

05-12-91

KING COUNTY SUPERIOR COURT

PAGE 1

CASE#: 86-1-03810-4 CRIM JUDGMENT# NO
TITLE: STATE VS HOWERTON
FILED: 09-26-86 APPEAL? NO

ARCHIVED: 05-12-91
CONSOLIDATED:
NOTE1: *CASE SET PG1
NOTE2:

-----PARTIES-----

CONN LAST NAME, FIRST MI TITLE LITIGANTS ARRAIGNED
PLA01 STATE OF WASHINGTON
DEF01 HOWERTON, ROBERT P

-----ATTORNEYS-----

CONN LAST NAME, FIRST MI TITLE LITIGANTS DATE
ATD01 BUGNI, MICHAEL

-----SENTENCE-CHARGE-----

DEF01 HOWERTON, ROBERT P

DISPOSITION: GP GUILTY PLEA DATE: 03-24-87

DISP. JUDGE: DARRAH

SENTENCE DATE: 03-24-87 SENTENCED BY: DARRAH

SENTENCING DEFERRED: NO APPEALED TO: DIVISION I DATE APPEALED:

PRISON SERVED..... : CRIME VIC. COMP.....\$
PRISON SUSPENDED..... : FINE.....\$
JAIL SERVED..... X : RESTITUTION.....\$ 63.00
JAIL SUSPENDED..... : COURT COSTS.....\$ 85.50
PROB/COMM. SUPERVISION..... X : ATTORNEY FEES.....\$
DUE DATE: 09-24-87 PAID:

-----SENTENCE DESCRIPTION-----

P/GUILTY. SENT (NOT SPECIFIED) DEFERRED. SERVE 2D KC JAIL. PAY REST/COSTS. PAY
CV/PEN ASSMT \$70 W/IN 6M.

04-14-87 DEFER SENT NUNC PRO TUNC 03-24-87. SENT 1Y DEFERRED. OTHER COND SAME.

-----CHARGE INFORMATION-----

RSLT CNT RCW/CODE DESCRIPTION COMMENT

----- ORIGINAL INFORMATION

GUIL 1 9.68A.090 COMMUN WITH A MINOR FOR IMMORAL PURPOSES

-----APPEARANCE DOCKET-----

SUB# DATE CD/CONN DESCRIPTION SECONDARY MICROFILM

- 09-26-86 \$CHC CHARGE COUNTY 70.00
1 09-26-86 INFO INFORMATION
2 09-26-86 ORW ORDER FOR WARRANT PR
3 10-06-86 NTOHS NOTICE OF OMNIBUS HEARING SETTING 10-29-86
- 10-06-86 ARRAIGN ARRAIGN CAL/AITKEN/CAFFAY
4 10-06-86 OR ORDER PROHIBITING CONTACT
5 10-08-86 RQD REQUEST FOR DISCOVERY

CA.#: 86-1-03810-4 CRIM JUDGMENT# NO
 TITLE: STATE VS HOWERTON

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY	MICROFILM
6	10-14-86	\$SHRTWA	SHERIFF'S RETRN ON WARRNT OF ARREST	15.50	
7	10-29-86	ORSTD	ORDER SETTING TRIAL DATE		01-07-87TC
-	01-13-87	NOTE	HOLD		01-20-87TO
-	01-20-87	NOTE	HOLD		01-23-87TO
-	01-23-87	NOTE	HOLD		01-26-87TO
-	01-26-87	NOTE	HOLD		01-27-87TO
-	01-27-87	NOTE	HOLD		01-29-87TO
-	01-29-87	NOTE	HOLD		01-30-87TO
		ACTION	COMMUNICATE WITH MINOR		
		ACTION	02-03-87/NO LENGTH GIVEN		
-	10-29-86	PREHRG	OMNIBUS CAL/AITKEN/BOUCH		
8	10-29-86	OMAPA	OMNIBUS APPLICATION OF PROS ATTY		
9	10-29-86	WV	WAIVER OMNI HRG		
10	11-18-86	ORARC	ORDER AUTHOR REMOVAL OF COURT FILE		
-	01-07-87	MINUTE	TRIAL CAL WINSOR		
-	01-07-87	HOLD	HOLD CASE UNTIL 01-13-87		
-	01-13-87	MINUTE	TRIAL CAL WINSOR		
-	01-13-87	HOLD	HOLD CASE UNTIL 01-20-87		
11	01-20-87	OR	ORDER 5 DAY EXTEN EXPIR DATE		
-	01-20-87	MINUTE	TRIAL CAL WINSOR		
-	01-20-87	HOLD	HOLD CASE UNTIL 01-23-87		
12	01-20-87	DMF	DEMAND FOR DISCOVERY		
13	01-20-87	SB	SUBPOENA FOR TRIAL		
14	01-20-87	SBDT	SUBPOENA DUCES TECUM		
-	01-23-87	MINUTE	TRIAL CAL WINSOR		
-	01-23-87	HOLD	HOLD CASE UNTIL 01-26-87		
15	01-23-87	DMF	DEMAND FOR DISCOVERY & PRODUCTION		
16	01-23-87	SB	SUBPOENA		
16.5	01-23-87	OR	ORDER TO SHORTEN TIME		
-	01-26-87	MINUTE	TRIAL CAL WINSOR		
-	01-26-87	HOLD	HOLD CASE UNTIL 01-27-87		
17	01-26-87	SBDT	SUBPOENA DUCES TECUM		
-	01-27-87	MINUTE	TRIAL CAL WINSOR		
-	01-27-87	HOLD	HOLD CASE UNTIL 01-29-87		
17.5	01-27-87	SBDT	SUBPOENA DUCES TECUM		
17.6	01-27-87	AFML	AFFIDAVIT OF MAILING		
18	01-28-87	OR	ORDER 5 DAY EXTEN EXPIR DATE		
18.5	01-28-87	AFSR	AFFIDAVIT OF SERVICE \$19.00		
-	01-29-87	MINUTE	TRIAL CAL WINSOR		
-	01-29-87	HOLD	HOLD CASE UNTIL 01-30-87		
18.6	01-29-87	SB	SUBPOENA		
-	01-30-87	MINUTE	TRIAL CAL WINSOR		
-	01-30-87	PLEA	PLEA-CASE FORWARDED TO CRIM/MOTIONS		
18.7	01-30-87	AFSR	AFFIDAVIT OF SERVICE		
18.8	01-30-87	PREHRG	C/R DOROTHY STILES		
		JDG31	JUDGE STEPHEN M REILLY, DEPT 31		
19	02-02-87	NT	NTC MISDEMEANOR SENTENCING DATE		02-25-87
		ACTION	8:30; DARRAH		
20	02-02-87	STDFG	STATEMENT OF DEFENDANT, PLEA GUILTY		
21	02-10-87	NT	NTC MSDEMEANR SENTENCING DATE		03-24-87
		ACTION	8:30; DARRAH		

CASE#: 86-1-03810-4 CRIM JUDGMENT# NO
 TITLE: STATE VS HOWERTON

-----APPEARANCE DOCKET-----

SUB#	DATE	CD/CONN	DESCRIPTION	SECONDARY	MICROFILM
-	03-16-87	§NOTE	CALCULATION - COURT COSTS S/D: 03/24/87 - DARRAH 03		85.50
22	03-19-87	PSI	PSI REPORT - CONFIDENTIAL/DEF		
23	03-24-87	JDODS	JUDGMENT & ORDER DEFERRING SENTENCE COMMT ISSD 03-24-87		
-	03-24-87	§PACV DEF01	PENALTY ASSESSED - CRIME VICTIMS HOWERTON, ROBERT P	70.00	
24	03-24-87	DISPHRG JDG03	C/R PETE HUNT JUDGE JOHN DARRAH, DEPT 3		
25	03-24-87	WC	WARRANT OF COMMITMENT		
26	04-14-87	ORSR	ORDER SETTING RESTITUTION \$63.00		
27	04-14-87	JDODS	JUDGMENT & ORDER DEFERRING SENTENCE NUNC PRO TUNC 03-24-87		
28	05-22-87	ORIBW	ORDER DIR ISSUANCE OF BENCH WARRANT ISSD NOBAIL		
29	11-16-87	ORDSM	ORDER OF DISMISSAL		
-	11-16-87	§FFRCR	FILING FEE REC'D - CRIMINAL	+	70.00
-	11-16-87	§SFR	SHERIFF'S FEES RECEIVED	+	15.50
-	11-16-87	§PRCV	PENALTY RECEIVED - CRIME VICTIMS	+	70.00
-	11-16-87	§NOTE	COSTS & CVP PAID		
30	11-16-87	AF	AFFIDAVIT OF ROBERT HOWERTON		
31	11-16-87	MTDSM	MOTION TO DISMISS		
32	11-23-87	SHRTBW	SHERIFF'S RETURN ON A BENCH WARRANT QUASHED		

-----END COPY CASE-----

FILED
2006 SEP 26 PM 4:18

KING COUNTY
SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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4 STATE OF WASHINGTON,)
5)
6 Plaintiff,)
7 v.)
8 ROBERT P. HOWERTON,)
9 Defendant.)

NO. 86-1-03810-4

INFORMATION

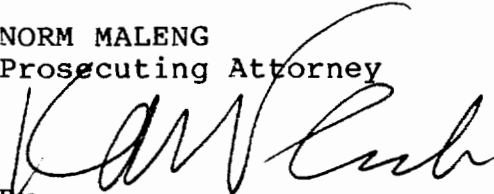
WARRANT ISSUED
CHARGE COUNTY \$70.00

10 I, Norm Maleng, Prosecuting Attorney for King County in
11 the name and by the authority of the state of Washington, do
12 accuse Robert P. Howerton of the crime of communication with a
13 minor for immoral purposes, committed as follows:

14 That the defendant Robert P. Howerton, in King County,
15 Washington, during a period of time intervening between July 15,
16 1985 and December 31, 1985, did communicate with Sybil Lemke, a
17 child under the age of 16 years, for immoral purposes;

18 Contrary to RCW 9.68A.090, and against the peace and
19 dignity of the state of Washington.

20 NORM MALENG
21 Prosecuting Attorney



22 By
23 KATHERINE M. FLACK
24 Deputy Prosecuting Attorney

25
26 Information

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200



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CAUSE NO. 86-1-03810-4

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Katherine M. Flack is a Deputy Prosecuting Attorney for King County and is familiar with the police report and investigation conducted in King County Department of Public Safety case No. 86-139735;

That this case contains the following upon which this motion for the determination of probable cause is made;

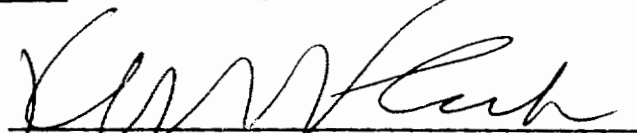
Ms. Lemke, date of birth October 18, 1971, reports that she first became involved with the defendant, Robert P. Howerton, in 1985. The defendant, a church counselor, began to counsel Ms. Lemke for problems arising from her rebellion to the teachings of the Community Chapel Church.

In late July or August 1985, the defendant asked Ms. Lemke to be his spiritual connection. After this time the defendant french kissed Ms. Lemke after requesting her to sit on his lap, fondled her thighs and legs.

At some time between September and December 1985, the defendant asked Ms. Lemke to spend the day with him. At the close of the day, the defendant drove Ms. Lemke to Redondo Beach, parked, and began to talk. Shortly thereafter, the defendant moved the car to a dark location at the back of the beach parking lot. The defendant asked Ms. Lemke to scoot over to him for a "heart to heart" talk. At this time the defendant began to tell her he loved her, began kissing her, rubbed her thighs and feeling her buttocks. The defendant stated that his body was "responding to" her "love."

State requests that a warrant issue and that after service of the warrant that the defendant be released on his personal recognizance. State also asks that the defendant be order to not have any contact with the victim or any State's witness, and that he have no unsupervised contact with females under the age of sixteen.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 26th day of September, 1986, at Seattle, Washington.


KATHERINE M. FLACK

FILED

SEP 26 11:18

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

ROBERT P. HOWERTON,

Defendant.

NO. 86-1-03810-4

MOTION AND ORDER DETERMINING THE EXISTENCE OF PROBABLE CAUSE, DIRECTING ISSUANCE OF WARRANT AND FIXING BAIL

The plaintiff, having informed the court that it is filing herein an Information charging the defendant with the crime(s) of **COMMUNICATING WITH MINOR FOR IMMORAL PURPOSES** now moves the court for an order determining the existence of probable cause and directing the issuance of a warrant for the arrest of the defendant, and

- () fixing the bail of the defendant in the amount of \$ _____, surety or property bond, or cash;
- (X) directing the release of the defendant, after booking, on his or her personal recognizance and promise to appear for arraignment at the scheduled time and date; and no contact direct or indirect with victims and witnesses; nor shall he have contact with any other minors except in the presence of a responsible adult; and

In connection with this motion, the plaintiff offers the information on the Suspect Information Report attached to this motion and the affidavit attached to the Information.

NORM MALENG
 Prosecuting Attorney
 By *[Signature]*
 KATHERINE M. FLACK
 Deputy Prosecuting Attorney

ORDER

The court, having reviewed the affidavit submitted herein, hereby determines that probable cause exists to believe that the above-named defendant committed the crimes alleged in the Information herein; and

IT IS ORDERED that the Clerk of the Superior Court issue a warrant, returnable forthwith, for the arrest of the above-named defendant; and

- IT IS FURTHER ORDERED that
- () the bail of the defendant is fixed in the amount of \$ _____, surety or property bond, or cash;

Motion and Order Determining the Existence of Probable Cause, Directing Issuance of Warrant and Fixing Bail - 1

NORM MALENG
 Prosecuting Attorney
 W554 King County Courthouse
 Seattle Washington 98104
 583 2200

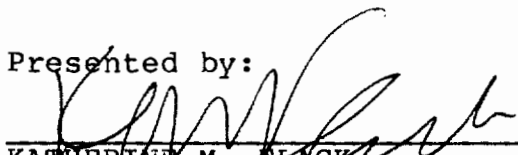
[Handwritten mark]

1 (X) the defendant be released, after booking, on his or
2 her personal recognizance and promise to appear for
3 arraignment at the scheduled time; and no contact direct
4 or indirect with victims and witnesses; nor shall he have
5 contact with any other minors except in the presence of a
6 responsible adult.

7 IT IS FURTHER ORDERED that the defendant be advised of
8 the amount of bail fixed by the court and/or conditions of his or
9 her release, and of his or her right to request a reduction of
10 bail and to be heard thereon. Service of the warrant by telegraph
11 or teletype is authorized.

12 DONE IN OPEN COURT this 26 day of September, 1986.

13 Presented by:

14 
15 _____
16 KATHERINE M. BLACK
17 Deputy Prosecuting Attorney

18 
19 _____
20 JUDGE

21
22
23
24
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26
Motion and Order Determining the Existence
of Probable Cause, Directing Issuance of
Warrant and Fixing Bail - 2

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

FILED
KING COUNTY CLERK

OCT 6 1986

SUPERIOR COURT CLERK
BY GARY POVICK

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

STATE OF WASHINGTON,)

Plaintiff,)

Robert Howerton v.)

Defendant.)

NO. 86-103810-4

NOTICE OF OMNIBUS DATE

HAVING NOW being arraigned on this matter, Your omnibus hearing has been set for

10 - 29 - 86

1:30
at ~~2:00~~ p.m.

in the Criminal Law Department, King County Courthouse. **You must be present at that time** or a warrant may be issued for your arrest and your failure to appear may result in additional criminal charges being filed.

I acknowledge receiving a copy of this notice.

Robert P. Howerton
DEFENDANT

10-6-86
DATE

Plea Judge: *Dixon*

NOTICE OF OMNIBUS DATE

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

2 STATE OF WASHINGTON,

3 Plaintiff,

4 v.

5 Robert P. Howerton

6 Defendant.

88 OCT 6 P2 55
No. 86-1 03810 4
ORDER PROHIBITING CONTACT
SEATTLE, WA

8 THIS MATTER having come on before the undersigned judge of the
9 above-entitled court, and the court having considered the records and files
10 herein and being fully advised in the premises; now, therefore,

11 IT IS HEREBY ORDERED that the defendant shall have no contact,
12 directly, or indirectly in person, in writing, or by phone, personally or
13 through other person, with Sybil Lemke

14
15 until the trial of this cause is concluded, other than at depositions
16 *scheduled in the final trial*
DATED this 6th day of October, 1986.

18 *Patricia A. Allen*
19 JUDGE

20 Presented by:

21 *William A. Fryxell*
22 Deputy Prosecuting Attorney

23 Copy Received:

24 *Robert P. Howerton*
25 Defendant

26 ORDER PROHIBITING CONTACT

78

POSTED
NORM MALENGA
Prosecuting Attorney
W554 King County Courthouse
Seattle Washington 98104
583 2200

SUSPECT INFORMATION REPORT 1

CASE NO. **86 131735**

DATE OF REPORT 09-25-86		TIME 1550		POLICE DEPARTMENT KCDPS		UNIT		FILE NO		
BOOKING DATE		TIME		OFFENSE INV. OF IND. LIBERTIES		B/A NUMBER				
NAME (LAST FIRST MIDDLE IN SR 1ST 2ND 3RD) HOWERTON, ROBERT P.						SEX MALE		RACE WHITE		
DATE OF BIRTH 10-30-54		STATE OR PROVINCE OF BIRTH		HEIGHT 6-0	WEIGHT 192	HAIR BROWN	EYES BUE	SKIN TONE MD.		
SCARS, MARKS, TATTOOS, ARTIFICIAL BODY PARTS, ETC. 2 INJ. STITCHES				CAUTION ARMED DANGEROUS		STATEMENT TAKEN?		OWN REAL PROPERTY?		
LAST KNOWN ADDRESS CITY STATE ZIP 24201 24 AVE S - RENT WA 98031				TELEPHONE NUMBER 875-1310		DRIVER LICENSE NUMBER HOWERTON ROBERT				
STATE WA	EXPIRES 86	SOCIAL SECURITY NUMBER 536-60-3972		LOCAL NUMBER	FBI NUMBER	STATE ID NUMBER				
FINGERPRINT CLASSIFICATION			ALIAS NAME(S)			VEH. LIC. NO	STATE	EXP.		
VEHICLE I.D. NO.		YEAR	MAKE	MODEL	STYLE	COLOR(S)				
OCCUPATION PIPE FITTER		BUSINESS ADDRESS OR SCHOOL (COMPANY NAME - ADDRESS - DEPARTMENT OR SHOP NO. AND PHONE) PIPE FITTERS UNION								
MARITAL STATUS - CHILDREN (NO)		LIVING WITH		TIME IN COUNTY		UNION AND LOCAL NUMBER				
INVESTIGATING OFFICER DET. LAWRENCE W. DALY		SERIAL 04665	UNIT 203	PHONE 344-7557	APPROVING OFFICER					
CRIMINAL RECORD (CONVICTIONS) NONE				ACTIVE PROBATION OR PAROLE PROBATION OFFICER, PHONE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME(S) OF ACCOMPLICE: NONE			

ARRESTING AGENCY AFFIDAVIT

(CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPON INVOLVED.)

IN THE FALL OF 1985 SUSPECT HOWERTON WAS SPENDING A LOT OF TIME WITH A 14 Y.O. FEMALE WHO BELONGED TO THE SAME CHURCH. HE WAS ATTENDING. ONE NIGHT HE DROVE HER TO REDWOOD BEACH, WHICH IS LOCATED IN KING COUNTY. AT THE BEACH HE PARKED HIS CAR AND HAD THE VICTIM SIT NEXT TO HIM. HE THEN STARTED KISSING HER AND RUBBING HER ALL OVER HER BODY. THIS OCCURRED FOR APPROX. 45 MINUTES. HOWERTON WAS VICTIM'S SUNDAY SCHOOL TEACHER. HE TOLD VICTIM DURING THE ASSAULT THAT HIS BODY WAS RESPONDING TO "her love".

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

09-26-86 **AD** **DET. LAWRENCE W. DALY** **KCDPS** **1**

LAW ENFORCEMENT POSITION ON RELEASE:
WOULD SAFETY OF INDIVIDUAL OR PUBLIC BE THREATENED IF SUSPECT RELEASED ON BAIL OR RECOGNIZANCE (CONSIDER HISTORY OF VIOLENCE, MENTAL ILLNESS, DRUG DEPENDENCY - BE SPECIFIC)? ANY OTHER REASONS WHY SUSPECT SHOULD NOT BE RELEASED (CONSIDER PRIOR FAILURE TO APPEAR, LACK OF TIES TO COMMUNITY - BE SPECIFIC).

86-1 03810 4

1258640 ~ 86092686

ANTICIPATED DATE OF REFERRAL:		ANTICIPATED CHARGE:	
PRELIMINARY APPEARANCE INFORMATION		BOND POSTED	
DATE:	JUDGE:	DATE:	AMOUNT:\$
P.R.: YES <input type="checkbox"/> NO <input type="checkbox"/>		CO.:	
CONDITIONS:		NOT RELEASED <input type="checkbox"/> BOND SET:\$	
RETURN DATE:	RETURNED: YES <input type="checkbox"/> NO <input type="checkbox"/>	EXCUSED: YES <input type="checkbox"/> NO <input type="checkbox"/>	
SUPERIOR COURT FILING INFORMATION			
AT LARGE - NO ARREST <input checked="" type="checkbox"/>		AT LARGE - EXCUSED <input type="checkbox"/>	
IN CUSTODY <input type="checkbox"/>	P.R.'D. AT P.A. <input type="checkbox"/>	OUT ON BOND <input type="checkbox"/> NO.	
ORIGINAL FILING <input checked="" type="checkbox"/>	BIND OVER/DIRECT FILING <input type="checkbox"/> FROM _____ COURT; DIST. CT. NO.:		
DIST. CT. BOND:\$	ATTORNEY: PR		P R R
BOND REQUESTED:\$	JUSTIFICATION FOR INCREASE		
SUP. CT. ARR. DATE:			3

FILED

OCT -8 AM 9:49

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

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

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. 86-103810-4
)	
vs.	)	DEMAND FOR DISCOVERY
)	
ROBERT HOWERTON,)	
)	
Defendant.)	

COMES NOW the Defendant, Robert Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and demands a complete and legible copy of the State's entire file in this matter, including a list of witnesses that the State intends to call (addresses and phone numbers included) and a list of all persons (addresses and phone numbers included) known to the State to have knowledge concerning any aspect of this criminal case. This Demand for Discovery is made pursuant to CrR 4.7(a), (c) and (e).

DATED this 6th day of October, 1986.

MOREN, LAGESCHULTE & CORNELL, P.S.

By Michael W. Bugni
MICHAEL W. BUGNI
Attorney for Defendant

DEMAND FOR DISCOVERY - 1

POSTED

5
R

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11220 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
12061 368-8800

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
Plaintiff,)
v.)
ROBERT P. HOWERTON,)
Defendant.)

