

**FILED**

MAR 25 2015

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_



COURT OF APPEALS  
DIVISION III  
OF THE STATE OF WASHINGTON  
No. 32654-3-III

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STATE OF WASHINGTON

Respondent,

v.

PHILIP PATRICK MOORE,

Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR SPOKANE COUNTY

The Honorable Judge Harold D. Clarke III

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STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

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PHILIP PATRICK MOORE  
Spokane County Jail  
1100 W. Mallon  
Spokane, WA 99260

## ISSUE PRESENTED

1. Did ineffective assistance of counsel deprive the defendant of:
  - a. His right to call a witness in his behalf?
  - b. His right to present a defense?
  - c. His right to receive a fair trial?

## ARGUMENT

### INEFFECTIVE ASSISTANCE OF COUNSEL

Effective assistance of counsel is guaranteed by both U.S. CONST. amend. VI and WASH. CONST. art. 1, § 22 (amend. X). Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 2063-64, 80 L.Ed.2d 674 (1984); State v. Mierz, 127 Wash.2d 460, 471, 901 P.2d 286 (1995). In Strickland, the court established a two-part test for ineffective assistance of counsel. First, the defendant must show deficient performance. In this assessment, the appellate court will presume the defendant was properly represented. State v. Lord, 117 Wash.2d 829, 883, 822 P.2d 177 (1991), cert. denied, 506 U.S. 856, 113 S.Ct. 164, 121 L.Ed.2d 112 (1992); State v. Thomas, 109 Wash.2d 222, 226, 743 P.2d 816 (1987); Strickland, 466 U.S. at 688-89, 104 S.Ct. at 2064-65. Deficient performance is not shown by matters that go to trial strategy or tactics. State v. Garrett, 124 Wash.2d 504, 520, 881 P.2d 185 (1994); State v. Mak, 105 Wash.2d 692, 718 P.2d 407, cert. denied, 479 U.S. 995, 107 S.Ct. 599, 93 L.Ed.2d 599 (1986).

Second, the defendant must show prejudice—"that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable." Strickland, 466 U.S. at 687, 104 S.Ct. at 2064. This showing is made when there is a reasonable probability that, but for counsel's errors, the result of the trial would have been different. Thomas, 109 Wash.2d at 226, 743 P.2d 816. If either part of the test is not satisfied, the inquiry need go no further. Lord, 117 Wash.2d at 894, 822 P.2d 177; State v. Fredrick, 45 Wash.App. 916, 729 P.2d 56 (1986).

## DEFENDANTS SHOWING OF DEFICIENT PERFORMANCE

Throughout pretrial investigation, defendant repeatedly directed defense counsel to interview Amy Mills. Ms. Mills, is listed as an eye witness in the State's Affidavit of Facts. See Affidavit of Facts, Exhibit A.

In response to defendant's directives regarding Ms. Mills, defense counsel stated "Don't worry Mr. Moore, plenty of time remains, we will get around to interviewing Ms. Mills."

As trial arrived, it was alleged by this same counsel that Ms. Mills, could not be located. Therefore, the trial did proceed without defense witness Amy Mills.

It is well established that an attorney has a duty of diligence. Washington Rules of Professional conduct RPC RULE 1.4  
(a) A lawyer shall:  
(4) promptly comply with reasonable requests for information.

A personal letter addressed from Amy Mills, to the defendant, (Line 24-28 states: "Dennis Dressler was your lawyer Baby I called him 3 different times trying to connect with him. He never returned a call!")

(Line 43-44, show Ms. Mills, was aware as to the nature of the defendant's charges).

(Line 60-61, states: "You didn't do this PM- He did").

See letter of Amy Mills, Exhibit B.

Had defense counsel diligently returned Ms. Mills, telephone calls, the defendant may not have been been deprived of his right to call a witness in his behalf.

## SHOWING OF PREJUDICE

The Merriam-Webster Dictionary, defines <sup>1</sup>Prejudice as:

- 1: Damage; esp: detriment to one's rights or claims
- 2: an opinion made without adequate basis

<sup>2</sup>Prejudice:

- 1: to damage by judgment or action esp. at law
- 2: to cause to have prejudice

Regarding Amy Mills, letter. (Line 60-61, "You didn't do this PM-He did"), is exculpatory in nature, and directly relevant in relation to the outcome of the trial.

