



SPOKANE COUNTY
SHERIFF
 SHERIFF OZZIE D. KNEZOVICH

"In partnership with the community -
 Dedicated to your safety"

OFFICE OF THE SHERIFF SPOKANE COUNTY
Internal Investigation
CASE FINDING NOTICE

TO: Sergeant Douglas Marske **Date:** January 13, 2014
FROM: Sheriff Ozzie Knezovich **I. A. #:** 2013-0101

An internal investigation has been conducted concerning certain allegations of misconduct. These allegations stem from an incident that occurred on or about:

DATE/TIME: 2/18/08-4/23/08 **AT** Various
COMPLAINANT: Attorney Tim Note
INCIDENT NUMBER: 08-212944

You are hereby notified of the following findings:

COMPLAINT #1: Allegation of untruthfulness
340.3.5 PERFORMANCE

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

- | | | |
|---|------------------|--------------------------|
| <input checked="" type="checkbox"/> EXONERATED | SUSTAINED | <input type="checkbox"/> |
| <input type="checkbox"/> NOT SUSTAINED | UNFOUNDED | <input type="checkbox"/> |
| <input type="checkbox"/> POLICY/TRAINING/EQUIPMENT FAILURE | | |

COMPLAINT #2: Reports not written & turned in when they should have been
340.3.5 PERFORMANCE

(c) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

- | | | |
|---|------------------|-------------------------------------|
| <input type="checkbox"/> EXONERATED | SUSTAINED | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> NOT SUSTAINED | UNFOUNDED | <input type="checkbox"/> |
| <input type="checkbox"/> POLICY/TRAINING/EQUIPMENT FAILURE | | |

NARRATIVE

The finding for Complaint #1 is exonerated. Complaint #2 is sustained. The discipline will be a written reprimand. This case file will be maintained by the Office of Professional Standards.

[Signature]
 Division Commander

[Signature]
 SHERIFF

[Signature]
 Member

1/13/14 @ 1245
 Date/Time Received

[Signature]
 Served By



SPOKANE COUNTY
SHERIFF

SHERIFF OZZIE D. KNEZOVICH

"In partnership with the community -
Dedicated to your safety"

January 13, 2014

Sergeant Douglas Marske
Spokane County Sheriff's Office
1100 W. Mallon
Spokane, WA 99260-0300

RE: Notice of Disciplinary Action – Written Reprimand

Dear Sergeant Marske,

On or about 08/19/13, it was brought to my attention that between 02/18/08 and 04/23/08, there were five separate incidents in Spokane County where armed suspects forced or attempted to force entry into occupied residences with the apparent intent to rob the occupants of drugs and/or money. Not until the last robbery on 04/23/08 were any suspects arrested. One of the cases, incident #08-212944, resulted in the arrests and convictions of Paul Statler, Tyler Gassman and Robert Larson. Paul Statler's attorney for that case was Tim Note. Statler, Gassman and Larson's convictions were recently vacated by Judge Price and they were released from prison. Following their release from prison, the Spokesman Review did a story on them that appeared on their website on 08/11/13. The article, and some comments posted by readers, was critical of the criminal investigation that led to their arrests and prosecutions. Paul Statler's attorney, Tim Note was particularly critical of you and mentioned in one post that he believes that you are a liar.

Your performance was in violation of the following Sheriff's Office Policy and Civil Service Law:

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably confirms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Spokane County Sheriff's Office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

340.3.5 PERFORMANCE- [In regards to reports not written & turned in when they should have been]

(c) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

Civil Service: RCW 41.14.110 TENURE – GROUNDS FOR DEPRIVATION

The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- (1) Incompetence, inefficiency, or inattention to, or dereliction of duty:

Upon full and careful consideration of the investigative file, I have determined that just cause exists to take progressive discipline against you. I do not find your work product or behavior to be incompetent, inefficient, or a dereliction of duty. However, there was evidence that you did not write reports when you should have during the investigation. Because of your inattention to detail in that part of the investigation I found your work product unsatisfactory. I have confidence that you will make corrections and learn from this incident.

You are to consider this letter formal notification of the disciplinary action taken against you and are hereby notified that any future occurrences will result in progressive discipline, up to and including termination. This notice of disciplinary action becomes part of your administrative file and reflects a portion of your performance history with the Spokane County Sheriff's Office.

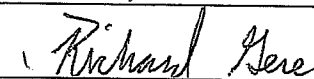
Sincerely,


Ozzie D. Knezovich
Sheriff

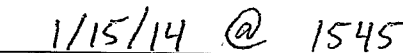
Member:



Served by:



Date and time served:





SPOKANE COUNTY
SHERIFF

SHERIFF OZZIE D. KNEZOVICH

"In partnership with the community -
Dedicated to your safety"

Delay of Investigation Notice

TO: Sgt. Doug Marske
FROM: Sgt. Richard Gere
REFERENCE: I.A. #2013-0101
DATE: December 2, 2013

An internal investigation into your on-duty conduct regarding several 2008 robbery investigations was initiated on August 18, 2013, I.A. #2013-0101. This notice is to inform you that the completion of the investigation is being delayed due to the following reason:

Sheriff Knezovich is currently reviewing the large investigative file.

Due to the aforementioned reason, this investigation will go beyond sixty days. It is anticipated that the Sheriff's review of this investigation will be completed by December 17, 2013.

Please sign and date this notice and return it to me as soon as possible. Please call me at 477-2706 if you have any questions about this notice or the status of the investigation.

Member's Signature:

Date/Time Served/Received:

December 2, 2013 @ 1315 Hours

Served By:

Sgt. Richard Gere



SPOKANE COUNTY
SHERIFF
SHERIFF OZZIE D. KNEZOVICH

"In partnership with the community -
Dedicated to your safety"

Delay of Investigation Notice

TO: Sgt. Doug Marske
FROM: Sgt. Richard Gere
REFERENCE: I.A. #2013-0101
DATE: December 13, 2013

An internal investigation into your on-duty conduct regarding several 2008 robbery investigations was initiated on August 18, 2013, I.A. #2013-0101. This notice is to inform you that the completion of the investigation is being delayed due to the following reason:

Sheriff Knezovich is currently reviewing the large investigative file.

Due to the aforementioned reason, this investigation will go beyond sixty days. It is anticipated that the Sheriff's review of this investigation will be completed by January 10, 2014.

Please sign and date this notice and return it to me as soon as possible. Please call me at 477-2706 if you have any questions about this notice or the status of the investigation.

Member's Signature:

Date/Time Served/Received:

December 13, 2013 @ 1410 Hours

Served By:

Sgt. Richard Gere



SPOKANE COUNTY
SHERIFF

SHERIFF OZZIE D. KNEZOVICH

"In partnership with the community-
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January 14, 2014

Tim Note
921 N. Adams St. #3
Spokane, WA 99201

Dear Mr. Note,

This letter serves to inform you that we have concluded our investigation into the allegations(s) you made concerning the conduct of our employee Sergeant Doug Marske on **August 20, 2013**. After careful and thoughtful review of this incident, it has been determined that there was enough evidence to issue a sustained finding against Sgt. Marske for failing to complete and turn in reports when required.

I would like to take this opportunity to thank you for bringing your concerns to our attention. We sincerely welcome inquiries from the community concerning the performance of our employees. Investigation of these matters often allows us to assess the actions of our employees with the ultimate objective of improving service where possible.

If you have any further questions concerning this matter, please feel free to contact me at 509-477-2706.

Respectfully,

Ozzie D. Knezovich
Spokane County Sheriff

Richard Gere-Sergeant
Office of Professional Standards

I.A. Investigation Document Checklist

Documents For I.A. Investigation # 2013-0101 Date Sent/Served/Completed

<input checked="" type="checkbox"/> <u>Investigation assigned / initiated</u>	<u>8-19-13</u> <u>TL</u>
<input checked="" type="checkbox"/> <u>Complaint And Inquiry Form</u>	<u>8-19-13</u> <u>TL</u>
<input type="checkbox"/> <u>Complainant / Witness Forms Letter</u>	<u>N/A</u>
<input checked="" type="checkbox"/> <u>Member Notification Form</u>	<u>8-22-13</u> <u>TL</u> ⁹⁻²⁵⁻¹³ <u>Elliott</u> <u>TL</u>
<input checked="" type="checkbox"/> <u>Member Rights And Responsibilities Form</u>	<u>8-22-13</u> <u>TL</u> ⁹⁻²⁵⁻¹³ <u>Elliott</u> <u>TL</u>
<input checked="" type="checkbox"/> <u>Delay Of Investigation Notice</u>	<u>10-14-13</u> <u>copy emailed to DSA Loucks</u> <u>10-14-13</u>
<input checked="" type="checkbox"/> <u>Administrative Interview</u>	<u>several: see case file</u>
<input checked="" type="checkbox"/> <u>Investigation Completed</u>	<u>11-4-13</u>
<input type="checkbox"/> <u>Loudermill Notification</u>	
<input type="checkbox"/> <u>Last Chance Agreement</u>	
<input type="checkbox"/> <u>Case Finding Notice</u>	
<input type="checkbox"/> <u>Notice Of Disciplinary Action Letter</u>	
<input type="checkbox"/> <u>Citizen Case Disposition Letter</u>	
<input type="checkbox"/> <u>Documents to Civil Service and Legal</u>	
<input type="checkbox"/> <u>Protective Order</u>	
<input type="checkbox"/> <u>Memorandum Of Discipline</u>	
<input type="checkbox"/> <u>Case closed in I.A. Pro</u>	
<input checked="" type="checkbox"/> <u>Legal Notified / Consulted</u>	<u>Various Times Throughout</u>
<input checked="" type="checkbox"/> <u>Other</u>	<u>Completion of investigation notice</u> <u>Emailed to Loucks on 11-4-13</u>

