other?

20 A. Both. And there was a third thing that wasn't
21 on there.

22 Q. That's fine, too.

23 A. So I'll talk about those that were on the list.

24 A good friend of mine that I've known since
25 sixth grade is schizophrenic. He will come to our house

1 JUROR PANELIST 77 PRESENT

2 THE COURT: The reason I have you up here is
3 because there's some microphones and everybody can hear
4 you.

5 what you tell us is just for the people in the
6 room. I would ask you not to talk about it to the other
7 jurors. The attorneys may have some questions about
8 your response.

9 Mr. Raz.

10 EXAMINATION

11 BY MR. RAZ:

12 Q. On your questionnaire you indicated that you
13 knew someone who suffered a mental illness, that you
14 have knowledge about mental illness, and then also
15 someone had assaulted a spouse or a partner or someone
16 close to them.

17 Is it one of these three that you wish to speak
18 about outside the presence of the other jurors, or all
19 of them?

20 A. All of them. I realized it after I came in. I
21 thought it would be okay. But after I came in, I felt
22 differently.

23 Q. You provided some background as to each of those
24 two areas, right, the mental illness area and the
25 assault area?

1 JUROR PANELIST 86 PRESENT

2 THE COURT: Ms. Bennett, the reason you are
3 here is your answer, what you tell us is just for the
4 people in the courtroom. And I would ask you not to
5 talk about it in to the other jurors.

6 Mr. Raz, go ahead.

7 EXAMINATION

8 BY MR. RAZ:

9 Q. You indicated on your questionnaire that you are
10 aware of somebody who has injured or assaulted their
11 spouse, their partner, a family member, and also someone
12 who has been held responsible for that. I assume that
13 that is at least one of the reasons why you wish to
14 speak with us outside the presence of the other jurors?

15 A. Yes.

16 Q. And if there are others besides that, we're
17 willing to listen to those. But can you kind of fill us
18 in as to what your relationship with these people are?

19 A. Yes. It was my best friend, Tina, and her
20 husband who is a crack person, waited until she got her
21 inheritance, and then he hit her in the back of the head
22 with a baseball bat and then attacked her grandson. And
23 the grandson went and got a knife and stabbed him in the
24 stomach.

25 He's doing five years now. He had another

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

STATE OF WASHINGTON,)
)
Plaintiff,)
)
v.)
)
PARAMJIT SINGH BASRA,)
)
Defendant.)

No. 09-1-05492-1 KNT
CoA No. 68661-5-I

COPY

TRIAL PROCEEDINGS

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN GAIN

February 8, 2012
Norm Maleng Regional Justice Center
Kent, Washington

APPEARANCES:

FOR THE PLAINTIFF: DONALD J. RAZ
Deputy Prosecuting Attorney

FOR THE DEFENDANT: ANU LUTHRA
TIM JOHNSON
Attorneys at Law

REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
Official Court Reporter
(206) 205-2530

1 (Jury reconvenes.)

2 THE COURT: Please be seated.

3 Mr. Raz, call your next witness.

4 MR. RAZ: State would call Detective Hauser.

5 MICHAEL HAUSER,

6 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MR. RAZ:

9 Q. Could you please state your name and spell your
10 last name.

11 A. My name is Michael Hauser, and the last is
12 spelled H-a-u-s, as in Sam, e-r.

13 Q. What your occupation?

14 A. I'm a detective with the Auburn Police
15 Department.

16 Q. How long have you worked for the Auburn Police
17 Department?

18 A. I started with the Auburn Police Department in
19 February of 2004.

20 Q. Did you have any law enforcement experience prior
21 to coming to Auburn?

22 A. Yes, sir.

23 Q. And where was that and for how long?

24 A. With the City of Milton. And I started with the
25 City of Milton in February of 2002.

HAUSER - Direct by Mr. Raz

1 believe it would refresh your memory as to whether you
2 physically contacted the door as part of your
3 announcement or not?

4 A. Yes, sir.

5 Q. Could you please take a look, then look up, and
6 I'll ask you a question.

7 A. Yes, sir.

8 Q. Has your memory been refreshed as to whether you
9 knocked or not?

10 A. Yes.

11 Q. Did you knock?

12 A. Yes. It says that I clearly knocked on the
13 residence and announced our presence.

14 Q. Do you remember how many times you may have
15 knocked? At least once?

16 A. Yes. It's saying that I at least knocked on the
17 door twice, two separate times, demanding entrance into
18 the house.

19 Q. All right. So the door opened. What happened
20 then?

21 A. Then a male subject exited the front of the
22 house.

23 Q. And can you describe -- just give us a
24 description of the individual who exited.

25 A. He was an Eastern Indian male who was

HAUSER - Direct by Mr. Raz

1 approximately in his fifties, medium build, with a beard
2 and hat on, like a hair wrap for a turban, I guess, it
3 was orange, and a white T-shirt and gray pants.

4 Q. All right. And when he came out, was there
5 anything in his hands?

6 A. No. His hands were empty.

7 Q. And when he exited, what did you do in response
8 to him coming out the door?

9 A. I detained him, or placed him in handcuffs.

10 Q. And could you describe -- I mean, could you
11 describe how you did that, relative positions to him and
12 what you did to his body to get him into the handcuffs?

13 A. I reached out with one -- well, first off, I
14 holstered my weapon and made sure that it was safely put
15 away. Then I reached out -- typically, when I handcuff
16 people, I use my left hand to grab the individual; so,
17 this way, if I have to go back to my gun, I have my
18 right hand free. I also use my right hand for cuffing.

19 And I reached down and grabbed the handcuffs, I
20 grabbed the individual, and gave him instructions to
21 turn around and place his hands behind his back. And,
22 as I had place of his arm, I turned him around, so he's
23 facing the opposite direction of me. And I believe we
24 stepped over a couple feet to the right, away from the
25 door.

HAUSER - Direct by Mr. Raz

1 words he used?

2 A. Yes. Specifically, in my report, it says, "Ah,
3 ah, the problem is I killed my wife. She's in the room
4 to the right."

5 Q. And when he said those things, did he -- I guess
6 did he speak in any type of an accent?

7 A. Yes. It seemed to be broken English.

8 Q. What do you mean by that?

9 A. Well, he sounded like other individuals that I've
10 heard from Eastern India before.

11 Q. Okay.

12 A. So a similar type accent.

13 Q. Did you have any difficulty understanding the
14 words that you attributed to him?

15 A. No, sir.

16 Q. And when he said those things to you and was
17 going through the handcuffing process, did you make a
18 note of what his demeanor was like?

19 A. Yes, sir.

20 Q. And what demeanor was he exhibiting to you?

21 A. He was actually very calm.

22 Q. And once he had been -- well, other than the
23 statements that he said to you, do you recall him saying
24 anything else to you while he was in your presence?

25 A. No.



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

STATE OF WASHINGTON,)	No. 09-1-05492-1 KNT	
)	CoA No. 68661-5-I	
Plaintiff,)	COPY	
v.)		
PARAMJIT SINGH BASRA,)		TRIAL PROCEEDINGS
Defendant.)		

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN GAIN

February 9, 2012
Norm Maleng Regional Justice Center
Kent, Washington

APPEARANCES:

FOR THE PLAINTIFF: DONALD J. RAZ
Deputy Prosecuting Attorney

FOR THE DEFENDANT: ANU LUTHRA
TIM JOHNSON
Attorneys at Law

REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
Official Court Reporter
(206) 205-2530

ORVIS - Direct by Mr. Raz

1 area, and, clearly, we won't ask her about that.

2 MR. JOHNSON: Yeah. That's fine.

3 MR. RAZ: All right. Thank you.

4 THE COURT: All right.

5 Bring them in.

6 (Jury reconvenes.)

7 THE COURT: Good morning. Please be seated.

8 MR. RAZ: The State will call Officer Orvis.

9 LORAN ORVIS,

10 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE COURT: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. RAZ:

14 Q. Could you state both your first and last names,
15 and spell them both.

16 A. Okay. I'm Officer Loran Orvis, L-o-r-a-n, last
17 name is Orvis, O-r-v, like Victor, i-s.

18 Q. What is your occupation?

19 A. I am a police officer at the Auburn Police
20 Department.

21 Q. How long have you been employed by Auburn as a
22 police officer?

23 A. For about four and a half years.

24 Q. Have you had any prior law enforcement
25 experience?

Mr. Raz

ORVIS - Direct by Mr. Raz

1 line delineates the porch. He was standing right by the
2 front door, and I had moved up. If I recall correctly,
3 there were a couple of stairs through to step up onto in
4 order to get onto the porch. And I had moved up as the
5 door opened in case the individual coming to the door
6 were to rush us or to attempt physical harm.

7 Q. All right. And when the door opened, were you
8 able to see anyone inside?

9 A. I was.

10 Q. All right. Could you describe the person that
11 would have been opening the door and stepped into view?

12 A. Okay. It was an Eastern Indian male. I
13 estimated his age to be in his fifties. He was
14 wearing -- if I can refresh from my report, I believe he
15 was --

16 Q. Yes, please do.

17 A. He was wearing a white shirt with gray pants and
18 an orange Sikh turban.

19 Q. And since you're there by your report, could you
20 take a look at it to see whether it indicates anything
21 about whether Hauser did something physically to further
22 the announcement?

23 And I would direct your attention to the third
24 paragraph down from the top, toward the bottom of that
25 paragraph.

V

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF KING
3

4 STATE OF WASHINGTON, -) No. 09-1-05492-1 KNT
5 Plaintiff,) CoA No. 68661-5-I
6 v.)
7 PARAMJIT SINGH BASRA,)
8 Defendant.)