NO. 86-1-03810-4

ARREST WARRANT

OCT 14 AM 11:09

To Any Peace Officer In The State Of Washington:

An information has been filed in the above entitled Court, charging **ROBERT P. HOWERTON** with the crime(s) of **COMMUNICATING WITH MINOR FOR IMMORAL PURPOSES (RCW 9.68A.090)** and the Court having determined that there is probable cause for the issuance of a warrant,

You are therefore commanded to forthwith arrest the said **ROBERT P. HOWERTON** and keep him/her in custody until he/she is discharged according to law, and make due return of this writ with your manner of service endorsed thereon.

Service of this warrant by telegraph or teletype is authorized.

Bail fixed in the sum of **Personal Recognizance** and have no contact direct or indirect with victim or witnesses; nor shall he have contact with any other minors except in the presence of a responsible adult.

Arrest Warrant - CrR 2.2(c), RCW 10.31.060

The court has ordered the issuance of this warrant.

Witness my hand and Seal this ~~SEP 26 1986~~ day of September, 1986.

M. JANICE MICHELS, Clerk of Superior Court

By _____ Deputy Clerk
PAUL WOOD

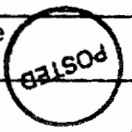
STATE OF WASHINGTON)
King County) : ss.

I received the above Warrant on OCT 6, 1986 and Executed the same on OCT 6, 1986, by arresting the defendant named _____

and Booked KCV

FEES
Service, 15.00
Mileage, .50
Keeping, _____
Total 15.50

Det Tony J Provenzo
Signature
Type or Print Name and Title
KCP
Agency



Return of Arrest Warrant (Cr.R 2.2(e))

26

CRIMINAL WARRANT INFORMATION 4

CASE NO. 26 1-17-5

DATE OF REPORT <u>07-25-86</u>		TIME <u>1530</u>		POLICE DEPARTMENT <u>PODPS</u>		UNIT		FILE NO.	
BOOKING DATE		TIME		OFFENSE <u>END OF JURY L...</u>		D/A NUMBER			
NAME (LAST, FIRST, MIDDLE - JR., SR., 1ST, 2ND, 3RD) <u>HOWERTON, ROBERT P.</u>						SEX <u>MALE</u>		RACE <u>WHITE</u>	
DATE OF BIRTH <u>10-30-54</u>		STATE OR PROVINCE OF BIRTH		HEIGHT <u>6-0</u>	WEIGHT <u>172</u>	HAIR <u>BROWN</u>	EYES <u>BLUE</u>	SKIN TONE <u>M.D.</u>	
SCARS, MARKS, TATTOOS, ARTIFICIAL BODY PARTS, ETC. <u>SCAR</u>				CAUTION - ARMED, DANGEROUS		STATEMENT TAKEN?		OWN REAL PROPERTY?	
LAST KNOWN ADDRESS - CITY, STATE, ZIP <u>24201 24AVE S. SEAT WA.</u>					TELEPHONE NUMBER <u>478-1310</u>		DRIVER LICENSE NUMBER <u>HOWERTON RFP46PT</u>		
STATE <u>WA</u>	EXPIRES <u>86</u>	SOCIAL SECURITY NUMBER <u>5-10-572</u>		LOCAL NUMBER	FBI NUMBER		STATE ID NUMBER		
FINGERPRINT CLASSIFICATION			ALIAS NAME(S)			VEH. LIC. NO.		STATE	EXP.
VEHICLE I.O. NO.		YEAR	MAKE	MODEL	STYLE	COLOR(S)			
OCCUPATION <u>PIPEFITTER</u>		BUSINESS ADDRESS OR SCHOOL (COMPANY NAME - ADDRESS - DEPARTMENT OR SHOP NO. AND PHONE) <u>PIPEFITTERS UNION</u>							
MARITAL STATUS - CHILDREN (NO.)		LIVING WITH		TIME IN COUNTY		UNION AND LOCAL NUMBER			
INVESTIGATING OFFICER <u>DET. LAWRENCE W. DAV</u>			SERIAL <u>0105</u>	UNIT <u>303</u>	PHONE <u>44-757</u>	APPROVING OFFICER			
CASE NUMBER		WARRANT DATE	TOW	OFF CODE	OFFENSE <u>CMIP</u>		BENCH ARREST <input checked="" type="checkbox"/>		
AMOUNT OF BAIL <u>PR</u>		WARRANT NUMBER	ISSUING AGENCY		COURT <u>Superior</u>		FILE		
FELONY	MISCELLANEOUS INFORMATION (I.D. NUMBERS, NAME OF ATTORNEY, SURRENDER DATE, ETC.)								
MISDEMEANOR	<input checked="" type="checkbox"/>								

86-1 03810 4

AT LARGE IN CUSTODY OUT ON PR OUT ON BOND

P.A. RETURN DATE: _____ SUP. CT. ARR. DATE: 10/6

INFORMATION REQUIRED FOR WARRANT ENTRY INTO SEAKING, WACIC, AND NCIC WILL BE FURNISHED BY THE ORIGINATING AGENCY AND/OR PROSECUTING ATTORNEY.

EXTRADITION INFORMATION

MUST BE APPROVED BY THE CHIEF OR ASSISTANT CHIEF PROSECUTING ATTORNEY

APPROVED BY _____ FOR EXTRADITION FROM

- SEAKING - LOCAL ONLY
- WACIC - STATE WIDE
- NCIC - WILL EXTRADITE FROM ORE., IDA., MONT., WYO., CALIF., NEV., UTAH, COLO., ARIZ., NM, HAWAII & ALASKA
- NCIC - WILL EXTRADITE FROM IDA., & ORE. ONLY.
- NCIC - WILL EXTRADITE FROM U.S. INCLUDING HAWAII & ALASKA

FOR DATA SYSTEMS USE ONLY

SPEAKING: CCN/ <u>1258640</u>		DOE		TOE		SER	
WACIC: WAC/		DOC		TOC		SER	
NCIC: NIC/		SERIAL		UNIT		DATE	
WARRANT RELEASED TO:		SERIAL		UNIT		DATE	

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 Robert Howerton)
)
 Defendant.)

NO. 86-1-03810-4
ORDER SETTING TRIAL DATE
(CrR 3.3)
FILED
KING COUNTY
1986

To the Above Named Defendant And To Your Attorney

You are hereby notified that your trial is set for ~~December 9~~ ^{January 7, 87}, 1987. The proper date of arraignment on this information was ~~October 6~~ ^{October 6}, 1986. The following dates are set forth to conform to the provisions of CrR 3.3.

- Time elapsed in District Court affecting CrR 3.3 was _____ days.
- Your reappearance following your failure to appear took place on _____, 19____.
- Other _____

Pretrial hearings are scheduled for _____, 19____ at _____. Defendant must be present for this hearing to be held before a criminal motions judge.

I understand that ~~93~~ ⁹³ days will elapse before my assigned trial date.

I further understand that failure to object to the date set for trial within 10 days of today will waive any objection that the above date is in violation of CrR 3.3.

I acknowledge receiving a copy of this Order Setting Trial Date and Pretrial Hearings.

DATED this ~~29~~ ²⁹ day of ~~October~~ ^{October}, 19~~86~~ ⁸⁶
~~Michael W. Dyer~~ DEFENSE ATTORNEY ~~Robert P. Howerton~~ DEFENDANT

WAIVER OF RIGHT TO TRIAL WITHIN 60/90 DAYS

AFTER BEING fully advised of my right to trial within 60 days if I am in custody or to a trial within 90 days if I am not in custody, under the provisions of CrR 3.3, I hereby waive my right to trial beyond this trial date to (Date) ~~January 21, 1987~~

~~Michael W. Dyer~~ DEFENSE ATTORNEY ~~Robert P. Howerton~~ DEFENDANT

DONE IN OPEN COURT this ~~29~~ ²⁹ day of ~~October~~ ^{October}, 19~~86~~ ⁸⁶

~~Debra A. Allen~~ JUDGE

14p. ~~1-21-87~~
1-21-87

7

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
Plaintiff,)

Robert F. Howerton)
Defendant.)

NO. PL-1-03910-4

OMNIBUS APPLICATION OF PROSECUTING ATTORNEY AS TO DEFENDANT

FILED

OCT 29 1986

SUPERIOR COURT CLERK
BY GARY POVICK
DEPUTY

1. The State of Washington makes the following discovery motions:
 - a. Defendant to state the general nature of defendant's defense.
 - b. Defendant to state whether there is any claim of incompetence to stand trial or change plea.
 - c. Defendant to state whether or not defendant will rely on an alibi and, if so, to furnish a list of defendant's alibi witnesses and their addresses.
 - d. Defendant to state whether or not defendant will rely on a defense of insanity or diminished capacity at the time of the offense.
 - (1) If so, defendant to supply the name(s) of defendant's witness(es) on the issue(s) of insanity or diminished capacity, both lay and professional, whom the defense may call to testify.
 - (2) If so, defendant to permit the prosecution to inspect and copy all medical and other professional reports from any witness(es) whom the defense may call as well as any materials and reports of others which were reviewed by those witness(es).
 - (3) Defendant will also state whether or not defendant will submit to a psychiatric examination by a doctor selected by the prosecution.
 - e. Defendant to furnish results of scientific tests, experiments or comparisons and the names of persons who conducted the tests.
 - f. Defendant to provide in writing discovery of: names, addresses, phone numbers, summaries of testimony, and written statement(s) of each and every person whom the defense may call to testify.
 - g. Defendant to permit the prosecution to inspect physical or documentary evidence which may be offered by the defense.

2. The State of Washington makes these additional applications or motions (check if requested):
 - () a. Defendant to be fingerprinted.
 - () b. Defendant to permit taking samples of:
 - () blood; () hair;
 - () saliva; () _____
 - () c. Defendant to provide handwriting exemplar.
 - () d. Defendant to try on articles of clothing.
 - () e. Defendant to submit to physical external inspection of defendant's body.
 - () f. Defendant to appear in a line-up.
 - () g. Defendant to speak for a voice identification by witnesses.
 - () h. Defendant to be photographed.
 - () i. For the court to schedule a CrR 3.5 hearing.
 - () j. _____

3. If the defendant testifies at trial, the state may offer evidence of prior convictions as disclosed in the state's discovery. If additional criminal convictions are found, the state will advise defendant of such convictions and may offer such convictions at trial.

FILED

Dated: 10-29-86

A J Roe
Deputy Prosecuting Attorney

J my



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED
KING COUNTY, WASHINGTON

OCT 29 1986

SUPERIOR COURT CLERK
BY GARY POVICK
DEPUTY

STATE OF WASHINGTON Plaintiff,

Robert P. Harverson vs. Robert P. Harverson
Defendant.

No. 16-1-03810-4

STIPULATION AND WAIVER OF
OMNIBUS HEARING

IT IS HEREBY STIPULATED by the parties in this case that there will be no pre-trial motions or hearings in this case, that an Omnibus Hearing would not be beneficial, and that the parties will be ready to begin jury selection immediately upon the day of trial.

Respective counsel are ordered to exchange: names and addresses of witnesses; written statements or written summaries of anticipated testimony of witnesses, including expert reports and test results, if any; and make available for inspection all physical and demonstrative evidence by

November 21 1986

() Motion as to the admissibility of defendant's prior conviction(s) set forth in state's omnibus application is reserved for trial court.

Rulings on additional motions:

WAIVER OF OMNIBUS HEARING is approved for defendant: _____

EXPIRATION DATE: _____

DATED: October 29, 1986

Michael J. Roe
Deputy Prosecuting Attorney

Michael D. Dignis
Attorney for Defendant

Darius Aulken
JUDGE



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my



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

FILED
NOV 18 PM 3:57
KING COUNTY
SUPERIOR COURT
SEATTLE, WA

Howerton, Robert

Plaintiff(s)

NO. 86-1-03810-4

vs.

ORDER AUTHORIZING REMOVAL OF COURT FILE

CRIM:

Defendant(s)

IT IS ORDERED that:

Name: Pat Chaff

Address: 13727 NE 11th St.
Bellevue WA.

Telephone No.: 644-9771

is authorized to remove from the Clerk's Office the file in the above entitled matter for a period of 2 days.

Dated: 11/17/86

[Signature]
Judge/Court Commissioner
Approving Authority

Presented by:

COURT COMMISSIONER PRO TEM

[Signature]

PAGER #

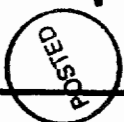
Rev'd
11/17/86
[Signature]

- Dial 994-2560
- When it answers type in the # you want me to call
- Push the "# " sign

EPOI

I'll call within 10 minutes

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87 JAN 20 PM 4:10



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

KING COUNTY
SUPERIOR COURT
SEATTLE WA

STATE OF WASHINGTON

Plaintiff.

No. 86-1-03810-4

vs.

ORDER FOR FIVE(5) DAY EXTENSION
OF EXPIRATION DATE

Robert P. Howerton

Defendant.

THIS MATTER having been set for trial on (this date) (1/20/87)
and because of unavoidable or unforeseen circumstances beyond the control of the
court or the parties and the court finding that:

- () One or more of the attorneys for the parties herein are presently in trial on another matter and unavailable.
- () An interpreter is required for the trial and one is not presently available.
- () Other: _____

and further finding that the defendant(s) will not be substantially prejudiced in his or her defense,

IT IS HEREBY ORDERED that the expiration date in this cause shall be extended for five(5) days to 1/28, 1987.

DATED: 1-20, 1987.

J. Hellen
JUDGE

[Handwritten signatures]

DPA

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FILED
1987 JAN 20 PM 2:53

(Copy Receipt)

(Clerk's Date Stamp)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, }
County of King } ss.

STATE OF WASHINGTON, _____
Plaintiff _____

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON, _____
Defendant _____

SUBPOENA FOR TRIAL
(Civil Rule 45(a)(2))

THE STATE OF WASHINGTON,

To BOB WHITE
22629 13th South
Seattle, WA 98138

You are hereby commanded to be and appear at the Superior Court of the State of Washington, King County, in the Court room of Judge _____, Department No. _____, in the King County Court House, in Seattle, at 9:30 o'clock in the forenoon of the 26th day of January A. D. 1987, then and there to testify as a witness on behalf of Defendant, Robert P. Howerton

in a certain cause therein, pending, wherein STATE OF WASHINGTON, Plaintiff, and ROBERT P. HOWERTON, Defendant, and to remain in attendance on said Court until discharged, and **HEREIN FAIL NOT AT YOUR PERIL.**

WITNESS my hands this 19th day of January 1987

MICHAEL W. BUGNI
Attorney(s) of Record for Defendant

[Name and Address for Window Envelope]

Address 11320 Roosevelt Way N.E.
Seattle, Wash. 98125
(Telephone): 365-5500

132

007 JAN 20 PM 2:53
(Clerk's Date Stamp)

(Copy Receipt)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, }
County of King } ss.

STATE OF WASHINGTON, _____
Plaintiff.....

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON, _____
Defendant.....

SUBPOENA FOR TRIAL
(Civil Rule 45(a)(2))

THE STATE OF WASHINGTON,

To ROBBIE CARLYLE

You are hereby commanded to be and appear at the Superior Court of the State of Washington, King County, in the Court room of Judge _____
Department No.E942, in the King County Court House, in Seattle, at 9:00
o'clock in the fore noon of the 7th day of January
A. D. 1987, then and there to testify as a witness on behalf of Defendant

in a certain cause therein, pending, wherein STATE OF WASHINGTON, Plaintiff,
and ROBERT P. HOWERTON, Defendant,
and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

WITNESS my hands this 31st day of December 19 86

Michael W. Bugni
MICHAEL W. BUGNI
Attorney(s) of Record for Defendant

[Name and Address for Window Envelope]

Address 11320 Roosevelt Way N.E.
Seattle, Wash. 98125

(Telephone): 365-5500

1987 JAN 20 PM 2:53

(Copy Receipt)

(Clerk's Date Stamp)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, }
County of King } ss.

STATE OF WASHINGTON, }
Plaintiff }

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON, }
Defendant }

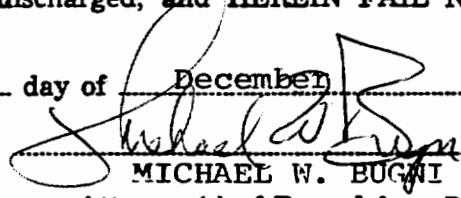
SUBPOENA FOR TRIAL
(Civil Rule 45(a)(2))

THE STATE OF WASHINGTON,
To LARRY LEMKE

You are hereby commanded to be and appear at the Superior Court of the State of Washington, King County, in the Court room of Judge.....
Department No....., in the King County Court House, in Seattle, at 9:30
o'clock in the fore noon of the 26th day of January
A. D. 1987, then and there to testify as a witness on behalf of Defendant, Robert P. Howerton

in a certain cause therein, pending, wherein STATE OF WASHINGTON, Plaintiff,
and ROBERT P. HOWERTON, Defendant,
and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

WITNESS my hands this 31st day of December 1986


MICHAEL W. BUGNI
Attorney(s) of Record for Defendant

(Name and Address for Window Envelope)

Address 11320 Roosevelt Way N.E.
Seattle, Wash. 98125

(Telephone): 365-5500

1987 JAN 20 PM 2:53
(Clerk's Date Stamp)

(Copy Receipt)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, }
County of King } vs.

STATE OF WASHINGTON, _____
Plaintiff _____

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON, _____

SUBPOENA FOR TRIAL
(Civil Rule 45(a)(2))

Defendant _____

THE STATE OF WASHINGTON,

To AL TENNENT _____

You are hereby commanded to be and appear at the Superior Court of the State of Washington, King County, in the Court room of Judge _____, Department No.E942, in the King County Court House, in Seattle, at 9:00 o'clock in the fore noon of the 7th day of January A. D. 1987, then and there to testify as a witness on behalf of Defendant

in a certain cause therein, pending, wherein STATE OF WASHINGTON, Plaintiff, and ROBERT P. HOWERTON, Defendant, and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

WITNESS my hands this 31st day of December 19 86

Michael W. Bugni
MICHAEL W. BUGNI
Attorney(s) of Record for Defendant

(Name and Address for Window Envelope)

Address 11320 Roosevelt Way N.E.
Seattle, Wash. 98125

(Telephone): 365-5500

FILED
1987 JAN 20 PM 2:53
CLERK OF COURT
SEATTLE, WASHINGTON

(Receipt for Copy)

(Clerk's Date Stamp)

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

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT P. HOWERTON,

Defendant,

No. 86-1-03810-4

SUBPOENA DUCES TECUM

The State of Washington to KATE M. FLACK, Prosecuting Attorney Greeting:

You are hereby required to appear in Room....., of the Superior Court of the State of Washington for the County
of King at the Court House at Seattle, WA on January 26, 19 87
at 9:30 A.M., then and there to give evidence in the above entitled case and you are further directed and
commanded to bring with you the following papers and documents now in your possession or under your control, viz:

and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

Dated January 16, 1987



MICHAEL W. BUGNI

Attorney(s) For Defendant

Office and Post Office Address:
MOREN, LAGESCHULTE & CORNELL, P.S.
11320 Roosevelt Way N.E.
Seattle, WA 98125
365-5500

Handwritten initials

1987 JAN 23 11 12 46

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

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STATE OF WASHINGTON,
Plaintiff,
vs.
ROBERT P. HOWERTON,
Defendant.

)
)
) No. 86-1-03810-4
)
) DEMAND FOR DISCOVERY AND/OR
) PRODUCTION OF (1) ORIGINAL
) DIARY, (2) WITNESS STATEMENTS
) (2ND WRITTEN REQUEST) AND (3)
) WITNESS LIST (2ND WRITTEN
) REQUEST) AND (4) OTHER SPECIFIED
) DOCUMENTS
)
)
)

COMES NOW the Defendant, Robert P. Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and demands production at the time of trial of:

1. The complaining witness' diary, which diary is believed to be in the possession of the complaining witness;
2. Page 3 (of 3 pages) of the Statement of Chani Hayes, taken by Detective Robin A. Moran on July 10, 1986 at 9:31 a.m.
3. A copy of the Statement of Katherine Reynolds, taped by Detective Larry Daley on July 8, 1986 at 4:30 p.m., per Detective Daley's case log which was provided to defense counsel pursuant to the Defendant's first Demand for Discovery. Both this item and item No. 2 should have been provided to defense counsel pursuant to Defendant's first Demand for Discovery, dated October 6, 1986.

DEMAND FOR DISCOVERY

FILED 15 88

ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 269-8500

1 4. The Defendant demands a list of witnesses the State
2 intends to call (addresses and phone numbers included). Also a
3 list of any additional persons (addresses and phone numbers
4 included) known to the State to have knowledge concerning any
5 aspect of this criminal case. Both demands were first made in
6 writing on October 6, 1986 and later made verbally on numerous
7 occasions. Said requests have yet to be honored.

8 5. All Children's Protective Service, Harborview Sexual
9 Assault Center, Foster Care, or other records of state or private
10 agencies involved with the allegations of the complaining witness
11 or any other aspect of this criminal case.

12 6. All notes, internal memos, forms, and other records
13 kept or maintained by the King County Police Department or King
14 County Prosecuting Attorney which relate in any way to
15 observations about or the content of interviews of the
16 complaining witness.

17 7. All notes, tests, interviews, records or other
18 information related to counseling of Sybil Lemke by Lucy
19 Berliner, Harborview Sexual Assault Center, Dr. Arthur Wassmer,
20 Ph.D., Dr. David Penner, Ph.D., or by any other counsel during
21 the time period relevant to Sybil Lemke's accusation against the
22 Defendant.

23 This Demand for Discovery is made pursuant to CrR
24 4.7(a),(c) and (e).

25 A copy of the Defendant's first written Demand for

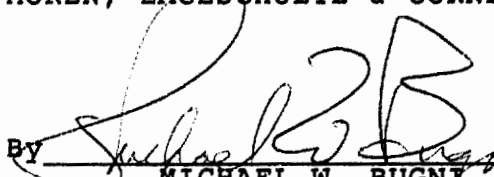
DEMAND FOR DISCOVERY

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Discovery is attached hereto.

DATED this 22nd day of January, 1987.

MOREN, LAGESCHULTE & CORNELL, P.S.

BY 
MICHAEL W. BUGNY
Attorney for Defendant

DEMAND FOR DISCOVERY

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11200 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 368-1900

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

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO.
)	
vs.	)	DEMAND FOR DISCOVERY
)	
ROBERT HOWERTON,)	
)	
Defendant.)	

COMES NOW the Defendant, Robert Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and demands a complete and legible copy of the State's entire file in this matter, including a list of witnesses that the State intends to call (addresses and phone numbers included) and a list of all persons (addresses and phone numbers included) known to the State to have knowledge concerning any aspect of this criminal case. This Demand for Discovery is made pursuant to CrR 4.7(a), (c) and (e).

DATED this 6th day of October, 1986.

MOREN, LAGESCHULTE & CORNELL, P.S.