Complaint and Inquiry Form

Nature of Complaint: Conduct I.A. Number 2013-0101
 Complainant's Name: Tim Note Race & Sex: W/M
 Home Address: Work: 921 N. Adams #3 Phone Number: 509-328-8800
 City/State/Zip Code: Spokane, WA 99201

If applicable, list other complainant/witness names, addresses and phone numbers

Member Involved: (1) Det. Doug Marske Division: Investigative
 Member Involved: (2) _____ Division: _____
 Member Involved: (3) _____ Division: _____
 Incident Location: Public Safety Building / Jail Date/Time: Unk
 Received By: Sgt. Hines Date/Time: 08/19/13
 Assigned Investigator: Sgt. Hines

Disposition of Complaint/Inquiry: Entered in I.A. Pro: 08/19/13, Sgt. Hines

- COMPLAINT – External
- COMPLAINT – Internal
- INQUIRY – Resolved with citizen and/or no further action deemed necessary
- INQUIRY – Forms not returned and/or complainant not cooperative
- WITHDRAWN – No further action necessary

Brief Summary of Incident / Inquiry / Complaint:

Between 02/18/08 and 04/23/08, there were five separate incidents in Spokane County where armed suspects committed or attempted to commit drug-rip robberies that resulted in arrests of various suspects. However, it was not until the last robbery on 04/23/08 that any suspects were arrested. Not until the last robbery on 04/23/08 were any suspects arrested. One of the cases, incident #08-212944, resulted in the arrests and convictions of Paul Statler, Tyler Gassman and Robert Larson. Paul Statler's attorney for that case was Tim Note. Statler, Gassman and Larson's convictions were recently vacated by Judge Price and they were released from prison. Following their release from prison, the Spokesman Review did a story on them that appeared on their website on 08/11/13.

The article, and some comments posted by readers, was critical of the criminal investigation that led to their arrests and prosecutions. Paul Statler's attorney, Tim Note was particularly critical of Detective Marske and mentioned in one post that he believes that Detective Marske is a liar. In a subsequent interview with Sgt. Hines, Tim Note made additional allegations against Detective Marske and now retired Detective Francis.

Routing: Responsible Shift Commander: _____
Responsible Division Commander: _____
Office of Professional Standards: Richard Gere 1/13/14

INVESTIGATIVE REPORT

(Confidential)

I.A. #2013-0101

Incident # 08-212944

Complainant: Tim Note

Location: 1100 W. Mallon Avenue, Spokane, WA 99260

Date of Incident: Between 02/18/08 and 04/23/08

Employee(s): Sergeant Doug Marske

Former Detective [REDACTED]

Date: 11/04/13

Investigator: Sergeant Tim Hines

SYNOPSIS:

Between 02/18/08 and 04/23/08, there were five separate incidents in Spokane County where armed suspects committed or attempted to commit drug-rip robberies that resulted in arrests of various suspects. It was not until the last robbery on 04/23/08 however that any suspects were arrested. One of the cases, incident #08-212944, resulted in the arrests and subsequent convictions of Paul Statler, Tyler Gassman and Robert Larson. Paul Statler's attorney for that case was Tim Note. Statler, Gassman and Larson's convictions were recently vacated by Judge Price and they were released from prison. Following their release from prison, the Spokesman Review did a story on them that appeared on their website on 08/11/13. The article, and some comments posted by readers, was critical of the criminal investigation that led to their arrests and prosecutions. Paul Statler's attorney, Tim Note, was particularly critical of Detective Marske and mentioned in one post that he believes that Detective Marske is a liar. In a subsequent interview with Sgt. Hines, Tim Note made additional allegations against Detective Marske and now retired Detective [REDACTED].

INVESTIGATION:

08/19/13: This investigation was assigned to me by Sgt. Gere for formal investigation. The only documents I was given at that time were copies of an 08/11/13 on-line Spokesman Review article by Shawn Vestal titled "Men labor to adjust after jail sentences overturned" and a 44 page copy of on-line comments to the article by various readers including a local defense attorney by the name of Tim Note. (Exhibit #6) The article stems from the recent vacation of the robbery convictions and sentences of three Spokane men that were convicted of robbery in 2009 as a result of an investigation by then Detective Doug Marske and former Detective Bill Francis. Marske has since been promoted to Sergeant and Francis has retired. Tim Note was the defense attorney for one of the defendants, Paul Statler, and was very critical of Marske's investigation. In one of his comments to the article found on page 16 of 44, Note wrote in part "...That and I believe Det. Marske is a liar." He went on in that post to indicate that he has learned much about Det. Marske from other sources as a result of the trial and to suggest that any case Det. Marske touches is tainted. In addition to investigating the allegations made by Tim Note, I was instructed to review all of the investigations related to the series of robberies leading to Statler's arrest to determine if appropriate investigative processes and Sheriff's policies were followed.

I contacted Sgt. Marske and gave him verbal notification of the internal investigation and asked him for the incident numbers for the cases he was involved in related to the arrests of Paul Statler, Tyler Gassman and Robert Larson. He subsequently provided me with four packets of reports reference incident numbers 08-47438, 08-113460, 08-114748 and 08-212944. He told me that he couldn't be entirely sure that all the reports he generated during the investigations he was involved in had been sent to records. He also indicated that he didn't know where his original case files were. He later clarified that the reports and documents he gave me reference incident #08-114748 were printed from a folder on the network where he stored files back in 2008, and that the reports and documents reference the other three cases were obtained from the On Base database. He told me he believes that all his reports in the different investigations had been provided to the Prosecutor's Office and that I should be able to obtain copies from them. I subsequently identified a fifth robbery in this series that was assigned to Detective Francis that occurred on 04/20/04, incident #08-212946. I later obtained copies of the reports and probable cause affidavit for that robbery from On Base. The five robbery report packets were given the following exhibit numbers based on the date of occurrence:

Exhibit #1 Incident #08-047438. Victim – Christopher Selfridge
 Exhibit #2 Incident #08-212944. Victim – Eric Weskamp

Exhibit #3 Incident #08-212946. Victim – Jeanie Humphrey
 Exhibit #4 Incident #08-113460. Victim – Danny Neil
 Exhibit #5 Incident #08-114748. Victim – Jenalee Hall

08/20/13 @ 1439 hours: I called and spoke briefly with Tim Note by phone. I told him why I was calling and asked if he would be willing to speak with me about his comments in the Spokesman Review and he said he would. I went to his office and requested permission to record our conversation and he agreed. The interview was recorded with my digital recorder and subsequently put into Digital Voice Editor and the dictation file. I asked Erica Rivas to transcribe the interview as soon as possible.

The following is a brief and somewhat paraphrased synopsis of our conversation and is not intended to be a comprehensive record of the content of the interview. (See the interview transcripts for the complete record) Based on what I had learned to that point, along with what Note told me during the interview, I was able to conclude that Note was the attorney for Paul Statler and talked about two different cases that Statler was charged in that were pending trial. Statler had been charged in both cases subsequent to a free-talk and plea deal the Prosecutor's Office had reached with a co-defendant named [REDACTED]. Another co-defendant, Anthony Kongchunji, also cooperated with detectives and the Prosecutor's Office and was given a plea deal as well. I asked Note to describe for me that reason for his belief that Detective Marske is a liar.

Note went on to tell me that one of the two aforementioned cases, later determined to be incident #08-47438, had been dropped due to problems with photo montage identifications. The remaining case pending trial was the robbery where Eric Weskamp was the victim, incident #08-212944. Both Dunham and Kongchunji had admitted their involvement in the robbery and implicated Statler, Gassman and Larson as the other participants. Note told me that just prior to the trial beginning, Kongchunji contacted him or one of the other co-defendants attorneys from the jail and indicated a desire to talk with them. He said he and Robert Larson's attorney, Anna Nordvedt, went to the jail one afternoon and talked with Kongchunji who indicated to them that he hadn't been entirely truthful during his free-talk regarding who actually committed the series of robberies. Note said Kongchunji went on to tell them that it was actually he, [REDACTED], Larry Dunham and Nicholas Smith that had committed the robberies. Note said Kongchunji told them that while housed together in the jail following their arrests, he and [REDACTED] reached out to the Sheriff's Office or the Prosecutor's Office about making a deal in which they protected Larry Dunham and Larry's best friend, Nicholas Smith, by implicating Statler, Gassman and Larson in other previously unsolved robberies.

Note indicated that he didn't really know what to think about this revelation but was skeptical and felt Kongchunji's had credibility issues. He said the next morning, they went to the Broadway Center Building and met with Mark Cipolla in hopes of talking with Detectives Marske and Francis about Kongchunji's statements. He said they were unable to get any questions answered however and was told that Kongchunji's free-talk agreement precluded them from talking about it without Kongchunji's permission. He said they left and he was contacted a short time later by Cipolla who instructed him to meet them later that afternoon in the Public Safety Building. He said that Kongchunji and his attorney Senit Lutgen were present at the meeting as well as Detective Marske, Eugene Cruz and possibly Mark Cipolla and Detective Francis. He indicated that Kongchunji was a totally different person than the prior day. He said Kongchunji appeared scared and wouldn't even make eye contact with him. He said he was advised that Kongchunji would not be providing testimony in the upcoming trial and that he just wanted to go to prison. Note indicated that his opinion from this drastic change of attitude by Kongchunji was that someone got to him and got to him in a very dramatic way.

Note told me that following the trial, and after Statler, Gassman and Larson had gone to prison, Kongchunji sent Paul Statler's father a letter in which he apparently indicated that Statler, Gassman and Larson weren't there and that he had been threatened and wished there was some way he could make things right. Note said that after that, he contacted Kongchunji again in the jail. He said Kongchunji told him during that visit that they, presumably Detectives Marske and [REDACTED], got him out of jail and took him to the skywalk where he was threatened by Detective Marske with additional charges should he testify for them. Note went on to say that he believes that what Detective Marske did amounts to witness tampering.

