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

| | | |
|----------------------|---|--------------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 06-1-01599-0 |
| |) | COA No. 36061-6-II |
| |) | |
| KWAKU OJA TRAMMELL, |) | |
| |) | |
| Defendant. |) | |

VERBATIM REPORT OF PROCEEDINGS

October 30, 2006

Honorable Anna M. Laurie
Department No. 3
Kitsap County Superior Court

APPEARANCES

| | |
|--------------------|---|
| For the Plaintiff: | JOSEPH SALAS Deputy Prosecuting Attorney |
| For the Defendant: | KYLIE PURVES Attorney at Law |
| The Defendant: | Kwaku Oja Trammell |

CRYSTAL R. McAULIFFE, CCR
OFFICIAL COURT REPORTER
KITSAP COUNTY SUPERIOR COURT
614 DIVISION STREET
PORT ORCHARD, WA 98366
(360) 337-7140

1 THE COURT: State of Washington versus Kwaku
2 Trammell. He'll need to come forward.

3 Are you Kwaku Trammell?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: How old are you, sir?

6 THE DEFENDANT: Twenty-six.

7 THE COURT: How far did you get in school?

8 THE DEFENDANT: GED.

9 THE COURT: All right. Do you have any trouble
10 reading or writing?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: If you could take a moment and read
13 the notice of arrest offense, Pages 1 and 2, that was
14 just handed down.

15 Did you have a chance to read that over,
16 Mr. Trammell?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Did you understand it?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: You are under arrest for the offense
21 of felony violation of a no-contact order as a crime of
22 domestic violence allegedly committed by you on or about
23 October 27th of 2006.

24 Do you understand that's why you are under arrest?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right. Now, I'm going to hand
2 down to you an acknowledgement of advice of rights, and
3 I think you've already gone over these with my staff
4 because your initials are on the corner.

5 Did you have a chance to go over your constitutional
6 rights?

7 THE DEFENDANT: Yes.

8 THE COURT: If you could sign that form where
9 indicated, unless you have questions, and you'll get a
10 copy of it in your packet.

11 Mr. Trammell, one of the rights you may have, and
12 one for which you may qualify, is the right to have an
13 attorney appointed to represent you. Do you want me to
14 assign counsel to you -- I'm sorry, he's signing by his
15 initials; two plain blanks spots.

16 Mr. Trammell, do you want an attorney to represent
17 you?

18 THE DEFENDANT: No.

19 THE COURT: All right. Can you tell me why?

20 THE DEFENDANT: Um, because in the matter that
21 preceded this I was assigned an attorney; he did nothing
22 to help. On the day of trial he virtually had a blow-up
23 to the judge about him being dismissed. I was assigned
24 a new attorney, and since the date of trial he has not
25 yet gotten in contact with me in that case.

1 THE COURT: Is that a case in Superior Court?

2 THE DEFENDANT: Is this Superior Court?

3 THE COURT: Yes.

4 THE DEFENDANT: No, it is not.

5 THE COURT: Is it in District Court?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you know how Superior Court works,
8 but attorneys that are appointed, attorneys do have some
9 contractual obligations that we require.

10 Now, when we were just going over the notice of
11 arrest offense, you didn't understand what it meant. I
12 suspect you don't understand what probable cause means.

13 There are many things about this process where an
14 attorney can come in handy. You've also told me that
15 you've got a GED. Your opponent in these cases will be
16 an attorney from the prosecuting attorney's office who's
17 gone to high school, gone to college, gone to law
18 school, and has years of training on the job.

19 I would suspect that you would want somebody on your
20 team with similar credentials and that's going to be an
21 attorney. Do you still want to represent yourself?

22 THE DEFENDANT: I was wondering if I could -- not
23 bailed out, but could be released so I can obtain my own
24 attorney.

25 THE COURT: You've asked two questions. The

1 first is that you may be bailed out; we haven't got to
2 that point yet in the process.

3 The second question is whether you can get your own
4 attorney. Even if I appoint somebody to represent you,
5 a public defender, you are always able to go out and
6 hire your own private counsel, and they know how to
7 substitute in. So that's not something that goes away
8 when somebody is appointed.

9 So my strong suggestion to you is to get the
10 appointment today. If you are not happy with them, go
11 out and get yourself another lawyer.

12 THE DEFENDANT: Okay.

13 THE COURT: All right. Now, unfortunately, you
14 didn't answer some of the questions that I need to ask
15 you to qualify for that.

16 Can you tell me what your net monthly take home is.

17 THE DEFENDANT: Right now, nothing.

18 THE COURT: How do you support yourself?

19 THE DEFENDANT: Right now, I don't.

20 THE COURT: All right. Are you married?

21 THE DEFENDANT: Yes.

22 THE COURT: Does your wife have an income?

23 THE DEFENDANT: No.

24 THE COURT: All right. How are you paying for
25 your basic living expenses: rent, food, those sorts of

1 things?

2 THE DEFENDANT: She is getting help from family
3 members since I'm not able to. As far as food, um, I
4 was staying with my mom, so I would eat there.

5 THE COURT: All right. Do you have any money in
6 the bank: checking account, savings account, anything
7 like that?

8 THE DEFENDANT: No.

9 THE COURT: Do you own any real property?

10 THE DEFENDANT: No.

11 THE COURT: Do you have any stocks, bonds, that
12 sort of thing?

13 THE DEFENDANT: No.

14 THE COURT: Do you own a car?

15 THE DEFENDANT: Kind of, sort of. I totaled it
16 on Monday of last week.

17 THE COURT: All right. That would be kind of,
18 sort of. Mr. Trammell, I'm going to hand down this
19 determination of indigency, and I've been writing down
20 what you've been telling me. Please review that. If it
21 is accurate, sign by that orange mark.