COPY
TRIAL PROCEEDINGS

9
10 VERBATIM REPORT OF PROCEEDINGS
11 BEFORE THE HONORABLE BRIAN GAIN
12

13 February 13, 2012
14 Norm Maleng Regional Justice Center
15 Kent, Washington
16

17 APPEARANCES:
18 FOR THE PLAINTIFF: DONALD J. RAZ
19 Deputy Prosecuting Attorney
20 FOR THE DEFENDANT: TIM JOHNSON
21 ANU LUTHRA
22 Attorneys at Law
23 ALSO PRESENT: CHRISTINA MANUEL
24 Punjabi Interpreter
25 REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
Official Court Reporter
(206) 205-2530

WILLIAMS - Direct by Mr. Raz

1 MR. JOHNSON: No.

2 THE COURT: Okay. Bring them in.

3 (Jury reconvenes.)

4 THE COURT: Please be seated.

5 MR. RAZ: The State would call Detective
6 Williams.

7 AARON WILLIAMS,

8 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION

10 BY MR. RAZ:

11 Q. Could you please state your name, spelling both
12 your first and last names.

13 A. Sure. My name is Aaron Williams, and Aaron is
14 spelled A-a-r-o-n, Williams is spelled W-i-l-l-i-a-m-s.

15 Q. And what is your occupation?

16 A. I am a detective with the Auburn Police
17 Department.

18 Q. How long have you worked for the Auburn Police
19 Department?

20 A. Just over 11 years.

21 Q. Did you have any law enforcement experience prior
22 to that?

23 A. I did.

24 Q. And where was that at?

25 A. I worked for the City of Oak Harbor for about

WILLIAMS - Direct by Mr. Raz

1 A. Not far. Maybe 20 feet.

2 Q. And did you ask him any questions as you were
3 walking along to your patrol car?

4 A. No.

5 Q. Did he make any statements to you as you both
6 walked along, toward the patrol car?

7 A. He did.

8 Q. What was the first thing he said?

9 A. The first thing he said, something to the effect
10 of: I have family problems.

11 Q. And did he say a second thing?

12 A. Yes.

13 Q. What was the second thing he said?

14 A. That one, I believe, was -- I think it was just
15 another statement of: I killed my wife.

16 Q. And did he, as you were walking, tell you a third
17 thing?

18 A. He did, yes.

19 Q. And what was that?

20 A. The last one was: She has problems with men.
21 Something to that effect. She has problems with men, so
22 I killed her.

23 Q. And would you later document this interaction
24 with Mr. Basra into a police report?

25 A. Yes, I did.

GOLLOGLY - Direct by Mr. Johnson

1 THE WITNESS: Dr. Weiss.

2 MR. JOHNSON: And we talked about the
3 homeopathic; nothing about that.

4 THE WITNESS: Right.

5 (Jury reconvenes.)

6 THE COURT: Please be seated.

7 Doctor, if you would raise your right hand.

8 VINCENT GOLLOGLY, Ph.D.,

9 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION

11 BY MR. JOHNSON:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. Sir, could you tell us your name, please.

15 A. My name is Vincent Gollogly.

16 Q. Okay. And could you give us your business
17 address. And, actually, spell your last name for the
18 record, too.

19 A. The last name is G-o-l-l-o-g-l-y.

20 Q. Okay. Do you have a business address for us?

21 A. My business address is 6314 19th Street West,
22 Suite 18, Fircrest, Washington, 98466.

23 Q. Okay. And, Dr. Gollogly, we're calling you as
24 our witness, the Defense is; right?

25 A. That is correct.

GOLLOGLY - Direct by Mr. Johnson

1 delusional disorder.

2 And, with regard to his cognitive functioning, he
3 had good remote memory. His concentration was good
4 enough to attend to the questions posed to him and to
5 lengthy interviews, and he could complete a three-step
6 task, which, you know, showed that he had reasonable
7 understanding. His pace was very slow and deliberate
8 and he appeared to be of average intelligence.

9 Q. Okay. And then how was his memory? Did he seem
10 to remember things okay? You say you asked him those
11 three things.

12 A. His remote memory was good; his kind of immediate
13 memory was reasonable, and then -- you know. So the
14 only thing that he did mention was that he couldn't
15 remember anything at all at the time that he attacked
16 his wife.

17 Q. Okay. Did that seem like something that would be
18 credible, in your opinion, or based on the way he
19 presented?

20 A. Yes, it did.

21 Q. Okay. Why is that?

22 A. Because he struck me as being a gentleman that
23 had -- that was a very serious gentlemen, very
24 hard-working, a very decent person. He never had any
25 criminal record, worked hard all his life.

GOLLOGLY - Direct by Mr. Johnson

1 He wanted to give his family a better life in
2 America; that he had a really very, very happy
3 relationship with his wife of 26 and a half or 27 years;
4 that he loved his children. And he was absolutely
5 horrified at what had happened, and said he just
6 couldn't remember anything about it.

7 Q. Is it unusual for people to go through these kind
8 of experiences and not remember some parts of them that
9 might be traumatic to them, if they are?

10 A. No. It can be quite common.

11 Q. Okay. So did you go ahead and ask him about what
12 had happened that day?

13 A. Yes, I did.

14 Q. Okay. Why don't we talk about what he told you.
15 I think, on Page 4, you have a fairly extensive outline
16 of the details; is that right?

17 A. That is correct.

18 Q. Okay. And this isn't just as far as what
19 happened that day. This has to do with the whole story
20 that kind of lead up to it; is that right?

21 A. That is right.

22 Q. And that mattered for you, in your work?

23 A. Yes, it does.

24 Q. Okay. So why don't you tell us what he told you
25 as far as what you needed to know, and what you thought,

GOLLOGLY - Direct by Mr. Johnson

1 and what it was?

2 A. He told me that he had been to India a few months
3 before this and gone to his eldest daughter's wedding,
4 and that it had cost him about \$35,000, and that --

5 Q. Thirty-five thousand dollars, you say?

6 A. Yes, \$35,000.

7 Q. Okay.

8 A. And that -- which was a considerable amount of
9 money. And then, you know, what he did was, when he
10 came back, he had been expecting to have work, but there
11 wasn't much work around.

12 And he only had a couple thousand dollars in the
13 bank, and he really had to pay bills and everything
14 else, and he got himself into a desperate situation; he
15 borrowed money from friends. And then he and his son
16 were driving the truck, but he described that he became
17 more irritable about things, he became very depressed.

18 He just started isolating from people, where
19 people didn't talk to him. And this might have been
20 because of his recognized -- that might have been
21 because of the fact that he was feeling so bad. And he
22 just gradually became withdrawn into himself, and spent
23 time on his own. He eventually got to the point where
24 he'd go and spend -- as soon as he'd come home, he would
25 go to his room and stay there.

GOLLOGLY - Direct by Mr. Johnson

1 If he'd go to the temple, he wouldn't talk to
2 anyone; he just kind of would pray by himself. And he
3 was getting desperate. He was trying to find work. He
4 did get a company -- he did find work with a company,
5 but they --

6 Q. What was the name of that one? Do you remember?

7 A. Spirit. He had -- before he had gone to India,
8 he had worked for this trucking company, where he would
9 get one load to take one place, and it wasn't too
10 difficult.

11 But with Spirit, if he took a load, he might have
12 to get another load, and take it on, and part of the
13 problem was he couldn't speak English well. And his
14 son, because he had become, the way I took it, at that
15 time, to be very depressed and irritable, his son didn't
16 want to drive with him. He was left to -- he went, and
17 his son drove another truck, and he was driving by
18 himself, and then he was finding it difficult to get
19 loads.

20 And this was having a real impact upon him,
21 because he began to feel worthless, that he was
22 hopeless, and that he was feeling like a failure.

23 Q. Was he feeling anxious as well?

24 A. A tremendous amount of anxiety, and very, very
25 depressed, the anxiety that he didn't have enough money

GOLLOGLY - Direct by Mr. Johnson

1 for the family and to be able to keep everything going,
2 because he was always taught that that was his
3 responsibility.

4 And then he had difficulties because of the fact
5 that his family was upset about the change in him; it
6 was remarkable. And even his friends said the same
7 thing, that he was ignoring them, that he wasn't doing
8 -- even when -- I think we had a deposition from one
9 particular friend that said he knew the family for a
10 long while; he'd worked with him.

11 Q. Is that Mr. Harminder Singh?

12 A. Yes.

13 Q. The jury has heard from him. Go ahead.

14 A. And then what happened was that Harminder Singh
15 had passed him by when he was walking by one time. And
16 he stopped him in his tracks, and said, "Hello," you
17 know, "Can I help you?" And the bottom line is he got
18 no response whatsoever.

19 Q. So -- let's see. You got that information from
20 -- the other information from Mr. Basra; right?

21 A. Yes.

22 Q. Okay.

23 A. And he's describing the fact that he felt he was
24 just totally isolated, and that he was isolating
25 himself, and this is what he had indicated to me.

GOLLOGLY - Direct by Mr. Johnson

1 And I think that he had also said that he had
2 tried to talk to his son, but his son stopped answering
3 his phone calls. And he just fell into this real deep
4 depression, and tremendous anxiety.

5 He was isolating himself. He found out he wasn't
6 able to concentrate well. He was forgetting things. He
7 had headaches. He was finding it difficult to sleep.

8 Q. Did this affect the way that he felt about other
9 people and how they thought or maybe felt about him?

10 A. Yes, because when he was getting into this state,
11 what I took this to mean is that he had fallen into a
12 major depressive disorder. And what happened was that,
13 when you're in this state, you don't want to deal with
14 people. You're very much -- your relationships with
15 people become circumscribed, that you feel failure,
16 hopelessness, you get tired, have no energy.

17 There's a lot of symptoms that would indicate
18 that his relationships with other people would become
19 very, very difficult, because he was in such a major
20 depression.