Note also talked about another one of the cases for which he represented Statler in which an affidavit of probable cause was changed to make it sound like a witness identification was more positive than it really was. I was able to determine that he was talking about incident #08-47438 where Christopher Selfridge and Yvonne Denham were the victims. This was a robbery investigation where Statler and Gassman were charged along with another co-defendant named Bryan Bewick. Note indicated that Gassman was released at his first appearance by the judge because of lack of probable cause that he was involved. He indicated that it was his understanding that after that happened, another affidavit of probable cause was submitted that reflected that Yvonne Denham's identification of Gassman was more positive than had been indicated in the original affidavit. He did not specifically accuse Detective Marske of making the change but it was my impression that he believes that to be the case.

Note also talked extensively about his belief that Eric Weskamp, the victim of the 08-212944 robbery case, was actually involved in setting the robbery up and likely got some of the money taken in the robbery. He appeared to base this belief in large part on evidence obtained years later that indicated that Weskamp and ██████████ had been in phone contact with each other both before and after the robbery. He also talked about the alleged date of the robbery being changed because of a questionable partial cell phone record provided by Weskamp. Note suggested that Detective Marske, and possibly Detective ██████████, had knowledge that Weskamp had actually been involved in setting the robbery up and that they suppressed that information. He seemed to be suggesting that Weskamp may also have been threatened into cooperating in order to convict the charged defendants in the case. He also expressed his belief that the entire series of robberies were poorly investigated and that after ██████████'s free talk, they, the detectives, put blinders on to any facts that complicated or didn't comport to their version of events. Due to time constraints and not being familiar with the cases he was talking about, I didn't ask a lot of questions at that time. I did ask him if I could talk with him again at a later date and he said that would be fine. Note made additional statements and allegations during the interview that I haven't mentioned but those mentioned are the most serious and concerning. See the transcription of the interview for the complete record.

08/21/13: I sent an email request to James Emacio in the prosecuting attorney's office requesting permission to peruse their files pertaining to these cases in order to find any reports and/or documents relevant to my investigation that were not in the packets of reports given me by Sgt. Marske. I was subsequently informed that I would be given the requested access once the files were retrieved from storage.

08/22/13 @ 1120 hours: I met with Sgt. Marske in his office and served him his member notification and rights and responsibilities form. He signed both documents and I gave him copies.

08/27/13 & 08/28/13: I went to the prosecuting attorney's office where I was provided access to five boxes of documents related to the cases under examination here. I located and obtained copies of numerous documents related to the incidents under examination including some reports and affidavits by detectives Marske and Francis. For clarity, I marked these documents with the letter P, and marked the documents I was given previously by Sgt. Marske with the letter M. Documents I retrieved from On Base were marked with OB.

In comparing these documents with the documents I had confirmed were already in records, I was able to determine that there were three affidavits of probable cause prepared by Detective Marske for the Selfridge robbery, incident #08-47438, one additional report by Detective Marske for the Neil robbery, incident #08-113460 and one additional report by Detective Francis dated 05/28/08 with no report number that had not apparently been turned into records during the course of the various investigations.

Relating to incident #08-47438, the Selfridge robbery, I found copies of three separate probable cause affidavits signed by Det. Marske with three different dates next to his signature on the last page. I didn't find any additional reports by either Marske or Francis under this incident number. Comparing the different copies of affidavits, I discovered that the copies dated 09/17/08 and 09/18/08 are identical to the unsigned and undated copy provided me by Sgt. Marske. The other affidavit, signed by Marske and dated 06/27/08, differs from the other three only in the proposed testimony of Yvonne Denham and Detective Marske regarding Denham's photomontage identification of Tyler Gassman. In the 06/27/08 affidavit, Denham's proposed testimony ends with the statement, "that she did not stop screaming until the men left the apartment"; In the other three subsequent affidavits, the statement "that she was shown a montage and identified one of the robbers on the montage" is added at the end. In the 06/27/08 affidavit, Detective Marske's proposed testimony regarding the identification issue ends with "that Denham identified Tyler Gassman as looking like one of the robbers." In the other three affidavits that sentence was changed to read "that Denham identified Tyler Gassman in a photo-montage.."

08/28/13: I added the aforementioned reports and affidavits I received from the Prosecutor's Office to the packets of reports and documents I was previously provided by Sgt. Marske and subsequently provided them to records to be scanned. It should be noted that an additional report by Det. Francis found in the prosecutor's files dated 05/28/08 didn't have an incident number on it. The report covered primarily statements by [REDACTED] about other robberies he was aware of or involved in so I gave it the 08-114748 incident number from the Hall robbery so it could be scanned. A portion of this report appears to be almost identical to portions of an additional report he did regarding the Danny Neil investigation, incident #08-113460. I also checked each of the five case numbers in On Base and didn't find any other reports by either Detective Francis or Detective Marske.

As a result of my search for investigative reports and affidavits, I believe I now have all the relevant reports that the Prosecutor's Office has in the five cases under examination in this investigation.

I subsequently contacted Sheriff's Records and asked them to retrieve any case files they have in archives for Detective Francis and Sgt. Marske for the years 2008 and 2009 so I could confirm whether there are any documents in their possession that didn't get scanned into the database. I also called Jail Office Supervisor Brown and inquired about the inmate sign-out log maintained in the Jail Annex that Detectives sign when they take an inmate out of the jail. She didn't know how long those logs are retained or where they were stored but said she would find out and let me know. I was subsequently informed by records that there were no detective's files in archives for either Francis or Marske for 2008 or 2009.

During the early stages of this investigation, I conducted a comprehensive review of the five different cases previously mentioned. I have placed my documentation of the reviews below. This is done so that the remainder of my investigative report, including details of member interviews, will be easier to understand and follow.

Review of the Christopher Selfridge robbery, incident #08-47438:

The first robbery in this series, incident #08-47438, occurred on 02/18/08 at approximately 2143 hours at 601 S. Woodruff. It should be noted that although this robbery is included in the series, there was almost three full months between it and the second robbery. The subsequent four robberies all occurred within days of each other over the period of six to eight days. This robbery involved forced entry to the occupied residence by three suspects according to both adult witnesses, Christopher Selfridge and Yvonne Denham. Deputy Justin Elliott responded as primary and took the report. He wrote a detailed incident report and conducted a thorough crime scene investigation. Deputies Karnitz and Streltsoff also responded to assist and wrote short additional reports.

Deputy Elliott found clear evidence of forced entry to the front door and immediately smelled the odor of "harvested, not burned, marijuana" inside the apartment. He noted a fresh cut on Selfridge's forehead that Selfridge said was sustained when he was hit with the barrel of a shotgun by one of the suspects. Both Selfridge and Denham stated that they didn't know any of the suspects and didn't have any idea why anyone would want to steal from them. It should be noted that Selfridge did later concede that the suspects may have known him to have money or marijuana and might have been looking for those items. Due to the time of the robbery and the time of year, it would have been dark outside. The report doesn't indicate the state of lighting inside the apartment at the time of the robbery.

According to Selfridge, he and Denham were lying in their bed when the apartment door was forced open. He said he got out of bed and saw two armed suspects come into their bedroom.

He said the first suspect had a bandanna over his face and pulled a hood up over his head when he came into the room via the partially open bedroom door. He reported that this was the suspect that was pointing a shotgun at him. He said the second suspect was behind the first and was waving a black handgun around, later saying it was in the suspect's right hand. He said this suspect was wearing a ski mask. Selfridge said the first suspect kept yelling for him to get on the floor and then hit him in the forehead with the end of the shotgun barrel when he didn't. He said the suspects yelled at them to give them all their money and jewelry, and told them to stay in the room.

Selfridge said the second suspect then opened the adjacent bedroom door where his two children were sleeping and looked inside. He said it was at that point that the two suspects turned and ran out the door. He said it was as they turned to leave that he saw a third suspect come into the apartment via the front door. He said this suspect had a bandanna over his face as well, and that he made eye contact with him. He said he didn't see any weapons in this suspect's hands, and that they all three then ran out the door. He said he followed them and saw them get into a green two-door Ford Explorer with a rounded front end and stock wheels. Selfridge said he saw that the driver of the vehicle was the third suspect he saw in their apartment, and that he saw this suspect remove his bandanna in the Explorer. He said he got a good look at him and "will never forget that face." He said the suspects drove away southbound on Woodruff and he lost sight of the vehicle. He also reported that nothing had been taken from the apartment by the suspects. He didn't say how many total people he saw in the vehicle or where the first two suspects were seated when they fled.

Selfridge reported that the first suspect looked white, was about 20-25 years old with a stocky build and about 5'10" tall. He said he had short blonde hair and wore a dark gray hoodie and a dark colored bandanna covering his face below his eyes. He said the suspect's speech was normal and that they didn't recognize him. He said this suspect had a black pump action shotgun with a wood stock and pump handle. He indicated that he knows guns and that the shotgun looked like a Remington 870 to him. He said the barrel and stock were cut off, and estimated the length of the shotgun to be about twenty four inches. He said this suspect was wearing blue jeans and light tan work boots.

Selfridge described the second suspect as looking white, about 20-25 years old, about 5'10" to 6'0" tall with a medium build. He said this suspect was wearing a ski mask that was cut out around the eyes and nose. He said he didn't get as good a look at this suspect as he did the first suspect. He said he did have short dark facial hair on his upper lip that he described as stubble. He said this suspect's speech was also normal and that they didn't recognize him either. He said this suspect was holding a large black semi-automatic pistol in his right hand. He said the pistol looked to him like a Beretta or Smith & Wesson type gun.

He described the third suspect as a white male approximately 18-24 years old, 5'09" to 6'0" tall and very thin, 160 pounds max. He described this suspect as having short brown hair wearing a royal blue bandanna over the portion of his face below his eyes.