22 I'm going to appoint the Ness firm to represent
23 Mr. Trammell.

24 I'm going to take a moment and review the notice of
25 arrest offense to make sure there is probable cause.

1 [A pause in the proceedings.]

2 THE COURT: There is probable cause.

3 THE DEFENDANT: Excuse me for a second. Um,
4 sorry, the State is asking for a no-contact against a
5 person on here that I have not seen of or heard from in
6 ten years.

7 THE COURT: All right. Then it shouldn't be a
8 problem to have no contact.

9 THE DEFENDANT: Okay. Why is that an issue now?

10 THE COURT: Mr. Trammell, let me go through the
11 process. As I told somebody else, when you speak out
12 loud and say things I haven't asked questions, you could
13 be saying something that the prosecutor will use against
14 you, and I would prefer that not happen in my courtroom.

15 Now, I have found that there is probable cause for
16 this charge and I'm signing the notice of arrest
17 offense. The State has 72 hours to file formal charges
18 against you and they'll do that with a document called
19 an "Information," basically informing you of the
20 charges.

21 Mr. Salas, when do you expect arraignment be
22 continued to?

23 MR. SALAS: Your Honor, I'm asking arraignment be
24 Wednesday at 3 o'clock.

25 THE COURT: Let's talk about custodial status in

1 the meantime. And Mr. Trammell, if you've got things
2 that relate to that, you should tell them to Ms. Purves
3 so she can put them on the record after filtering them.

4 Mr. Salas?

5 MR. SALAS: Yes, your Honor. I had an
6 opportunity to review through the bail study, as well as
7 defendant's criminal history. The underlying protection
8 order is out of King County which stems from a
9 conviction of assault in the second degree in '96. That
10 order is through -- or expires in February 2007. We are
11 yet to receive a copy of it, but I have the defendant's
12 criminal history that does indicate that order is in
13 place and was issued.

14 I also see that there's four previous convictions,
15 two of which were violation of protection orders while
16 be it sometime, '97 to '99. I believe there's been a
17 previous harassment conviction. I ask the Court to set
18 bail in the amount of \$7500, your Honor.

19 THE COURT: Ms. Purves.

20 MS. PURVES: Your Honor, I don't have that, I
21 guess, the benefit of a DCH. If I could borrow the
22 State's file for a second.

23 It is my understanding that there hasn't been a
24 conviction for Mr. Trammell in approximately ten years.
25 There is an open case in the District Court, but there

1 hasn't been any convictions -- and obviously he's
2 presumed innocent of the pending case -- in ten years.

3 The order obviously was entered just under ten years
4 ago so there's a few months left to go. Obviously he
5 disputes the factual basis of this charge. While he
6 doesn't necessarily think it will be a problem to not
7 have contact, I guess he does dispute the entry of
8 another order as to whether it is necessary.

9 The probable cause statement that's attached, at
10 most, indicates a situation in which the protected party
11 was not in danger. I would request that the Court
12 either set low bail in this case or consider releasing
13 Mr. Trammell. He hasn't had any convictions in quite a
14 long time. If I could have just a moment.

15 THE COURT: Go ahead.

16 MS. PURVES: Your Honor, I guess there's -- with
17 regard to the other matter that the State mentioned, the
18 pending case, I believe that -- never mind. I'm done.

19 THE COURT: All right. This is an odd case, and,
20 Mr. Salas, I'm going to direct that the prosecutor's
21 office by the date of arraignment have a copy of the
22 order upon which they rely.

23 Further, I notice that the supplemental
24 certification for determination of probable cause that
25 Mr. Zaug signed, and upon which I relied, indicates that

1 there are two convictions of violation of a no-contact
2 order, presumably under 10.99, yet, when I look at the
3 bail study I don't see that. So that should certainly
4 be sorted out before arraignment.

5 As it stands now, I'm going to set bail in a low
6 amount of \$2500. I'm also going to issue the no-contact
7 order, but that may be reviewed at the time of
8 arraignment depending on what the prosecutor is able to
9 produce.

10 MR. SALAS: Your Honor, just for clarification,
11 the Court is directing the State provide a hard copy by
12 Wednesday the 1st with regards to the no-contact order
13 as well as clarify the two convictions for the
14 protection order.

15 THE COURT: Precisely.

16 Mr. Trammell, if you bail out, you are still
17 required to come back for the arraignment on Wednesday
18 at 3 o'clock. Ms. Purves will give you a copy of that
19 order -- the jail will give you a copy of that order and
20 you'll have it for your records.

21 At that hearing I've directed the prosecutor to get
22 me a copy of the no-contact order they believe has been
23 violated, and further to clarify your criminal history
24 relating to the alleged two prior violations. You can
25 have a seat now. Mr. Trammell, you can have a seat now.

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MS. PURVES: The no-contact order --

THE COURT: Ms. Purves, he's got a lot of papers folded up.

MS. PURVES: It is the notice of arrest offense.

THE COURT: I've signed the no-contact order.

MR. SALAS: Your Honor, the Defendant Trammell was served with a copy of that no-contact order.

THE COURT: All right.

[Whereupon, the proceedings adjourned.]