ER 401 states: "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

ER 402 states: All relevant evidence is admissible, except as limited by constitutional requirements or as otherwise provided by statute, by these rules, or by other rules or regulations applicable in the courts of this state. Evidence which is not relevant is not admissible.

The prejudice by defense counsel was in his judgment, (counsel): "Don't worry Mr. Moore, plenty of time remains, we will get around to interviewing Ms. Mills." The judgment to postpone resulted in a last minute scramble to prepare this case for trial. And defense counsel's actions, or failure to act, in regards to returning Amy Mills, telephone calls and securing her as a defense witness damaged the defendant to the extent that not a single witness was called in the defendant's behalf, rendering him unable to rebut the allegations properly, or present an adequate, meaningful defense. Had counsel acted with due diligence there is a reasonable probability that the result of the trial would have been

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By 32654-3

different. Thomas, 109 Wash. 2d at 226, 743 P.2d 816.

## RIGHT TO PRESENT A DEFENSE

In all criminal prosecutions, the accused has the right to have compulsory process for obtaining witnesses in his favor (U.S. CONST. Sixth amend.; Civil Rights Law, § 12).

The United States Supreme Court holds, "A defendant has an absolute right to present a defense, including one's own witnesses for one defense." Washington v. Texas, 388 U.S. 14, 19, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967); Taylor v. Illinois, 484 U.S. 400, 409, 108 S.Ct. 646, 98 L.Ed.2d 798 (1988).

Amy Mills' testimony would have been evidence that tends to prove or disprove the existence of a fact, and that fact is of consequence to the outcome of the case, Davidson v. Metropolitan Seattle, 43 Wash. App. 569, 719 P.2d 596 (1986).

Both state and Federal Constitutions guarantee the right to have a jury resolve factual issues. Coppo v. Van Wieringen, 36 Wash.2d 120, 121, 217 P.2d 294 (1950) (citing WASH. CONST. art. 1, § 21); U.S. CONST. amend. VI.

## CONCLUSION

Defense counsel's failure to return Amy Mills phone calls did cause a failure to locate a witness. Therefore, ineffective assistance of counsel did deprive the defendant of:

- His right to call a witness in his behalf.
- His right to present a defense.
- His right to a fair trial.

Respectfully submitted this 17th day of March, 2015.

Philip Moore

Philip Moore, prose

EXHIBIT A

Army. Mrs. 385406  
1100 W. Main St.  
Spokane, WA 99201

Philip Morris 68506  
1100 W. Main St.  
Spokane, WA  
99201

57035  
CO. JAIL



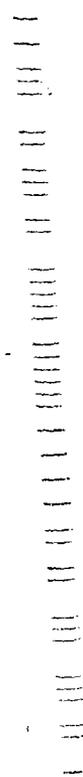
**INMATE'S MAIL**

**Spokane County Detention Services**

*John D. Brown*

**1100 West Mallon**

**Spokane, WA 99201-0320**



Dear PM

1 what the fuck baby? I  
2 just went to court, I  
3 have been blowing my  
4 attorney up about your appeal  
5 my testimony in Black's trial  
6 etc. etc. etc. So the  
7 prosecutor and my lawyer  
8 said that they are gonna  
9 give me the transcript to  
10 your trial on Friday morning  
11 They both insisted that you  
12 threw me under the bus,  
13 that you continually, through  
14 your trial tried to blame  
15 me. I have not made a  
16 decision about testimony -  
17 Your letter said you were  
18 going to meet with Black &  
19 his attorney. P. said that  
20 you'd say do anything  
21 to help and help you in  
22 your trial? I can't  
23 fucking believe that  
24 Dennis Driscoll was your lawyer  
25 Baby I called him 3

26 different times trying to  
27 contact with him. He never  
28 returned a call - NE way  
29 PM I am here for you  
30 regardless of anything  
31 what you have done or  
32 not done - what the fuck  
33 I'm - I am gonna do  
34 what I should have  
35 done out of our gate. PM  
36 tell your appeal lawyer  
37 to come sue me - get a  
38 hold of me! If I haven't  
39 seen or heard from her  
40 before I get out I will  
41 contact her. PM request  
42 from the law library  
43 RCW - Rules - laws - sentencing  
44 Guidelines - for 1<sup>st</sup> Assault  
45 & deadly weapon + 1<sup>st</sup> Assault  
46 with intent to do great bodily  
47 harm - and send them  
48 to me. They would send  
49 them to me cause they  
50 aren't my charges!  
51 But I wanna look at