He said he didn't see a weapon in either of this suspect's hands. He said this suspect was wearing a blue puffy button up jacket with large white block letters across the front which he thought said "South Pole." He said he wore blue jeans and mostly white tennis shoes. Selfridge was positive that the pickup the suspects left in was as previously described. He said he didn't get a license plate number or see anything else identifying on the vehicle. Selfridge also added that the bandanna's the suspects were wearing were "gangster style."

According to Deputy Elliott's incident report, several deputies searched the area for the suspect vehicle, and he checked the COPLINK database with the information given by Selfridge about the suspects and suspect vehicle with negative results. He also requested a Department of Licensing database search for all 1995-2004 dark green Ford Explorers in Spokane County. He wrote that several drug and gang related residences were visually checked without locating the suspect vehicle. He ended his report saying that he later spoke with Selfridge by phone who told him that he had found out through some friends who didn't want to be identified that Paul Statler and Bryan Bewick were two of the suspects involved in the robbery. His report doesn't say how long after leaving the scene it was when he received this information from Selfridge, but Statler and Bewick's names are listed in his incident report as MIR-1 and MIR-2.

It should be noted that on the way to the scene of this robbery, Deputy Streltsoff located a possible suspect vehicle, green Ford Explorer, at the Zip-Trip at Sprague and University. He contacted the vehicle and was soon joined by Deputy Stockman. They contacted the occupants and determined that they were not involved in the robbery. Deputy Stockman did however end up citing the passenger in the vehicle for possession of marijuana. He wrote his report using the robbery incident number and put evidence of the arrest on property under the robbery incident number as well, items 1 and 2. There is nothing in either of their reports however regarding how it was determined that the occupants of this vehicle were not involved in the robbery.

Also on property as evidence from this incident, items 4 and 5, are what are described as "Photo montage #1" and "Photo montage #2." These were placed on property by Deputy Elliott with the collection date being 02/20/2008. Montage #1 had no time of collection listed and montage #2 showed a time of 00:00 hours as the time of collection. This suggests that sometime after taking the robbery report, Deputy Elliott prepared photomontages for Paul Statler and Brian Bewick that he put on property on 02/20/08, two days after the robbery. There is nothing in Deputy Elliott's original incident report about the montages and there are no additional reports from Elliott in the packet of reports I was given by Sgt. Marske. I checked On Base on 08/26/13 and didn't find any other additional reports by Deputy Elliott.

The only report I found by Detective Marske in either the packet he gave me or in On Base is a two page additional report dated 02/28/08. This report indicates that the robbery had been assigned to him for follow-up investigation.

He indicated that the case appeared to be similar to other recent home invasion robberies but didn't include any incident numbers, dates or locations of other such robberies. He indicates in his report that he talked with Selfridge by phone who told him that he had heard from a number of his friends that Statler and Bewick were two of the three suspects in the robbery, and reiterated that one of the suspects took his mask off and that he thought he could identify him. There is nothing in his report that indicates that Detective Marske inquired as to the identity of the "friends" that told Selfridge that Statler and Bewick were suspects.

Marske's report indicates that he checked computer records for Statler and Bewick and found addresses for them as well as for an associate of theirs named Tyler Gassman. Marske then prepared photomontages containing the suspect's photos. He and Detective Francis then went to Statler's address and saw a green Ford Explorer parked in the driveway. He described the Explorer as having significant damage to the passenger side but didn't say if the wheels on it were stock or not. Marske wrote that he and Francis then went to Selfridge's apartment where he too noted the distinct odor of harvested and unburned marijuana. He also noted in his report that Selfridge appeared to have a substantial amount of money tied up in home electronics and a new car, and that Selfridge didn't have a job.

According to Detective Marske's report, Selfridge told him that he didn't know Bryan Bewick or Paul Statler and that he had never met or seen either of them. Selfridge did mention that a friend of his named Jake Gingrich used to date Statler's current girlfriend, Ashley Shafer, and that Shafer had been in his apartment in the past and may have told Statler and Bewick where he lived. There is nothing in Marske's report suggesting that he contacted or attempted to contact either Gingrich or Shafer. He said in his report that he showed Selfridge montages and that Selfridge identified Statler as the person with the shotgun and mask, stating that he recognized him even though he was wearing a mask. There is nothing in Marske's report suggesting that he questioned Selfridge about how he could identify Statler even though he was wearing a mask when he committed the robbery.

Marske's report says he showed Selfridge a second montage and he identified Bewick as the "second suspect, the one who took his mask off while in the green Explorer." It should be noted that in his statement to Deputy Elliott, Selfridge described the suspect that took the bandanna off his face while in the Explorer as the "third man", and the suspect with the handgun as the "second man." Marske wrote that he showed Selfridge a third montage and he could not identify anyone from that montage. It was also noted in Marske's report that Selfridge told him he had been by Statler's address and seen the Explorer and didn't know if it was the same one used in the robbery or not. There is nothing in Marske's additional report indicating that he asked Selfridge about seeing any damage on the Explorer at the time of the robbery. When asked, Selfridge said a friend had driven him by it, Statler's residence, and pointed it out to him. Marske's report also says that he confirmed that Selfridge had never seen Statler or Bewick other than during the robbery.

Detective Marske wrote in his report that he showed Yvonne Denham the montages he had prepared and that she did not identify Bewick or Statler but did identify Tyler Gassman as looking like one of the robbers. His report doesn't say which one of the robbers Denham was referring to, only that he looked like one of the robbers. His report ends with the words, investigation continuing, suggesting that he was planning to do additional follow up.

Among the documents given to me by Sgt. Marske related to this case was an undated and unsigned affidavit of probable cause for Statler, Bewick and Gassman for the crime of First Degree Armed Robbery. It appears to me, based on writing styles, that this affidavit was prepared by Detective Marske sometime after 04/23/08, the date [REDACTED] and others were arrested for the home invasion robbery of Jenalee Hall's residence at [REDACTED], incident #08-114748. According to the affidavit, Christopher Selfridge could testify to finding a yellow makeup bag in the area where he had seen the suspect vehicle that he subsequently gave to Detective Marske. The affidavit doesn't say when this makeup bag was found or when it was given to Detective Marske but does mention that Selfridge had heard a rumor that the bag belonged to Ashley Shafer, Paul Statler's girlfriend. This makeup bag is listed as item #6 on property with a collection date of 02/22/08. It was placed on property by Detective Marske. A latent print processing report by Forensic Technician Dewey dated 02/26/08 indicates that numerous items found inside the bag were processed for latent prints and that none were lifted.

According to the affidavit, Detective Marske could testify that he showed photomontages to Selfridge and that he identified Statler as the suspect with the shotgun and Bewick as the suspect that removed his mask in the Explorer. It also says that "Denham identified Tyler Gassman in a photo-montage." It doesn't say which of the three suspects Denham thought Gassman resembled. Under what Detective Marske would testify to, the affidavit goes on to talk about [REDACTED] and others being arrested for another home invasion robbery that he was assigned for follow-up on 04/24/08. The affidavit says that [REDACTED] admitted to being part of a group of individuals committing home invasion robberies for drugs and money and identified Statler and Gassman, among others, as being involved in some of the robberies. Under what [REDACTED] would testify to, the affidavit says that [REDACTED] was part of a group that targeted persons involved in the illegal narcotics trafficking and was the getaway driver for two robberies with Paul Statler, Anthony Kongchunji, Tyler Gassman and Robert Larson. It also says that [REDACTED] had been arrested with Anthony Kongchunji for another robbery that didn't involve the other members of the group, and that the other members of the group had done other robberies before he was involved. The affidavit does not say that [REDACTED] could testify that Statler, Gassman and Larson committed this particular robbery.

Also under what [REDACTED] could testify to is a sentence talking about [REDACTED] being present when Anthony Kongchunji picked up a shotgun from Paul Statler's residence in order to commit a robbery and being present when the shotgun was returned to the residence after the robbery.

The shotgun isn't described at all and no other details of the robbery were listed such as a date or location. It is also not clear whether Larson was part of this alleged robbery. Under what Deputy McCrillis could testify to, he describes recovering a shotgun from Paul Statler's residence on 04/23/08. There is no description of the shotgun McCrillis recovered and nothing to indicate that it was the same shotgun Larson refers to in the affidavit or that it was the one used in this robbery that occurred approximately three months earlier.

It should be noted that the shotgun recovered from Paul Statler's residence by Cpl. McCrillis was recovered during the investigation of the Jenalee Hall robbery on 04/23/08, incident #09-114748, and was reportedly used in the Hall robbery and dropped off at Statler's residence by the suspects after the robbery. The shotgun is not described in the affidavit of probable cause for that robbery by Cpl. Pannell but is described on the property sheet as a Mossberg 500A 12 gauge pistol grip pump action shotgun. There is no indication that this shotgun's barrel or stock had been cut off or modified in any way. (Additional details regarding the recovery of this particular shotgun will be covered under my review of the Jenalee Hall robbery later in this report)

It should also be noted that a short additional report by Deputy Karnitz indicates that he assisted Deputy Elliott with the investigation by taking photographs and checking for witnesses in nearby apartments. He contacted occupants above, below and next to the victim apartment but indicated that nobody reported seeing anything or having any helpful information. His report indicates that because none of the neighbors saw anything he didn't obtain their names. Additionally, it should be noted that no other additional reports by Detective Marske under the incident number of this robbery were found in my search.