21 Q. And -- let's see. Did he tell you that he
22 thought others were feeling different about him,
23 specifically? Do you recall that?

24 A. Yes. He said that he felt his relationship with
25 his wife and children had deteriorated; that he felt

GOLLOGLY - Direct by Mr. Johnson

1 that they wouldn't agree with him, and he was isolating
2 himself in the family home; he felt a recluse, a
3 failure, that he was alienated from everybody.

4 Q. Did he feel that other people were against him as
5 well?

6 A. He felt alienated from everybody. He felt he was
7 almost, in a way, being shunned by society, that they
8 weren't helping him, they didn't want to deal with him.

9 Q. Okay.

10 A. And I think part of the problem was he didn't
11 realize that his irritability, his anger, the fact that
12 his demeanor had changed, he was depressed, you know, he
13 didn't have the insight to realize that it was his own
14 mental health state that was impacting the way that
15 other people were dealing with him.

16 Q. So he would continue to -- well, then the problem
17 compounded itself then?

18 A. I think the problem compounded itself, and he
19 just became terribly isolated.

20 Q. Okay. Did he tell you about not going out, not
21 leaving the house at any time? Or did he say that, you
22 know, he would continue to go out and everything was
23 fine; he would just work through it?

24 A. He felt he had to work through it, that he just
25 had to keep doing whatever he could do to be able to try

GOLLOGLY - Direct by Mr. Johnson

1 and get a job and be able to bring the money in, and
2 because he is a responsible, very responsible man. So
3 he just basically had to kind of keep trying, keep going
4 to work and doing the things that he had to do to try
5 and make money and support himself and put bread on the
6 table.

7 Q. Were there some occasions when he told you that
8 he would just spend hours in his room, not knowing where
9 time went, though?

10 A. He said, yes, when he came back to his room, he
11 wouldn't talk to anyone, and he just would shut the
12 door, and he was just feeling totally hopeless, time
13 went by.

14 Q. What was that?

15 A. Time went by.

16 Q. Time went by? It would be lost?

17 A. Yes.

18 Q. Okay. And -- okay. So then did you talk to him
19 about what had happened the night before?

20 A. Yes, I did.

21 Q. Okay. What did he tell you about that?

22 A. He said that his family -- he wasn't getting on
23 with his family, felt they were avoiding talking to him.
24 And then he said he had an argument with his wife about
25 lack of sauce for dinner, and that she -- that night she

GOLLOGLY - Direct by Mr. Johnson

1 slept by the TV, and he got up, and then he asked her to
2 come back to bed with him.

3 And, you know, when he got ready to go to work
4 the following morning, he woke his wife up, and that
5 then he had an argument with her, and then he went off
6 to go to work. And while he was driving to work, he
7 suddenly realized that he had forgotten his wallet, with
8 his driving license in it, or his -- and that's
9 something that he needed.

10 And he said that he basically panicked because he
11 was afraid he would get there late; so he rushed back to
12 the house, and then he described what happened when he
13 got in the house.

14 Q. Was your understanding from Mr. Basra that this
15 was just another day where he had to go to work, or was
16 there something, you know, unusual about this particular
17 day?

18 A. Well, there was something unusual about this
19 particular day because he was starting work with his old
20 trucking company again.

21 And he had been feeling a failure at Spirit
22 Trucking because he wasn't getting jobs. They were
23 hardly sending him out. They were only sending him on
24 short trips because he couldn't understand the
25 dispatcher. So he wasn't getting any calls after he

GOLLOGLY - Direct by Mr. Johnson

1 dropped his first load. And, you know, he was hoping
2 that he would be able to get more work and thus get more
3 money to help the family get back on their feet again.

4 Q. What's your understanding, then, about his state
5 of mind when he left for work that morning?

6 A. I think he was still kind of feeling, you know --
7 you got to be -- this is a person who has been feeling
8 really depressed, is feeling down. Now he has a job,
9 he's going out there, and there are hopes that he might
10 be able to think the situation might be able to change
11 for him.

12 And then, all of a sudden, he finds out he's lost
13 his wallet, he has left his wallet behind, he is going
14 to be late for work, and he gets into a panic, and he
15 rushes back. And I think that that was what was
16 happening when he went back to the house to look for his
17 wallet.

18 Q. What did he tell you, then, that happened next?

19 A. Well, basically, he said that he rushed up to his
20 room, and he said his wife was on the bed and his
21 daughter was there at the computer, which was not usual.
22 And then he asked them to help to look for his wallet,
23 and he startled -- I think they were very startled by
24 it. But he said that -- you know, that he told me that
25 his wife stood up on the bed, and he felt as if she was

GOLLOGLY - Direct by Mr. Johnson

1 swooping towards him.

2 Q. You say "swooping towards him?"

3 A. Yes. I think what he said was that she fell up
4 on the bed and then just kind of leaned towards him.
5 And I took that mean because she kind of lost her
6 balance on the bed and fell towards him. But he saw it
7 as if she was kind of rushing towards him, or falling,
8 swooping towards him.

9 And then he said that he pushed her down, and his
10 daughter came and threw something at his head, and
11 started cursing at him, and he said that was it; he
12 couldn't remember anything after that; it was just like
13 a dream.

14 Q. Okay. And so did you get the impression that he
15 believed that he was almost being attacked by them? Is
16 that what you're talking about? About the way that he
17 was describing that they were interacting with him?

18 A. I did. I got that impression.

19 Q. Okay. And did you think that that might be
20 something that might be a symptom of his mental illness?
21 Did that come into your analysis?

22 A. Yes, because I can't believe that it did come
23 into my analysis. You know, if you are mentally ill,
24 you misread things; you don't take things in properly;
25 your judgment deteriorates; that, you know, the way you

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2 IN AND FOR THE COUNTY OF KING
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4 STATE OF WASHINGTON,)

No. 09-1-05492-1 KNT

5 Plaintiff,)

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6 v.)

COPY

7 PARAMJIT SINGH BASRA,)

TRIAL PROCEEDINGS

8 Defendant.)

9
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VERBATIM REPORT OF PROCEEDINGS

11 BEFORE THE HONORABLE BRIAN GAIN
12

13 February 15, 2012

14 Norm Maleng Regional Justice Center

15 Kent, Washington

16 APPEARANCES:

17 FOR THE PLAINTIFF: DONALD J. RAZ
 Deputy Prosecuting Attorney

18
19 FOR THE DEFENDANT: ANU LUTHRA
 TIM JOHNSON
20 Attorneys at Law

21 ALSO PRESENT: SANTOSH WAHI
 SARBJIT SINGH
22 Punjabi Interpreters

23
24 REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
 Official Court Reporter
25 (206) 205-2530

GOLLOGLY - Direct by Mr. Johnson

P R O C E E D I N G S

February 15, 2012

(The following commenced outside the jury's presence:)

THE COURT: Please be seated.

Counsel, anything before we bring them in?

MR. RAZ: No, Your Honor.

MR. JOHNSON: No.

THE COURT: Okay.

(Jury reconvenes.)

THE COURT: Good morning. Please be seated.

Mr. Johnson, you're on direct.

MR. JOHNSON: Thanks, Your Honor.

VINCENT GOLLOGLY, Ph.D.,

HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. JOHNSON: (continuing)

Q. Dr. Gollogly, good morning.

A. Good morning.

Q. How are you?

A. I'm fine, thank you.

Q. Good, good. All right.

So, let's see, we last left yesterday basically stumbling around, just trying to find a particular reference in a particular police report that I wanted to talk about. And, so, since then, did you get a copy of

GOLLOGLY - Direct by Mr. Johnson

1 and not really seeing things, and it is a part of this
2 clouded perception, part of this poor judgment, part of
3 the fact that you're not able to concentrate very well,
4 and you're not thinking clearly.

5 And then what happens is he perceives that his
6 wife's falling on him, and she's jumping off the bed,
7 and jumping at him, and his daughter is kind attacking
8 him, and that I think that -- you know, that shows that
9 he was impacted by his mental illness, and he just
10 wasn't able to form intent.

11 Q. Okay. Now, not able to form intent is a part of
12 the charges here that had been brought against
13 Mr. Basra, but there are some other mental states, legal
14 mental states of mind that we have to talk about a
15 little bit more, if we could.

16 There's the First Degree charge, which is that
17 Mr. Basra intended to kill his wife, but also that he
18 had premeditated that intent, he had thought about it
19 beforehand.

20 Is your opinion, also -- I think we also talked
21 about this -- is it -- do you have an opinion about the
22 mental illness and diminished capacity?

23 A. My opinion about the mental illness was that it
24 was such that he, you know, when the whole situation
25 happened in the way that I just described, due to the

1 panic, the anxiety, the depression, that he wasn't
2 premeditating to kill his wife.

3 Q. Okay. Was he capable -- or was his --

4 A. I don't believe he formed that intent. He
5 described on a number of occasions that he pushed his
6 wife down. That's what he was kind of -- that's how he
7 perceived it.

8 Q. Okay. And then it's not just the intent to --
9 because of the nature of the charges that we -- and the
10 jury's going to hear more about this later on.

11 But for the purposes of our discussion, there's
12 the intent to commit murder, and then there's also the
13 intent to commit assault by way of strangulation, and
14 then intent to commit assault and thereby recklessly
15 inflict substantial bodily harm.

16 Does your opinion go so far as to say that
17 Mr. Basra's capacity to form intent also encompasses the
18 intent to assault by strangulation and to recklessly
19 inflict?

20 A. Yes, I do believe that.

21 Q. Okay. So it's just he clearly was not -- sorry.
22 That was leading. Okay. So -- all right.

23 So then we heard about Mr. Basra, and I think you
24 had information about it as well, you know, that he did
25 get out of bed that morning; right?

COLLOQUY

MS. LUTHRA: Well, I also need Mr. Johnson to come back. I think we probably need to talk downstairs.