By Michael W. Bugni
MICHAEL W. BUGNI
Attorney for Defendant

FILED

1987 JAN 23 10:46

(Receipt for Copy)

(Clerk's Date Stamp)

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

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT P. HOWERTON,

Defendant,

No. 86-1-03810-4

SUBPOENA DUCES TECUM

The State of Washington to KATE M. FLACK, Prosecuting Attorney Greeting:

You are hereby required to appear in Room....., of the Superior Court of the State of Washington for the County

of King at the Court House at Seattle, WA on January 26, 1987

at 9:30 A.M., then and there to give evidence in the above entitled case and you are further directed and

commanded to bring with you the following papers and documents now in your possession or under your control, viz:

see attached

and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

Dated January 16, 1987

Michael W. Bugni
MICHAEL W. BUGNI

Attorney(s) For Defendant

1682

Office and Post Office Address:
MOEN, LAGESCHULTE & CORNELL, P.S.
11320 Roosevelt Way N.E.
Seattle, WA 98125
365-5500



ORIGINAL

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

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STATE OF WASHINGTON,
Plaintiff,
vs.
ROBERT P. HOWERTON,
Defendant.

No. 86-1-03810-4

DEMAND FOR DISCOVERY AND/OR
PRODUCTION OF (1) ORIGINAL
DIARY, (2) WITNESS STATEMENTS
(2ND WRITTEN REQUEST) AND (3)
WITNESS LIST (2ND WRITTEN
REQUEST) AND (4) OTHER SPECIFIED
DOCUMENTS

COMES NOW the Defendant, Robert P. Howerton, by and
through his attorney of record, Michael W. Bugni of Moren,
Lageschulte & Cornell, P.S., and demands production at the time
of trial of:

1. The complaining witness' diary, which diary is
believed to be in the possession of the complaining witness;
2. Page 3 (of 3 pages) of the Statement of Chani Hayes,
taken by Detective Robin A. Moran on July 10, 1986 at 9:31 a.m.
3. A copy of the Statement of Katherine Reynolds, taped
by Detective Larry Daley on July 8, 1986 at 4:30 p.m., per
Detective Daley's case log which was provided to defense counsel
pursuant to the Defendant's first Demand for Discovery. Both
this item and item No. 2 should have been provided to defense
counsel pursuant to Defendant's first Demand for Discovery, dated
October 6, 1986.

DEMAND FOR DISCOVERY

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 368-9900

1 4. The Defendant demands a list of witnesses the State
2 intends to call (addresses and phone numbers included). Also a
3 list of any additional persons (addresses and phone numbers
4 included) known to the State to have knowledge concerning any
5 aspect of this criminal case. Both demands were first made in
6 writing on October 6, 1986 and later made verbally on numerous
7 occasions. Said requests have yet to be honored.

8 5. All Children's Protective Service, Harborview Sexual
9 Assault Center, Foster Care, or other records of state or private
10 agencies involved with the allegations of the complaining witness
11 or any other aspect of this criminal case.

12 6. All notes, internal memos, forms, and other records
13 kept or maintained by the King County Police Department or King
14 County Prosecuting Attorney which relate in any way to
15 observations about or the content of interviews of the
16 complaining witness.

17 7. All notes, tests, interviews, records or other
18 information related to counseling of Sybil Lemke by Lucy
19 Berliner, Harborview Sexual Assault Center, Dr. Arthur Wassmer,
20 Ph.D., Dr. David Penner, Ph.D., or by any other counsel during
21 the time period relevant to Sybil Lemke's accusation against the
22 Defendant.

23 This Demand for Discovery is made pursuant to CrR
24 4.7(a),(c) and (e).

25 A copy of the Defendant's first written Demand for

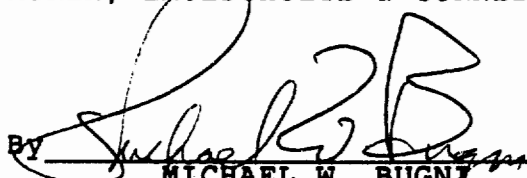
DEMAND FOR DISCOVERY

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Discovery is attached hereto.

DATED this 22nd day of January, 1987.

MOREN, LAGESCHULTE & CORNELL, P.S.

BY 
MICHAEL W. BUGNY
Attorney for Defendant

DEMAND FOR DISCOVERY

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11200 ROOSEVELT WAY N E
SEATTLE, WASHINGTON 98125
(206) 365-8900

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

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO.
)	
vs.	)	DEMAND FOR DISCOVERY
)	
ROBERT HOWERTON,)	
)	
Defendant.)	

COMES NOW the Defendant, Robert Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and demands a complete and legible copy of the State's entire file in this matter, including a list of witnesses that the State intends to call (addresses and phone numbers included) and a list of all persons (addresses and phone numbers included) known to the State to have knowledge concerning any aspect of this criminal case. This Demand for Discovery is made pursuant to CrR 4.7(a), (c) and (e).

DATED this 6th day of October, 1986.

MOREN, LAGESCHULTE & CORNELL, P.S.

By Michael W. Bugni
MICHAEL W. BUGNI
Attorney for Defendant



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

1987 JAN 23 11:12

State of Wash

Plaintiff,

No. 86-1-03810-41

vs.

ORDER ON CIVIL MOTION TO SHORTEN TIME

Robert P. Hewerton

Defendant.

The above-entitled Court, having heard a motion to shorten time of
oppose motion to compel out of state witness to
attend trial

IT IS HEREBY ORDERED that the motion shall be heard in
Presiding at 4:00 p.m. on 1/23/87

DATED: 1-23, 1987

Presented by:

[Signature]

[Signature]
JUDGE

165
REGISTER



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

1987 JAN 23 11:12

State of Wash

Plaintiff,

vs.

Robert P. Howerton

Defendant.

No. 86-1-03810-41

ORDER ON CIVIL MOTION TO SHORTEN TIME

The above-entitled Court, having heard a motion to shorten time of
defense motion to compel out of state witnesses to
attend trial

IT IS HEREBY ORDERED that the motion shall be heard in
presiding at 4:00 p.m. on 1/23/87

DATED: 1-23, 1987

Presented by:

[Signature]

[Signature]
JUDGE

165
REGISTERED

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

STATE OF WASHINGTON,

Plaintiff,

vs.

ROBERT P. HOWERTON,

Defendant,

No. 86-1-03910-4

SUBPOENA DUCES TECUM

The State of Washington to LUCY BERLINER, MSW Greeting:

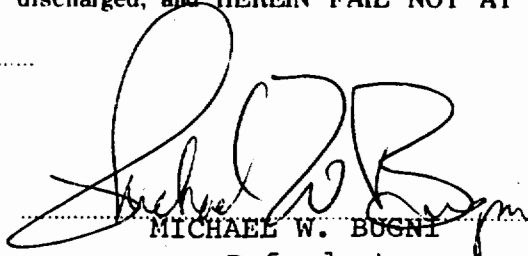
You are hereby required to appear in Room....., of the Superior Court of the State of Washington for the County of King at the Court House at Seattle, WA on January 28, 19 87 at 9:00 A.M., then and there to give evidence in the above entitled case and you are further directed and

commanded to bring with you the following papers and documents now in your possession or under your control, viz:

All records, files, notes, charts, admission sheets, discharge sheets, laboratory test reports, x-rays, and any and all medical records in your possession, including notes, pertaining to the care and treatment of SYBIL LEMKE.

and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

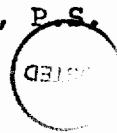
Dated January 23, 1987


MICHAEL W. BUGNI

Attorney(s) For Defendant

Office and Post Office Address:

MOREN, LAGESCHULTE & CORNELL, P.S.
11320 Roosevelt Way N.E.
Seattle, WA 98125
365-5500



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

1987 JAN 27 11 24 AM
CLERK OF SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON

Defendant,

SUBPOENA DUCES TECUM


The State of Washington to.....SYBIL LEMKE.....Greeting:

You are hereby required to appear in Room...E942, of the Superior Court of the State of Washington for the County of King at the Court House at Seattle on January 28 19 87 at 9:00 A.M., then and there to give evidence in the above entitled case and you are further directed and commanded to bring with you the following papers and documents now in your possession or under your control, viz:

Original Diary.

and to remain in attendance on said Court until discharged, and HEREIN FAIL NOT AT YOUR PERIL.

Dated.....January 26, 1987.....


.....
MICHAEL W. BUGNI
Attorney(s) For...Defendant.....

Office and Post Office Address:

Moren, Lageschulte & Cornell, P.S.
11320 Roosevelt Way N.E.
Seattle, WA 98125
(206) 365-5500



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mg

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

STATE OF WASHINGTON,
Plaintiff,
vs.
ROBERT P. HOWERTON,
Defendant.

NO. 86-1-03810-4
AFFIDAVIT OF MAILING
SUBPOENA DUCES TECUM
TO E. PAUL GIERSCH

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

THE UNDERSIGNED, being first duly sworn on oath, deposes and says: That I am a citizen of the United States, over the age of 18 years, not a party to or interested in the within matter, and competent to be a witness herein.

That on the 26th day of January, 1987, I deposited in the mails of the United States an envelope addressed and possessing postage first class prepaid, which envelope was directed to:

E. Paul Giersch
Attorney for Sybil Lemke
1211 Smith Tower
Seattle, WA 98104

and which contained a Subpoena Deces Tecum.

Brenda Lindsey
BRENDA LINDSEY

SIGNED and SWORN TO before me on January 26, 1987, by Brenda Lindsey.

[Signature]
Notary Public in and for the State of Washington, residing at Spokane.
My appointment expires: 11-22-89

AFFIDAVIT OF MAILING

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
12061 365-5500

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[Signature]



SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON **FILED** Plaintiff.

No. 86-1-03810-4

vs. JAN 28 AM 9 40
Robert Howerton

ORDER FOR FIVE(5) DAY EXTENSION
OF EXPIRATION DATE

KING Defendant.

SUPERIOR COURT
SEATTLE

THIS MATTER having been set for trial on (this date) (1/27/87)
and because of unavoidable or unforeseen circumstances beyond the control of the
court or the parties and the court finding that:

- () One or more of the attorneys for the parties herein are presently in trial on another matter and unavailable.
- () An interpreter is required for the trial and one is not presently available.
- () Other: _____

and further finding that the defendant(s) will not be substantially prejudiced in his or her defense,

IT IS HEREBY ORDERED that the expiration date in this cause shall be extended for five(5) days to Feb 3, 1987.

DATED: January 27, 1987.

Robert W. Wenson
JUDGE

18
k

AFFIDAVIT OF SERVICE OF

STATE OF WASHINGTON

vs.

Plaintiff

ROBERT P. HOWERTON

Defendant

Garnishee Defendant

SUBPOENA DUCES TECUM
TRIAL: 1/28/87 @ 9:00am

State of Washington

County of King

ss.

The writ served was accompanied by four answer forms and three postage prepaid envelopes which were pre-addressed to the Clerk of the Court, to the Plaintiff or his attorney, and to the Defendant, and cash or check payable to the garnishee, to the amount of Ten Dollars.

A copy of the summons served is attached hereto

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on 01/27/87 at 1:50p M., at 325 9th St., Seattle

King County, Washington, affiant duly served the above-described documents in the above-entitled matter upon

Lucy Berliner, MSW

by then and there personally delivering a true and correct copy thereof to and leaving same with

Jeanne Siueen, Designee for Lucy Berliner

That at the time and place set forth above affiant duly served the above described documents in the above-entitled matter upon

by then and there, at the residence and usual place of abode of said person(s), personally delivering true and correct copy(ies) thereof to and leaving the same with

being a person of suitable age and discretion then resident therein.

Affiant further states that he is informed and believes, and therefore alleges, that neither of said defendants is in the military service of the United States.

 TRIPS @ MILES

Subscribed and Sworn to before me 01/28/87

M. Mirante mls

SERVICE ATTEMPTED AT:

Shirley Hagman
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle

Service Fees 6.00 Travel 8.00 Return Fee 5.00 Cert. Mail Total \$ 19.00

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RESIDENCE SERVICE

FILED

1987 JAN 29 AM 10:55

(Copy Receipt)

KING COUNTY

(Clerk's Date Stamp)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, }
County of King } ss.

STATE OF WASHINGTON, }
Plaintiff }

No. 86-1-03810-4

vs.

ROBERT P. HOWERTON, }
Defendant }

SUBPOENA FOR TRIAL

(Civil Rule 45(a)(2))

THE STATE OF WASHINGTON,

To DETECTIVE LAWRENCE DALEY, KING COUNTY POLICE OFFICER
King County Sheriff's Department
King County Courthouse, 3rd & James, Seattle, WA 98104

You are hereby commanded to be and appear at the Superior Court of the State of Washington, King County, in the Court room of Judge to be assigned - see Presiding, Department No. _____, in the King County Court House, in Seattle, at 9:30 o'clock in the fore noon of the 30th day of January A. D. 1987, then and there to testify as a witness on behalf of Defendant

in a certain cause therein, pending, wherein STATE OF WASHINGTON, Plaintiff, and ROBERT P. HOWERTON, Defendant, and to remain in attendance on said Court until discharged, and **HEREIN FAIL NOT AT YOUR PERIL.**

WITNESS my hands this 19th day of January 1987

Michael W. Bugni
MICHAEL W. BUGNI

Attorney(s) of Record for Defendant

[Name and Address for Window Envelope]

Address 11320 Roosevelt Way N.E.
Seattle, Wash. 98125

(Telephone): 365-5500

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FILED

1987 JAN 30 AM 1:11

KING COUNTY
SUPERIOR COURT CLERK

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

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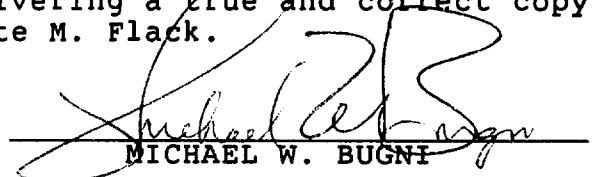
STATE OF WASHINGTON,)
)
) Plaintiffs,)
 vs.)
)
) ROBERT P. HOWERTON,)
)
) Defendant.)

NO. 86-1-03810-4
AFFIDAVIT OF SERVICE OF
SUBPOENA DUCES TECUM


STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, on oath deposes and says: That he is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to the above entitled action and competent to be a witness therein.

That on Friday, January 23, 1987, at 12:10 p.m., at the King County Courthouse, Courtroom E912, Seattle, King County, Washington affiant duly served the above-described document in the above-entitled matter upon Kate M. Flack, Deputy Prosecutor, by then and there personally delivering a true and correct copy thereof and leaving same with Kate M. Flack.


MICHAEL W. BUGNI

Signed and sworn to before me on January 29, 1987, by
Michael W. Bugni.


NOTARY PUBLIC in and for the State
of Washington, residing at Seattle;
My appointment expires 9-28-90.

AFFIDAVIT OF SERVICE

SCOMIS code:

PREHRG DISPHRG HEARING
 POSTHRG MINUTE

Department No. 31
Date: January 30, 1987
Page 1 of 1

JUDGE: Stephen M. Reilly
BAILIFF: Veda Jo Byrne
COURT CLERK: Weanna Jaspers
REPORTER: Warathy Stiles

King County Cause No. 86-1-03810-4

Case Caption

State of Washington vs Robert Howerton

Litigants and attorneys

State represented by Kate Plack, DPA
Defendant appearing with counsel Michael Bugni

Minute Entry

Plea

The defendant withdraws his plea of not guilty heretofore entered and enters an alford plea of guilty, which is accepted by the Court. Statement on plea of guilty is signed by the Court.

Sentencing Judge is the Honorable John Warrak

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R

FILED

KING COUNTY, WASHINGTON

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

SUPERIOR COURT CLERK
BY LYNN BEWESE
DEPUTY

STATE OF WASHINGTON,

No. 86-1-03810-4

Plaintiff,)

STATEMENT OF DEFENDANT

vs.)

ON PLEA OF GUILTY

Robert P Hewerton

Defendant.)

(Misdemeanor)

FILED
KING COUNTY, WASH.
FEB 02 1987
SUPERIOR COURT
BY LYNN BEWESE
DEPUTY

1. My true name is Robert Paul Hewerton.
 2. My age is 32.
 3. I went through the 12 grade in school. + 4 years Voc. School
 4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is Michael W Bugni.
 5. I have been informed and fully understand that I am charged with the crime(s) of communicating with minor.
 _____;
 that the elements of the crime(s) are: _____
Having communications with a minor of an alleged
immoral nature.

 _____;
 and that the maximum sentence(s) for which is (are): 1 year
 _____ in jail
 and \$ 5000⁰⁰ fine(s).
- I have been given a copy of the information.

6. I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
 - (c) I have the right to hear and question any witness who testifies against me.
 - (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
 - (e) I am presumed innocent until the charge(s) is (are) proven beyond a reasonable doubt, or until I enter a plea of guilty.
 - (f) I have the right to appeal a determination of guilt after a trial.
 - (g) If I plead guilty, I give up the rights in statements (a) through (f) of this paragraph 6.

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POSTED

7. I plead guilty to the crime(s) of _____
communicating with a minor., as charged.

8. I MAKE THIS PLEA FREELY AND VOLUNTARILY.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to offer this plea, except as set forth in this statement.

11. I have been informed and fully understand that the Prosecuting Attorney will make the following recommendation to the court:

1) 15 days - work release
2) probation - no law violations - court costs - victims fee
3) pay 1/3 of Sybil's counseling bill of 6.5⁰⁰ at the Sexual Asslt Center
4) counseling as reflected in the State's rec. Attached: Ken
5) 1 year suspended sentence - review in 6 months with report to Ct and parties per State's sent. rec. attached
EMV

12. I have been informed and fully understand that the court can impose any sentence up to one year in jail and a fine of \$ 5000⁰⁰ and that the court does not have to follow the Prosecuting Attorney's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum set out above.

13. I understand that if I am on probation or parole, a plea of guilty to the present charge(s) will be sufficient ground for a Judge to revoke my probation or for the Parole Board to revoke my parole.


14. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) with which I have been charged. This is my statement:

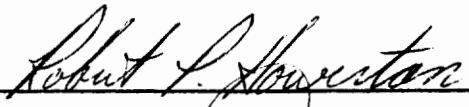
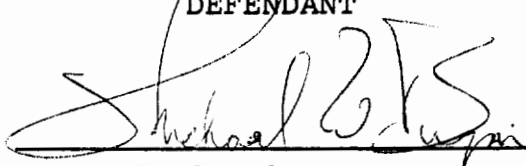
I adamantly deny all of the complaining witnesses' allegations except as follows:
During the time Sybil and I were in my car at Redondo beach talking, I did kiss her once as a gesture of love. Sybil was having serious family troubles and I felt pity for her. This was a short, closed mouth kiss like a father would kiss his daughter. Sybil didn't react negatively and our friendship continued. I thought she understood my motives were pure. I had absolutely no immoral purpose in my heart or mind. Sybil's offense at what I did never surfaced until months later, after her parents divorced and after Sybil got caught up in an extremely bitter rift in the church we both

attended (news articles, law suits, ect). Because
Sybil is offended and because it was unwise
in retrospect for me to have kissed a minor
who could possibly misunderstand my motive, I
am pleading guilty on condition of a deferred sentence.
An incident like this never happen again.

Other than what I admitted I'm pleading guilty
only because a jury might find immoral purpose
based on Sybil's testimony. (Alford plea)

15. I have read, or have had read to me, and fully understand all of the numbered sections above (1 through 15) and I have received a copy of this "Statement of Defendant on Plea of Guilty" form. I have no further questions to ask of the court.


Deputy Prosecuting Attorney


DEFENDANT

Defendant's Attorney

The foregoing statement was read by or to the defendant and signed by the defendant in open court in the presence of his (her) attorney, the deputy prosecuting attorney and the undersigned judge.

The court finds the defendant's plea(s) of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge(s) and the consequences of the plea(s), that there is a factual basis for the plea(s), and that the defendant is guilty as charged.

TRIAL DATE of January 30, 1987 is stricken.

DATED this 30 day of January, 1987.


Judge

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CAUSE NO. 86-1-03810-4

SUPPLEMENTAL

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Katherine M. Flack is a Deputy Prosecuting Attorney for King County and is familiar with the police report and investigation conducted in King County Department of Public Safety case No. 86-139735;

That this case contains the following upon which this motion for the determination of probable cause is made;

Ms. Lemke, date of birth October 18, 1971, reports that she first became involved with the defendant, Robert P. Howerton, in 1985. The defendant, a church counselor, began to counsel Ms. Lemke for problems arising from her rebellion to the teachings of the Community Chapel Church.

In late July or August 1985, the defendant asked Ms. Lemke to be his spiritual connection.

At some time between September and December 1985, the defendant asked Ms. Lemke to spend the day with him. At the close of the day, the defendant drove Ms. Lemke to Redondo Beach, parked, and began to talk. Shortly thereafter, the defendant moved the car to a dark location at the back of the beach parking lot. The defendant asked Ms. Lemke to scoot over to him for a "heart to heart" talk. At this time the defendant began to tell her he loved her, began kissing her, rubbed her thighs and feeling her buttocks. The defendant stated that his body was, "responding to" her "love."

State requests that a warrant issue and that after service of the warrant that the defendant be released on his personal recognizance. State also asks that the defendant be order to not have any contact with the victim or any State's witness, and that he have no unsupervised contact with females under the age of sixteen.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this ____ day of September, 1986, at Seattle, Washington.

KATHERINE M. FLACK

Certification for Determination of Probable Cause

[Handwritten Signature]
S. M. R.
[Handwritten Signature]

NORM MALENG
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583 2200

SENTENCE RECOMMENDATION

Date: Jan. 30, 1987

Defendant: Robert Horvath

Cause No. 87-1-00318-0

Attorney: Bugny

On Plea To Communicating with a Minor

Special Finding/Verdict on Count(s) _____

Deadly Weapon _____
RCW 9.95.040

Firearm _____
RCW 9.41.025

Upon disposition of Count(s) _____, the state moves to dismiss Count(s) _____.

State recommends that the sentence of this defendant be DEFERRED (RCW 9.95.200/210) for a period of one years on the following conditions:

Serve 15 days in the King County Jail
(_____ with credit for time served, work release, if eligible)

Supervised probation, no law violations, pay costs, mandatory \$50.00 Victim Penalty Assessment, ~~recoupment of cost of defense attorney's fees, if appointed~~

Restitution 1/3 of Sexual Assault Center bill

Other Defendant shall enter counseling and remain in counseling specific to this charge. Review of conditions in six months before the sentencing judge after submittal of a report from the treatment agency.

Maximum is not more than one year and/or \$ 5,000.00 fine.
See RCW _____

Mandatory minimum term: RCW 9A.68A.090

The above recommendation is made with the understanding that the defendant has the following prior criminal convictions or juvenile adjudications which have been confirmed by the defendant and his counsel by acceptance of this offer. The state's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new crimes, fails to appear for sentencing or violates the conditions of his release.

PRIOR RECORD:
None

This recommendation may be withdrawn at any time prior to entry of guilty plea and may be accepted only by the entry of a guilty plea as set forth above.

King County Prosecuting Attorney

Approved by: [Signature]

Agreed between the parties and church reported.