Review of the Eric Weskamp robbery, incident #08-212944:

The second robbery in this series, incident #08-212944, the Eric Weskamp robbery, was not reported to law enforcement when it occurred and was not even known of until after the arrest of ██████████ for the 04/23/08 robbery of Jenalee Hall, incident #08-114748. As a result, there was no crime scene investigation and no physical evidence recovered. The original incident report was done by Detective Francis after it was assigned to him for follow-up on or about 07/09/08. Although Eric Weskamp was the victim in this robbery, it actually occurred at Clifford Berger's residence at ██████████. The robbery was originally alleged to have occurred on 04/15/08 at approximately 2200 hours, but the alleged date of occurrence was changed to 04/17/08 on 10/29/08. This robbery was discovered as a result of a post-arrest interview of ██████████ and followed up on by Detective Francis beginning on 06/25/08, over two months after the robbery occurred.

According to his reports, Detective Francis first met with Eric Weskamp on 07/09/08 to discuss the robbery. According to Francis' additional report dated 07/18/08, Weskamp reported that the incident started out as a drug purchase with the people supposed to be delivering the drugs, Oxycontin, assaulting and robbing Weskamp of the money he was provided to buy the drugs with by Berger's girlfriend Joni Jeffries. When asked about the date of the robbery, Weskamp said it occurred approximately two weeks prior to the time that Anthony Kongchunji was arrested. Kongchunji, [REDACTED] and others were arrested on 04/23/08. Two weeks prior to that would have been 04/09/08. It doesn't appear that either Joni Jeffries or Clifford Berger were asked about the date of the robbery. Weskamp explained that he had worked with Clifford Berger and agreed to arrange to purchase some Oxycontin for him from Anthony Kongchunji, AKA Poncho. This drug deal was said to have been arranged while Weskamp was at Berger's residence.

Weskamp reported that in addition to him, Berger and Jeffries, there was another white male there at the time of the robbery whose name he said he didn't know. It was later determined that this male's name was Kyle Williams, and Weskamp described him as a friend of Berger's. Weskamp reported that following several phone calls between him and Kongchunji, Kongchunji and [REDACTED] drove up to the house in a red truck. Weskamp reported that he approached the truck at which time he was confronted by people with masks and was struck in the back of the head with a rifle or shotgun butt. He reported being knocked partially unconscious and attempting to fight back and being knocked down and struck several more times in the face and head while the suspects were yelling things like "shut up and get down" and "where's the money." Weskamp's only description of any of the suspects was that one was taller with a "pasty white" complexion. It doesn't appear that there was any inquiry as to how Weskamp knew Kongchunji and [REDACTED], or as to whether he had actually ever met or seen either of them before. Detective Francis ended the interview at that point and told Weskamp to call him if he were to hear of or remember anything additional.

Detective Francis interviewed Joni Jeffries about the robbery on 07/10/08. Jeffries explained that she was asked to front \$4,500 dollars for the drug purchase for which she would receive a \$1,000 dollar return on her money. She indicated that a friend of Clifford's, Eric Weskamp, was there with another unknown male, and that Weskamp was assaulted by the suspects and her money was stolen. She reported being initially suspect of the deal, and reported walking outside and seeing Weskamp get hit in the head with some type of gun. She further reported that after the robbery, Clifford and a guy named Kyle chased after the suspects and that the suspects shot at Kyle's car. She didn't apparently know Kyle's last name. Joni described the suspect vehicle as a small red pickup and Detective Francis ended the interview.

Later that same day, Detective Francis interviewed Clifford Berger about the robbery. Berger told Francis that the night of the incident, Eric Weskamp and an unidentified friend of Eric's came to his house where a drug deal to buy Oxycontin was made. Berger explained that Weskamp had apparently sold ten pills to Joni and had agreed to sell her ten more and then the deal for \$4,500 dollars' worth was made.

It isn't clear when Weskamp sold Joni the aforementioned ten pills and it doesn't appear that there was any further inquiry into it. Berger didn't know the name of Eric's friend but described him as a white male in his 20's about 5'10" tall, 140 lbs. with brown or light colored hair. He reported that this subject was on his cell phone a lot prior to and right up to the time the suspects arrived.

Berger went on to report that Joni had been involved in some type of drug deal with someone named "Stevie O" earlier that day that had also gone bad and resulted in her losing some money. Berger didn't apparently say anything more about that deal and it doesn't appear that Detective Francis inquired further about it. Berger went on to explain that after Weskamp had been given the money for the deal, he knew something was wrong and went outside at which time he saw Weskamp being beaten by the suspects who then left in a small truck. There was apparently no further inquiry into why Berger "knew" something was wrong after Weskamp was given the money.

Berger reported that after the suspects left, he and Kyle pursued them in Kyle's white Cadillac. He said that somewhere in the area of 3rd and Napa, someone in the back seat of the pickup opened the sliding window and fired some gunshots at Kyle's car, and that they later found several holes in the hood. Berger reported that Weskamp and his unidentified friend were not at his residence when he and Kyle returned from chasing the suspect pickup. He said he did see Weskamp the next day at work however, and that Eric didn't seem to be injured from the beating which made him suspicious about the deal. When asked about his association with Kyle, Berger claimed he didn't know a lot about him and just knew him from his association with Joni Jeffries. According to his report, Detective Francis made several subsequent attempts to contact Joni Jeffries and finally talked again with her on 10/03/08 while at the Cataldo address with Clifford Berger for a domestic standby. It was during that contact that Jeffries gave Francis the last name of Williams for the Kyle who chased the suspects in his white Cadillac.

Detective Francis located Kyle Williams and his Cadillac on 10/29/08 at 1305 S. Cuba and interviewed him regarding this robbery. Williams told Detective Francis that he had just arrived at Berger's residence when the suspect vehicle, a red Nissan or Toyota pickup, was parked in front of the residence with five or six people in it. It appears from Francis' report that Williams explained that after arriving and going inside the house briefly, he went outside where several people were talking with some occupants of the pickup. He reported that that was when the robbery occurred, and that Berger was standing on the front steps of the residence at the time. It should be noted that the Nissan Frontier later determined to have been the vehicle driven by ██████████ in this and other robberies is a four-door pickup with a rear seat capable of holding passengers.

Williams explained that after several minutes, Joni started talking about the people in the pickup having stolen the money and were leaving after which time he and Berger followed after them in his white Cadillac in hopes of getting a license plate number. He said he and Berger located the suspect vehicle driving in the area of Sprague and Helena and followed it.

He said when they caught up to it, two gunshots were fired from the pickup's sliding back window at his car, and that two shots hit the grill of his car. Williams further explained that when he got to the residence initially to see Joni Jeffries, a guy named Eric was there as was a guy by the name of Rob whose last name he didn't know. He explained that when he went inside the house, Eric and Rob were talking with the occupants of the pickup. He added that he overheard Eric and Rob talking about knowing the people who had just robbed them.

It's not clear from Detective Francis' report how long after the suspect vehicle left that Berger and Williams followed after it in William's Cadillac, and it's not clear when Williams heard Eric and Rob talking about knowing the people that had just robbed them. Berger had earlier reported that Eric and his friend were gone by the time he and Kyle returned from chasing the suspect pickup. It appears likely that at least a short period of time had passed after the robbery before Berger and Williams left in Williams Cadillac based on Williams report of "locating" the suspect vehicle driving near the area of Sprague and Helena as opposed to following or chasing it to that area.

According to Francis' report, Williams told him that after the robbery and shooting, he gave Rob his cell phone number because Eric and Rob were going to try to find the people that night. Williams said that later that evening, he received a call from Rob about the robbery and provided Detective Francis with the number [REDACTED] that he said was Rob's number. Detective Francis didn't apparently inquire as to the content of the ensuing conversation with Rob about the robbery. Francis told Williams that they were trying to establish the exact date of the robbery and Williams offered to research his cell phone billing records on his computer for the date of the call from Rob, and that he would call Detective Francis with the information.

According to his report, Williams called Francis back later that day and told him that he had found the phone call from Rob and that he had received it at 0108 hours on 04/18/08. Williams explained that the robbery would have occurred approximately an hour to an hour and a half prior to his receiving this call from Rob. From this, Detective Francis deduced that the robbery would have occurred at about 2200 to 2300 hours on 04/17/08. Williams told Francis that he would print a copy of his phone records from his home computer and make them available. Detective Francis wrote in his report that he made 9 photos of Kyle Williams' white Cadillac that showed two bullet holes in the left and right side of the grill. There is nothing in his report that indicates that he examined the holes or whether any bullet or bullet fragments were observed or if there was anything about the holes that may suggest what kind of firearm was used.

Detective Francis' next additional report in this investigation is dated 11/20/08 and covers his investigative efforts between 11/04/08 and 11/20/08. He indicates in this report that he was able to associate the cell phone number Kyle Williams gave him for Rob with Robert Seiler, dob [REDACTED]/85.

His report indicates that he talked by phone with Eric Weskamp on 11/07/08, and that during the conversation he asked him about knowing the person named Rob and that Eric said he didn't know any person named Rob. Detective Francis' report says that he met with Kyle Williams on 11/20/08 at which time Williams gave him a copy of his T-Mobile cellular phone records for the date of 04/18/08 showing the 0108 hours phone call from the person he knew only as Rob. Francis wrote that "Williams again also explained that the phone call had been received several hours after the robbery which dated the robbery on 04/17/08." Williams had initially told him that he received the call about an hour to an hour and a half after the robbery.

There is nothing in Detective Francis' 11/20/08 report, or any other report regarding this robbery, about his providing the new information about the date of the crime to the Prosecutor's Office. I did however find a copy of an email from Detective Francis to DPA Mark Cipolla dated 10/29/08 at 1314 hours in which he notifies Cipolla about the change in the alleged date of the crime based on Williams' cell phone records. The email was found among the documents from the Prosecutor's Office during my search for reports and was designated exhibit #7. In the email, Francis talks about locating Kyle Williams and his shot up Cadillac and briefly describes the circumstances leading to the identification of the different date for the robbery based on the phone call from Rob Seiler to Kyle Williams.