52 that shit. PM & love you  
53 so much - you know that.  
54 I am here for you and  
55 I am gonna do what I  
56 say - Baby Black did this  
57 I told you from the  
58 gate when he called the  
59 police initially that he  
60 was guilty. You didn't  
61 do like that. He did - then  
62 fucked me and left his  
63 address for me to clean up.  
64 NE way I know I'm true  
65 and till NOVEMBER but  
66 they they are up my ass!  
67 They want a recorded  
68 deposition so that if I  
69 can't be found for trial they  
70 have some testimony -  
71 or they wanna hold me  
72 till trial - which I don't  
73 care. Hell I fucking care about  
74 us you appeal. K baby  
75 I will write more later.  
76 Love you to the moon  
77 & Back  
Dain

EXHIBIT B

14

**FILED**

SEP 26 2013

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK

STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS

STATE OF WASHINGTON)  
COUNTY OF SPOKANE)

13103443-4  
REPORT NUMBER: 13-321670

DEFENDANT: Philip P. Moore, BM, 9/6/59

1 The undersigned, a law enforcement officer, competent to testify, states as follows:  
2 That he/she believes a crime was committed by the above named  
3 defendant/defendants in the City and County of Spokane, State of Washington,  
because:

4 The defendant, Philip P. Moore, BM, 9/6/59, in Spokane County, Washington on or  
5 about 09/21/2013, did with intent to inflict great bodily harm intentionally assault Steven  
6 R. Brown and Jaimie Nelson and did inflict great bodily harm.

7 Steven R. Brown will testify that he knows Lawrence Adams by the street name of  
8 "Black" and by his first name of "Lawrence." Brown will testify that he has been in  
9 conflict with Adams having been accused of stealing money and drugs from Adams at  
10 his and his girlfriend's apartment. Brown will testify that Adams' girlfriend is Kaley  
11 Hildebrand living at 6120 N. Lidgerwood #304. Brown will testify that he knows Adams  
12 to be also living at 6120 N. Lidgerwood #304.

13 Brown will testify he was visiting Philip Moore, known to him by the street name of "PM,"  
14 at Moore's residence of 3524 E. Queen on 09/21/2013 at 2330 hours. Brown will testify  
15 he was accompanied by his girlfriend, Jaimie Nelson. Brown will testify unbeknownst to  
16 him and Nelson, Adams lay in wait in a bedroom until he and Nelson were sitting  
17 comfortably in the living room. Brown will testify Adams suddenly emerged from the

18 bedroom wherein he severely assaulted and beat him, as well as assaulted his girlfriend, Nelson.

19 Jaimie R. Nelson will testify to the same as Steven Brown. Nelson will further testify  
20 that her boyfriend, Brown, was beaten so severely that he was rendered unconscious  
21 and was not breathing. Nelson will testify that Adams also assaulted her, causing cuts,  
22 bruising, black eyes, and further, held her to the floor and cut a substantial amount of  
her hair off with a pair of scissors.

23 Nelson will testify that she and Philip Moore loaded Brown into her 1999 Ford Explorer  
24 wherein she transported him to Holy Family Hospital Emergency Room. Nelson will  
25 testify that both she and Brown were deemed to be severely injured and were admitted  
26 to Holy Family Hospital. Nelson will testify while she was initially being treated in Holy  
27 Family Hospital she was shown a photo montage of six persons by a police officer  
28 wherein she was able to identify the person known to her as "PM".

29 Nelson will testify as her injuries healed and she was able to endure brief interviews  
30 from hospital personnel, her family members and Detective Estes, she advised Philip  
31 Moore was also a participant in the beatings of both her and her boyfriend Brown.  
32 Nelson will testify Moore was also a participant in helping to hold her down and cut her  
33 hair off. Nelson will testify to disclosing a sexual assault committed by both Moore and  
34 Adams which she understands is currently being investigated by Detective Estes.

40 Nelson will testify that Detective Estes inquired as to whether there were two other black  
41 males with Adams, waiting outside as previously reported by Moore. Nelson will testify  
42 she saw no black males other than Moore and Adams that night and when Moore left  
43 3524 E. Queen, he got into a white vehicle driven by a person she knows to be Adams'  
girlfriend, Kaley.