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

STATE OF WASHINGTON,)	
	)	NO. 86-1-03810-4
Plaintiff,)	
	)	DEFENDANT'S PRESENTENCE REPORT
vs.)	
)	
ROBERT P. HOWERTON,)	
)	
Defendant.)	

COMES NOW the defendant, Robert P. Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and for the purpose of assisting the court in imposing a just and reasonable sentence, sets forth the following pre-sentence report.

I. BACKGROUND

On January 30, 1987, the defendant entered an "Alford" plea to the charge of Communicating With a Minor for Immoral Purposes, a gross misdemeanor. According to the Amended Certification for Determination of Probable Cause, the defendant committed the following acts against the victim:

1. Kissed her at Redondo Beach;
2. Rubbed her thighs and felt her buttocks;
3. Told her his body was responding to her love.

[Handwritten signature]
[Circular stamp]

DEFENDANT'S PRESENTENCE REPORT - 1

ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365-5500

1 The defendant, in his statement on plea of guilty, admitted
2 that he kissed the victim once ("a short, closed mouth kiss") and
3 that the victim did not react negatively nor appear to
4 misconstrue his motives. The defendant decided to plead guilty
5 for the following reasons:

6 1. He did kiss the victim and although her offense at
7 his actions did not take place until long after the incident,
8 and for extraneous reasons explained below, she is obviously
9 offended at what he did and in retrospect it was unwise for
10 the defendant to have kissed a minor who, by reason of being
11 a minor, was in a position to possibly misunderstand or
12 misconstrue the defendant's motives. For this reason alone
13 the court can rest assured that the defendant will never
14 repeat an incident like this again, regardless of motive.

15 2. The probability of a jury accepting the defendant's
16 testimony that he had no immoral purpose was low considering
17 the victim's further testimony that he felt her buttocks and
18 told her his body was responding to her (adamantly denied).
19 The victim has substantial motive for lying/exaggerating
20 against the defendant (discussed below). However, in
21 establishing that motive, and in bringing the defendant's
22 "church" crisis before the jury, the defendant would have
23 risked unfairly prejudicing the jury against him over aspects
24 of the "church" issue irrelevant to the case.

25 3. The State's recommendation for counseling and
possible dismissal after six months (upon written report of
counselor) is reasonable inasmuch as (a) the defendant did
kiss the victim, a minor, (b) he admits this was wrong and
should not have happened, and (c) counseling would assure the
court that the defendant sincerely understands his error and
that an incident like this will never happen again.

The defendant did plead guilty and is not attempting to try
his case now. Nevertheless, the court should be aware of the
following background facts which establish the victim's motive
for lying/exaggerating and which help explain why this relatively
minor incident was even prosecuted:

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1. Ms. Lemke described Mr. Howerton as a "big brother" of three years who "always helped me in my problems." (Victim's diary - attached as Exhibit "B".) She had a "mass crush" on Mr. Howerton (Affidavit of Robbie Carlisle - attached as Exhibit "C"). Both attended Community Chapel in Burien.

2. In the fall of 1985 Ms. Lemke's father had an affair with Katherine Reynolds and both were disfellowshipped from the church. Both became very critical of the church. (Father's deposition - attached as Exhibit "D".) Ms. Lemke's parents divorced and Ms. Lemke had great emotional turmoil, including rebellion at school, etc. Mr. Howerton reached out as a friend in time of need but eventually Ms. Lemke left the church with her father and blamed the church for her parent's divorce (Victim's deposition - attached as Exhibit "E").

3. Because Ms. Lemke had a crush on Mr. Howerton, she was frustrated that he hadn't spent more time with her. She told her father's girlfriend (Katherine Reynolds) about this crush and the kissing incident and Ms. Reynolds (very hostile to the church) "turned it around" (Affidavit of Robbie Carlisle - already attached as Exhibit "C").

4. The victim's father and the victim's best friend have both testified (attached as Exhibits "D" and "F", respectively) that Katherine Reynolds then had an affair with King County Police Detective Larry Daley, who was investigating sex abuse charges brought by ex-members of Community Chapel. Ms. Lemke's best friend, and the state's witness in this and one other case, stated (Exhibit "F"):

a. "The case against Bob Howerton was initially brought up by Katherine Reynolds. Larry Daley and Katherine were pushing for cases against the church. They felt the cases would help bring the church down."

b. "Sybil Lemke was not wanting to come forward and press charges. Midway through the case Sybil wanted to drop charges." (This is confirmed by both the victim's father and the victim in Exhibits "D" and "E", respectively.)

c. "I was present at the joint interview. Sybil also told me what her statement was. I have read the statement prepared by Detective Daley. The statement is not completely accurate as to what Sybil said. She did not say that Bob always rubbed her thighs and her legs when they talked. She did not say that Bob aggressively kissed her or that she tried to pull away or that it

1 lasted forty-five minutes." [NOTE: Ms. Lemke never saw
2 this statement until January 29. She told the
3 prosecutor that Detective Daley had exaggerated and
4 distorted what she said, resulting in the amended
5 certificate of probable cause, however, the amended
6 certificate still alleges Mr. Howerton rubbed her thighs
7 and felt her buttocks, which among other less
8 significant allegations, is denied.]

9 5. The first person Ms. Lemke ever told about this
10 incident was her mother. She said only that Mr. Howerton had
11 kissed her and that it made her uncomfortable (Mother's
12 Affidavit - attached as Exhibit "G").

13 6. In June, 1986 (approximately nine months after the
14 incident), Katherine Reynolds initiated prosecution through
15 Detective Daley. The victim was out of state (Officer's log
16 - attached as Exhibit "H"). Katherine Reynolds and the
17 victim's father were also preparing a civil lawsuit against
18 Community Chapel (filed in July) for "wrongful disfellow-
19 shipment" and (via Mr. Lemke as guardian ad litem for his
20 daughter) "outrageous conduct," "destruction of a parent-
21 child relationship," "children's loss of consortium" and
22 "seduction of a child", all arising out of this kissing
23 incident (Complaint attached as Exhibit "I").

24 7. Ms. Lemke wrote a note to her friend Robbie
25 Carlisle (the defendant's nephew) in which she stated that
26 Mr. Howerton had not molested her and that an adult in her
27 life who started the case (Katherine Reynolds) was no longer
28 in her life, so there was nothing to worry about (Affidavit
29 of Robbie Carlisle - already attached as Exhibit "C"). Mr.
30 Lemke then sought out and met with Mr. Howerton to tell him
31 his daughter "was tricked" into filing charges, that they
32 were sorry about the whole thing, and that both the civil and
33 criminal cases would be dropped (Affidavit of Patricia
34 Howerton - attached as Exhibit "J"; also confirmed by the
35 victim's father in Exhibit "D"). Ms. Lemke tried to drop the
36 charges. She said she had felt used by the County and that
37 more was made of the case than what really happened (Victim's
38 deposition attached as Exhibit "E").

39 8. At her deposition (attached as Exhibit "E") Ms.
40 Lemke was asked to give details about what happened at
41 Redondo Beach. She said: "You already know that we kissed
42 and everything. Then his hand was on my thigh, and then on
43 my lower back, and more towards my rear." This hardly sounds
44 like Mr. Howerton was feeling her buttocks.

1 9. Ms. Lemke's reputation for truthfulness surrounding
2 the incident and following her parents' divorce has been
3 poor, as testified to by both her mother and her aunt
4 (attached as Exhibits "G" and "K", respectively). Her
5 credibility would have been a focal issue at trial.

6 II. DEFENDANT'S CHARACTER AND LIKELIHOOD OF REOFFENDING

7 There has been incredibly extensive adverse publicity
8 concerning Community Chapel. A group of disgruntled ex-members
9 have organized to oppose the church, including television
10 interviews, news articles, radio programs, lawsuits, etc. Though
11 this case itself has little to do with the church, it probably
12 would not have been prosecuted but for this vehement, organized
13 opposition and the relationship between Ms. Lemke, Larry Lemke,
14 Katherine Reynolds and Detective Daley. The victim still blames
15 the church for her parent's divorce. Somewhere in the course of
16 all this bitterness, the defendant wound up as the object of
17 several people's resentment. This is evidenced by the victim now
18 writing the court and requesting the court to impose no jail time
19 against the defendant (copy of letter attached as Exhibit "A").

20 In one sense, the defendant is as much a victim as he is the
21 perpetrator of a crime. The defendant was only trying to help
22 Ms. Lemke in a time of great family strife. He did not have an
23 immoral purpose in his heart but because of circumstances largely
24 beyond his control, he finds himself facing sentence by a
25 criminal court for an incident in which he did act unwisely and
which he would never again repeat.

1 Mr. Howerton is 32 years old, and a union plumber by trade
2 (four years vocational training) though presently unemployed. He
3 has recently married a woman, age 31, whom he has known for years
4 and dated for well over a year. He is actively involved in his
5 church and as a boys' soccer, basketball and baseball coach for
6 the school. He is a former Sunday School teacher. He is the
7 father of two children, ages 12 and 8. He has full legal
8 custody of his oldest son and visits his youngest son regularly.

9 Because the defendant's moral character was to be an issue at
10 trial, the defendant was prepared to produce numerous character
11 witnesses, including his first wife of seven years and Christy
12 Hansen, another "best friend" of the victim (age 15), who would
13 have testified concerning Mr. Howerton's moral character.
14 Letters from these individuals (certified as declarations and
15 attached as Exhibit "L") are included with this presentence
16 report.

17 The defendant is obviously not a pedophile or the state would
18 be recommending a more serious sentence, perhaps even a charge of
19 indecent liberties. Mr. Howerton has absolutely no criminal
20 record. This is the first and only incident of this kind he has
21 ever been associated with in any way.

22 The undersigned attorney is also defense counsel for Mr.
23 Howerton in the ongoing civil lawsuit filed by the victim.
24 Though that suit has not been pursued beyond a complaint, answer
25 and counterclaim (for frivolous lawsuit), depositions and

1 interrogatories were initiated by the defendant in preparing his
2 criminal defense. His attorney's fees for the criminal case
3 alone are \$6,060.08 (through February 25th only), not to mention
4 substantial attorney's fees in the civil action. There has been
5 substantial adverse publicity concerning this case. Obviously,
6 Mr. Howerton has already paid a very great price for his actions
7 such that further "punishment" (as opposed to counseling) would
8 serve no additional value in preventing a reoccurrence. As
9 mentioned above, it is more than fair to say that Mr. Howerton
10 would never again kiss a minor for any reason. He has never done
11 this before and would have every reason not to ever do it again.

12 III. RECOMMENDED SENTENCE

13 Of primary importance to the defendant is his concurrence
14 with the recommendation of the state that the imposition of
15 sentence be deferred for one year on certain conditions. The
16 stigma attached to a conviction for a "sex" crime could
17 potentially ruin Mr. Howerton's future, particularly his
18 employment future which, because of his present unemployment, is
19 of great concern to him at this time. Given the absence of any
20 criminal record whatsoever, the incident, even with its disputed
21 allegations, does not warrant this type of a permanent label. As
22 mentioned, Mr. Howerton has already paid a tremendous price for
23 his actions.

24 The defendant does not agree with the State that he should
25 spend fifteen days in jail as a condition of the deferred

1 sentence. Even the victim has written the court indicating she
2 does not feel jail time is appropriate. Under the circumstances
3 and facts of this case, the recommendation is not fair or
4 reasonable.

5 As for counseling, the defendant has submitted a letter from
6 Cal Capener, MSW, of Comprehensive Counseling Associates in
7 Tacoma (attached as Exhibit "M"), whom he has already seen in
8 connection with his guilty plea. (NOTE: Mr. Howerton and his
9 new wife have moved to Tacoma to establish a household in a home
10 previously owned, but rented, by Mr. Howerton.) As indicated by
11 Mr. Capener of Comprehensive Counseling Associates, Mr. Howerton
12 fully appreciates that what he did was wrong and that he should
13 not have done it. There is no risk of reoffense. Mr. Capener
14 would like to continue seeing Mr. Howerton for five more
15 sessions, however, any counseling beyond that would appear at
16 this time to be unnecessary and an additional financial burden on
17 Mr. Howerton at a time when he is already under great financial
18 stress. Mr. Capener will report to the Court as to the progress
19 of the counseling and whether additional counseling is needed.

20 Beyond this, the defendant concurs with the conditions for
21 deferred sentence as recommended by the State and would urge the
22 court to defer sentence for one year on the following conditions:

- 23 1. No contact with the victim;
- 24 2. Probation;

25
DEFENDANT'S PRESENTENCE REPORT - 8

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3. Pay all court costs and the victim's fee;

4. Pay restitution in the amount of one-third the victim's counseling bill at Harborview (\$63.00). The victim was counseled for other stresses relating to her parents' divorce, etc.;

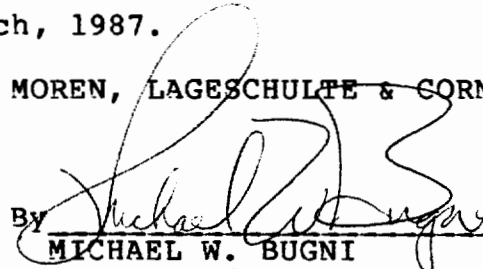
5. Continued counseling with Cal Capener, MSW, of Comprehensive Counseling Associates. Upon satisfactory final report by Mr. Capener, the defendant should be allowed to move for a dismissal of the charges no less than six months after sentencing.

IV. CONCLUSION

In entering an "Alford" plea to the charge as filed, the defendant has in effect thrown himself on the mercy of the court for a disposition and sentence without the trauma (for both victim and defendant) of an extensive jury trial (15 to 17 defense witnesses). The defendant has acknowledged his actions and the victim has indicated that she does not want jail time imposed. The sentence which would best serve the ends of justice in this case is the sentence recommended by the defendant.

DATED this 19th day of March, 1987.

MOREN, LAGESCHULTE & CORNELL, P.S.

By 
MICHAEL W. BUGNI
Attorney for Defendant

INDEX TO EXHIBITS
DEFENDANT'S PRESENTENCE REPORT

<u>EXHIBIT LETTER</u>	<u>CONTENTS</u>
A	Letter from Victim requesting that no jail time be imposed.
B	Page from Victim's diary describing Defendant as "my big brother" who "always helped me in my problems." Says incident happened in March of 1986 whereas the Information says between September and Christmas of 1985.
C	Affidavit of Robbie Carlisle: relevant to page 3, paragraphs 1 and 3 of Defendant's Presentence Report.
D	Excerpts from Deposition of Victim's father: relevant to page 3, paragraphs 2, 4 and 4(b), and page 4, paragraph 7 of Defendant's Presentence Report.
E	Excerpts from Victim's deposition: relevant to page 3, paragraphs 2 and 4(b) and page 4, paragraphs 7 and 8 of Defendant's Presentence Report.
F	Certified Declaration of Chani Hayes, State's witness.
G	Affidavit of Shannon Lemke indicating that Victim said only that the Defendant had kissed her (no french kiss or other advances).
H	Investigating officers log showing allegations were initiated by Katherine Reynolds while Victim was out of state.
I	Victim's civil Complaint against Defendant.
J	Affidavit of Patricia Howerton: Re Victim's father's attempts to drop all charges.
K	Affidavit of Shelly Ward: Re Victim's reputation for truthfulness and desire to drop charges.
L	Certified letters concerning the Defendant's character.
M	Letter to the Court from Comprehensive Counseling Associates of Tacoma, Washington re counseling the Defendant.

A

Letter from Victim requesting that no jail time be imposed.

Feb. 11, 1987

Dear Judge Derrah,

I am Sybil Kemke the victim of the case concerning Mr. R. Howerton. I feel that a much bigger deal was made of this situation than was necessary. I feel that this case has been resolved. I am asking that no jail time be imposed upon Mr. Howerton. I'd like you to know that I am writing this letter on my own accord. Thank-you.

Sincerely,

Sybil Kemke

B

Page from Victim's diary describing Defendant as "my big brother" who "always helped me in my problems." Says incident happened in March of 1986 whereas the Information says between September and Christmas of 1985.

been put on spot to go out w/
him and I don't want. All my
friends want me to get hooked
up w/ him. He's really nice and
everything, but he just isn't
~~what I want~~ Aaron. I don't
know what to do! He even bought
me chocolates & stuffed animals
for my birthday. This guy
really likes me! I just hope
I can't Aaron back! I don't
know what I'll do.

July 21, 1986

What a day! I feel so frazzled!
I'll tell you a little more of my
past so you can understand
what I'm talking about. About the
month of March something dreadful
happened. You see I've known this
one man for about 3 yrs. He's 30 yrs.
old. He's been like my big brother
and always helped me in my problems.
Well the pastor of my last
church started preaching about
this certain "new" of God. This
was where you could gain a

SW

C

Affidavit of Robbie Carlisle: relevant to page 3,
paragraphs 1 and 3 of Defendant's Presentence
Report.

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

STATE OF WASHINGTON,)
)
 Plaintiff,) No. 86-1-03810-4
 vs.)
) AFFIDAVIT OF ROBBIE CARLISLE
 ROBERT P. HOWERTON,)
)
 Defendant.)
 _____)

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

ROBBIE CARLISLE, being first duly sworn, on oath,
deposes and says as follows:

1. I am 15 years old. I am a personal friend of the
complaining witness, Sybil Lemke (also age 15). I have personal
knowledge of the following facts and I am competent to testify.

2. I have known Sybil for over three years. She knew
that Bob Howerton was my uncle and she told me she had a crush on
him. She would ask me in church where he was so she could give
him a hug. She would also ask me questions about his girlfriend
(i.e., Is he serious about her?, Is he going to get married?,
etc.).

3. During eighth grade (1985 to 1986 school year)
Sybil's dad was disfellowshipped and Sybil became very critical

AFFIDAVIT OF ROBBIE CARLISLE - 1

ORIGINAL

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1 of the church. My uncle reached out to her. On one occasion my
2 uncle and I went to her house to see her. She ended up talking
3 with me in her bedroom while my uncle spoke with her mom in the
4 kitchen. She told me that she had a "mass crush" on Bob and she
5 wished she was older. She said nothing about him kissing her.

6 4. Several months later, but before I knew there was a
7 criminal case, Sybil delivered a note to me through her friend,
8 Chani Hayes, a classmate of mine at Mount Rainier High School in
9 Des Moines. The note said "Please don't show this to Bob." In
10 the note Sybil said that she wanted to get something straight
11 between the two of us. "Bob did not molest me or rape me." She
12 said that she had told an adult about her feelings toward Bob but
13 that this adult was no longer in her life and there was nothing
14 to worry about. She said Bob would not get in trouble.

15 4. I showed this note to my mother and to a friend of
16 mine (Freddy Williams) but by the time I told my uncle, and found
17 out about this case, I could not find the note.

18 5. Then about two weeks before Thanksgiving I saw Sybil
19 walking down the street near Hoagy's Corner in Des Moines. I
20 asked her why she said my uncle wouldn't get in trouble, when I
21 had since learned he could go to jail. She said "No he won't."
22 I asked her if she had to go to court and she said no. She told
23 me that she had told an adult that she had a crush on Bob and
24 that the adult might have turned it around. I asked her what she
25

AFFIDAVIT OF ROBBIE CARLISLE - 2

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would do if I showed my uncle the note and she said she would never be my friend again.

Robbie Carlisle
ROBBIE CARLISLE

SIGNED AND SWORN to before me on March 12, 1987, by Robbie Carlisle.

Michael W. [Signature]
NOTARY PUBLIC in and for the State of Washington, residing at Seattle.
My commission expires 5/18/90.

D

Excerpts from Deposition of Victim's father:
relevant to page 3, paragraphs 2, 4 and 4(b), and
page 4, paragraph 7 of Defendant's Presentence
Report.

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. E. PAUL GIERSCH
Attorney at Law
1211 Smith Tower
Seattle, WA 98104

FOR THE DEFENDANT:

MR. MICHAEL BOND
Attorney at Law
800 Washington Building
Seattle, WA 98101

CO-COUNSEL:

MR. MICHAEL BUGNI

1 LARRY LEMKE,

having been duly sworn on
2 oath to tell the truth,
3 the whole truth and
4 nothing but the truth,
5 did testify as follows,
6

7 EXAMINATION

8 BY MR. BOND:

9 Q Please say your full name?

10 A Larry Wayne Lemke.

11 Q My name is Michael Bond. I represented the
12 Community Chapel, Bob Howerton and several
13 others. They are defendants in a lawsuit brought
14 by yourself and others.

15 Have you ever had your deposition taken
16 before?

17 A I don't believe I have.

18 Q By deposition I mean a process where you're asked
19 to respond to questions and there is a Court
20 Reporter present taking down the testimony.

21 Have you ever done this before?

22 A No.

23 Q You sat through your daughter's deposition as far
24 as it went, is that right?

25 A Yes.

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Q Your relations with Catherine Reynolds, I'm a little concerned that you tried to qualify the nature of the sexual relations.

Did you do more than just simply kiss with Catherine Reynolds?

A Yes, I did.

Q So when I asked you about sexual relations there, that includes intercourse, is that right?

1 A Yes, it does.

2 Q Is it fair to say that the teachings that Pastor
3 Barnet had been giving the church considered that
4 to be a sin, intercourse with a woman outside of
5 marriage?

6 A Yes.

7 Q And is it fair to say that that would be grounds
8 for disfellowshipping someone from the church?

9 A Yes.

10 Q Is that why you were disfellowshipped as far as
11 you know?

12 A Yes.

13 Q Was there any other reason for your being
14 disfellowshipped from the church?

15 A Yes, I refused to come back to the church and
16 resolve my spiritual problems within the
17 structure of the church.

18 Q Is it fair to say, even if you hadn't been
19 disfellowshipped, that you would never have
20 returned to that church?

21 A No, it's not.

22 Q Do you think that the church did you any harm by
23 asking you not to come there anymore?

24 A I feel they did harm by not giving me counsel
25 that was reasonable, by refusing to license to

1 listen to reason and to -- you see, I didn't want
2 to be involved in a relationship with Catherine
3 Reynolds. I wanted to be involved with my wife
4 who was involved with another man.

5 There was alienation of affection that
6 had occurred in our marriage on both ends. I
7 knew it was wrong. It was a bizzare thing to be
8 involved in. I was constantly torn.

9 I would never have even been involved
10 with Catherine if my marriage could have been put
11 back together and things resolved within the
12 framework of the church.

13 If the church would have been giving
14 teaching other than counseling on a practical,
15 reasonable level, my marriage would never have
16 been destroyed.

17 But the counseling and the teaching
18 were based on the premise that there was nothing
19 wrong with the Connection Movement, everything
20 they said taught or counseled, was to protect the
21 credibility of the Connection Movement.

22 If you were having problems, it was
23 because you couldn't handle it. It was because
24 the problems were with you. You were filled with
25 demons -- I was told I had lots of demons in me

1 and that in order to resolve my marriage problems
2 and my spiritual problems, I needed to be
3 delivered of all those demons.