Detective Francis' last additional report regarding this particular robbery is dated 01/08/09. This report indicates that he talked by phone with Robert Seiler on 01/08/09 about the robbery. Seiler told him that he was at the scene of the robbery with Eric Weskamp and was the victim of having a shotgun pointed at him by one of the suspects. Seiler described being at Clifford Berger and Joni Jeffries residence with Eric Weskamp when a "pill deal" was being set up, and that a guy named Kyle was also there. He told Detective Francis that Poncho, AKA Anthony Kongchunji, "had called or drugs were to be brought to the house and the money would be paid."

According to this report, Seiler explained that the suspect vehicle, a red Frontier, arrived at the house and that the driver was a guy named "Matt" and that Poncho was in the front passenger seat. Seiler explained that he and Eric got into the back seat of the vehicle to talk with Poncho. It should be noted that this version of events differs significantly from Weskamp's in that Weskamp described being confronted and assaulted as he approached the red truck as opposed to having been extracted from it before being assaulted. Seiler explained that Eric said something to Poncho who didn't answer, after which time someone from outside the vehicle opened the door and he was forced out at gunpoint by someone wearing a stocking cap with a bandanna over his face. Seiler said the suspect was yelling something like "give me the money" and "get on the ground." He said the suspect pointed what he described as a small dark sawed-off shotgun at him. Seiler reported that Eric was also forced out of the vehicle and had a gun pointed at him.

Seiler reported that after several minutes, the suspects got into the red Frontier and left. He said that at that point, Kyle and Cliff drove after the suspect vehicle.

Seiler told Detective Francis that a short time later, Kyle and Cliff returned and reported that while chasing the suspect vehicle, someone from within the vehicle shot at them and the bullets hit the car. The report also indicates that Seiler told Detective Francis that following the robbery, he and Eric went to look for the suspects, and that they believed they located the suspect's vehicle at one of Eric's buddy's house on Napa Street. It doesn't appear from the report that there was any additional inquiry made as to the identity of Eric's buddy or the as to the location of the house on Napa.

It should be noted that according to Seiler's version of events, he and Eric Weskamp were still at Berger's residence when Berger and Williams returned from looking for the suspect vehicle and reported that Williams' car had been shot at. This contradicts Clifford Berger's statement that Eric and his unknown friend had left the house prior to his and Kyle's return from chasing the suspect vehicle. It should also be noted that during his initial interview with Detective Francis, Weskamp didn't say anything about Robert Seiler being with him that night or being present or involved as a victim in the robbery.

In his second conversation with Weskamp regarding the robbery, and after having identified Robert Seiler, Detective Francis asked him about knowing Rob and Weskamp denied knowing anyone named Rob. This suggests that Weskamp was not being truthful with Detective Francis and was intentionally leaving out any mention of Seiler's involvement in the incident. This appears especially suspicious in light of the report by Berger that Eric's friend was talking on his cell phone a lot prior to the time of the robbery. It should also be noted that Weskamp didn't say anything to Detective Francis about going looking for the suspects following the robbery or about locating what they believed was the suspect vehicle at a residence on Napa Street. There is no indication in Detective Francis' reports that there was any effort made or consideration given to obtaining or attempting to obtain cell phone records for any of the individuals involved in this robbery. I didn't find any additional reports by Detective Marske under the incident number for this robbery.

There were two affidavits of probable cause located during my search for documents related to this investigation, one by Detective Francis and one by Detective Marske. The affidavit by Detective Francis is dated and signed 07/18/08 and the one by Detective Marske is dated 07/25/08 but is not signed. Both affidavits list Paul Statler, Anthony Kongchunji, Tyler Gassman and Robert Larson as the defendants. Francis' affidavit lists the date of the crime as April, 2008 and Marske's lists it as on or about 04/15/08 at 2200 hours. Both affidavits contain proposed testimony of the same victims and/or witnesses although Detective Marske's affidavit is considerably more detailed with respect to what Eric Weskamp would testify to.

It should be noted that according to Detective Francis' additional report dated 05/28/08 that had no incident number on it, he and Detective Marske met and interviewed [REDACTED] on 05/28/08, and that Detective Marske had also met with and interviewed [REDACTED] on 05/23/08.

Francis' 06/13/08 additional report says the prior interview with [REDACTED] by Marske occurred on 05/25/08 and also says in another place that it occurred on 05/23/08. It is not clear whether there were two prior interviews by Detective Marske or whether Detective Francis just inadvertently typed two different dates by mistake. There is no indication in either of Francis' reports regarding these interviews that suggests or indicates that either interview with [REDACTED] was recorded. According to his reports, it was during these two interviews that [REDACTED] described his and various other individual's involvement in various robberies. There is also no indication that Detective Marske generated any reports regarding the interviews.

Detective Francis' 05/28/08 additional report, incident #08-114748, talks about [REDACTED] consulting with and agreeing through his attorney to provide locations of home invasion robberies that had occurred in the past several months. The interview was not identified or described as a free-talk but, due to his attorney's involvement, appears to have been one. The last paragraph of this report indicates that on 06/04/08, [REDACTED] was brought to the detective's office where he signed a plea deal in the presence of his attorney and DPA Cipolla. These interviews occurred just over one month after [REDACTED] was arrested with Anthony Kongchunji and others for the Jenalee Hall robbery on 04/23/08. I found a copy of [REDACTED]'s plea agreement among the prosecutor's files and added it to the case file as exhibit #7.

Detective Francis' 06/13/08 additional report, incident #08-113460, mentions another interview with [REDACTED] that occurred on 06/12/08 following Detective Marske's identification of Robert Larson as an associate of Paul Statler and as possible suspect in the #08-113460 robbery. According to the report, on that date, Detective Francis and Detective Marske got [REDACTED] out of jail and talked again with him about the #08-113460 robbery. When asked again who he had been with at the Neil robbery on south Dishman, [REDACTED] said he had been with Poncho, Paul, Tyler and Andrew or "Bobby." [REDACTED] then explained that he thought the guy's name was Andrew but now believes it's Bobby, and that he had met him through Paul and believed he was Paul's cousin. The report says that [REDACTED] was then shown a photomontage with Robert Larson's picture in position #5. It says that after several moments, [REDACTED] "explained that the person that resembled "Bobby" was in space number 5".

One of the most contentious issues in the post arrest phase of this particular investigation had to do with the alleged date of occurrence of the robbery. The first mention of a possible date for the occurrence of this robbery came from Eric Weskamp. Detective Francis' additional report dated 07/18/08 says that he asked Weskamp when the robbery occurred and that Weskamp told him it was approximately two weeks prior to the time that Poncho, Anthony Kongchunji, had been arrested. Neither Berger nor Jeffries gave a date or estimated date of the robbery and it doesn't appear that they were asked. Kongchunji was arrested for the Hall robbery on 04/23/08 and two weeks prior to that would have been 04/09/08.

The next mention of an alleged date for the robbery appears in Detective Francis' probable cause affidavit for the case dated 07/17/08, nine days after interviewing Weskamp. The date for the date of crime on the front page says "April 2008." Under Weskamp's proposed testimony, Detective Francis wrote that "Weskamp will testify that he was at [REDACTED], Spokane Washington on or about April 15, 2008 with his friend, Clifford Berger..." The affidavit goes on to describe the robbery occurring that day. The probable cause affidavit Detective Marske prepared that was dated 07/25/08 lists the date and time of occurrence on the front page as "on or about 04/15/2008 at 2200 hours" Under Weskamp's proposed testimony Detective Marske wrote, "Eric C. Weskamp can testify that on or about April 15 2008 he was at the home of his friend Clifford Berger..." The affidavit goes on to describe the robbery as occurring that day.

The next mention of an alleged date for the occurrence of the robbery is in Detective Francis' additional report dated 10/31/08. In this report, he describes talking with Kyle Williams on 10/29/08 and being told that the phone call he received from "Rob" shortly after the robbery was received on 04/18/08. From this, Detective Francis concluded that the robbery had occurred on 04/17/08 instead of on 04/15/08. The date of occurrence on the front page of that 10/31/08 additional report however says it occurred on 04/15/08. Although not mentioned in a report anywhere, Detective Francis immediately notified DPA Cipolla of the change in date of the robbery via an email dated 10/29/08, exhibit #6.

According to the Consolidated CR.7.8 Motion for relief from judgment or order submitted by attorneys from the Innocence Project on 09/19/12, the state moved to change the date of occurrence from 04/15/08 to 04/17/08 on 01/12/09, well over two months after Detective Francis notified CPA Cipolla of the change. According to this document that I obtained from the Prosecutor's Office files, exhibit #8, a hearing on the proposed date change was held on 01/12/09 during which the state explained that the original April 15 date was ascertained from two known witnesses to the incident, Cliff Berger and Eric Weskamp, and that Detective Francis had subsequently obtained a more specific date from Kyle Williams. In a subsequent review of the case file, I was unable to find any basis for the 04/15/08 date of occurrence originally cited by Detective Francis.

Review of the Jeanie Humphrey robbery, incident #08-212946:

This robbery, the third in this series, was another robbery that was not reported at the time of occurrence and was only learned of as a result of [REDACTED]'s post arrest interviews. The original report was done by Detective Francis and was dated 06/18/08 and the reported date of the robbery was 04/20/08. The robbery occurred at [REDACTED], the residence of Jeanie Humphrey and Jacob Dills. There was only one additional report and one affidavit of probable cause found for this robbery, both generated by Detective Francis.

According to Detective Francis' additional report dated 07/17/08, information about this robbery had been received previously during an interview with Anthony Kongchunji.

It then says that in interviews with Kongchunji and [REDACTED], information had been obtained suggesting that the driver during this robbery was a guy named Kerry or Cary. It goes on to say that Kongchunji had also provided information that he had worked with Kerry at Perrenoud Roofing. Francis subsequently identified this subject as Kery T. Lutz, dob [REDACTED]/86. It should be noted that I have been unable to find any reports by either Detective Francis or Detective Marske regarding an interview of Anthony Kongchunji.