44 David M. Britt will testify that he was contacted in the early morning hours of  
45 09/22/2013 by Jaimie Nelson. Britt will testify that Nelson brought her 1999 Ford  
46 Explorer to the Spokane Valley area and requested Britt give her a ride back to Holy  
47 Family Hospital where she left her boyfriend, Steven Brown.

48 Britt will testify to driving Nelson back to Holy Family Hospital and comforting her at the  
49 hospital during portions of her treatment. Britt will testify that Nelson relayed facts about  
50 the assault on her and Brown by a person she knows as "Black" and "Lawrence."

51 Britt will testify to being interviewed by Detective Estes at Holy Family Hospital wherein  
52 he relayed that the assault on Brown and Nelson was in retribution for a "drug rip"  
53 previously facilitated against Black, aka Lawrence, by Nelson and Brown. Britt will  
54 testify to advising Detective Estes the best way he could describe where Brown and  
55 Nelson were assaulted as relayed to him by Nelson is that the house is a "crack house."  
56 Britt will testify that although Nelson was mostly being uncooperative and not providing  
57 pertinent information to officers and detectives at Holy Family Hospital, he was relaying

58 factual information gleaned from Nelson because Brown is one of his lifelong best friends.

59 Amy M. Mills will testify that she lives at 3524 E. Queen and her boyfriend, Philip  
60 Moore, lives there with her. Mills will testify that she was at her residence in the late  
61 evening hours of 09/21/2013. Mills will testify a person she knows as "Black" came to  
62 her residence and hid in the back bedroom awaiting the arrival of Steven Brown and  
63 Jaimie Nelson. Mills will testify people she knows as Brown and Nelson came to her  
residence and sat in the living room.

64 Mills will testify she observed Black emerge from a back bedroom and begin severely  
65 beating Brown and Nelson with his fists and some type of gray pipe.

66 Mills will testify that when she realized Spokane Police officers were outside her  
67 residence and had escorted Moore to the Spokane Police Department, she hid in a  
68 crawlspace under the bathroom while Spokane Police officers checked her residence  
69 for any persons remaining inside. Mills will testify once Spokane Police officers exited  
70 her residence and were stationed outside, she began cleaning blood and hair from the  
living room floor, walls, and furniture.

71 Dr. C. Roberts will testify he is employed as a physician at Holy Family Emergency  
72 Room. Dr. Roberts will testify that he was on duty on 09/21/2013 when Steven Brown  
73 was brought to Holy Family Hospital by private transportation. Dr. Roberts will testify  
74 that Brown's condition was severe and life-threatening. Dr. Roberts will testify that  
75 Brown suffered extensive head trauma, trauma to his legs and extremities, and possibly  
76 internal injuries. Dr. Roberts will testify that Brown was totally incapacitated,  
77 unconscious, and he feared Brown may die as a result of his wounds. Dr. Roberts will  
78 testify that Brown could not breathe on his own and could only remain alive with the  
79 help of life support and assisted breathing. Dr. Roberts will testify that Brown obviously  
80 suffered from critical oxygen deprivation which he most likely will never fully recover  
from.

81 Dr. Roberts will testify that Nelson's injuries consisted of cuts and bruises to her head,  
82 face, arms, and hands. Dr. Roberts suspected Nelson's nose was broken or fractured  
83 due to the severity of her blackened discolored eyes. Dr. Roberts will further testify  
84 Nelson had two suspicious puncture wounds on the lower left side of her neck that were  
associated with a large bruise around the puncture wounds.

85 Dr. Chu will testify to the same as Dr. C. Roberts.

86 Officer J. Everly #950 will testify that he responded to Holy Family Hospital to begin an  
87 investigation of an assault committed against Steven Brown and Jaimie Nelson. Officer  
88 Everly will testify that information was vague because Nelson was injured, emotionally  
89 upset, and not forthcoming with pertinent information. Officer Everly will testify that the  
90 investigation was hampered by the fact that Brown was totally incapacitated and unable  
91 to be interviewed. Officer Everly will testify that with the help of other officers and law a

92 enforcement background check on Brown and Nelson, Spokane Police Department  
93 officers were able to determine that Nelson and Brown were assaulted at 3524 E.  
Queen.