4 Q Who told you you had demons in you?

5 A John Bergen.

6 Q Did anybody else say that to you?

7 A Numbers of people at the church.

8 Q Who else?

9 A I can't think of names.

10 I would recognize their faces. Just
11 friends and people that I knew well that would
12 try to give me counsel or consolation would tell
13 me that I needed to be delivered of certain
14 demons.

15 Q When you say that you did not want to have an
16 affair with Catherine Reynolds, what do you mean
17 by that?

18 A I mean I have always hated infidelity, I was
19 married to my wife for fifteen years and never
20 stepped out on her.

21 I hated infidelity because when I was a
22 boy growing up, I saw it in my parent's marriage
23 and I felt betrayed. I never wanted to betray my
24 children that way. I never wanted to betray my
25 wife, because I loved her.

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I had one close friend that I brought
to the church several years before blow his
brain's out.

Q Who was that?

A Scott Linderson.

Q What is his last name?

A Linderson, spelled like it sounds.

Q He committed suicide?

A Yes.

Q Do you blame the church for that?

A Yes, I do.

Q Do you blame the church for your having a sexual
relationship with Catherine Reynolds?

A Yes, I do.

1 of that relationship?

2 A Catherine Reynolds told me there was french
3 kissing.

4 Q When did Catherine Reynolds tell you that?

5 A In April of '86.

6 Q That is April of this year?

7 A Yes.

8 Q What else did she tell you about that?

9 A She told me that Bob and Sybil were together and
10 that they had french kissed and Sybil was very
11 uncomfortable with it and very disturbed about
12 the whole incident, but didn't want her dad to
13 find out about it.

14 Q When Catherine Reynolds was telling you about
15 this, did she indicate this occurred on more than
16 one occasion or just once, or what?

17 A I don't remember her indicating anything like
18 that.

19 She indicated that it had occurred at
20 least on one occasion.

21 Q Was a french kiss within or outside the
22 guidelines that had been taught from the pulpit
23 by Don Barnet?

24 A It was without the guidelines.

25 Q So this was improper, is that right?

1 A Yes.

2 Q Even according to the Pastor's guidelines?

3 A Yes.

4 Q When Catherine Reynolds told you this, did you
5 attempt to confront Mr. Howerton with it?

6 A No.

7 Q Why not?

8 A You'll have to give me a minute to think about
9 that.

10 I'm not sure why not. I didn't exactly
11 know how to deal with it in my own thinking. I
12 was surprised, I was disturbed, there was inner
13 conflict inside.

14 I was just disappointed. But I didn't
15 feel a need to go and talk to Bob about it at the
16 time.

17 Q When she told you about it, was it your belief
18 when you first heard it, that it was wrong?

19 A That french kissing was wrong?

20 Q Between --

21 A Yes, I did.

22 Q Did you know that Mr. Howerton was much older
23 than your daughter?

24 A Yes. The reason I didn't go and talk to Bob is
25 because Sybil had already been out of the church

1 for a few months by the time I had heard about
2 it. I didn't feel like there was any danger of
3 it happening again and I didn't feel vindictive
4 or revengefull, just disappointed.

5 Q Did you confront your daughter about it when you
6 heard about it?

7 A No I didn't.

8 Q Why not?

9 A Because Catherine informed me that Sybil didn't
10 want me to know, that Sybil would feel
11 uncomfortable if she knew I knew, and I didn't
12 want to put any pressure on Sybil.

13 Q Did you at any time prior to sitting through
14 Sybil's deposition hear or learn that there had
15 been anything other than french kissing occurring
16 between Mr. Howerton and Sybil?

17 Do you understand my question?

18 A Yes. I am trying to remember if I did.

19 I don't think I heard anything more
20 than that.

1 Q Did you ever approach Bob after the charges had
2 been brought and tell him that you wished that it
3 hadn't happened, that no charges had been brought
4 or the charges will be dropped or anything like
5 that?

6 A I contacted Bob in October and informed him that
7 it looked as though Sybil was going to drop the
8 charges.

9 And the reason I did that was at that
10 time Sybil had told me that she didn't want to go
11 through with this thing because she had been
12 living away from Seattle for awhile, she was
13 gaining a sense of emotional well-being, things
14 were going well for her, she was starting a new
15 life.

16 She didn't want to have to face the
17 issue again and experience an emotional setback.
18 So I told Sybil I thought that was a good idea.
19 It wouldn't be worth it to her to go through with
20 the case if that was how she felt.

21 So I called the prosecuting attorney,
22 Kate Flack, and I told her that Sybil would not
23 be pursuing it any further, that we were dropping
24 the charges, or that Sybil was dropping the
25 charges and the reason for that was her emotional

1 well-being, and I felt that that was more
2 important than pursuing this case at the time.

3 It was very important for me that Sybil
4 was gaining a sense of well-being and emotional
5 stability and experiencing emotions of happiness
6 of contentment again.

7 Kate said she understood, she didn't
8 want to put Sybil through any unnecessary
9 pressure, that was more important than the case.

10 So I called Bob. Actually, I wanted to
11 hear him tell me, I wanted to hear something from
12 him that let me know that he felt bad about what
13 had happened.

14 I guess I shouldn't of expected that
15 under the circumstances.

16 Q What did Mr. Howerton tell you when you called
17 him?

18 A He told me that -- he led me to believe that the
19 charges were unreasonable and trumped up and that
20 nothing serious had really occurred and he loved
21 Sybil and cared about her and felt good that
22 Sybil was possilby not going to press charges.

23 Q Did Mr. Howerton ever admit to you that he had in
24 fact been french kissing with Sybil?

25 A No, he didn't.

1 Q When you called him, did you ask him if he
2 admitted the charge?

3 A No, I didn't ask him that.

4 Q It sounded to me though like you expected him to
5 come forward and come clean as it were, about
6 that, did you?

7 A I was hoping.

8 Q What did you say to him that you thought would
9 elicit that type of response?

10 A Just that it looked like Sybil would be dropping
11 the charges.

12 I was hoping that he would at least say
13 I feel bad about what happened, at least have
14 some showing of remorse for what had occurred.

15 Q He had no remorse, is that right?

16 A I didn't see any.

17 Q You didn't hear him speak any either?

18 A Right, that's correct.

19 Q His response to you was that the charges were
20 false, is that fair to say?

21 A Yes.

22 Q Have you had any difficulty with your daughter's
23 ability to tell the truth?

24 A No, Sybil's always been a very honest young lady.

25 Q Has she is ever lied to you?

1 A If she has, I never caught her in a lie.

2 Q Did you ever meet Bob Howerton in person to talk
3 about the case involving Sybil?

4 A Yes, I did.

5 Q Where did you meet him?

6 A At an apartment that I was housesitting in last
7 October.

8 Q Did your meeting occur before or after this
9 telephone conversation?

10 A Which telephone conversations?

11 Q The one that you just told us about where you
12 called up Bob and expected him to come clean?

13 A Oh, actually no, I called him up and we met.

14 The call was just to meet over at my
15 place.

16 Q I thought all of this conversation had occurred
17 on the telephone?

18 A No, that was assumption on your part.

19 Q You called Bob to arrange a meeting?

20 A Yes.

21 Q Did you talk about the substance of the charge or
22 the events during that conversation on the
23 telephone?

24 A No, we didn't discuss the substance of it. That
25 wasn't the purpose of the phone call.

1 The purpose of the phone call was to
2 set a meeting time.

3 Q You set up a meeting and the two of you got
4 together?

5 A Yes.

6 Q Was anybody else there?

7 A Yes, Patty Hornbecker was there.

8 Q Did you ask Bob at that meeting whether or not he
9 had kissed Sybil?

10 A No, I didn't. I wanted to, but it was just too
11 embarrassing a situation with Patty sitting there
12 and I really wanted to talk to him man to man
13 and discuss the situation with him.

14 Q You knew at that time that he was facing criminal
15 charges, is that right?

16 A Yes.

17 Q Do you know why Sybil changed her mind again and
18 decided to go through with the charges, pursue
19 them or whatever it was that she decided to do?

20 A I can only guess.

21 Q What is your guess?

22 A I guess she gave it some thought and weighed the
23 value of going through with the charges as
24 opposed to her own emotional strength and how she
25 could stand up in the situation.

1 I guess that she decided that she would
2 have the strength to go through with it and so
3 she decided to go through with it.

4 I told Sybil that I was glad that she
5 decided not to go through with it, that it was
6 important to her emotional well-being.
7 However, whatever she decided, I would stand
8 behind her and back her up and I would be
9 supportive to her.

10 But I never tried to influence her one
11 way or the other.

12 Q Did she ever tell you she felt that the
13 prosecutor, Kate Flack was trying to use her?

14 A No, I don't believe she did, not in a definite
15 way.

16 I think she made a statement once that
17 she felt like she was being used in the whole
18 situation.

19 Q Who did she say she felt was trying to use her?

20 A The County.

21 Q Somebody within the prosecutor's office?

22 A Possibly.

23 Q Who else --

24 A I don't know where she got that idea.

25 Perhaps somebody put that in her mind.

1 Q Who else is there within the County who has any
2 involvement in these criminal charges?

3 A Detective Larry Daley.

4 Q Is there anybody else?

5 A Not to my knowledge.

6 (Short recess)
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Q Do you know whether or not Catherine Reynolds
ever had an affair with Detective Daley?

A Yes.

Q Tell me about that.

What type of affair did she have with
Detective Daley?

A She had an affair.

Q Sexual affair?

A Sexual relationship.

Q How did you learn that?

A Because Catherine told me.

Q Catherine Reynolds told you that she had sex with
Detective Daley?

A Yes, she is did.

Q How often did that happen?

A Did what happen?

Q Did the Detective go to bed with Catherine

1 Reynolds?

2 A I don't know.

3 Q Did she have intercourse with him?

4 A She said she had sex with him, I don't know what
5 she meant by that.

6 I assume intercourse.

7 Q Did she get pregnant?

8 A Not to my knowledge.

9 Q Was she having sexual relations with the
10 Detective at the time that you and her were
11 having an affair?

12 A No, it was just right after we broke up.

13 Q Have you spoken to anybody else about Ms.
14 Reynolds affair with the Detective?

15 A Yes, I have.

16 Q Who else have you talked to about that?

17 A I talked with Frank Guthrie and Fred Hornbecker
18 who were my roommate's at the time I found out
19 about it.

20 Q Did they have any independent knowledge of the
21 event or these events?

22 A Frank had answered the phone several times when
23 Detective Daley had called looking for Catherine.

24 Q What did Frank tell you about any conversations
25 he had with Detective Daley?

1 A He just said some guy had called a few times
2 looking for Catherine.

3 And he thought perhaps that was
4 Detective Daley.

5 Q Did he know for sure who it was?

6 A No.

7 Q It was just some male on the phone?

8 A Right.

9 Q Did he --

10 A He acted to me like he knew more than he was
11 telling me, but he didn't want to get personally
12 involved in a tacky situation.

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- 1 A I spoke with her on the phone almost a month ago.
- 2 Q Why did she move out of state?
- 3 A Because she was under a tremendous amount of
4 emotional stress here in Seattle.
- 5 Q Is she living with anybody now?
- 6 A She's living with a family down there.
- 7 Q Her family?
- 8 A No, friends. A husband and wife and some kids.
9 They have a large home down in North Carolina.
- 10 Q Does she have any intention of moving back here?
- 11 A No, she does not.
- 12 Q Do you know if she has any intention with
13 following through with the lawsuit she started?
- 14 A I don't know what her intention is in regard to
15 that.
- 16 Q Did you know that she is also making a claim
17 against the church?
- 18 A Yes.
- 19 Q For money?
- 20 A Is she?
- 21 Q Did you know that?
- 22 A I know that she's named in the lawsuit.
- 23 Q Do you know whether Catherine Reynolds had any
24 input in Sybil's decision to press charges?
- 25 A Catherine Reynolds contacted Larry Daley and told

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Q Have you ever been bitter about what has happened
at the Chapel?

A I have been angry.

Q Isn't it fair to say that you had some bitterness
over the --

A Sure, yes, it's fair.

1 him about the incident with Sybil and Howerton.
2 And arranged for a meeting for Sybil to interview
3 with Larry Daley.

4 Q Do you know whether Catherine put any type of
5 pressure on Sybil to come forward and press the
6 charges?

7 A No, I don't know that.

8 Q How did Catherine Reynolds know Detective Daley?

9 A I'm not sure how they met.

10 Daley was doing investigation at the
11 church, I know that he was in touch with Jill
12 McCullough, maybe others, I don't know who.

13 I'm not sure how he contacted
14 Catherine.

15 Q Do you have any recollection of what Sybil said
16 during this T.V. interview that we talked about
17 earlier?

18 A She just stated that she watched the spiritual
19 connection movement develop to a point where it
20 confused her and she wasn't sure what was right
21 and what was wrong.

22 She said that it helped to breakup her
23 family. That was about the extent of it.

24 Q Did you at one time take Sybil out of school and
25 go meet with Kate Flack about whether or not to

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LEE, SMART, COOK,
MARTIN AND CATHERSON
1986 DEC 29 PH 3 51

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

SANDY EHRLICH and MICHAEL)
EHRLICH, wife and husband;)
et al.,)
Plaintiffs,)

vs.) No. 86-2-18429-5

RALPH ALSKOG and ROSEMARY)
ALSKOG, husband and wife;)
et al.,)
Defendants.)

DEPOSITION UPON ORAL EXAMINATION
OF
SYBIL N. LEMKE

1:35 p.m.
December 19, 1986
1211 Smith Tower
Seattle, Washington

E

Excerpts from Victim's deposition: relevant to page 3, paragraphs 2 and 4(b) and page 4, paragraphs 7 and 8 of Defendant's Presentence Report.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

E. PAUL GIERSCH
Attorney at Law
1211 Smith Tower
Seattle, Washington 98104

FOR THE DEFENDANTS:

MICHAEL J. BOND
Attorney at Law
800 Washington Building
Seattle, Washington 98101

MICHAEL W. BUGNI
Attorney at Law
Roosevelt-Pinehurst Building
11320 Roosevelt Way N.E.
Seattle, Washington 98125

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I N D E X

EXAMINATION BY:	PAGE
Mr. Bond:	4

EXHIBITS FOR IDENTIFICATION	PAGE
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(No exhibits marked.)

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SYBIL LEMKE,

sworn as a witness by the Notary
Public, testified as follows:

E X A M I N A T I O N

BY MR. BOND:

Q. Please say your name.

A. Sybil Lemke.

Q. Sybil, my name is Michael Bond. I represent Bob Howerton and the Community Chapel and Don Barnett and some others. They are defendants in a lawsuit started by yourself and Larry and others.

Have you ever done anything like this before, that is, sit and answer questions when a court reporter is present?

A. No.

Q. I'm going to tell you a little about the procedure right now. I'm going to ask questions, and you're required to give answers until Mr. Giersch tells you not to.

If at any time you do not understand my question, will you tell me?

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6 Q. Has your dad been critical of what was
7 happening at the chapel?

8 A. In what sense?

9 Q. Well, did your dad complain or criticize --

10 A. Yes.

11 Q. -- the chapel?

12 A. Yes.

13 Q. Do you in any sense blame the chapel for
14 your parents' divorce?

15 A. I don't really want to blame anybody for
16 what happened. I know because of certain people
17 and because of certain things, certain things
18 happen, and I guess that's called blaming, but I
19 really don't -- well, I just -- I don't like to
20 think about it. I don't like to think about the
21 fact that my parents were divorced. I mean,
22 that's unreality, but right now that's the way I
23 feel. If I was to blame somebody, I would blame
24 the church.

25 Q. For your parents' divorce?

A. Yes.

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Q. Was this a spontaneous visit? You just decided to go over and visit him?

A. He wanted to talk to me, and when I went over there we talked about -- he wanted to talk to me about some of my problems that I was having at home and just certain difficulties I was having.

Q. What difficulties --

A. That was the reason.

Q. What difficulties were you having?

A. I wasn't getting along with my mom. I was -- well, I was, but I wasn't doing so good. I was feeling really bitter towards my dad at the time. I was feeling kind of -- I don't know. I didn't want to go along with my teachers. I didn't want to agree with some of the things that they were doing, I mean, some of the things that they were telling me to do, rules, different rules, like what kind of clothes to wear, how much make-up to wear, different little things like that.

Q. Were you having trouble getting along

1 with the rules that the school had imposed on all
2 the kids?

3 A. Yes, I was.

4 Q. You disagreed with the rules?

5 A. Yes, I did -- I do.

6 Q. You still do.

7 A. Yes.

8 Q. Other than the clothing and make-up,
9 what other rules were you having trouble with?

10 A. The dating rules, some of the rules as
11 far as music goes. I mean, I don't know if it
12 was a set rule, but it was a definite thing where
13 we didn't -- weren't allowed to listen to like
14 contemporary music, contemporary Christian music
15 such as Amy Grant or any of the others, you know,
16 like -- well, the teacher -- we weren't allowed
17 to bring them to school, the tapes. If we had
18 tapes, we weren't allowed to bring them to school.

19 Q. Are you referring to rock music?

20 A. No. Christian groups outside of our
21 church. Christian rock, if you want to call it
22 that, contemporary Christian.

23 Q. Was there a rule that you were not
24 permitted to listen to certain types of Christian
25 rock music?

1 A. It was a rule that we were not allowed
2 to bring our tapes to school or discuss them at
3 school.

4 Q. The school didn't have a rule that said
5 you couldn't listen to that music at all; did it?

6 A. At school you could not, and in the
7 church you could not, but this is -- okay. The
8 principal, he said, if outside of school -- I'm
9 using this for an example because this is the
10 example he used -- outside of school and outside
11 of church if you disobey the rules, if you were
12 going to church, then you'd be disobeying them
13 anyway. I mean, like if you wore more make-up
14 than you should if you were at school, then you
15 were still disobeying even though you weren't in
16 school. So it's like -- it was the obvious. If
17 you listen to tapes and have tapes outside of
18 school, it's just as bad as if you have them
19 inside school. Do you see what I'm saying?

20 Q. I'm not sure if I do or not.

21 You were having some difficulty
22 following the rules that the school asked the
23 students to follow. Is that fair to say?

24 A. Yes.

25 Q. And this was causing you trouble at

1 school, getting along with the teachers; is that
2 right?

3 A. Yes.

4 Q. Is this one of the reasons you wanted to
5 talk to Bob?

6 A. I'm not sure if it was quite as serious
7 then as it was later on.

8 Q. You were unhappy about what was going on
9 in your life at that time; is that right?

10 A. Yes.

11 Q. Part of your unhappiness was the fact
12 that your mother and father weren't getting along;
13 is that right?

14 A. Yes.

15 Q. You were living with your mother at that
16 time.

17 A. Yes.

18 Q. Why were you bitter towards your father?

19 A. Because my mom had made it seem like he
20 had, so to speak, deserted us, and she made it
21 seem like he was the total bad guy, and sometimes
22 just out of his own hurts he would act like a
23 jerk, and I couldn't deal with it.

24 Q. Did your father leave you and your
25 mother?

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Q. Tell me what happened at the beach.

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A. I told you what happened at the beach.

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Q. Can you give me any more details about

16

it?

17

A. Yeah.

18

Q. Go ahead.

19

A. Just we were there for awhile. That's

20

about it.

21

Q. What happened?

22

A. I gave you another detail. I told you

23

what the detail was. We were there for while.

24

That's a pretty general detail, but.

25

Q. Can you be more specific about what

1 happened at Redondo Beach?

2 A. Yes.

3 Q. Please do.

4 A. You already know that we kissed and
5 everything. Then his hand was on my thigh, and
6 then on my lower back, and more towards my rear.

7 Q. What was he doing? Was his hand just
8 sitting there, or rubbing you, or what?

9 A. Once in awhile he would rub, and once in
10 awhile he wouldn't. I don't really remember
11 every detail.

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Q. Do you recall writing a note to Robbie Carlisle about this event?

A. Oh, yes, I do.

Q. Why did you do that?

A. Because he confronted a friend of mine and started chewing her out for something that she was -- he confronted Shanii and started telling her something that she was not involved in, and was saying some things and made some really rude assumptions, and so I wrote him a note and I told him, Shanii has nothing to do with this, I wish you'd really -- I wish you'd leave her out of it.

Q. What else did you say in the note?

A. I don't remember right now. If I sat down and thought about it for a long, long time, I'd probably remember.

Q. Did you say anything in the note to the effect that what the adults had said about this was blowing it out of proportion?

A. I don't remember.

Q. Did you say anything in the note to the

1 effect that Bob had not raped or molested you
2 that night?

3 A. Yes.

4 Q. What exactly did you say?

5 A. I said that -- okay. Robbie had told
6 Shanii -- you know, he started yelling at her and
7 saying, my uncle did not rape Sybil. I wrote him
8 and I said, I did not say that your uncle raped
9 me -- or molested. That's what I said. I'm not
10 sure if I said "molested" or not.

11 Q. Does it sounds to you like it's
12 something you would have said, that Bob didn't
13 molest you that night?

14 A. I don't know.

15 Q. You think the note may have said that,
16 though?

17 A. It may have.

18 Q. What does that mean, to molest you?

19 A. To rape you and beat you up and molest
20 you.

21 Q. Well, does it mean taking advantage of a
22 girl?

23 A. It depends on what kind of a situation
24 you're in. Yeah, I think so.

25 Q. Do you think that Bob molested you that

1 **might in the car at Redondo Beach?**

2 A. ~~No.~~

3 Q. Why not?

4 A. Because. I'm not sure. It's just maybe
5 I have a different meaning for the word "molest,"
6 and maybe I don't think of it as something as big
7 or something as little as other people do.

8 Q. What is Kate Reynolds' relationship to
9 you?

10 A. You mean hers and my friendship?

11 Q. Yes.

12 A. We're really close friends. I haven't
13 talked to her in a long time, though.

14 Q. When is the last time you talked to her?

15 A. A few weeks ago.

16 Q. Where was she when you talked to her?

17 A. North Carolina or South Carolina. One
18 or the other. I'm not sure.

19 Q. Is she living back there permanently
20 now?

21 A. I think so. I'm not sure.

22 Q. Was Kate Reynolds one of the first women
23 that you told about these events?

24 A. She was the second.

25 Q. She was the second?

1 A. I told my mom, and then I told Kate when
2 my mom didn't do anything about it.

3 Q. Why did you tell Kate?

4 A. Because I felt like I needed to talk
5 about it.

6 Q. How long after you had been at Redondo
7 Beach was it that you told Kate about it?

8 A. I don't know. Quite awhile.

9 Q. Are we talking a matter of days, weeks,
10 or months?

11 A. Months.

12 Q. What did Kate say?

13 A. I'm not sure. I don't remember. She
14 just thought it was terrible and thought we
15 should do something about it.

16 Q. Was Kate at that time going to the
17 chapel?

18 A. I don't remember.

19 Q. Had she left the chapel by that time?

20 A. I don't remember. I think she might
21 have. I'm not sure.

22 Q. Sybil, have you ever heard anybody at
23 the chapel say anything about you that was not
24 true?

25 A. What do you mean?

F

Certified Declaration of Chani Hayes, State's
witness.