According to his report, Detective Francis interviewed Jeanie Humphrey by phone on 06/18/08 about this robbery. In addition to this robbery, Jeanie reported that on about 04/02/08, someone attempted to kick their apartment door in but didn't gain entry. She reported that after that attempt, Jake went outside and saw two subjects in puffy type jackets running from the apartment. Jeanie reported that on 04/20/08 at about midnight, while in bed with Jake, the door to their residence was forced open. She said the two suspects were wearing tan khakis and had red bandannas over their faces. There is no indication that Humphrey was questioned as to how she knew the specific date of this robbery that occurred approximately two months prior to her being interviewed about it.

She said one suspect was armed with a short sawed-off shotgun and the other was armed with a handgun. She reported that the suspect with the handgun pointed it at her and she thought she was going to be shot. She said the suspect with the shotgun stood back away and didn't say anything. She reported that the suspect with the handgun asked her about her money and stole \$1,000 dollars from her wallet that she said was for her apartment rent and deposit. She also reported that a cell phone was stolen. When asked if she possibly knew who the suspects were, Jeanie told Detective Francis that she had heard about Poncho and Larry Dunham getting arrested and thought that one of the suspects could have been Poncho, Anthony Kongchunji. She explained that she had known Poncho and Larry and knew that Poncho had been smoking "oxy" and was up to no good.

According to his report, Detective Francis talked briefly with Kery Lutz about this robbery on 06/20/08. When first confronted about being the driver during this robbery, Lutz denied having been involved in any of the robberies. Upon further questioning, Lutz admitted that he had driven Kongchunji and a friend of Kongchunji's to an apartment and knew they were up to something. Lutz described the unknown male as being a tall white male with brown hair and a moustache. Francis interviewed Lutz in person about this robbery on 06/26/08 at the Public Safety Building. During that interview, Lutz admitted to driving Kongchunji and the unidentified male to an apartment complex on Wilbur and said he thought they were just going there to purchase drugs.

Lutz said he parked in the lot and Kongchunji and the unidentified male with him walked into the complex. He said they were gone about five to ten minutes and then came running back to the car. He said the unknown male was saying "go go", and then said "you just don't need to know." When asked, Lutz denied seeing any guns. He said he then gave them a ride to a house on Dick Road where he saw a male with long hair in a ponytail.

When asked when the robbery occurred, Lutz said he thought it was maybe a few days prior to Kongchunji ending up in jail. Lutz denied knowing that it was going to be a robbery and indicated that he only thought they were going to buy drugs.

Detective Francis then showed Lutz several photomontages of various individuals involved in these robberies. According to his report, Lutz identified Kongchunji from one of the montages. Lutz identified Robert Larson as being the unknown male with Kongchunji during this robbery and identified Paul Statler as the male with the ponytail he saw at the house on Dick Road where he took Kongchunji and Larson after the robbery. Lutz was unable to identify anyone else from the montages and Detective Francis ended the interview. Detective Francis subsequently prepared an affidavit of probable cause dated 07/17/08 for Kongchunji and Larson for first degree burglary and first degree robbery. There is no indication in the reports or affidavit that Humphrey was asked why the robbery was not reported at the time it occurred or whether it may have been drug related. There is also no indication that the other victim of this robbery, Jacob Dills, was ever interviewed regarding the robbery.

Review of the Danny Neil robbery, incident #08-113460:

This was the fourth robbery in this series of robberies and was responded to by deputies shortly after it occurred. The robbery occurred on 04/21/08 at approximately 2055 hours at [REDACTED]. This is the residence of Danny Neil and Nona Fowler. It appears that Nona's adult sons Michael and Shawn Fowler also live there. The aforementioned people were all present when this robbery occurred, as was a woman named Monica Flanagan whose relationship to the other occupants is not described. Deputy Pfeifer was the first to arrive on-scene and was the primary on the call. Several other deputies responded to assist in one capacity or another. The follow-up investigation was assigned to Detective Francis the next day.

Deputy Pfeifer interviewed Danny Neil, Nona Fowler and Monica Flanagan. Both Michael and Shawn Fowler left the scene before deputies arrived. According to Deputy Pfeifer's report, Danny Neil reported being just inside the back door of the manufactured home when the door was forced open. He reported attempting to close the door but being unable to due to one of the suspect's being inside the trailer keeping him from closing the door. Danny reported that this suspect pointed a pistol at him at which time he dropped to the floor. Danny only reported seeing the one suspect that he said was inside the residence but reported hearing one of the suspects say "come on Bill, let's go." Danny reported that the suspects then left the door and he heard one gunshot and then ran to the living room and heard several more gunshots. He also reported that Michael Fowler ran out the back door after the suspects. Danny said he had no idea who would do this but said Michael was having problems with his girlfriend and had also been involved in a fight at a local bar. He said he didn't have any suspects.

Deputy Pfeifer interviewed Nona Fowler who reported that she was asleep in her bedroom when she heard a loud noise. Nona reported that she then went into the hallway and saw Danny struggling to close the back door. She reported going to help Danny close the door. She reported that as she was pushing on the door, she looked around the door at which time a suspect pointed a semi-automatic handgun in her face. She said she yelled no at which time the suspect pointed the pistol at Danny's head. Nona reported that the suspects then ran off and that Michael chased after them. She reported that she then went to the living room and heard several gunshots, and that Danny then called 911. She denied having any idea who would have done it and said they don't have any enemies.

Deputy Pfeifer then interviewed Monica Flanagan who reported that she was in the living room watching a movie at the time of the incident. She reported hearing someone kick in the back door and step into the residence. She reported seeing the suspect pushing the door against Danny, trying to get down the hall. She described the suspect inside the residence as about 5'6" tall, 160 pounds wearing dark clothing and a ski mask. She said he was holding a black handgun. She reported seeing a second suspect standing outside the back door who she described only as being about six feet tall with an average build. Monica reported that the family dog then started to bark and ran toward the door at which time the suspects left. She said she then heard four or five gunshots, and that Danny then called 911. She also denied knowing any suspects.

Deputy Pfeifer took photographs of the back door but didn't describe any damage to it in his report. He located and photographed numerous bullet holes observed inside the residence and collected numerous bullet fragments from within the residence. He also reported photographing bullet holes and ricochet marks on a white Dodge pickup outside the residence. According to Deputy Pfeifer's report, while looking for spent bullets in Michael's bedroom, he opened a canister that was sitting on top of a dresser to see if it had received any damage from bullet fragments. The canister contained five sandwich baggies that contained what he believed to be marijuana. He also reported finding a baggie of marijuana and a glass drug pipe containing green vegetable matter in a vase on a bookshelf. His report indicates that he seized the drugs and pipe and placed them on property as evidence. There is nothing in his report about any inquiry as to who the drugs and pipe belonged to.

Deputy Pfeifer also reported seeing a CCTV monitor in the residence that was running and showing several angles of the outside of the residence. Upon inquiry, none of the occupants of the residence claimed to know if the monitor was recording or where the video tapes were. It should also be noted that there is no reference in any of the reports as to the legal authority under which the deputies there were searching the residence. There was no search consent card found in the file cabinet where they are generally stored, and no photocopy of a search consent card with found with the reports.

Deputy Rodriguez also responded to the call and assisted with the investigation. He put up crime scene tape and located numerous .223 caliber shell casings along the road on his way to the residence. He also noted several holes and bullet fragments on the southwest side of the house and in the grass near the corner of the property. He reported that he collected twelve .223 caliber shell casings from the roadway that he later placed on property.

Deputy Rodriguez also reported talking with a neighbor at [REDACTED] named Patrick Arkell. According to Deputy Rodriguez' additional report, Arkell reported being inside his residence when he heard a loud bang in front of his house. Arkell reported that within about three to five seconds, he heard a series of about 7 to 8 rounds. He reported that the first shot was a loud bang and that the subsequent shots sounded like they were coming from a different weapon that was not as loud, making more of a "pop-pop" sound. Arkell reported looking out his window and seeing two males, believed to be Michael and Shawn Fowler, run into the house and then come out a couple of minutes later. He reported that one of the males then went and talked with another neighbor and that the other left the area in a white sedan.

Sgt. Sherar also responded to this incident to assist. According to his additional report, he talked with a neighbor named Rachel Druffel from [REDACTED], the residence next door and directly east of the victim residence. Druffel reported being inside her residence and hearing four to five loud pop sounds coming from somewhere outside her residence. She reported looking outside after hearing the sounds but denied seeing anyone or any vehicles thought to be involved. Sgt. Sherar checked the exterior of her residence for bullet strikes but didn't find any.

Deputy Tanya Walker also responded to assist on this incident. She reported placing traffic cones over .223 caliber shell casings that she saw on the street. She also reported checking the exterior of the residence for bullet holes. She reported seeing nine holes in the west side of the house. She reported that some of them appeared to be bullet holes and that some were smaller and that it was difficult to tell if they were nail holes or bullet holes from a different caliber weapon. She reported that she also assisted Deputy Pfeifer with photographs and with the collection of bullet fragments inside the residence.

Corporal Pannell also responded to this incident to assist. According to his report, after being briefed by deputies' on-scene, he started contacting neighbors and handing out witness statement forms. He wrote in his report that he was later told that the witness statement forms had been turned in to other deputies there. Pannell reported talking briefly with Nona Fowler who told him that following the incident, her son Michael Fowler ran out of the house and hadn't been seen since. Pannell reported that Nona called Michael on her cell phone and subsequently gave him the phone. He reported that Michael was hesitant to give him any information about the drive-by shooting that occurred at the residence that night.