THE COURT: Okay.

MS. LUTHRA: I think that would be easier.

THE COURT: Then let's take the afternoon recess.

MS. LUTHRA: Okay.

MR. JOHNSON: Thanks, Your Honor.

MS. LUTHRA: Yeah. Okay. Thank you.

THE COURT: I think we need a decision sometime soon.

MS. LUTHRA: Yeah.

MR. JOHNSON: You'll get it quick.

THE COURT: We will be in recess.

MS. LUTHRA: Okay. Thank you.

(A recess was taken, after which the following commenced outside the jury's presence:)

THE COURT: Please be seated.

Counsel, where are we?

MS. LUTHRA: Your Honor, Mr. Basra would like to testify.

THE COURT: Okay. Bring them in.

(Defendant takes the stand, jury reconvenes, and the following commenced:)

THE COURT: Mr. Basra, if you'd raise your right hand.

BASRA - Direct by Ms. Luthra

PARAMJIT SINGH BASRA,
HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: Please be seated.

Ms. Luthra.

MS. LUTHRA: Thank you, Your Honor.

The Defense is calling Paramjit Basra.

DIRECT EXAMINATION

BY MS. LUTHRA:

Q. Good afternoon. So, Mr. Basra, could you please state your name for the record.

A. Paramjit Singh Basra.

Q. And I see that you're wearing a turban in court.

A. Yes.

Q. Do you wear a turban every day?

A. Yes.

Q. How old were you when you started wearing a turban?

A. About 16, 17 years old.

Q. Okay. And is a turban one of the most important things for you to wear as part of your religion?

A. Yes.

Q. And, Mr. Basra, were you wearing a turban the morning of July 27th, 2009?

A. Yes.

Q. And what color was that turban?

BASRA - Cross by Mr. Raz

A. In what way are you asking?

Q. I'm asking what color was the turban that you were wearing that morning.

A. I don't remember. The pictures that I have seen, according to the reports, Police Officer Hauser, Police Officer Orvis, and also Police Officer Williams, according to Orvis, I was wearing orange, and, according to Officer Williams, I was wearing a red one, but according to the photos of the time that I was arrested, it was either maroon or brown.

Q. Okay.

A. And, according to Officer Hauser, I was wearing an orange one.

Q. Okay.

A. But I do not know, and I don't remember.

Q. Thank you.

MS. LUTHRA: I have no further questions for you.

THE COURT: I'm sorry?

MS. LUTHRA: I have no further questions for him.

THE COURT: Okay.

Mr. Raz, any questions?

CROSS-EXAMINATION

BY MR. RAZ:

Q. Good afternoon, Mr. Basra.

A. Good afternoon.

BASRA - Cross by Mr. Raz

Q. You killed your wife?

MS. LUTHRA: Objection; beyond the scope of direct.

THE COURT: Sustained.

THE WITNESS: Am I supposed to respond?

MS. LUTHRA: No.

MR. JOHNSON: You are not.

MR. RAZ: I would ask for the jury to be let out.

THE COURT: You may retire.

(Jury exits.)

MR. RAZ: Well, Your Honor, it would seem rather silly for me to fish around to see which questions may or may not be beyond the scope; so I assume that the Defense has a motion to limit questions only to the color of the turban and the photographs. If that would be the Court's ruling, then I would have no questions.

THE COURT: That is the scope of the direct examination, Mr. Raz, unless you want to get into the color of the turban.

MR. RAZ: I just wanted to know if that's what the Court felt. There could be arguments made that if someone puts themselves on the stand that it's a wider door. But if the Court's ruling it is on turban color, I don't really have an issue on turban color.

THE COURT: Okay. You may step down.

COLLOQUY

That is the ruling.

MR. RAZ: Then that will be the State's --

THE COURT: The entire scope of Mr. Basra's testimony is limited to the color of his turban.

MR. RAZ: All right.

THE COURT: Okay.

THE INTERPRETER: The Interpreter was asked to repeat.

(Interpreter complies.)

THE COURT: You may step down.

MS. LUTHRA: You can come back here, yeah.

(Witness exits.)

MR. RAZ: I guess I need to say no further questions.

THE COURT: Are you going to rest?

MS. LUTHRA: We are. As soon as the State says they have no further questions, we will be resting.

THE COURT: And then I am going to tell them to go home.

MR. RAZ: Yes.

THE COURT: And, other than Dr. Judd, are we anticipating any additional testimony?

MR. RAZ: No further rebuttal by the State.

MR. JOHNSON: I'm confident we will not be calling Dr. Gollogly back.

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

STATE OF WASHINGTON,)
)
Plaintiff,)
)
.v.)
)
PARAMJIT SINGH BASRA,)
)
Defendant.)

No. 09-1-05492-1 KNT
CoA No. 68661-5-I

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TRIAL PROCEEDINGS

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN GAIN

February 16, 2012
Norm Maleng Regional Justice Center
Kent, Washington

APPEARANCES:

FOR THE PLAINTIFF: DONALD J. RAZ
Deputy Prosecuting Attorney

FOR THE DEFENDANT: ANU LUTHRA
TIM JOHNSON
Attorneys at Law

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ALSO PRESENT: SANTOSH WAHI
SARBJIT SINGH
Punjabi Interpreters

Washington Appellate Project

REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
Official Court Reporter
(206) 205-2530

JUDD - Direct by Mr. Raz

P R O C E E D I N G S

February 16, 2012

(The following commenced outside the jury's presence:)

THE COURT: Please be seated.

Counsel, anything?

MR. RAZ: No. We're ready to go.

THE COURT: Mr. Johnson, anything?

MR. JOHNSON: No.

THE COURT: Okay. Bring them in.

(Jury reconvenes.)

THE COURT: Good morning. Please be seated.

Mr. Raz, any rebuttal testimony?

MR. RAZ: Yes, Your Honor.

State would call Dr. Brian Judd.

BRIAN WILLIAM JUDD, Ph.D.,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. RAZ:

Q. Good morning.

A. Good morning.

Q. Could you please state your name and spell your last name.

A. My full name is Brian William Judd, J-u-d-d.

Q. And what is your business address?

A. My business address is 203 4th Avenue East, Suite

JUDD - Direct by Mr. Raz

1 A. Yes, I did.

2 Q. Were you able to identify a time frame when it
3 appeared this change in demeanor was evident either to
4 Basra, Mr. Basra, or to others around him?

5 A. The time period in question was between his
6 return from India in April of 2009 and July 27th of '09.

7 Q. And, as a part of the interview, did you discuss
8 with Mr. Basra his mental and emotional state in the
9 weeks leading up to and during the killing of his wife?

10 A. Yes, I did.

11 Q. Did you also discuss with Mr. Basra his action
12 and interactions with his family, friends, and others in
13 the weeks leading up to and during the killing of his
14 wife?

15 A. Yes, I did.

16 Q. And in response to questions about that time
17 period, about those subjects, did he provide you
18 information?

19 A. Yes, he did.

20 Q. I wanted to address some of the things that he
21 told you during your interview, and just so we're on the
22 same page, I'm referring to your report at Page 7.

23 But did you inquire of Mr. Basra about -- well,
24 let me start it this way: Did Mr. Basra indicate that
25 he had been experiencing insomnia during that time

JUDD - Direct by Mr. Raz

1 period?

2 MR. JOHNSON: Your Honor, I'm going to object on
3 relevance. The Doctor indicated it wasn't pertinent to
4 his analysis.

5 THE COURT: Overruled.

6 You may continue.

7 Q. (BY MR. RAZ) Did you make an inquiry about
8 insomnia?

9 A. Yes, I did.

10 Q. And did he then respond with, I guess, a
11 potential explanation for why he was experiencing that?

12 A. Yes, he did.

13 Q. And what did he say?

14 MR. JOHNSON: And I will also have to object on
15 relevance again, Your Honor.

16 THE COURT: Overruled.

17 THE WITNESS: And I will read directly. This is
18 a quote taken from my notes.

19 When I inquired of him about the basis for his
20 insomnia, he responded, "Work; I don't have money; that
21 my son is not willing to work with me. One or two
22 places we worked, we were not paid. How are we going to
23 pay the truck insurance? How to pay the home expense?
24 How are we going to live?"

25 Q. Did you --

JUDD - Direct by Mr. Raz

1 A. That's a quote.

2 Q. Okay. During the interview, did he further
3 elaborate on that subject that you raised that his son
4 was not willing to work with him?

5 A. Yes, he did.

6 Q. And I would refer you to the bottom of Page 8 of
7 your interview notes as opposed to your report.

8 A. Oh.

9 Q. Sorry.

10 A. Thank you for the clarification.

11 Q. Technically, the fourth line from the bottom.

12 A. Yes.

13 Q. Yes. And what did he say about in regard to his
14 son not working with him?

15 A. He responded -- when I inquired about the
16 difficulties that he was experiencing, he responded,
17 "Yes. My wife, I told her that was what my son was
18 doing, that we had financial difficulties. She replied
19 that he is still a young boy and let him do what he
20 wants to do."

21 Q. Did you follow up with a question to him about
22 how he felt about that?

23 A. Yes, I did.

24 Q. What did you ask him?

25 A. I said, "So you didn't feel supported?"

JUDD - Direct by Mr. Raz

1 Q. And how did he respond?

2 A. "Yes, exactly."

3 Q. Turning your attention back to your report, Page
4 7, did you have prior knowledge from the different
5 records or the materials that Dr. Gollogly had put
6 together about the expense of a wedding that Mr. Basra
7 had incurred earlier in 2009?

8 A. Yes, I did.

9 Q. And did you have an understanding of how much --
10 whether or not that had been expensive or not?

11 A. My understanding was that it had been an
12 expensive wedding.

13 Q. Knowing that, did you follow up with a question
14 to him after he had talked about the difficulty making
15 payments of different financial obligations?