STATEMENT OF CHANI HAYES

My name is Chani Hayes. I am 16 years old. The following is my statement.

1. The case against Bob Howerton was initially brought up by Katherine Reynolds. Larry Daley and Katherine were pushing for cases against the church. They felt the cases would help bring the church down.

2. Sybil Lemke was not wanting to come forward and press charges. Midway through the case Sybil wanted to drop charges.

3. Katherine Reynolds had an affair with both Larry Lemke and Detective Larry Daley.

4. I was present at the joint interview. Sybil also told me what her statement was. I have read the statement prepared by Detective Daley. The statement is not completely accurate as to what Sybil said. She did not say that Bob always rubbed her thighs and legs when they talked. She did not say that Bob aggressively kissed her, or that she tried to pull away or that it lasted 45 minutes.

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

/s/ Chani Hayes
Signature

1/21/87

Date

/s/ Katherine E. Sterling
Witness

Seattle, Washington
Place (City & State) of Signing

NOTE: Original Statement (handwritten) is in possession of Michael W. Bugni.

G

Affidavit of Shannon Lemke indicating that Victim said only that the Defendant had kissed her (no french kiss or other advances).

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

STATE OF WASHINGTON,)
)
 Plaintiff,) No. 86-1-03810-4
 vs.)
) AFFIDAVIT OF SHANNON LEMKE
 ROBERT P. HOWERTON,)
)
 Defendant.)

STATE OF WASHINGTON)
)
) ss.
 COUNTY OF KING)

SHANNON LEMKE, being first duly sworn, on oath, deposes
and says as follows:

1. Sybil Lemke is my daughter. I have personal knowledge of the following facts and I am competent to testify.
2. Sybil first told me about this incident in approximately December of 1985. She told me that Mr. Howerton had kissed her and that she did not feel comfortable about it. She did not tell me that Mr. Howerton had french-kissed her or that Mr. Howerton had made any other type of sexual advance toward her.
3. Sybil and I discussed this incident and because it had not been repeated for about a month at that time and because Sybil seemed to cope with it just fine, I was not extremely concerned. The entire matter was not raised again until many months later, after Sybil also left the church and began living with her father, who along with Katherine Reynolds, was very

AFFIDAVIT OF SHANNON LEMKE - 1

ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
1120 ROOSEVELT WAY N E
SEATTLE, WASHINGTON 98109
1206 / 365-1900

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critical of the church. In my opinion Sybil got caught up in a very negative movement against the church, during which time this incident was blown out of proportion.

4. I would also like to emphasize that Sybil was always an honest child until her father and I divorced. She went through a lot of emotional turmoil. She then starting having trouble with truthfulness in several areas, so that her reputation for truthfulness definitely changed. I do not blame Sybil for this, but instead her particular environment over which she had no control. It is a shame because in the process I feel Mr. Howerton has been the one to suffer.

Shannon Lemke
SHANNON LEMKE

SIGNED AND SWORN to before me on March 10, 1987, by Shannon Lemke.

Michael D. ...
NOTARY PUBLIC in and for the State of Washington, residing at *4111 ...*
My commission expires 8/8/90.

ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11220 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365-9900

■ Investigating officers log showing allegations were initiated by Katherine Reynolds while Victim was out of state.

Dist. No
G-1

KING COUNTY DEPARTMENT OF PUBLIC SAFETY
FOLLOW-UP REPORT

Case No
8:6

1:3:9:7:3:5

PRESENT DATE
07-10-86

TYPE OF CASE INDECENT LIBERTIES	FCR CODE 647 - 0 - 0	DATE OF OCCURRENCE AUG '85 to NOV '85	ORIGINAL INVESTIG. OFFICER DET. LAWRENCE W. DALY
ORIGINALLY REPORTED AS SAME	PREVIOUS FCR 647 - E - 0	LOCATION OF OCCURRENCE S 286 and Marine View Dr, Redondo Beach	VALUE RECOV.
VICTIM SYBIL LEMKE	ADDRESS 20414 32nd Pl S, D-305, Seattle WA 98188	CITY Seattle	STATE ZIP WA 98188
		RES PHONE 824-7325	BUS PHONE None

CASE	STATUS:	OPEN <input type="checkbox"/>	INACTIVE <input type="checkbox"/>	CLOSED <input checked="" type="checkbox"/>
	DISPOSITION:	CLEARED BY ARREST <input checked="" type="checkbox"/>	EXCEPTIONAL CLEARANCE <input type="checkbox"/>	ADMINISTRATIVE CLEARANCE <input type="checkbox"/>

PROPERTY: RECOVERED ADDITIONAL STOLEN FURTHER DESCRIPTION } INDICATE ID MARKS COLORS-SIZES-SERIAL NUMBERS-DISPOSITION-VALUE ETC.

- ENTRY
- SUSPECTS: INCLUDE NAMES, B/A NUMBERS, DESCRIPTIONS, DISPOSITION, CAN VICTIM IDENTIFY, ETC.
 - PERSONS INTERVIEWED: NAMES, ADDRESSES AND TELEPHONE NUMBERS.
 - PROPERTY: INDICATE ID MARKS-COLORS-SIZES-SERIAL NUMBERS-DISPOSITION-VALUE, ETC.
 - ADDITIONAL ENTRIES: SUMMARIZE STEPS OF INVESTIGATION - COMMENCE EACH ENTRY WITH A NO., DATE AND TIME.

1	SUSPECTS:		
	HOWERTON, ROBERT	22995 Marine View Dr SW, Apt D-205	H/ 824-5013
	WMA 31 yrs old, 5-11, 160	Des Moines WA	
	Sandy Brown/Brown		
	Charged: Indecent Liberties		
2	PERSONS INTERVIEWED:		
	SYBIL LEMKE	Listed above	
	SHANI HAYES	Same as Sybil Lemke	
	KATHERINE REYNOLDS	2317 SE 8th, Renton WA 98055	H/ 228-4649 B/ 991-3887
	DPA KATE FLACK	KC PA'S Office, Special Assault Unit	B/ 583-4496
	DET. ROBIN A. MORAN	KCDPS, Special Assault Unit	B/ 344-7557

INVESTIGATING OFFICER DET. LAWRENCE W. DALY	PERS. NO. 04665	UNIT 203	APPROVED BY: <i>Sgt Lawrence Reynolds</i>	PERS. NO. 17218	PAGE 1 OF 2
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ORIGINAL

KING COUNTY DEPARTMENT OF PUBLIC SAFETY
ADDITIONAL INFORMATION SHEET/OFFICER'S REPORT

Case No. **816** **139735**

TO	VIA	DATE	TIME
FROM	SUBJECT: CONTINUATION OF <input checked="" type="checkbox"/> OFFICER'S REPORT REGARDING <input type="checkbox"/> Follow-up		

- 4 06-06-86 0900 hrs I received a call from KATHERINE REYNOLDS. MS. REYNOLDS told me that her boyfriend's daughter, victim LEMKE, had been sexually assaulted by suspect HOWERTON. MS. REYNOLDS told me that victim LEMKE was currently in Montana and when she returned she would have victim LEMKE contact me to set up a joint interview.
- 5 06-18-86 1500 hrs I received a call from MS. REYNOLDS, who informed me that victim LEMKE had returned from Montana and was willing to come and talk to DPA FLACK and myself. I advised MS. REYNOLDS to have victim LEMKE at DPA FLACK'S office at 1600 hrs.
- 6 1630 hrs I contacted victim LEMKE, SHANI HAYES, KATHERINE REYNOLDS and DPA KATE FLACK at the Prosecutors Office for the joint interview. See victim LEMKE'S statement for additional details.
- 7 1800 hrs I prepared victim LEMKE'S written statement from my joint interview notes.
- 8 07-06-86 1000 hrs I wrote an offense report and obtained a case number.
- 9 07-08-86 1330 hrs I contacted DPA KATE FLACK and discussed this case with her. She instructed me to forward to her all the paperwork involved in this case so she can make a filing decision.
- 10 1630 hrs I called MS. REYNOLDS and discussed this case with her. I then took a taped witness statement from her. See her statement for additional details.
- 11 07-10-86 0920 hrs DET. MORAN called SHANI HAYES. MS. HAYES is the first person victim LEMKE told about the sexual assault. DET. MORAN then took a taped witness statement from her. See her statement for additional details.
- 12 0945 hrs This case is closed, cleared by arrest. Per DPA KATE FLACK'S request, this case will be forwarded to her for a review and a filing decision.

INVESTIGATING OFFICER	SERIAL	UNIT	APPROVED BY: <i>[Signature]</i>
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PAGE **2**
 OF **2**

ORIGINAL

**OFFENSE REPORT
ADDITIONAL INFORMAT.**

WITNESS/R.P./VICTIM (Additional)

Name	Information Provided			Res Phone	Bus Phone
Address	City	State	Zip	Occupation	Race Sex DOB
Name	Information Provided			Res Phone	Bus Phone
Address	City	State	Zip	Occupation	Race Sex DOB

SUSPECTS (Additional)

Race	Sex	D.O.B.	Height	Weight	Hair	Eyes	Compl.	Clothing
Name and Address Identifying marks and characteristics. If arrested, suspect's full name, D.O.B., BA No. (circumstances of arrest in narrative.)								
Race	Sex	D.O.B.	Height	Weight	Hair	Eyes	Compl.	Clothing
Name and Address Identifying marks and characteristics. If arrested, suspect's full name, D.O.B., BA No. (circumstances of arrest in narrative.)								

NARRATIVE: (48) ACCORDING TO R/P, KATHERINE REYNOLDS, VICTIM
 WENKE TOLD HER THAT SUSPECT HOUKSTON HAD
 SEXUALLY ASSAULTED ^{HER} WHEN THEY WERE PARKED AT
 PEDONDO BEACH IN SUSPECT HOUKSTON'S VEHICLE. SEE
 THIS INVESTIGATOR'S FOLLOW-UP FOR ADDITIONAL DETAILS.

I

Victim's civil Complaint against Defendant.

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

SANDY EHRLICH and MICHAEL EHRLICH,)
wife and husband; LARRY LEMKE,)
parent; LARRY LEMKE, Guardian ad)
Litem on behalf of SYBIL N. LEMKE,)
a minor; KATHRYN REYNOLDS; DEE)
CHABOT, parent; DEE CHABOT,)
Guardian ad Litem on behalf of)
SHAWNA MICHELLE CHABOT, MICHAEL)
GRANT CHABOT, NICHOLAS STERLING)
CHABOT, minors,)

Plaintiffs,)

v.)

RALPH ALSKOG and ROSEMARY ALSKOG,)
husband and wife; ROBERT HOWERTON)
and JANE DOE HOWERTON, husband)
and wife; E. SCOTT HARTLEY and.)
JANE DOE HARTLEY; DONALD LEE)
BARNETT and BARBARA BARNETT,)
husband and wife; COMMUNITY CHAPEL)
AND BIBLE TRAINING CENTER, a)
Washington Corporation; "JOHN)
DOES" 1-4 and "JANE DOES" 1-4,)
husbands and wives; FIRST DOE)
CORPORATION; and FIRST DOE)
PARTNERSHIP,)

Defendants.)

NO. 862-18429-5

COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES

COME NOW the Plaintiffs, by and through their attorneys
of record, Richard H. Adler of ADLER, GIERSCH & READ, P.S., and
for cause of action against the Defendants state and allege as
follows:

I. PLAINTIFFS

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1.2 Plaintiff Larry Lemke, father of Sybil N. Lemke, at all times material hereto was a resident of the County of King, State of Washington.

1.3 Plaintiff Sybil N. Lemke is a minor child, fourteen years of age, who resides with her father, Larry Lemke, in the County of King, State of Washington. Larry Lemke has been duly appointed the Guardian ad Litem of Plaintiff, Sybil N. Lemke, for purposes of this litigation. At all times material hereto, Plaintiff Sybil N. Lemke was a resident of the County of King, State of Washington.

1.4 Plaintiff, Kathryn Reynolds, at all times material hereto was a resident of the County of King, State of Washington.

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III. DEFENDANTS: ROBERT AND JANE DOE HOWERTON

3.1 The Defendants, Robert Howerton and Jane Doe Howerton, are husband and wife, and at all times material hereto were residents of the County of King, State of Washington. Plaintiffs do not know if Defendant Howerton is married, and if married, does not know his spouse's name, but alleges that if he is married, this constitutes a marital community under the laws of the State of Washington. Each of the acts complained of were

1 done for and on behalf of the community as well as for and on
2 behalf of the individuals.

3 3.2 Defendant Robert Howerton is a member of the
4 congregation of the Defendant, Community Chapel and Bible
5 Training Center.

6 3.3 Defendant Robert Howerton has taught Sunday School
7 for the Defendant, Community Chapel and Bible Training Center.

8 3.4 Defendant Robert Howerton has held himself out as
9 a counselor and served as a counselor for the Defendant,
10 Community Chapel and Bible Training Center.

11 3.5 Defendant Robert Howerton acted as a counselor for
12 Plaintiff Sybil N. Lemke.

13 IV. DEFENDANTS: E. SCOTT AND JANE DOE HARTLEY

14 4.1 The Defendants, E. Scott Hartley and Jane Doe
15 Hartley, are husband and wife, and at all times material hereto
16 were residents of the County of King, State of Washington.

17 4.2 Defendant E. Scott Hartley is and at all times
18 material hereto has been the corporate secretary and senior
19 staff assistant to the vice president of the Defendant,
20 Community Chapel and Bible Training Center.

21 4.3 Defendant E. Scott Hartley is recognized as one of
22 the four individuals on the Board of Senior Elders of the
23 Defendant, Community Chapel and Bible Training Center.

24 4.4 Defendant E. Scott Hartley served as a counselor
25 for the Defendant, Community Chapel and Bible Training Center.

26 4.5 All actions described of these defendants or either
27 of them were performed on behalf of the marital community.
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V. DEFENDANTS: DONALD LEE AND BARBARA BARNETT

5.1 The Defendants, Donald Lee Barnett and Barbara Barnett, are husband and wife, and at all times material hereto were residents of the County of King, State of Washington.

5.2 Defendant Donald Lee Barnett is the head pastor of the Defendant, Community Chapel and Bible Training Center and as such is responsible for the administration and direction of the entire congregation.

5.3 Defendant Donald Lee Barnett is also the president of the Defendant, Community Chapel and Bible Training Center.

5.4 Defendant Barbara Barnett, at all times material hereto, served as a counselor for the Community Chapel and Bible Training Center.

5.5 All actions described of these defendants or either of them were performed on behalf of the marital community.

VI. DEFENDANT: COMMUNITY CHAPEL AND BIBLE TRAINING CENTER

6.1 Defendant Community Chapel and Bible Training Center is a corporation licensed to do business and doing business in the State of Washington, having its principle place of business at 18635 Eighth Avenue South, Seattle, Washington.

VII. DEFENDANTS: JOHN AND JANE DOES

7.1 John and Jane Does 1-4 are residents of the State of Washington. All actions described of these defendants or either of them were performed on behalf of the marital community.

1 VIII. DEFENDANTS: FIRST DOE CORPORATION AND PARTNERSHIP

2 8.1 The Defendants First Doe Corporation and First Doe
3 Partnership are business entities doing business or controlled
4 by the Defendant, Community Chapel and Bible Training Center.
5 Plaintiffs pray leave to amend this complaint for personal
6 injuries and damages and to insert herein their true names when
7 they become known.

8 IX. JURISDICTION

9 9.1 All acts hereinafter alleged occurred within the
10 County of King, State of Washington, and this court has
11 jurisdiction over the subject matter herein and the parties
12 hereto.

13 X. AGENTS, AGENCY AND RESPONDEAT SUPERIOR

14 10.1 At all times material hereto, the Defendants,
15 Ralph Alskog, Rosemary Alskog, Robert Howerton, Jane Doe
16 Howerton, E. Scott Hartley, Jane Doe Hartley, Donald Lee
17 Barnett, Barbara Barnett, "John Does" 1-4 and "Jane Does" 1-4,
18 were principles, agents, employees and representatives of the
19 Community Chapel and Bible Training Center and all actions
20 complained of herein were performed in the scope of their
21 representation, employment and/or agency for the Defendant,
22 Community Chapel and Bible Training Center.

23 10.2 At all times material hereto, the Defendants,
24 First Doe Corporation and First Doe Partnership, were agents,
25 employees and/or representatives of the Defendant, Community
26 Chapel and Bible Training Center and all actions complained of
27 herein were performed in the course of their representation,
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1 employment and/or agency for the Defendant, Community Chapel and
2 Bible Training Center.

3 XI. BASIS

4 11.1 Sometime during the year of 1967, the Defendant,
5 Community Chapel and Bible Training Center was organized under
6 the laws of the State of Washington as a corporation, practicing
7 fundamentalist pentacostal beliefs. Beginning in 1984 or 1985,
8 Defendant, Community Chapel and Bible Training Center, by and
9 through its pastor and president, Defendant Donald Lee Barnett,
10 encouraged and/or required members of the congregation to form
11 intimate attachments with members of the opposite sex without
12 regard to the member's spouse as part of the regular services at
13 the Community Chapel and Bible Training Center. Said intimate
14 attachments were called "spiritual connections." "Spiritual
15 connections" involve dancing together, embracing, holding hands,
16 hypnotically gazing into each other's eyes, kissing, and/or
17 sexual contact.

18 11.2 Plaintiffs were members of the Defendant the
19 Community Chapel and Bible Training Center religious
20 organization.

21 11.3 Defendant the Community Chapel and Bible Training
22 Center, by and through its pastor, Defendant Donald Lee Barnett,
23 knew or should have known that these intimate attachments and
24 "spiritual connections" would result in seductions, family
25 disharmony, marital instability, separation and/or dissolution
26 of marriages, sexual involvement and advances of adults with
27 children, loss of consortium, destruction of the parent-child
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relationship, loss of guidance, support, love and companionship for children.

11.4 Defendant, Community Chapel and Bible Training Center, by and through its pastor and president, Defendant Donald Lee Barnett, knew or should have known that its officers, agents, employees, representatives, counselors, and members of the congregation would follow his direction and/or example.

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XIII.

13.1 The minor child, Sybil N. Lemke, was a member of the Defendant Community Chapel and Bible Training Center at all times material hereto.

13.2 As a result of problems Sybil N. Lemke was having stemming from the marital difficulties of her parents, she was directed to begin counseling with Defendant Robert Howerton.

13.3 Defendant Robert Howerton counseled Sybil Lemke when she was thirteen and fourteen years old and used to be one of her Sunday school teachers at the Defendant, Community Chapel and Bible Training Center. Defendant Robert Howerton requested Plaintiff Sybil Lemke to be his "spiritual connection."

13.4 On several occasions, Defendant Robert Howerton, under the guise of providing ministerial services and counseling, touched and/or rubbed Plaintiff Sybil Lemke on her thighs and legs.

13.5 Sometime between September and Christmas Day of 1986, Defendant Robert Howerton took Plaintiff Lemke to Redondo Beach in his car. As the sun set, Defendant Howerton moved his car and parked it in the rear of the parking lot. Defendant Robert Howerton told Plaintiff Sybil Lemke that he loved her and pulled her very close to him and started kissing her. Defendant Howerton put one around her and started carressing her buttocks

1 with his hand. With the other hand Defendant Howerton rubbed
2 Plaintiff Sybil Lemke's thigh. Defendant Robert Howerton was
3 breathing heavily and forcefully kissing Plaintiff Sybil Lemke
4 on her body. Defendant Robert Howerton professed to be driven
5 by God and represented to Plaintiff Sybil Lemke that his conduct
6 was sanctioned by God and was spiritual.

7 13.6 On numerous occasions, Defendant Robert Howerton,
8 under the guise of providing ministerial services and counseling
9 and serving as Plaintiff Sybil Lemke's spiritual connection,
10 became aware of the vulnerability of Plaintiff Sybil Lemke.
11 Defendant Robert Howerton took advantage of her weakness and
12 need for support and manipulated Plaintiff Sybil Lemke.

13 13.7 As a result of manipulation, exploitation, domina-
14 tion, use of authority and position by Defendants, Plaintiff
15 Sybil Lemke was coerced, pressured and unduly influenced into
16 having a spiritual connection and sexual contact with Defendant
17 Robert Howerton.

18 13.8 Defendant, Community Chapel and Bible Training
19 Center, by and through its pastor and president, Defendant
20 Donald Lee Barnett, knew or should have known that Defendant
21 Robert Howerton was involved in the seduction, sexual contact
22 and spiritual connection with Plaintiff Sybil Lemke, a minor.
23 Defendant, the Community Chapel and Bible Training Center, by
24 and through its pastor and president, acted negligently in not
25 supervising Defendant Robert Howerton and in not taking
26 corrective actions, sanctions, preventative measures in ending
27 the relationship between Robert Howerton and Sybil Lemke.
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1 revolved around the activities of the Defendant, Community
2 Chapel and Bible Training Center.

3 14.2 On several occasions, Defendant E. Scott
4 Hartley, under the guise of providing ministerial services and
5 counseling as well as attempting to have a spiritual connection
6 with Plaintiff Reynolds, sexually assaulted her by placing his
7 hands on her breast, and other parts of her body, and forcibly
8 kissing her and embracing her against her will.

9 14.3 On several occasions, Defendant E. Scott
10 Hartley, under the guise of providing ministerial services and
11 counseling as well as attempting to be Plaintiff Reynolds'
12 "spiritual connection," became aware of her vulnerability.
13 Defendant E. Scott Hartley took advantage of her weakness and
14 need for support and manipulated Plaintiff Reynolds.

15 14.4 As a result of manipulation, exploitation,
16 domination, use of authority and position by Defendants,
17 Plaintiff Reynolds was coerced and/or forced into a "spiritual
18 connection" and/or sexual contact with Defendant E. Scott
19 Hartley.

20 14.5 Defendant, the Community Chapel and Bible
21 Training Center, by and through its pastor and president, Donald
22 Lee Barnett, knew or should have known that Defendant E. Scott
23 Hartley was involved in the seduction, sexual contact and
24 attempted spiritual connection with Plaintiff Reynolds.
25 Defendant, Community Chapel and Bible Training Center, by and
26 through its pastor and president, Defendant Donald Lee Barnett,
27 acted negligently in not supervising Defendant, E. Scott Hartley
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1 and in not taking corrective actions, sanctions, preventative
2 measures in ending the relationship between Defendant E. Scott
3 Hartley and Plaintiff Reynolds.

4 14.6 After a period of time, Plaintiff Reynolds
5 realized that Defendants' conduct was not sanctioned by God and
6 was a ruse concocted by Defendants in order to satisfy deviant
7 sexual needs.

8 14.7 Plaintiff Reynolds was "disfellowshipped"
9 from the Community Chapel and Bible Training Center, as a
10 consequence of her refusal to participate in further sexual
11 contact with Defendant E. Scott Hartley and/or her questioning
12 the "spiritual connection" doctrines and practices of
13 Defendants.