94 Officer Everly will testify that he assisted by providing Detective Estes with information  
95 thus far upon his arrival and the arrival of Detectives Hollenbeck and Burbridge, and  
Sergeant Storment.

96 Officer Everly will testify that at the direction of Detective Estes, he and Officer Potter  
97 showed a photo montage to Nelson wherein she identified the person of Philip Moore to  
98 be the resident at the location where she and Brown were assaulted. Officer Everly will  
99 testify that Nelson referred to Moore by his street name, "PM." Officer Everly will testify  
100 to showing a cell phone photograph of the front of 3524 E. Queen to Nelson at Holy  
101 Family Hospital wherein she stated that definitely was the residence where she and  
102 Brown were assaulted. Officer Everly will testify to continuing the investigation with  
103 Detective Estes and determining that Moore resided at 3524 E. Queen.

104 **Officer A. Potter #938** will testify to the same as Officer Everly.

105 **Officer N. Briggs #1177** will testify that he assisted in the investigation by securing the  
106 residence at 3524 E. Queen and subsequently contacting Philip Moore as Moore  
107 emerged from that residence. Officer Briggs will testify that he did not knock on the  
108 door, but observed Moore emerge from the residence on his own without contact from  
police.

109 Officer Briggs will testify to taking a cell phone picture of the front of 3524 E. Queen and  
110 forwarding that photograph to the cell phones of Officer Everly and Detective Estes who  
were interviewing Nelson at Holy Family Hospital.

111 **Detective M. Burbridge #209** will testify to assisting Detective Estes in investigating  
112 the assaults of Steven Brown and Jaimie Nelson by being assigned to facilitate the  
113 search warrant at 3524 E. Queen. Detective Burbridge will testify that upon entering  
114 3524 E. Queen, he found Amy M. Mills sleeping in a back bedroom of the residence.

115 Detective Burbridge will testify to locating pertinent evidence consistent with the assault  
116 described to detectives by witnesses David Britt, Philip Moore, and Amy Mills.  
117 Detective Burbridge will testify to locating blood, hair, bloody clothing, and a pair of  
118 scissors within the residence. Detective Burbridge will testify to locating blood spatter  
119 and blood cast off patterns on the living room wall of 3524 E. Queen. Detective  
120 Burbridge will testify that although evidence remained in the residence it was obvious  
121 that the crime scene had been washed down, cleaned, and vacuumed prior to  
detectives serving the search warrant.

122 Detective Burbridge will testify to checking a vacant lot adjoining the west side of the  
123 3524 E. Queen property. Detective Burbridge will testify to locating a broken and  
124 bloodied homemade fashioned club made of PVC pipe and metal pipe that was  
wrapped in gray grip-type tape.

125 **Detective K. Hollenbeck #240** will testify to assisting Detective Estes in interviewing  
126 Philip Moore and to assisting Detective Burbridge in searching 3524 E. Queen.  
127 Detective Hollenbeck will testify to interviewing Amy M. Mills at the time a search  
128 warrant was served at 3524 E. Queen. Detective Hollenbeck will testify to learning from  
129 Mills that she was an eyewitness to a person she knows as "Black," and possibly named  
130 "Lawrence," severely assaulting Brown and Nelson in the living room of 3524 E. Queen.

131 **Sergeant Z. Storment #648** will testify to supervising the investigation of the assault on  
132 Steven Brown and Jaimie Nelson. Sergeant Storment will testify to assisting with follow  
133 up investigation where he was able to locate the Brown/Nelson vehicle, a 1999 Ford  
134 Explorer bearing Washington license 494ZIR parked at 301 S. Shelly Lake Lane.  
135 Sergeant Storment will testify that from standing outside the vehicle and peering inside,  
136 he could clearly see blood smears and blood transfer inside the vehicle. Sergeant  
137 Storment will testify to impounding that vehicle pending a search warrant.

138 **Detective B. Estes #062** will testify to being briefed by all patrol officers pertaining to  
139 information they gleaned about the assault on Steven Brown and Jaimie Nelson.  
140 Detective Estes will testify that the investigation led to a crime scene at 3524 E. Queen,  
141 the residence of Philip Moore. Detective Estes will testify that although it appeared  
142 Moore is somewhat culpable in luring Brown and Nelson to his residence, the assault  
143 was most probably carried out by a person who goes by the name of "Black" and is  
possibly named "Lawrence."