16 A. Yes, I did.

17 Q. And what did he tell you then?

18 A. He essentially elaborated on the same issues that
19 upon the return from India that promised employment
20 wasn't available for him, and that there were concerns,
21 principally financial concerns, as it pertained to being
22 able to support his family.

23 Q. Did you take a quotation from him that is seen in
24 Paragraph 2, Page 7, of your report, at the end, in
25 regard to these concerns?

JUDD - Direct by Mr. Raz

1 A. Yes.

2 Q. And what did he say?

3 A. "The main concern when we went to India, they
4 said that when you come back you will have work, and we
5 told them we were coming back in April. When we came
6 back, there was no work. When we came back, we did not
7 have a house to live in, and no money."

8 Q. Did he indicate to you that he, I guess, in
9 recent weeks, had, in fact, been working?

10 A. That is correct, yes.

11 Q. Did he tell you about where he was scheduled to,
12 or was going to work on the 27th of July, 2009?

13 A. Yes, he did.

14 Q. Where did he say he was going to be working?

15 A. He was scheduled to resume employment at Regal
16 Transport.

17 Q. Did he indicate to you where he had been working
18 in the weeks prior to going to work at Regal?

19 A. Yes, he did.

20 Q. And where had he been working?

21 A. He had been working at Spirit Transport.

22 Q. Did he identify who either was his supervisor or
23 the owner at Spirit Transport?

24 A. At the time that I conducted the interview, he
25 didn't remember, but it was subsequently made clear to

JUDD - Direct by Mr. Raz

1 me who it was.

2 Q. And who was that individual?

3 A. That's Mr. Curt Nuccitelli.

4 Q. And did he tell you anything about any step he
5 took in leaving Spirit to go to Regal?

6 A. Yes, he did.

7 Q. What did he say he did?

8 A. Well, he indicated that he'd given notice to
9 Spirit Transport that he would be discontinuing his
10 employment there and would be -- his last day of
11 employment was going to be 7-24-09, and that he would be
12 starting his new job on 7-27.

13 Q. And did he indicate why, if any reason existed,
14 for the desire to switch from Spirit to Regal?

15 A. Yes, he did.

16 Q. And what do you recall him specifically saying?

17 A. What Mr. Basra indicated to me was that there
18 were language issues that he had with Spirit Transport.

19 So, in other words, the pickup and the drop-off
20 locations for the loads that he was transporting, and
21 this was in local trucking, would differ, and that that
22 was more challenging for him from the standpoint of
23 understanding what was required due to having some
24 limitations in English. Whereas, with Regal Transport,
25 it was simply picking up at the same location and

JUDD - Direct by Mr. Raz

1 transporting to the same location; so the demands upon
2 his comprehension of English and understanding of
3 English were less working for Regal Transport.

4 Q. Did you inquire of Mr. Basra whether or not he
5 believed himself to be a good employee when he was
6 working at Spirit Trucking?

7 A. Yes, I did.

8 Q. And what did he indicate?

9 A. He indicated that he was a good employee.

10 Q. And, slightly segueing away from the specific
11 interview of Mr. Basra, you indicated you conducted an
12 interview with the owner of Spirit Trucking; is that
13 correct?

14 A. Yes. That was on January 5th.

15 Q. And what was the purpose of conducting that
16 interview?

17 A. Basically, to develop corroboration of
18 Mr. Basra's self-report.

19 Q. And what did you learn about his performance
20 while at Spirit Trucking?

21 A. Mr. Nuccitelli essentially endorsed Mr. Basra's
22 statements that he was a good, reliable employee, showed
23 up when needed, and interacted effectively with the
24 other employees. Mr. Nuccitelli indicated that he
25 generally had contact with Mr. Basra every several days,

JUDD - Direct by Mr. Raz

1 and it would be relatively brief interactions, but
2 nevertheless would see him on a several time per week
3 basis.

4 Q. Any information from Mr. Nuccitelli that
5 Mr. Basra was unable to do any of the requirements of
6 the job that he had?

7 A. No. There was nothing.

8 Q. In review of the records, did you also come to
9 learn whether Mr. Basra, prior to the 27th of July 2009,
10 took any steps to be prepared for his employment with
11 Regal Trucking on that Monday?

12 A. Yes, I did.

13 Q. What did you determine?

14 A. That, on Friday, the 24th, he had gone over to
15 Regal Trucking in order to get a pass, so that way he
16 would be able to start work and go to the port terminal
17 on Monday, the 27th.

18 Q. Did you talk to Mr. Basra about what activities
19 he had engaged in over the weekend, which would be July
20 25th and July 26th of 2009?

21 A. Yes, I did.

22 Q. And, now, I guess I would refer you to Page 8,
23 the top paragraph of your report. Did he describe for
24 you what his activities had involved?

25 A. Yes, he did.

JUDD - Direct by Mr. Raz

1 Q. Can you tell us what he described his actions
2 were over that weekend, or what activities he engaged
3 in?

4 A. Mr. Basra indicated that he had attended, I
5 believe, three different Sikh temples over that
6 particular weekend.

7 And my notes -- and this was in conjunction with
8 his father. My notes indicate that he attended temple
9 on Saturday, the 25th, of approximately one and a half
10 to two hours on that day, and that he attended two
11 temples on Sunday. And that was between two and a half
12 hours and approximately three and a quarter hours, in
13 total, at both of the temples.

14 Q. Did you, as part of your interview, talk to
15 Mr. Basra about any interaction between his wife the
16 evening before her death and then the morning of her
17 death?

18 A. Yes, I did.

19 Q. And or did he talk to you about having dinner
20 with his wife the evening before?

21 A. Yes, he did.

22 Q. Could you tell us what he said or what he
23 remembered about that dinner.

24 A. Yes. Again, this is going to be a quotation from
25 my interview notes.

JUDD - Direct by Mr. Raz

1 When I inquired about the dish, he responded: I
2 know when we were sitting to eat dinner, while eating,
3 the chutney got finished on the plate. I asked her -- I
4 called her with the shortened name Jinder: Is the
5 chutney finished, or did you forget it?

6 And then he continued by stating: In our
7 culture, the person who serves that person keeps the eye
8 to see if anything gets finished, they come and ask.
9 When I asked, she didn't reply. She brought chutney
10 and, with rude behavior, threw it on the plate."

11 MR. JOHNSON: Doctor, could you reference a page
12 on that for me?

13 THE WITNESS: It's Page 8.

14 MR. JOHNSON: Eight of your interview notes?

15 MR. RAZ: His report.

16 MR. JOHNSON: I thought you were referencing your
17 interview notes on that.

18 MR. RAZ: The report.

19 MR. JOHNSON: The report? Okay. Is that right?

20 THE WITNESS: That's correct, yes.

21 MR. JOHNSON: Okay.

22 Q. (BY MR. RAZ) Did he go on to say how he felt and
23 how he reacted to what he perceived to be rude behavior
24 in regard to the chutney?

25 A. Yes. He continued by stating: I felt bad. If I

JUDD - Direct by Mr. Raz

1 asked her verbally: You should have replied to me. She
2 did not reply, and she just left with a rude attitude.
3 I went to her and asked: Why didn't you reply to me? I
4 asked her in louder tone. She still did not reply.

5 Q. Did he indicate whether any of his family members
6 came into where he and his wife were soon thereafter of
7 his comments?

8 A. Yes, he did.

9 Q. What did he say?

10 A. He indicated that: My daughter was upstairs.
11 She came down and asked: What is happening?

12 Q. Did he say what he then did after this
13 interchange with his wife?

14 A. He indicated -- I don't think that I need to
15 quote this, but he indicated that he got up and went
16 back to his room, and went to sleep.

17 Q. Did he say whether or not his wife joined him?

18 A. He indicated that she did not join him.

19 Q. Did he indicate anything about what he thought
20 she was doing, or feeling, or where she was?

21 A. He indicated: I thought she was upset and she
22 went to sleep in my daughter's room.

23 Q. Did he indicate whether he had gotten up during
24 the night?

25 A. Yes, he did.

JUDD - Direct by Mr. Raz

1 Q. And can you tell us when he got up and what he
2 did?

3 A. He stated to me, and continuing his narrative:
4 At around midnight, I was thirsty and got up; the fridge
5 is downstairs, and I went to drink water there. I saw
6 her.

7 And he's referring to his wife now.

8 I saw her. There is a single bed down there, in
9 the living room. My wife was sleeping over there. I
10 went and woke her up.

11 Q. Did he say, when he woke her up, how she
12 responded?

13 A. Yes, he did.

14 Q. What did he say?

15 A. He said: And she said, I want to meet Jaz, my
16 elder daughter, who just got married. It felt like she
17 was having a dream.

18 Q. Did he say if he told her anything at that point,
19 and, if so, what?

20 A. Yeah, he did. He indicated to her: I told her
21 to go -- and, again, this is a quote -- I told her to go
22 up and sleep in the room. She went to the room after
23 drinking water; I also went there. I went to sleep, and
24 she went to sleep as well.

25 Q. Did he indicate whether or not they spoke any

JUDD - Direct by Mr. Raz

1 further before they both fell asleep?

2 A. He indicated that they did not have any further
3 communication.

4 Q. Did he talk about getting up the next morning?

5 A. Yes, he did.

6 Q. What did he say?

7 A. When I woke up to go to work, I woke her up as
8 well. I told her to change her behavior, and don't say
9 anything to the kids and make the kids against me. She
10 sat on the bed and did not reply.

11 She stood up and tried to get out of the room,
12 and while going, she said: How will you learn your
13 lesson? That is all she said, and she went downstairs.