14 14.8 Defendants have made disparaging and false
15 statements publicly regarding Plaintiff Reynolds to members of
16 the congregation which tended to injure Plaintiff's reputation
17 in the community.

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XVI. DAMAGES

16.1 Plaintiffs incorporate by reference as if set forth in full each and every allegation as set forth in paragraphs I through XV.

16.2 As a direct and proximate result of the intentional, reckless, and/or negligent wrongful acts and omissions of the Defendants, and each of them, Plaintiffs have suffered serious and painful injuries to their person, as well as psychological and mental pain and suffering. By reason of the foregoing, Plaintiffs sustained general damages according to proof.

16.3 As a direct and proximate result of the intentional, reckless, and/or negligent wrongful acts and omissions of the Defendants, and each of them, Plaintiff was required to and did incur reasonable and necessary expenses in connection with the treatment of said personal injuries. By

1 reason of the foregoing, Plaintiff sustained special damages
2 according to proof.

3 16.4 As a direct and proximate result of the
4 intentional, reckless, and/or negligent wrongful acts and
5 omissions of the Defendants, and each of them, Plaintiff will be
6 required to and incur in the future reasonable and necessary
7 expenses in connection with the treatment of said personal
8 injuries. By reason of the foregoing, Plaintiff will sustain
9 additional special damages according to proof.

10 16.5 As a direct and proximate result of the
11 intentional, reckless, and/or negligent wrongful acts and
12 omissions of the Defendants, and each of them, Plaintiff has
13 suffered a loss of earnings to date in an amount which is
14 presently unknown but which will be proven at the time of trial.

15 16.6 As a direct and proximate result of the
16 intentional, reckless, and/or negligent wrongful acts and
17 omissions of the Defendants, and each of them, Plaintiff is
18 entitled to actual damages, damages for continuing pain and
19 suffering, and attorney fees and costs under the laws of the
20 United States of America and the State of Washington.

21 XVII.

22 FIRST CAUSE OF ACTION: OUTRAGE

23 17.1 Plaintiffs hereby incorporate by reference
24 each and every allegation as set forth in paragraphs I through
25 XVI.
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1 Defendant Donald Lee Barnett, and other Defendants, did not
2 exercise the degree of care, skill, diligence and knowledge
3 commonly possessed and exercised by a reasonable, careful and
4 prudent counselor in this jurisdiction by manipulating
5 Plaintiffs into having a spiritual connection and/or sexual
6 contact with Defendants. Defendant, the Community Chapel and
7 Bible Training Center, by and through its pastor and president,
8 Defendant Donald Lee Barnett, and other Defendants, acted
9 intentionally, recklessly, and/or negligently in its conduct
10 and/or omissions and this constituted the tort of counselor
11 malpractice.

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20 18.4 Defendant Robert Howerton did not exercise
21 the degree of care, skill, diligence and knowledge commonly
22 possessed and exercised by a reasonable, careful and prudent
23 counselor in this jurisdiction by manipulating a minor,
24 Plaintiff Sybil Lemke, into a "spiritual connection" and/or
25 sexual contact. Defendant Robert Howerton did intentionally,
26 recklessly, and/or negligently commit acts and/or omissions
27 which constituted the tort of counselor malpractice.
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1 18.5 Defendant E. Scott Hartley did not exercise
2 the degree of care, skill, diligence and knowledge commonly
3 possessed and exercised by a reasonable, careful and prudent
4 counselor in this jurisdiction by manipulating Plaintiff Kathryn
5 Reynolds into a spiritual connection and/or sexual contact.
6 Defendant E. Scott Hartley did intentionally, recklessly, and/or
7 negligently commit acts and/or omissions which constituted the
8 tort of counselor malpractice.
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26 18.7 As a direct and proximate result of
27 Defendants' malpractice, each Plaintiff has sustained severe
28 pain and suffering.

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XIX.

THIRD CAUSE OF ACTION: NEGLIGENT COUNSELING

19.1 Plaintiff incorporates by reference each and every allegation as set forth in paragraphs I through XVIII.

19.2 Defendants held themselves out to Plaintiffs as being capable of performing family counseling, marital counseling and spiritual counseling, which requires the skill of a person competent to counsel the Plaintiffs in their respective needs.

19.3 Defendants were negligent in counseling Plaintiffs in that Defendants failed to exercise or possess that degree of skill, care, and learning ordinarily exercised or possessed by the average qualified counselor, taking into account the existing state of knowledge and practice in the field of clergy, marital counseling, and other counseling professions. Defendants negligently violated the duty of care as a counselor by either having sexual contact with Plaintiffs or entering into "spiritual connections" with Plaintiffs or failing to assist Plaintiffs in restoring marital harmony, family harmony, preventing loss of consortium between spouses, putting an end to the destruction of the parent-child relationship and ending the loss of guidance, love, support and companionship suffered by minors-Plaintiffs.

19.4 As a direct and proximate result of Defendants' negligent counseling, each Plaintiff sustained severe pain and suffering.

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21.2 Plaintiff Sybil Lemke incorporates by reference each and every allegation as set forth in paragraphs I through XX. The offensive sexual contact and touching by Defendant, Robert Howerton, against the will and body of Plaintiff, Sybil Lemke, resulted in personal injuries to her and constituted the torts of assault, battery and false imprisonment.

21.3 Plaintiff Kathryn Reynolds incorporates by reference each and every allegation as set forth in paragraphs I through XX. The offensive sexual contact and touching by Defendant, B. Scott Hartley, against the will and body of Plaintiff, Kathryn Reynolds, resulted in personal injuries to her and constituted the torts of assault, battery and false imprisonment.

XXII.

SIXTH CAUSE OF ACTION: DEFAMATION

22.1 Plaintiffs incorporate by reference each and every allegation set forth in paragraphs I through XXI.

22.2 As a direct and proximate result of acts and/or omissions of Defendants in making disparaging and false statements publicly regarding respective Plaintiffs, each and every Plaintiff's reputation was damaged and constitutes the tort of defamation.

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EIGHTH CAUSE OF ACTION:

DESTRUCTION OF PARENT-CHILD RELATIONSHIP

24.1 Plaintiffs Larry Lemke and Dee Chabot incorporate by reference each and every allegation as set forth in paragraphs I through XXIII.

24.2 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiffs, Larry Lemke and Dee Chabot, suffered the loss of love and companionship and injury to and destruction of the parent-child relationship.

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XXV.

NINTH CAUSE OF ACTION:

CHILDREN'S LOSS OF CONSORTIUM

25.1 Plaintiffs Sybil Lemke, Shawna Michele Chabot, Michael Grant Chabot, and Nicholas Sterling Chabot, minors, incorporate by reference each and every allegation contained in paragraphs I through XXIV.

25.2 As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiffs Sybil Lemke, Shawna Michele Chabot, Michael Grant Chabot, and Nicholas Sterling Chabot, minors, suffered the loss of love, care, companionship, and guidance of their respective Plaintiff-parent.

XXVI.

TENTH CAUSE OF ACTION: WRONGFUL DISFELLOWSHIPMENT

26.1 Plaintiffs incorporate by reference each and every allegation contained in paragraphs I through XXV.

26.2 Defendant, Community Chapel and Bible Training Center, by and through its pastor and president, Donald Lee Barnett, had knowledge of Defendants' conduct towards Plaintiffs and failed to take corrective actions, sanctions, preventative measures, or in any way to prevent Plaintiffs from being disfellowshipped.

26.3 Plaintiffs' questioning and/or challenging the "spiritual connections" doctrine and practices of Defendant, Community Chapel and Bible Training Center, by and through its pastor and president, Defendant Donald Lee Barnett, led to their

1 WHEREFORE each and every Plaintiff and together pray
2 for judgment against the Defendants as follows:

- 3 1. For general damages already incurred and future
4 general damages in an amount unknown but which
5 will be proved at the time of trial;
6 2. For medical expenses incurred and for future
7 medical expenses and other costs, in an amount
8 unknown which will be proved at the time of trial.
9 3. For loss of wages and earnings which will be
10 proved at the time of trial;
11 4. For costs and disbursements;
12 5. For prejudgment interest;
13 6. For reasonable attorney fees;
14 7. For injunctive relief;
15 8. For such other relief as this court may deem just
16 and proper in this cause.

17 WHEREFORE Plaintiffs Michael and Sandy Ehrlich further
18 pray for judgment against the Defendants as follows:

- 19 10. For loss of consortium;

20 WHEREFORE Plaintiffs Larry Lemke and Dee Chabot further
21 pray for judgment against the Defendants as follows:

- 22 11. For loss of parent-child relationship;

23 WHEREFORE Plaintiffs Sybil Lemke, Shawna Michele
24 Chabot, Michael Grant Chabot and Nicholas Sterling Chabot,
25 minors, further pray for judgment against the Defendants as
26 follows:
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12. For loss of parental consortium, love, support,
guidance and companionship.

DATED this 31st day of July, 1986.

ADLER, GIERSCH AND READ



Richard H. Adler
Attorney for Plaintiffs

J
**Affidavit of Patricia Nowerton: Re Victim's
father's attempts to drop all charges.**

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

STATE OF WASHINGTON,)
)
Plaintiff,) No. 86-1-03810-4
vs.)
) AFFIDAVIT OF PATRICIA HOWERTON
ROBERT P. HOWERTON,)
)
Defendant.)

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

PATRICIA HOWERTON, being first duly sworn, on oath,
deposes and says as follows:

1. Bob Howerton is my husband. I am personally
acquainted with Larry Lemke. I have personal knowledge of the
following facts and I am competent to testify.

2. I attended a meeting with both Bob and Larry in
early October of 1986, before Bob and I were married. The
meeting had been set up by Larry, who told a mutual friend of
ours that he really wanted to talk with Bob. We met at a
condominium belonging to one of Larry's friends. The meeting
lasted about 90 minutes.

3. Larry seemed to feel really bad about what had
happened to Bob, with the filing of criminal charges, a civil
lawsuit, etc. He told us he wanted no part of it. He told us
he had no part in setting it up and that it was all Katherine
Reynolds. He told us that Sybil didn't want anything to do with

AFFIDAVIT OF PATRICIA HOWERTON - 1

ORIGINAL

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11200 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 368-9500

1 it and that she felt that she had been "tricked" into filing
2 charges. Larry told us that his actions with Katherine Reynolds
3 were all wrong and that Sybil had been hurt because of it.

4 4. Bob had asked Larry why Sybil had been "tricked"
5 into filing charges. Larry's only response was that he did not
6 like Detective Daley. He told us that he was going to take Sybil
7 out of school the following Monday and that the two of them were
8 going to meet with the prosecutor and drop all charges. He said
9 he was going to let them know that the entire incident had been
10 blown way out of proportion and that they had not wanted to get
11 involved from the start. He emphasized that he wanted nothing to
12 do with the case, that he felt bad about what was happening to
13 Bob, that it was not fair, and that all charges, including the
14 civil case, would be dropped. Obviously this never happened but
15 I have no idea why not.

16 Patricia Howerton
17 PATRICIA HOWERTON

18 SIGNED AND SWORN to before me on March 12, 1987, by
19 Patricia Howerton.

20 Richard W. Bump
21 NOTARY PUBLIC in and for the State of
22 Washington, residing at Seattle.
23 My commission expires 5/1/90.

24
25
AFFIDAVIT OF PATRICIA HOWERTON - 2

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEMURST BUILDING
11200 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98108
(206) 265-1500

K

Affidavit of Shelly Ward: Re Victim's reputation
for truthfulness and desire to drop charges.

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

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	No. 86-1-03810-4
vs.)	
	)	DECLARATION OF SHELLY WARD
ROBERT P. HOWERTON,)	
)	
Defendant.)	
)	

SHELLY WARD, on oath, certifies and declares as follows:

1. Sybil Lemke is my niece. I have personal knowledge of the following facts and I am competent to testify.

2. Sybil lived with me in Redmond, Washington from September to December, 1986. She talked to me about this case on a number of occasions.

3. I want the Court to know that Sybil's reputation for truthfulness was very poor during the time she lived with me, in many different respects.

4. As for the case itself, Sybil told me more than once that she just wanted to forget the whole thing, and that she was being used. Normally Sybil is very dogmatic and forthright, and not intimidated at all if she wants justice done.


I certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing statement is

DECLARATION OF SHELLY WARD - 1

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
1122 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98108
(206) 368-1900

1 true and correct.

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Date: 3/13/87 
SHELLY WARD

Place of Signing: Redmond, WA.
(City & State)

DECLARATION OF SHELLY WARD - 2

MOREN, LAGESCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11200 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 368-9900

ORIGINAL

Isabella Bertram
3207 N. 8th St
Tacoma, Wa. 98406

Honorable John Darrah
King County Superior Court
King County Court House
Seattle, Wa. 98101

Dear Judge Darrah

I, Isabella Bertram, would like to write to you concerning the moral character of my former husband Robert Howerton. In seven years of marriage, Bob was a honest, gentle mannered, law abiding citizen. He never conducted himself inappropriately around women or teenagers. He was always very good with young people.

We did, however, divorce because of religious differences, and I have nothing to do with his church. Nevertheless, I do not believe Bob would conduct himself in an immoral manar around any teenager and I would urge the court on behalf of our son Bobby who lives with his Dad, and Andy who lives with me, to impose no jail sentencing

time in this case. Thank-you for
reading this letter.

Sincerely,

Isabella F. Estan

L

**Certified letters concerning the Defendant's
character.**

Kriste Hanson
24046 186th
Seattle Wa 98148
March 10, 1987

Judge John Darrak
King County Superior Court
Seattle Washington

Dear Judge:

My name is Kriste Hanson. I am fourteen years of age. I have known Sybil Lemke for ten years and have been her best friend for a good number of those years. I have known Bob Howerton for four years, and in all the years that I have known him, he has been a person of moral integrity.

I do not believe that Mr. Howerton should be sentenced to jail for such a minor offense. I sincerely hope and pray that the court will be lenient in his sentencing.

I certify and declare under penalty of perjury and under the laws of the state of Washington that the above statement is true and correct.

Thankyou.

Sincerely,
Kriste Hanson

3-10-87
Seattle, Wa

ORIGINAL

BOEING ELECTRONICS COMPANY

A Division of The Boeing Company

P.O. Box 24969
Seattle, Washington 98124-6269

11 March 1987

To: Judge John Darrah
King County Superior Court
Seattle, Washington

From: Mr. Michael R. Denny
Senior Research Optician
Boeing High Technology Center
Bellevue, Washington

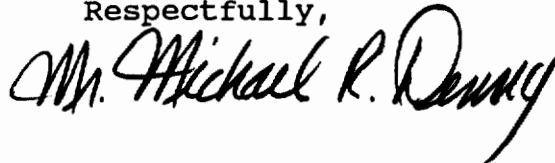
Dear Judge Darrah,

My name is Michael R. Denny. I am a citizen of good standing and moral principles. I am a recognized leader in my community, my church and at my place of employment. I bring this matter to you on behalf of my good friend Bob Howerton. I have personally known Bob for nearly seven years now and have never seen anything but integrity and upright behavior in all of his actions and decisions. In fact prior to my marriage five years ago Bob and I shared an apartment then later a home as friends and the convenience of expenses. I have seen Bob time and time again make proper and upright decisions as a father to his two sons and as a moral friend to his ex-wife due to his personal concern for her as a human being. He has always shown himself to be genuine and concerned for the welfare of others even over his own needs. I stand and voice myself on behalf of my friend and state, without reserve, he is a man of moral value and of great benefit to his community and his fellow man. I would ask that these things be considered on behalf of my friend in making any decision against him.

I certify and declare under penalty of perjury that the above statement is true and correct.

Signed and dated in
Bellevue, Washington
March 11, 1987

Respectfully,



Mr. Michael R. Denny
22702 10th Ave. So.
Des Moines, WA 98198

BOEING

ORIGINAL

ORIGINAL

Judge John Darrah
King County Superior Court
Seattle, Washington

Dear Judge Darrah,

I am writing in behalf of Bob Howerton. I met him through my son's friendship with his son. After we had gotten to know him, my husband and I invited he and his son to move in with us since we knew they were looking for a more inexpensive place to live. They lived with us, our 4 children, 5 children and 3 adults in a 4 bedroom house, for almost a year. It was great!

I love Bob as I would my own brother. He is a man of good character, honesty, and integrity. He was always slow to anger and listened with care to his son - as well as my children if they needed him. All of our children, and my husband and I, feel like Bob is a member of our family, and always will be. We have left our children in his care on more than one occasion to take a weekend off alone with each other. There has never been any inappropriate actions, words, or anything else toward me or my children concerning Bob Howerton. In fact, I would trust him to keep things calm, happy, harmonious and reasonable in my absence more than

some of my friends or relatives

From knowing him, seeing him on a daily basis, on his good days and on his bad days, when healthy or sick; from living with Bob and Bobby for quite a long time; I can assure you that Bob Howerton is not a threat to this or any community - he is however a great asset to any group or individual. He is kind and gentle, as he always was with Bobby and our children, but stands firm in his beliefs, holds fast to his high standards, but does so without conceit or superiority. I wish there were more just like him. And if you knew him, you would too.

I certify and declare, under penalty of perjury, under the laws of the State of Washington, that the above statement is true and correct.

Signed in Seattle, Washington on
March 10, 1987.

Jeanne M. White



1985 - 1986

T. ALEX TENNENT
2035 SOUTH 223RD
DES MOINES, WASHINGTON 98188

JUDGE JOHN DARRAH
KING COUNTY SUPERIOR COURT.

ORIGINAL

DEAR JUDGE DARRAH,

I AM WRITING CONCERNING THE UPCOMING SENTENCING OF BOB HOWERTON. I WOULD LIKE TO URGE YOU GIVE BOB A VERY LIGHT SENTENCE, (IF ANY) FOR THE FOLLOWING REASONS:

- ① I HAVE BEEN A CLOSE FRIEND OF BOB'S FOR ABOUT 8 YEARS, HAVING SPENT MUCH TIME WITH BOB DOING SPORTS, DOUBLE DATING, AND VARIOUS CHURCH ACTIVITIES. IN ALL THIS TIME BOB HAS NEVER EXHIBITED ANY ABNORMAL BEHAVIOUR TOWARDS TRENAGE GIRLS OR ANYONE ELSE. I CAN SAY WITH TOTAL INTEGRITY THAT BOB IS ONE OF THE LAST PEOPLE WHO I WOULD CONSIDER TO TAKE ADVANTAGE OF PEOPLE, IN ANY WAY. HE'S JUST NOT THAT TYPE OF PERSON.
- ② HAVING WATCHED BOB PULL THROUGH THE HEARTACHE OF HIS DIVORCE 8 YEARS AGO, AND SHARED SOME OF THE TRIALS + PAINS OF TRYING TO FIND THE RIGHT WIFE, I WAS REALLY EXCITED FOR HIM WHEN HE STARTED DATING PATRICIA ABOUT 8 MONTHS AGO. WE WOULD ALWAYS ENCOURAGE EACH OTHER THAT "RIGHT ONE" WOULD ONE DAY COME ALONG, AND I FELT THAT FOR BOB, HIS TIME HAD FINALLY COME. SURE ENOUGH, BOB + PATRICIA WERE RECENTLY MARRIED! I FEEL THAT BOB HAS SUFFERED ENOUGH, BEING THAT THIS TRUMPED UP THING HAS BEEN OVER HIS HEAD FOR SO LONG, AND I FEEL THAT A STIFF SENTENCE (NOW THAT HIS LIFE IS BACK TOGETHER AND HE HAS A MOTHER FOR HIS SON) WOULD NOT BE IN THE BEST INTEREST OF SOCIETY, OR FOR THOSE INVOLVED.

I CERTIFY AND DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON, THAT THE FOREGOING IS TRUE AND CORRECT.

CALIFORNIA - WESTERN STATES LIFE INSURANCE COMPANY / HOME OFFICE: SACRAMENTO
AN AMERICAN GENERAL COMPANY

THANK YOU FOR HEARING ME,
SINCERELY,
T. Alex Tennent

M

Letter to the Court from Comprehensive Counseling
Associates of Tacoma, Washington re counseling the
Defendant.



COMPREHENSIVE COUNSELING ASSOCIATES

3408 SOUTH UNION AVENUE • TACOMA, WASHINGTON 98409 • TEL. (206) 756-5238 / 756-5241

March 17, 1987

Superior Court of the State of Washington
in and for King County

Re: Robert P. Howerton

To whom it may concern:

I have interviewed Mr. Robert P. Howerton in conjunction with the court case pending against him. In reviewing the Pre-Sentence Report and other pertinent documents, it seems clear to me that Mr. Howerton is not a threat to the community or to minors as such. He did use poor judgment with regards to this incident and has learned a painful lesson.

I recommend and he concurs that he be seen in counseling by me for five additional sessions to explore further his situation and help him to recover from the adverse effects that have resulted from the notoriety of this case.

Yours truly,


Cal Capener, MSW

CC:iaa

ORIGINAL

In the Superior Court of the State of Washington

For the County of King

THE STATE OF WASHINGTON,

Plaintiff,

67 MAR 24 A 9 03

No. 86-1-03810-4

v.

ROBERT P. HOWERTON,

Defendant.

Order Deferring Imposition of Sentence (PROBATION)

COMMITMENT ISSUED MAR 24 1987

The Prosecuting Attorney, the above-named defendant and counsel

Michael Bugni came into Court, the defendant having been charged by information with the crime of COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES

To this information the defendant entered a plea of "Guilty" on the 30th day of January, 19 87, as charged

The Court having determined that no legal cause exists to show why judgment should not be pronounced, it is therefore ORDERED, ADJUDGED and DECREED that the said Defendant is guilty of the crime of COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES, Gross Misdemeanor, RCW 9.68A.090

The Defendant having made application to the Court for probation and the Court having found Defendant eligible under the law to be granted probation, and the Court being fully advised in the premises, it is therefore,

ORDERED that the imposition of sentence against the Defendant herein be, and the same is hereby deferred pursuant to RCW 9.95.200 for a period of years from this date upon the following terms and conditions, to-wit:

- 1) That the Defendant shall be under the charge of a Probation and Parole Officer employed by the Department of Corrections and follow implicitly the instructions of said Department, and the rules and regulations promulgated by said Department for the conduct of the Defendant during the term of his probation hereunder.
2) The Defendant shall not commit any law violations.
3) The Defendant shall pay all costs and the penalty assessment (RCW 7.68.035) of \$90.00 within six months from date of this order.
4) The Defendant shall serve a term of 2 days in the King County Jail, (with credit to be given for time already served, to commence immediately

- 5) Defendant shall pay \$63.00 in restitution to the Sexual Assault Center;
6) Defendant shall enter and make good faith progress in counseling with Dr. Capner. Upon submission of a report a review hearing may be scheduled in six months to determine whether probation should be deemed.
7) Probation supervision fees are waived.

DONE IN OPEN COURT this 24 day of March, 19 87.