144 Detective Estes will testify to interviewing Nelson, David Britt, and Moore. Detective  
145 Estes will testify to securing a search warrant for 3524 E. Queen and assisting  
146 Detectives Burbridge and Hollenbeck, and Sergeant Storment in serving that search  
147 warrant, subsequently collecting pertinent evidence which is supported by information  
148 obtained from Britt, Nelson, Mills, and Moore. Detective Estes will testify that he  
149 learned that Kaley Hildebrand previously reported a burglary of her residence on  
09/08/2013 naming Brown and Nelson as suspects.

150 Detective Estes will testify to doing follow up investigation on 09/23/2013 wherein he  
151 and Detective Gallion developed Lawrence Adams as suspect in the 09/21/2013  
152 assaults of Brown and Nelson. Detective Estes will testify to him and Detective Gallion  
153 contacting Adams at 6120 N. Lidgerwood #304 wherein Adams agreed to go to the  
154 Spokane Police Department Detectives' Office for an interview. Detective Estes will  
155 testify that Adams admitted his responsibility in the assaults of Brown and Nelson, and  
156 confirming previously obtained information that the assault was because Brown and  
157 Nelson stole money, drugs, and jewelry from Adams' residence.

158 Detective Estes will testify he and Detective Gallion contacted Amy Mills on 09/24/2013  
159 at 0950 hours wherein she was shown a photo montage which included Lawrence  
160 Adams as suspect #5. Detective Estes will testify that Mills readily identified Adams as  
161 the person she saw severely beat Brown and Nelson on 09/21/2013. Mills further  
confirmed that is the person she knows as "Black."

162 Detective Estes will testify he continued the investigation wherein Adams was identified  
 163 and charged with the assaults on Brown and Nelson. Detective Estes believed after  
 164 interviewing Moore that Moore had been less than truthful in his denials of involvement  
 165 in the assaults on Brown and Nelson. Detective Estes believed Philip Moore conspired  
 166 with defendant Adams and Kaley Hilderbrand for Hilderbrand to deliver Adams to the  
 167 Moore residence, knowing Brown and Nelson would soon be arriving. Detective Estes  
 168 beliefs are based on information gained from interviews of Moore, Adams and Nelson.

169 During Detective Estes' interview of Adams, Adams stated, "They knew what was  
 170 coming to them when they saw me." Adams confirmed that Moore had a discussion  
 171 with Brown and Nelson while they unwittingly were talking about "ripping off Adams"  
 172 while Adams was seceded in an adjoining room in Moore's house. Detective Estes  
 173 clearly believes after interviews of Moore, Adams and Nelson that Moore participated in  
 174 the assaults on Brown and Nelson as well as conspired with Adams and Kaley  
 Hilderbrand to "set them up" so Adams could seek revenge.

175 During a follow up search warrant at 3524 E. Queen on 9/25/13 for the purpose of  
 176 seeking sexual assault evidence, Detective Estes again spoke briefly with Moore who  
 177 was at his residence. Detective Estes advised Moore it was clear that Moore was more  
 178 culpable in the assaults than he first talked about, wherein he minimized his  
 179 involvement. Detective Estes will testify to asking Moore if he would be willing to come  
 180 to the police department at a later date for an interview and tell him the entire truth.  
 181 Detective Estes will testify Moore appeared defeated, sitting in a chair, immediately  
 182 drooping his shoulders, looking down while nodding his head yes and saying, "Yeah,  
 man there's a lot more to it, I'll call you and come down."

183 Detective Estes will testify there is probable cause to charge Moore with First Degree  
 184 Assault (two counts) of Steven Brown and Jaimie Nelson.

185 Officer M. McCasland #711 will testify he was present while Detective Estes served a  
 186 search warrant at 3524 E. Queen on 9/25/13. McCasland will testify he heard and  
 187 observed Moore's reaction and statements to Detective Estes about Moore's willingness  
 188 to tell the truth and acknowledgement that there was more to the story.

189 Detective N. Gallion #364 will testify to the same as Detective Estes pertaining to the  
 interview of Lawrence Adams.

190 I certify (or declare) under penalty of perjury under the laws of the State of  
 Washington that the foregoing is true and correct. (9A.72.085)

DATE 9-26-2013 PLACE Spokane, WA SIGNATURE