14 Q. Did he then tell you about his reaction to that
15 exchange with his wife?

16 A. Yes, he did.

17 Q. What did he say?

18 A. He said: I was surprised about what's happening.

19 Q. Did he say what he then proceeded to do and what
20 he may have been thinking while he did that?

21 A. Yes, he did.

22 Q. What did he say?

23 A. He said: Then I went to take a bath, still
24 thinking about what's happening in my mind. After
25 taking a bath, I went downstairs, where she was cooking.

JUDD - Direct by Mr. Raz

1 I told her: If you do not want to change your
2 behaviors, then don't cook for me.

3 Q. Did you follow up on what behaviors he was
4 referring to?

5 A. Yes, I did.

6 Q. And did he identify what those were?

7 A. Yes, he did.

8 Q. What did he say?

9 A. Well, when I posed inquiry: What behaviors were
10 you referring to? He responded: The way she was rude
11 the preceding evening. When I told her to reply
12 verbally, she enacted a rude attitude. And when I told
13 her earlier to tell her son we should work together, and
14 she said: Let him do what we wants to do. And she
15 should have helped in making our son understand. These
16 are the things I was talking about.

17 Q. Did you ask him whether these behaviors caused
18 him to be angry?

19 A. Yes, I did.

20 Q. What did you ask him?

21 A. Well, I asked him specifically: Were you angry?

22 Q. And what was his response?

23 A. He responded: No. I was depressed with what's
24 happening to me. I went back to my room, tied on the
25 turban, got ready.

JUDD - Direct by Mr. Raz

1 Then I went to start the car, two or three
2 minutes to let it warm up, and I didn't see my son. We
3 were going to the same workplace. Without telling me,
4 he left before me.

5 Q. All right. Did he say anything about what his
6 wife was doing or not doing while the car was warming
7 up?

8 A. Yes, he did.

9 Q. What did he say?

10 A. Again, continuing in his narrative: While the
11 car was warming up, my wife did not ask me for tea or
12 anything. She didn't even bring the lunch. That was in
13 my head.

14 Q. Did he go on describing what additionally he was
15 thinking?

16 A. Yes, he did.

17 Q. And what did he say?

18 A. He said: I was thinking my son had already gone
19 to work, and he is not asking me anything. What is
20 happening?

21 Q. Did you then follow up with a question about what
22 was common for Ms. Basra to do?

23 A. Yes, I did.

24 Q. What did you ask him?

25 A. I said -- I posed the question: Was it common

JUDD - Direct by Mr. Raz

1 for her to give you tea and make you lunch?

2 Q. And did he respond to that?

3 A. He said he did, yes.

4 Q. And what did he say?

5 A. He said: Yes, because breakfast we used to do at
6 home, and have a packed lunch.

7 Q. Did you follow up with an inquiry about what he
8 was thinking his wife was thinking?

9 A. Yes, I did.

10 Q. And what did he say?

11 A. I posed the question: Do you think your wife was
12 angry with you? To which he responded: I felt that she
13 didn't ask me anything, didn't offer me anything.

14 I followed up then with a further query: So you
15 felt that she was angry? To which he responded:
16 Yes.

17 Q. Did he then speak about what he was thinking when
18 he left the house in his car to go to work?

19 A. Yes, he did.

20 Q. And what did he say?

21 A. He stated: I was thinking of all that as I left
22 home.

23 Q. And did he indicate discovering something as he
24 reached a particular spot along the route?

25 A. Yes. He realized that he didn't have his wallet

JUDD - Direct by Mr. Raz

1 with him as he was in the vicinity, I believe, of the
2 Sikh temple.

3 Q. And did he then tell you what he did in regard to
4 that discovery?

5 A. Yes, he did.

6 Q. What did he say?

7 A. He said: Then I came back home.

8 Q. Did he indicate what he did when he got back
9 home?

10 A. Yes, he did.

11 Q. What did he say?

12 A. Well, initially, he indicated that he was
13 searching for his wallet after he arrived back at the
14 house.

15 Q. And did he then describe anything of what he saw
16 when he went to a particular room in the house?

17 A. Yes, he did.

18 Q. What did he say?

19 A. He said: When I went to our room -- that being
20 the room that he shared with his wife -- he continued:
21 I saw my wife lying on the bed, and my daughter was
22 sitting on the computer chair.

23 I was surprised because when my daughter did not
24 have to go to work; my wife would be at home to cook for
25 me. My daughter never work up before 8:00. And I asked

JUDD - Direct by Mr. Raz

1 her: Where is my wallet?

2 Q. And then did you follow up who he asked?

3 A. Yes, I did.

4 Q. And did he answer?

5 A. Yes, he did.

6 Q. Who did he pose the, "Where is my wallet?"

7 question to?

8 A. He said that: They were both awake, and both --
9 they were both there and both awake, and I just asked:
10 Where is my wallet?

11 Q. Did he indicate whether they responded to him?

12 A. He did, yes.

13 Q. What did he say?

14 A. He said: They said we don't know where it is.

15 Q. Did he then go on to describe what type of search
16 he may have done within the room to look for the wallet?

17 A. Yes, he did.

18 Q. What did he say?

19 A. He indicated that there was a cabinet near the
20 computer chair, and I checked over there, and that he
21 had checked over there and did not find his wallet. And
22 so he went to the left-hand side of the bed, where there
23 is a nightstand, and he looked there.

24 Q. Did he say whether -- did he describe anything
25 happening as he was going to check on the nightstand

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JUDD - Direct by Mr. Raz

1 side of the bed?

2 A. Yes, he did.

3 Q. Could you tell us what he said about that?

4 A. When I was going to check on that side and going
5 around the bed, my wife suddenly stood up on the bed; my
6 daughter stood up as well, and I felt like my wife was
7 going to attack me.

8 Q. Did he say what he then physically did and what
9 happened because of that?

10 A. Yes, he did.

11 Q. What did he say?

12 A. He said: I backed off, and she fell down. And,
13 when she was falling down, I went and grabbed her,
14 pressed her down.

15 Q. Did he indicate whether his daughter did anything
16 at this time?

17 A. Yes, he did.

18 Q. And what did he say?

19 A. He said: My daughter -- and my daughter came and
20 removed my turban.

21 Q. And did you pose a question to him regarding that
22 act by his daughter?

23 A. Yes, I did.

24 Q. What did you ask him?

25 A. I said: Why would she do that?

JUDD - Direct by Mr. Raz

1 Q. And did he give you a response?

2 A. Yes.

3 Q. What was it?

4 A. He said: I don't know why, but now I'm thinking,
5 I felt at that time, that both of them had planned to
6 attack me.

7 Q. And did he go on to say what he was further
8 thinking or feeling at that time?

9 A. Yes.

10 Q. What did he say?

11 A. He indicated that he felt like he was in a dream
12 at that time, that things were not real.

13 Q. Did he say anything, however, in regard to what
14 his daughter did to him?

15 A. Yes. He said: My daughter hit something on my
16 head, and she cursed me. After that, I don't know what
17 happened.

18 Q. Did Mr. Basra indicate whether he had any memory
19 for whatever else may have happened in regard to him or
20 family members on July 27th of 2009?

21 A. Yes.

22 MR. JOHNSON: Sorry, Your Honor. This was
23 actually my objection. They said "insomnia" and I heard
24 "amnesia" before because I'm multitasking. This is my
25 objection. My objection is to relevance on this,

JUDD - Direct by Mr. Raz

1 Based on your review of the materials, to include
2 your forensic interview of the Defendant, your
3 collateral interviews of the witnesses, and your review
4 of all of the different materials, you came to a
5 diagnosis?

6 A. Yes, I did.

7 Q. And what was your diagnosis of Mr. Basra?

8 A. I diagnosed Mr. Basra with an adjustment disorder
9 with depressed mood, acute.

10 Q. Okay. Let's talk a little bit about what that
11 means. Could you first tell us what an adjustment
12 disorder is?

13 A. I'm going to read directly from the DSM-IV-TR
14 DSM-IV. Give me just one moment, please.

15 Q. And I likely will ask questions to help clarify
16 the DSM-IV.

17 A. The short definition is that an adjustment
18 disorder is a psychological response to an identifiable
19 stressor or stressors that result in the development of
20 clinically significant emotional or behavioral symptoms.

21 It continues by stating: The symptoms must
22 develop within three months after the onset of the
23 stressors, and the clinical significance of the reaction
24 is indicated either by marked distress that is in excess
25 of what would be expected given the nature --

JUDD - Direct by Mr. Raz

1 Orvis as well.

2 Q. And as to the different reports of Ms. Basra, did
3 you take into account and rely upon the 911 call she
4 made?

5 A. Yes, I did.

6 Q. All right. That being followed up on, could you
7 tell us what your opinion of Mr. Basra's ability to
8 premeditate and to form the intent to kill his wife was
9 in regard to the adjustment disorder that you diagnosed
10 him with back on July 27th of 2009?

11 A. I think my opinion would be best stated as in a
12 negative form, and what I mean by that is that I did not
13 feel that there was evidence that the adjustment
14 disorder would interfere with his ability to premeditate
15 or formulate intent.

16 Q. Okay. And what is your opinion as to Mr. Basra's
17 ability to intend to strangle or intend to assault his
18 wife on July 27th of 2009?

19 A. Again, I saw no evidence to support that the
20 adjustment disorder would interfere with his ability to
21 formulate those intents.

22 Q. And do you hold these opinions to a reasonable
23 degree of psychological certainty?

24 A. Yes, I do.

25 Q. And can you tell us why you believe that his

H-66

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

STATE OF WASHINGTON,)
)
Plaintiff,)
)
v.)
)
PARAMJIT SINGH BASRA,)
)
Defendant.)