Table with 2 columns: Label (CAL, DOCK, CASH, JUDG, DFSS, CRIM, FILE, TRANS) and Status (checkboxes)

Presented by: [Signature] Prosecuting Attorney

[Signature] JUDGE

[Signature]

23 my

NON-TRIAL

SCOMIS code:

PREHRG

X DISPHRG

HEARING

POSTHRG

MINUTE

Department No. 3

JUDGE: Hon. JOHN M. DARRAH

Date: MAR 24 1997

BAILIFF: Debra Anne Rogers

Page 1 of 2

COURT CLERK: Jill Mensing

REPORTER: Peter Hunt

King County Cause No. 86-1-03810-4

Case Caption

State of Washington vs. Robert P. Howerton

Litigants and attorneys

State represented by DPA Kate Flack

Defendant present and represented by counsel Michael Bigni

Minute Entry

Sentencing

The court defers imposition of sentence for one year on the conditions of the defendant: 1) Pay court costs, the victims penalty assessment and restitution in the amount of \$65.00. 2) Must to remain in current counseling programs. 3) Must to serve two days in the King County Jail commencing immediately. 4) Must to be on community supervision and have no further law violations.

[Handwritten initials]

In the Superior Court of the State of Washington

For the County of King

THE STATE OF WASHINGTON,

Plaintiff,

MAR 24 9 03

No. 86-1-03810-4

v.

ROBERT P. HOWERTON,

Defendant.

Order Deferring Imposition

of Sentence
(PROBATION)

COMMITMENT ISSUED MAR 24 1987

The Prosecuting Attorney, the above-named defendant and counsel

Michael Bugni came into Court, the defendant having been charged by information with the crime of COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES

To this information the defendant entered a plea of "Guilty" on the 30th day of January, 19 87, as charged

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The Defendant having made application to the Court for probation and the Court having found Defendant eligible under the law to be granted probation, and the Court being fully advised in the premises, it is therefore,

ORDERED that the imposition of sentence against the Defendant herein be, and the same is hereby deferred pursuant to RCW 9.95.200 for a period of years from this date upon the following terms and conditions, to-wit:

- 1) That the Defendant shall be under the charge of a Probation and Parole Officer employed by the Department of Corrections and follow implicitly the instructions of said Department, and the rules and regulations promulgated by said Department for the conduct of the Defendant during the term of his probation hereunder.
- 2) The Defendant shall not commit any law violations.
- 3) The Defendant shall pay all costs and the penalty assessment (RCW 7.68.035) of \$70.00 within six months from date of this order.
- 4) The Defendant shall serve a term of 2 days in the King County Jail, (with credit to be given for time already served, to commence immediately

- 5) Defendant shall pay \$63.00 in restitution to the Sexual Assault Cent
- 6) Defendant shall enter and make good faith progress in counseling with Dr. Capner. Upon submission of a report a review hearing may be scheduled in six months to determine whether probation should be dismissed.
- 7) Probation supervisor fees are waived

DONE IN OPEN COURT this 24 day of March, 19 87.

JUDGE

Presented by: Deputy Prosecuting Attorney

Signature of Michael Bugni

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY
2 STATE OF WASHINGTON,)

3 Plaintiff)

NO. 86-1-03810-4

4 v.)

ORDER SETTING RESTITUTION

5 ROBERT P. HOWERTON)
6 Defendant.)

7 The court ordered payment of restitution as a condition
8 of probation. The court has determined that the following person
9 is entitled to restitution in the following amounts;

10 IT IS ORDERED that defendant make payments through the
11 registry of the clerk of the court as follows:

12 Sexual Assault Center
13 Harborview Medical Center
14 325 9th Avenue
15 Seattle, WA 98104

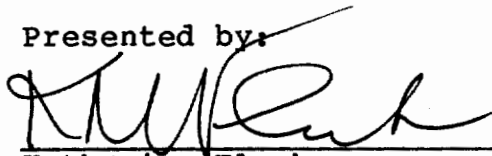
Amount: \$63.00

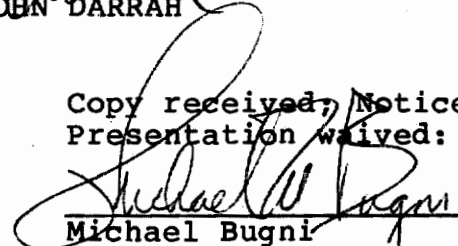
16 DONE IN OPEN COURT this _____ day of MAR 24 1987, 1987.

17 
18 JUDGE JOHN DARRAH

19 Presented by:

Copy received, Notice
Presentation waived:

20 
21 Katherine Flack
22 Deputy Prosecuting Attorney


23 Michael Bugni
24 Attorney for Defendant

25 Order Setting Restitution
26 CCN: 1258640 Referral No.: 86092686
20PP12

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POSTED
NORM MALLING
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
583-2200

In the Superior Court of the State of Washington

For the County of King

THE STATE OF WASHINGTON,

87 APR 14 AM 00
Plaintiff,

No. 86-1-03810-4

Robert P Howerton

Defendant.

Order Deferring Imposition
Nun Pro Tunc to March 24, 1987
of Sentence
(PROBATION)

APR 14 1987
COUNTY JAIL

The Prosecuting Attorney, the above-named defendant and counsel

Michael Bugni came into Court, the defendant having been charged by information with the crime(s) of Communicating with a Minor for Immoral Purposes

To this information the defendant entered a plea of "Guilty" on the 30th day of January, 1987, as charged

The Court having determined that no legal cause exists to show why judgment should not be pronounced, it is therefore ORDERED, ADJUDGED and DECREED that the said Defendant is guilty of the crime(s) of Communicating with a Minor, Gross Misdemeanor, RCW 9.68A.090

The Defendant having made application to the Court for probation and the Court having found Defendant eligible under the law to be granted probation, and the Court being fully advised in the premises, it is therefore,

ORDERED that the imposition of sentence against the Defendant herein be, and the same is hereby deferred pursuant to RCW 9.95.200 for a period of one years from this date upon the following terms and conditions, to-wit:

- 1) That the Defendant shall be under the charge of a Probation and Parole Officer employed by the Department of Corrections and follow implicitly the instructions of said Department, and the rules and regulations promulgated by said Department for the conduct of the Defendant during the term of his probation hereunder.
- 2) The Defendant shall not commit any law violations.
- 3) The Defendant shall pay all costs and the penalty assessment (RCW 7.68.035) of \$70.00 within six (6) months from date of this order.
- 4) The Defendant shall serve a term of 2 days in the King County Jail, (with) (without) credit to be given for time already served, to commence immediately.

5) Defendant shall pay \$63.00 in restitution to the Sexual Assault Center.

6) Defendant shall enter and make good faith progress in counseling with Dr. Capener. Upon submission of a report, a review hearing may be scheduled in 6 months to determine whether probation should be dismissed.

7) Probation Supervision fees are waived.

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DONE IN OPEN COURT this 10 day of April, 1987.

[Signature]
JUDGE

Presented by:

[Signature]
Deputy Prosecuting Attorney

Rev. 4/6/82

[Signature]
Michael Bugni
Attorney for Defendant



27
my

FILED

ISSUED

87 MAY 22 P 3: 23

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

STATE OF WASHINGTON,

Plaintiff

SUPERIOR COURT
SEATTLE, WA

NO. 86-1-03810-4

v.

ORDER FOR BENCH WARRANT

ROBERT P. HOWERTON

Defendant

THIS MATTER having come on before this court upon motion of the
Prosecuting Attorney and good cause having been shown why a bench warrant
should issue for the above-named defendant,

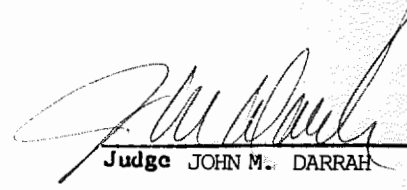
NOW, THEREFORE,

IT IS ORDERED that the clerk of this court issue a bench warrant for
the arrest of the said defendant directing the Sheriff of King County to
apprehend the said Robert P. Howerton.

No bail to be allowed without further order of the court.

DONE IN OPEN COURT this 21 day of MAY

19 87.



Judge JOHN M. DARRAH

Presented by:



Prosecuting Attorney

ORDER FOR BENCH WARRANT

POSTED

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ISSUED

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THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

STATE OF WASHINGTON

OFFICE OF THE DIRECTOR

THE STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS
OFFICE OF THE DIRECTOR
1000 4TH AVENUE, SEATTLE, WASHINGTON 98101
TELEPHONE (206) 467-1000
FACSIMILE (206) 467-1000
MAILING ADDRESS: P.O. BOX 34090, SEATTLE, WASHINGTON 98123

RECEIVED
MAY 14 1987
DEPARTMENT OF CORRECTIONS
REGION 4 - SEATTLE

NOV 16 1987

CERTIFIED COPY TO WARRANTS

NOV 16 1987

CERTIFIED COPY TO COUNTY JAIL

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

STATE OF WASHINGTON)

Plaintiff,)

vs.)

ROBERT P. HOWERTON,)

Defendant.)

No. 86-1-03810-4

ORDER OF DISMISSAL

THIS MATTER having come on regularly before the above-entitled Court, the Honorable John Darrah presiding, upon the Defendant's Motion for Dismissal, the Court having considered the Defendant's Motion and supporting affidavit, having considered the records and files herein, specifically the September 22, 1987 Report of Calvin C. Capener, MSW, of Comprehensive Counseling Associates, having heard argument, and being otherwise fully advised in the premises, NOW, THEREFORE, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Defendant, having complied with each and every term of this Court's April 10, 1987 Order Deferring Imposition of Sentence, is hereby allowed to change his plea from guilty to not guilty and the Court further orders that all charges against the Defendant be dismissed.

DONE IN OPEN COURT this 16TH day of November, 1987.

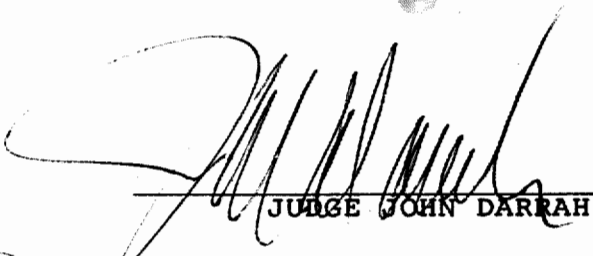
ORDER OF DISMISSAL - 1

ORIGINAL

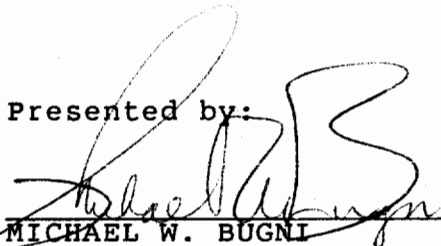
MOREN LAGESCHULTZ & CORNELL P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11280 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365-9500

FILED 29
[Signature]

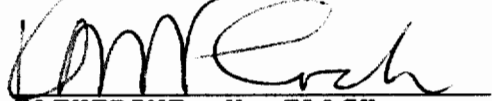
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JUDGE JOHN DARRAH

Presented by:


MICHAEL W. BUGNI
Attorney for Defendant

Copy Received, Approved as to Form,
Notice of Presentation Waived by:


KATHERINE M. FLACK
Deputy Prosecuting Attorney

ORDER OF DISMISSAL - 2

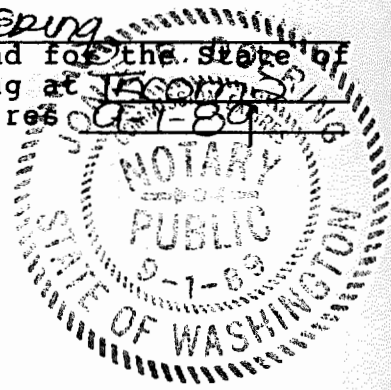
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have paid the Court ordered costs, penalty assessment and
restitution (note: the victim's \$63.00 bill from the Sexual
Assault Center had already been paid. I have paid \$63.00 into my
attorney's trust account awaiting instructions from the Court or
the Prosecutor's Office as to where that money should be sent).
I respectfully request the Court to allow my plea to be changed
and to then dismiss this case.

Robert P. Howerton
ROBERT P. HOWERTON

SIGNED AND SWORN to before me on October 21, 1987, by
Robert P. Howerton.

Gene S. ...
NOTARY PUBLIC in and for the State of
Washington, residing at ...
My appointment expires 09-1-89





COMPREHENSIVE COUNSELING ASSOCIATES

3408 SOUTH UNION AVENUE • TACOMA, WASHINGTON 98409 • TEL. (206) 756-5238 / 756-5241

September 22, 1987

RECEIVED

SEP 24 1987

MOREN,
LAGESCHULTE & CORNELL, P.S.

Mr. Mike Bugni
Attorney at Law
Roosevelt-Pinehurst Building
11320 Roosevelt Way N.E.
Seattle, Washington 98125

Re: Robert Howerton

Dear Mr. Bugni:

In compliance with the court's specific stipulations regarding Mr. Howerton's probation, I saw him for a total of six counseling sessions. His new wife, Patricia, also participated in the counseling sessions, which proved to be beneficial for both of them.

The incident which resulted in the charges was explored at length, as well as Mr. Howerton's general life adjustment and his ways of establishing and living out his value system.

It seems to me that the incident was most likely an isolated occurrence brought on by specific circumstances which most likely would not recur. In addition, Mr. Howerton did not pursue a relationship with the minor in question even though he had opportunity.

In general, the incident and subsequent events proved to be quite a lesson for Mr. Howerton.

I recommend that the court show leniency in whatever way is appropriate at this time.

Sincerely,


Calvin C. Capener, M.S.W.

CCC:iaa

NOV 16 PM 3:07

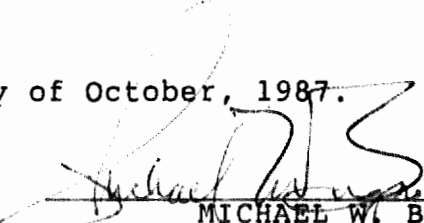
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

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STATE OF WASHINGTON)	
)	SEATTLE, WA.
Plaintiff,)	No. 86-1-03810-4
vs.)	
)	MOTION FOR DISMISSAL
ROBERT P. HOWERTON,)	
)	
Defendant.)	

COMES NOW the Defendant, Robert P. Howerton, by and through his attorney of record, Michael W. Bugni of Moren, Lageschulte & Cornell, P.S., and moves this Court for an order allowing the Defendant to change his plea to not guilty and for an order dismissing the charge against Defendant pursuant to this Court's Order Deferring Imposition of Sentence dated April 10, 1987 but Nunc Pro Tunc to March 24, 1987. Said Order specifically deferred sentence for one year but then allowed for a review hearing in 6 months upon submission of a report from the Court ordered counselor, Calvin C. Capener, of Comprehensive Counseling Associates in Tacoma, Washington. A copy of said report is attached hereto and incorporated by this reference. The jail sentence has been served, the costs, penalty assessments and restitution have been paid, and all other conditions of probation have been met. For these reasons the Defendant's motion should be granted.

DATED this 7th day of October, 1987.



 MICHAEL W. BUGNI
 Attorney for Defendant

MOTION FOR DISMISSAL

MOREN, LAGESCHULTE & CORNELL, P.S.
 ATTORNEYS AT LAW
 ROOSEVELT-PINEHURST BUILDING
 11320 ROOSEVELT WAY N.E.
 SEATTLE, WASHINGTON 98125
 (206) 365-6900

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DEPARTMENT OF CORRECTIONS
REGION 4, SEATTLE

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

STATE OF WASHINGTON)

Plaintiff,)

vs.)

ROBERT P. HOWERTON,)

~~WARRANT~~ 10-30-54)

~~DEFENSE~~)

Defendant.)
1258640)

No. 86-1-03810-4

ORDER OF DISMISSAL

THIS MATTER having come on regularly before the above-entitled Court, the Honorable John Darrah presiding, upon the Defendant's Motion for Dismissal, the Court having considered the Defendant's Motion and supporting affidavit, having considered the records and files herein, specifically the September 22, 1987 Report of Calvin C. Capener, MSW, of Comprehensive Counseling Associates, having heard argument, and being otherwise fully advised in the premises, NOW, THEREFORE, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Defendant, having complied with each and every term of this Court's April 10, 1987 Order Deferring Imposition of Sentence, is hereby allowed to change his plea from guilty to not guilty and the Court further orders that all charges against the Defendant be dismissed.

DONE IN OPEN COURT this 16TH day of November, 1987.

ORDER OF DISMISSAL - 1

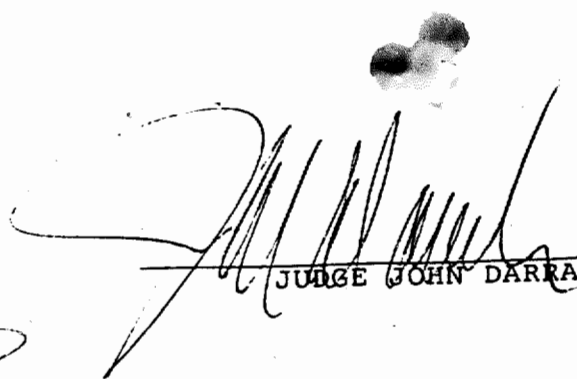
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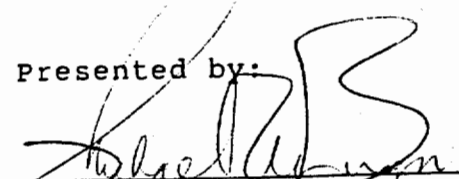
MOREN LAGSCHULTE & CORNELL, P.S.
ATTORNEYS AT LAW
ROOSEVELT-PINEHURST BUILDING
11320 ROOSEVELT WAY N.E.
SEATTLE, WASHINGTON 98125
(206) 365-9300

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JUDGE JOHN DARRAH

Presented by:



MICHAEL W. BUGNI
Attorney for Defendant

Copy Received, Approved as to Form,
Notice of Presentation Waived by:



KATHERINE M. FLACK
Deputy Prosecuting Attorney

ORDER OF DISMISSAL - 2

STATE OF WASHINGTON)
County of King) ss.

I, M. JANICE MICHELS, Clerk of the Superior Court of the State of Washington, for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears on file and of record in my office and that the same is a true and perfect transcript of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Superior Court at my office at Seattle this _____ day of _____ 19____

M. JANICE MICHELS, Superior Court Clerk
By _____ Deputy Clerk

NOV 16 1984

HOWERTON, ROBERT PAUL

DK

Proc #3 Bulletin

BENCH WARRANT INFORMATION

NAME: HOWERTON, Robert PAUL AKA: Unk

ARMED AND/OR DANGEROUS: Unk RACE: White

DRUG USER: Unk TYPE(S): _____

DOB: 10-30-54 HEIGHT: 6'0" WEIGHT: 192 HAIR: Brown EYES: Blue

SEX: Male PLACE OF BIRTH: Unk MI SCARS: Unk

SUPERIOR COURT JUDGE: John Darrah CAUSE NUMBER: 86-1-03810-4

PROBATION OFFENSE(S): Communicating w/Minor DOC #: 929147

FBI #: Unk LOCAL #: Unk SID #: Unk SS #: 536-60-3972

AUTOMOBILE - YEAR: Unk MODEL: _____ COLOR: _____ LIC. #: _____

DRIVER LICENSE #: Unk 468 PT STATE: WA 90

LAST KNOWN ADDRESS: 24201 24th Ave. S., Kent, WA 98031 (Not Here) PHONE: Unk

AREA(S)/ESTABLISHMENTS KNOWN TO FREQUENT: Community Chapel Church, Redondo Beach

LAST KNOWN EMPLOYER: Unk PHONE: _____

PROBATION OFFICER: Larry L. Young PHONE: 248-4454

DATE OF CONTACT WITH LAST OFFENDER: N/A LOCATION: N/A

WHEN APPREHENDED, PLEASE NOTIFY REGIONAL PROBATION AND PAROLE AT 464-7356

EXTRADITION INFORMATION

APPROVED BY:

FOR EXTRADITION FROM:

WACIC - STATE WIDE

NCIC - Will Extradite from OR, ID, MT, WY, CA, NV, UT CO, NM, AZ, HI & AK

NCIC - Will extradite from ID & OR only

NCIC - Will Extradite from U.S. including HI & AK

DATA SYSTEMS USE

87W0058394
WACIC: WAC/____ DOE/5-27-87 TOE/0630 SERV/57

NCIC: MOC/____ DOE/111087 TOE/11233 SERV/51

WARRANT RELEASED TO:

Name Serial # Unit Date Time

WASHED

IDENTIFICATION

NAME: _____
 ALIAS: _____
 RACE: _____
 SEX: _____
 HEIGHT: _____
 WEIGHT: _____
 HAIR: _____
 EYES: _____
 PLACE OF BIRTH: _____
 SOCIAL SECURITY NUMBER: _____
 DATE OF BIRTH: _____
 MARRIAGE: _____
 MILITARY: _____
 OCCUPATION: _____
 EDUCATION: _____
 STATE: _____
 COUNTY: _____
 CITY: _____
 ZIP CODE: _____
 LAST KNOWN ADDRESS: _____
 AGENCY OF ORIGIN: _____
 LAST KNOWN EMPLOYER: _____
 EMPLOYER ADDRESS: _____
 DATE OF CONTACT WITH FBI: _____
 WHEN ACQUIRED, PLEASE CHECK THE FEDERAL BUREAU OF INVESTIGATION

EXTRACTION INFORMATION

FOR EXTRACTION FROM: _____
 BY: _____
 DATE: _____
 OFFICE: _____
 DIVISION: _____
 PROJECT: _____

DATA SOURCE

DATE: _____
 SOURCE: _____
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 BY: _____

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 MAY 11 1987

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KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

929147/King County Administrative Unit/P. Patrick

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

STATE OF WASHINGTON

Plaintiff

v.

Defendant

Cause No: 86-1-03810-4 SEA

**ORDER OF TERMINATION AND
QUASHING WARRANT**

HOWERTON, Robert P
DOC No:929147

Date of Report: 03/05/02

DOB: 10-30-54

Offense: Communicating w/ a Minor
Date of Sentence: 3-24-87 Date of Bench Warrant: 5-21-87

Mr Howerton was placed on supervision for 1 year under DOC. After sentencing, he never reported to DOC as directed and the warrant was issued. None of the legal, financial obligations were paid, no restitution was ordered and none of the special conditions were followed. A record check was returned 2-25-02 and both NCIC and WASIS reported no new convictions.

THIS MATTER having come on regularly before the undersigned judge of the above-entitled Court upon the motion of the State of Washington, plaintiff, for an order of termination in the above-entitled cause on the basis that, the defendant has not been apprehended and successful supervision is no longer possible, and the Court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the supervision of the above cause (as to the above defendant) is hereby terminated and the warrant herein is quashed. This order does not restore the right to own, possess, or control firearms or explosives.

DONE IN OPEN COURT this 9 day of April, 2002

HONORABLE Julie Spector

PRESENTED BY:

Ray K. Y. 23586
DEPUTY PROSECUTING ATTORNEY

Peter W Patrick
Peter W Patrick
COMMUNITY CORRECTIONS OFFICER III

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