No. 09-1-05492-1 KNT
CoA No. 68661-5-I

COPY

TRIAL PROCEEDINGS

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN GAIN

February 21, 2012
Norm Maleng Regional Justice Center
Kent, Washington

APPEARANCES:

FOR THE PLAINTIFF: DONALD J. RAZ
Deputy Prosecuting Attorney

FOR THE DEFENDANT: ANU LUTHRA
TIM JOHNSON
Attorneys at Law

ALSO PRESENT: SANTOSH WAHI
SARBJIT SINGH
Punjabi Interpreters

REPORTED BY: BRIDGET O'DONNELL, RPR, CRR
Official Court Reporter
(206) 205-2530

COLLOQUY

1 then I will read the instructions.

2 (A recess was taken, after which the following
3 commenced outside the jury's presence:)

4 THE COURT: Please be seated.

5 Counsel, anything?

6 MR. RAZ: No, Your Honor.

7 MR. JOHNSON: No.

8 THE COURT: Okay. Bring them in.

9 MR. JOHNSON: Oh. Sorry. There is something.

10 Your Honor, Mr. Basra had a letter that he wanted
11 to share with the Court. We reviewed it and we advised
12 him that he doesn't need to do that, but he still
13 insists.

14 THE COURT: I will review it, but after we close
15 this case.

16 MR. JOHNSON: That's fine.

17 THE COURT: So I will take a look at that after.

18 THE DEFENDANT: I would like this to be put on
19 record and given a number on it so I can keep it, also.

20 THE COURT: Okay. I will review it after we
21 finish.

22 THE DEFENDANT: If I give it to you now and if
23 you can put it on record?

24 THE COURT: I will consider it. I don't know
25 what's in it. I will review it.

PLAINTIFF'S CLOSING ARGUMENT

1 THE DEFENDANT: I would like to give it to you.

2 THE COURT: Okay. As soon as Maria brings in the
3 jury, I will have her get it; okay?

4 (Jury reconvenes.)

5 THE COURT: Please be seated.

6 Ladies and gentlemen, I'm now going to read to
7 you the Court's instructions that apply to this case.

8 (Instructions read.)

9 THE COURT: Ladies and gentlemen, if you would,
10 please, now give your attention to Mr. Raz. He will
11 make closing argument on behalf of the Plaintiff, State
12 of Washington.

13 MR. RAZ: It is okay to believe that things are
14 exactly as they seem. You don't have to explain away
15 the obvious. Paramjit Basra, the Defendant, killed his
16 wife, Harjinder, because she had a problem with men,
17 specifically one man, him.

18 She stopped obediently and unquestionably taking
19 his side. She supported her son in his decision to
20 drive truck alone. She was tired of making sure that
21 there was chutney on his plate.

22 And when she ordered him to stop disciplining her
23 daughter, he strangled her to death. Thought over
24 beforehand, premeditatedly, intentionally, this was
25 murder.

PLAINTIFF'S CLOSING ARGUMENT

1 The Defendant in this case was the principal. A
2 victim of an attack is not a participant. So this
3 exists and is not applicable to our case, because
4 Harjinder is not a participant in the crime.

5 And, as a result, not only is the Defendant
6 guilty of Murder in the First Degree, premeditatedly and
7 intentionally, he's also guilty of this other type of
8 way of committing murder, Felony Murder in the First
9 Degree.

10 But what of the role of mental illness in this
11 case? What effect, if any, does the Defendant's mental
12 health have on the murder of Harjinder Basra? And, to
13 paraphrase what Dr. Judd said, mental illness has no
14 effect. The existence of mental illness does not end
15 the inquiry.

16 Even though Dr. Judd found that Mr. Basra
17 qualified for one of the hundreds of diagnoses that
18 exists in that big, fat book of his, the DSM-IV-TR, that
19 doesn't end the inquiry. It's whether the illness he
20 had was of such power that it affected his ability to
21 form intent and to premeditate, and Dr. Judd concluded
22 it did not.

23 But, you know, honestly, regardless of the type
24 of mental illness that was diagnosed here, the effect
25 was not such that it would prevent premeditation or

DEFENDANT'S CLOSING ARGUMENT

1 Mr. Johnson.

2 MR. JOHNSON: Thank you, Your Honor.

3 Guilty. Guilty. That's the finding that we
4 think this jury is going to make. And you're probably
5 thinking, like you were before, when we were talking
6 about who was going to be on the jury: Mr. Johnson, why
7 are we here? You told us before that he attacked his
8 wife and that she died, and now you're telling us that
9 you're going -- that we are going to find guilt.

10 The next question, though, is: Guilty of what?
11 Folks, you heard about all of these different crimes the
12 Prosecutor's charged, and that are included as lesser
13 crimes. And you're going to have to decide.

14 Now, let me make it clear, our position as
15 Defense is that Mr. Basra is not guilty, not guilty of
16 any of the crimes, not guilty as charged, or of any of
17 the lesser offenses, based on him having mental illness
18 at the time, on July 27th, based on the mental illness
19 interfering with his ability to form intent, and to form
20 premeditated intent to murder his wife.

21 But we are saying that this jury may find that
22 Mr. Basra is guilty of the crime of Manslaughter in the
23 Second Degree. Manslaughter in the second degree means
24 that Mr. Basra was criminally negligent. Criminal
25 negligence means that Mr. Basra failed to be aware, he

DEFENDANT'S CLOSING ARGUMENT

1 failed to be aware of a substantial risk of using a
2 ligature on his wife's neck that would likely result in
3 her death, and that that substantial risk, if considered
4 by any reasonable person, such as yourselves, would be
5 something that you would consider and not undertake.

6 And that's because you would be a reasonable
7 person. A reasonable person is a person who is
8 rational. A reasonable person is a person who does not
9 have an ill brain. A reasonable person has a healthy
10 brain, and they can think, and they can decide.

11 Mr. Basra did not have a healthy brain, and for
12 that reason, we're saying, again, that he's not guilty,
13 not guilty of the premeditated intentional murder of his
14 wife, not guilty of intentionally murdering his wife,
15 not guilty of intending to assault his wife and thereby
16 strangle her and cause her death, not guilty of any of
17 those crimes.

18 But, again, folks, we think that you may find
19 that he's guilty of Manslaughter in the Second Degree
20 after you consider it. What do you have to consider?
21 Well, we heard from Dr. Gollogly; right? And we heard
22 about a diagnosis, the diagnosis being that Mr. Basra
23 was suffering with depression, major depressive
24 disorder, single episode, that he was also suffering
25 with anxiety disorder, right, because it's not just the

DEFENDANT'S CLOSING ARGUMENT

1 it can go away. It took Mr. Basra quite a while because
2 he had to go through the jail and get some mental health
3 treatment. Once he started taking the medications, it
4 started to work and in short order, in a few months, it
5 went away. You will see that record.

6 Okay. I'm just about done. Getting to why any
7 of this matters; right, folks? I don't envy you, folks.
8 You are in this group situation, and you're going to
9 have to make some serious decisions, and you're going to
10 have to interact with each other, and you're going to
11 have to grapple with these issues.

12 And, of course, the big issue is going to be: Do
13 I accept that Mr. Basra suffered with mental illness at
14 the time? And the other issue is: Is he guilty of
15 Manslaughter, or is he just not guilty of anything?

16 On the issue of mental illness, remember when we
17 were talking about who was going to be on the jury, and
18 I talked to you about -- one of the first things I asked
19 was, one of the first things we asked was, you know,
20 folks, who is going to think that he has mental illness,
21 and that's your defense, that's just not going to be
22 good enough?

23 Remember, there was a gentleman right here, a
24 gentleman over here, those folks were -- they were just,
25 like: That's never going to be enough. It's a defense

DEFENDANT'S CLOSING ARGUMENT

1 That's really what they can say to you and still
2 get a conviction under that theory, which really meant
3 they didn't have any idea that he was going to do this
4 premeditated. But it's not just that. It's not just
5 the strangulation. They're also saying he touched her
6 with a harmful -- with the intent to harm or offend her,
7 but that he recklessly, remember that word, he
8 recklessly -- he knew the risk of using the cord, and he
9 did it anyway and thereby caused her death.

10 He caused substantial bodily injury, which caused
11 death. They charged that as well right up front, saying
12 the death was an accident; it was a cause. He didn't
13 mean it to happen; that was never part of what we
14 thought was going on.

15 You see what they're doing. It's two things at
16 the same time, because they clearly didn't have enough
17 faith to believe in their own theory, saying he did
18 premeditate. But if he didn't, but if he didn't, folks,
19 if you opine that, heck, you can just find it was just
20 involved in an accident, and he intended to strangle
21 her. That's what they charged up front. I want to make
22 sure you're aware of that.

23 And, then, as a result of the mental illness, we
24 get to say, and you get to decide, remember, guilty of
25 Manslaughter, Criminal Negligence, or not guilty at all.

PLAINTIFF'S REBUTTAL ARGUMENT

1 This looks like it might be a really complicated
2 case, but it's really not. All it really is is just
3 this man who's got mental illness, and he suffered with
4 it, and, unfortunately, it resulted in his wife's death.

5 You folks can just go ahead and just go back
6 there and just be, like, not guilty. Okay, that's fine.
7 That's what our first position would be. That's what we
8 prefer. But you're going to give it some thought. You
9 can spend a whole bunch of time trying to grapple with
10 all of these difference theories the Prosecution's
11 thrown out there.

12 Premeditated, intentional, reckless, you know,
13 felony murder, felony murder under reckless, felony
14 murder strangulation: You can just reject all of that
15 if you want. You can just put "not guilty" on there.
16 Go ahead and fill in "guilty" on the Manslaughter in the
17 Second Degree, and you'll be done.

18 THE COURT: Ladies and gentlemen, you can stand
19 up and stretch, if you would like, for a minute, or not.

20 If you would now, please, give your attention
21 again to Mr. Raz, who will make rebuttal argument.

22 MR. RAZ: This case is not about mental illness;
23 it's about anger, anger that can be turned on like a
24 light switch, mental illness cannot. It's clear from
25 the instructions that you, the 12 of you who will go

PLAINTIFF'S REBUTTAL ARGUMENT

1 there's no one attributing -- or him not claiming that
2 he was psychotic at the time this happened. Although
3 those types of illnesses can be very debilitating to
4 people, they are not the types of things that result in
5 someone being aggressive and being violent or committing
6 murder.

7 Bad things can happen to good people, but those
8 bad things that may happen to them, such that they are
9 in financial straits, such that they become grumpy and
10 isolated and argumentative because of that and thus
11 shove away their family, because those bad interpersonal
12 things happen between people doesn't mean that suddenly
13 you get forgiven for when you lash out in anger in
14 violence against somebody else.

15 Good people can do bad things, but good people,
16 when the State proves a crime against you beyond a
17 reasonable doubt, are to be held accountable. Again,
18 you have to remember to look at what the instructions
19 say.

20 This is a consideration, the way this case has
21 boiled down to, is was there intent to either cause
22 death, was there intent to strangle, was there intent to
23 assault, and was the intent to kill premeditated? It
24 doesn't say that if you have a mental illness that
25 causes you to have bad judgment that that is a defense

PLAINTIFF'S REBUTTAL ARGUMENT

1 to the crime. It has to be affecting such that you
2 can't intend, that you can't premeditate. Bad judgment
3 is rampant in this courthouse, in the criminal courts.
4 It's not a defense.

5 And, again, I think -- well, you as a jury of 12
6 will decide whether or not there was manual
7 strangulation that occurred. Dr. Lubin didn't say there
8 was no manual strangulation. What she said is there
9 wasn't lingering evidence in the form of bruises, such
10 as finger marks observable later in the day when her and
11 colleagues went to take a look at Harjinder's body, and
12 specifically her neck. That doesn't mean that hands
13 didn't go to her neck.

14 And you had the 911 tape, you have the 911 tape,
15 and what gets described in that? I mean, remember, that
16 is probably the most accurate description, because as
17 time goes by, as one would expect, when one parent is
18 gone and only one exists, what do you expect a child to
19 do? You might think they'd totally turn their back, but
20 it's probably just as likely that they would want to
21 embrace the only parent they have left.

22 You saw it in the difficulty, the testimony, or
23 the fluctuation of the testimony regarding Amandeep's
24 observation of the rope, or the ligature, and how it
25 went from particularly clear on the 911 tape, if such a

COLLOQUY

1 the lower number first.

2 MR. RAZ: Okay.

3 THE COURT: Which would be 7 and then 8.

4 Secondly, it sometimes happens that jurors will
5 want to hear the 911 tape. Unless there's an objection,
6 what I normally do is bring them in, without comment,
7 play it for them, and send them back in. If there is an
8 additional request, then I notify you.

9 Any problem with that procedure?

10 MR. JOHNSON: No.

11 MR. RAZ: Does the Court use the transcript as
12 well, or just have them listen to it?

13 THE COURT: Just have them listen to it.

14 MR. RAZ: That's fine.

15 THE COURT: And the third thing is Mr. Basra's
16 letter, which I will have filed. But let me just cover
17 a couple of points for Mr. Basra particularly.

18 Two main complaints that Mr. Basra has, one has
19 to do with the color of the turban. I am satisfied he
20 testified to the discrepancies in what colors the
21 turbans were.

22 But I am satisfied, for Mr. Basra's information,
23 that that goes to the weight of the evidence, and
24 certainly would not result in suppressing any testimony
25 of the officers.

FILED
KING COUNTY, WASHINGTON

FEB 22 2012

SUPERIOR COURT CLERK
BEVERLY ANN ENEBRAD
DEPUTY

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

STATE OF WASHINGTON

Plaintiff/Petitioner,

vs.

PARAMJIT SINGH BASRA

Defendant/Respondent.

No. 09 1 05492 1 KNT

LETTER TO THE JUDGE

PARAMJIT SINGH BASRA :

Case No: 09-1-05492-1 KNT.

Date: February 02, 2012

Dear Ms Anu luthra and MR Tim Ray Johnson.

I was requested ^{to you} for some photos from
Discovery of my case I also requested through
my son Manjii Basra by email. But did
not receive nor show to me. So I
want to know have I right to get or see
legally or no?

Could you please give me answer in
writing? I will be appreciate very
much

Sincerely,

Parjit SA.

PARAMJIT SINGH BASRA.

BA# 209026661

King County Jail RJC

620 West James St

Kent, WA 98032

LETTER TO THE JUDGE

Date: 2/21/2012

Attn: The Trial Judge
of the Superior Court for the State of Washington
for the County of King.

Re: PARAM JIT SINGH BASRA.
Case No: 09-1-05492-1 KNT

Issue on Hand: Conflict with my Counsel
Under Coyler vs Sullivan, 446 U.S. 335, 348.

Honorable Judge Brian Cain,

Your honor, One day I was reading the statements of Police officers L. Orvis, Houser and A. William. I found that their statements about turban's colour are not matched. Then I informed to my attorney Ms Anu Luthra and requested her, Could you please investigate what colour turban has been seized in evidence. She said, "I will do"

After 2/3 weeks I asked her, "did you see the seized evidence" She said, "no, I did not see" Then I asked to my son Manjiv S Basra e-mail to her and ask her to show or give me the pictures of my arrest. He did.

After couple days she visited me. I asked her about the pictures. She did answer that I forget, I will show you

Page I of IV

tomorrow before going to the courtroom or in the courtroom.

But next day she did not meet me before going to the courtroom nor showed me in the court room. She made excuse I didn't find. Then I request that we should question those officers about this matter. And allow the court to determine whether those officer's testimony should be admissible, they have no ability to recognize.

She answered that questions has no relevance in their testimony. I asked her, I believe that if an officer lying or have no ability to recognize the difference between two colours, his or her testimony cannot be admissible in a criminal case. And that their testimony should have been suppressed during omnibus hearing. She did not answer nor my both attorney did any question about this matter nor they asked that questions to the ^{other} witnesses which disclose the reality.

Then I have written a letter dated 2nd of february 2012 (the copy of letter is attached) and gave it to the Judge. But did not get proper response. However, ^{Court} ruling under US. vs Simeonov, 252 F3d 238 (2nd cir) states: Where a defendant voices a seemingly substantial complaint about counsel, the court should inquire into the reason for dissatisfaction.

During the testimony of officer A. William on 2-13-2012 in the courtroom I looked in pictures that the turban's colour was Brown or Mehroon. No where showed orange.

or Red as those officers had written in their statements.

I also requested to my attorneys that we should represent the Jail Health Services's blood test reports and should be questions to Dr. Kathrine Hall M.D. about blood test during her testimony. What two reports 8-17-2010 and 9-9-2010 show and why showing difference of T.S.H in both reports like 4,840 high and 2,870 normal. So Jury and the court can determine what was the reality. But my attorneys did not do.

However the court ruling under: Mitchell Vs Mason, 325 F3d 732 (6th cir) states: "The pre-trial period constitutes a "critical period" in criminal proceeding because it encompasses counsel's constitutionally imposed duty to investigate the case

I believe this is a major conflict. However under United States Supreme Court ruling in Cuyler Vs Sullivan, 446 U.S. 335, 348, 64 LEd 2d 333, 102 Sct 1708, states: Sixth Amendment entitles a defendant to representation by conflict free counsel.

What information I am giving to my attorneys they did suppress, this is also violation of defendant's Constitutional right under ruling: US Vs Holman, 314 F3d 837 (7th cir) states: Conflict of interest between defendant and his trial counsel would be violation of the sixth Amendment, entitles defendant to a new trial.

Your honor, it is difficult to believe that such things should had happened

Page III of IV

under your efficient control. Please consider my problems and do the needful to readdress them

I hope you would take prompt and necessary action to fix these misunderstandings. Thank you for taking your time to read this.

Sincerely,

Ranjit Singh

Submitted by: PARAM JIT SINGH BASRA
On 21 February, 2012.

Note: Attached the copy of:

1. Letter dated 2nd of February, 2012 to the Court
2. Letter dated 2nd of February, 2012 to the attorneys Mr Anu Luthra and Mr Tim Reilly Johnson.

Issue raised in the Courtroom on 2nd of February 2012
mail - this letter on

LETTER TO THE TRIAL JUDGE

Date: 2nd February 2012.

RE: PARAMJIT SINGH BASRA.

CASE No: 09-1-05492-1 KNT.

Dear Judge.

I have a limited knowledge of English
I will try to do my best to explain my situation.

Your honor, as you know I am from a
different native and language. I have difficulty
to understand what's going in the Courtroom.
I had written a letter to the court dated March 06
2012, about it, I had also requested to my attorneys
numerous times, But I did not get proper response.

Your honor, I have also requested to my attorneys
to represent some evidence, which is very
essential for my defence. But they denied to
do it.

Your honor, I would request to you to
in chamber conversation, to explain due to
confidentiality. I believe without consider that
evidence I will not get Justice.

I will be appreciate very much

Sincerely: - Paramjit Singh -

submitted by (PARAMJIT SINGH BASRA)

Case law U.S. vs Simpson: 252 F3d 238 (2nd Cir), where
defendant voices seeming substantial complaint
about counsel the court should inquire into the
reason for dissatisfaction.

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to the attorney for the petitioner, **Jeffrey Erwin Ellis**, at JeffreyErwinEllis@gmail.com, containing a copy of the **State's Response to Personal Restraint Petition**, in **IN RE PERSONAL RESTRAINT OF PARAMJIT SINGH BASRA**, Cause No. **73785-6-I**, in the Court of Appeals, Division I, for the State of Washington.

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

U Brame
Name
Done in Seattle, Washington

11/10/15
Date