He reported that Michael did tell him that he was outside the residence when he saw a truck drive by his residence with two to three people in it who he couldn't identify because they were wearing full face masks. Michael described the truck as a newer dark colored truck similar to a Mazda extra-cab pickup. Michael reported that the suspects had at least two shotguns and a pistol and started shooting at him while he stood outside with his brother Shawn. It is not mentioned in the report exactly how and when Michael made the determination that the suspects had at least two shotguns and a pistol. Michael denied knowing who the suspects were and said he had never seen the truck before. Corporal Pannell then reported making a protracted effort to meet with Michael in person to talk about the incident but that Michael was less than cooperative and no-showed the meeting that they had eventually agreed to. It should also be noted that .223 caliber shell casings were the only caliber shell casings found in the street after the shooting.

Corporal McCrillis also responded to this incident to assist. According to his report, he talked with a neighbor named Stephan Day who lives two trailers to the south of the victim residence. Day reported that he was inside his residence when he heard a loud shot followed shortly thereafter by several more shots that sounded different from the first. Day reported that he then ran outside and into the street at which time he saw a small pickup turning eastbound from Dishman Road to Mica Park Road with muzzle flashes coming from the pickup as it drove down Mica Park Road, a direction of travel that differs from other witnesses' reports. Day reported seeing two males on Mica Park Road just south of the victim residence as the pickup was leaving the scene, and believed that they were exchanging gunfire with the people in the pickup.

According to Cpl. McCrillis' report, Day's description of these two males enabled him to identify them as Michael and Shawn Fowler. McCrillis reported that Day told him that when he first saw Michael, Michael had a gun in his hand that he put in his jacket pocket when he ran back towards the house. Day said he thought the gun was a black semi-auto. He said that Michael and Shawn then came back out of the house and that Shawn drove away while Michael came up and got in his face. He said they had some words and then Michael ran towards Mica Park Drive. There is nothing in McCrillis' report regarding what the words were that Day and Michael Fowler had.

Deputy McCrillis wrote in his additional report that he had Day show him where he was standing when he made his observations and that it would have been difficult for Day to see that Michael had a handgun from that distance in the dark. Day reported that he only saw gunfire coming from the pickup, and that he heard different sounding rounds and thought there must have been two different guns involved in the shooting. Deputy McCrillis also reported talking with Nona Fowler who told him that both Michael and Shawn were in the residence when the suspects tried to break in. He also reported talking with Monica Flanagan who told him that the suspects broke into the back door and approached the living room where she, Michael and Shawn were watching television. She told him that the dog charged the suspects who then retreated back out the back door.

This differs from her earlier statement to Deputy Pfeifer when she reported only one suspect inside the residence and to seeing a second suspect standing outside the back door.

It should be noted that there are conflicting reports among the various occupants of the residence as to whether the suspects actually gained entry to the residence as well as to the actual number of suspects seen. It doesn't appear that any of the occupant witnesses were specifically asked how many suspects they actually saw, nor was there apparently any effort made to determine for sure whether they actually gained entry to the residence or not. Although the occupant witnesses interviewed at the scene that night referred to the "suspects" in describing the incident, none of them indicated or reported seeing more than two suspects either inside or outside the residence. Michael Fowler didn't talk much about the incident inside the residence during his brief phone conversation with Cpl. Pannell, but in describing the drive-by shooting, said there were two to three occupants in the suspect pickup.

It should also be noted that there were several indicators that this incident was likely an attempted drug rip robbery. It occurred after dark; there was a forced or attempted forced entry to an occupied residence by armed suspects who covered their faces to avoid identification; evidence of drug use and possession was found in the residence; there was a working CCTV monitor in the house and two of the occupants of the residence that were present during the incident fled prior to law enforcement arriving. In spite of all these indicators, there appears to have been no inquiry of the occupants as to whether drugs were the possible target of the intruders.

The follow-up investigation was assigned to Detective Francis and he subsequently generated four additional reports. His first additional report is dated 06/13/08 and covers his investigatory efforts from 04/22/08 to 06/13/08. In his brief synopsis of the incident in his first additional report, Detective Francis indicates that Danny Neil blocked the door, and that a family dog charged at the suspects preventing them from entering the home.

According to his report, Detective Francis met with Michael and Shawn Fowler on 04/22/08 at the victim residence to talk about the robbery at which time he located a single .223 caliber shell casing on the street on the south side of the residence. He then talked with Michael who questioned him about his marijuana being taken from the house as he is an authorized medical marijuana user. Michael then went on to say that he was present during the robbery and that he chased after the suspects when they left the house. He described hearing a loud bang at the rear of the residence where Danny Neil had been working at the time.

Michael went on to report that there were three subjects that had entered the house who were all dressed in dark colored hooded sweatshirts with dark colored ski masks or bandannas on their faces. He reported that he believed that one of the suspects was carrying a black pistol and that the other two were carrying long barreled shotguns.

Michael went on to describe going out the front door after the suspects had left and being confronted by the suspects at which time they fired shots toward the house from their moving vehicle. He described the vehicle as a Nissan type pickup possibly maroon in color. There is no indication in his report that there was any additional questioning of Michael about the incident, and there is nothing indicating that he interviewed Shawn about what he saw and did the night of the robbery. Detective Francis subsequently put the shell casing he found on property and noted that a forensic report received on 05/26/08 indicated that there were no latent prints developed on any of the shell casings submitted for processing.

Most of the rest of Detective Francis' six page report describes his and Detective Marske's contacts and interviews with [REDACTED] on at least three different dates following his arrest for the Jenalee Hall robbery. It should be noted that in various different reports, Detective Francis refers to Detective Marske's interview with [REDACTED] on 05/23/08 and in other places, sometimes in the same report, to his 05/25/08 interview with him. I consulted a 2008 year calendar and noted that 05/25/08 was a Sunday and 05/23/08 was a Friday. It is unlikely that Detective Marske interviewed [REDACTED] on a Sunday and I believe that Detective Francis was inadvertently typing the 25th instead of the 23rd when the interview likely actually occurred. It must also be noted that I have been unable to find any report by Detective Marske that describes or even mentions him interviewing [REDACTED] prior to he and Francis' interviews with him on 05/28/08 and 06/12/08.

On page 2 of his additional report dated 06/13/08, Detective Francis wrote that Detective Marske interviewed [REDACTED] on 05/25/08 during which time [REDACTED] implicated Paul Statler, Tyler Gassman, a person named Andy and Anthony Kongchunji in this robbery. Francis then went on to talk about their 05/28/08 interview with [REDACTED] during which they drove him around the county while he pointed out different residences and described robberies he was involved in or had been told about by Kongchunji. Regarding this robbery, [REDACTED] told them that he was the driver during the robbery and was driving his parents Nissan. He described parking to the south of the residence on the street and reported that Anthony, Paul and Andrew were the people that went to the residence. The report says that [REDACTED] explained that they had attempted to make entry into the back door but were unable. [REDACTED] reported that they came running back to the car and when they were leaving, a male came out of the front door and into the front yard. He reported that Paul then took a rifle and fired about three to five shots at the subject as they drove away.

[REDACTED] explained that they were going after meth, and indicated that they believed there was a great amount there. The report says that [REDACTED] explained again that there had been no entry into the residence, and that nothing was taken. He also reported that they tried to plan the robbery for when one of the brothers was not at the residence. There is nothing further in Detective Francis' report about [REDACTED]'s description of this particular robbery and there were apparently no additional questions asked of him at that time.

Francis' report then describes [REDACTED] being brought down from the jail on 06/04/08 where he met with his attorney and DPA Cipolla and signed a plea agreement. (see exhibit #7) The report says that the plea agreement was made and would be placed in the investigative file. I have been told by Detective Marske that the original investigative files have most likely been destroyed, and it doesn't appear that a copy of the plea agreement was placed in records. The report then indicates that on 06/12/08, Detective Francis received information from Detective Marske regarding the possible involvement of Robert Larson by someone named Jackson from DOC. The report indicates that Larson was either an associate or cousin of Paul Statler. With this information, Detective Francis prepared a photomontage containing a photo of Larson in position number 5.

According to his report, he and Detective Marske brought [REDACTED] to the detective's office on 06/12/08 and talked with him further about this robbery. When asked again who he had been with during this robbery, [REDACTED] named Paul Statler, Anthony Kongchunji, Tyler Gassman and Andrew or Bobby. Larson then explained that he had been thinking about the people at the robbery and that he thought that the person's name was Andrew but now believed it was Bobby. When questioned, [REDACTED] said he had met Bobby through Paul and believed he was Paul's cousin. The report says that [REDACTED] was then shown the photomontage containing the picture of Robert Larson and that after several moments, [REDACTED] explained that the person that resembled Bobby was in space number five. When questioned about prior contacts with Bobby, [REDACTED] said he gave him a ride home one time and described the area where he took him. The neighborhood that [REDACTED] described was the area of E. Marietta that Coplink showed as an address for Larson.

According to the report, [REDACTED] then went on to explain that he was the driver for this robbery and that Paul, Tyler, Anthony and Bobby went to the back door. He said they returned a few moments later, and that Paul fired shots from the AR-15 toward the house as they drove away. He also explained that as Paul was firing the rifle, one of the male subjects came out of the house in the front yard. He added that after the robbery, they returned to Paul's house. In this and subsequent additional reports under this incident number, Detective Francis describes post-arrest interviews with Paul Statler, Robert Larson and Tyler Gassman. The content of these interviews will be detailed later in my investigative report.

In Detective Francis' last additional report reference this incident dated 09/12/08, he describes an interview he had with Shawn Fowler at Geiger Work Release where Shawn was being held pending trial on a controlled substance matter. According to his report, Detective Francis asked Shawn about a video recording of the suspects at the time of this incident. He reported that Shawn told him there was and that it was in the possession of his Public Defender Matt Hargett. Shawn went on to report that the tape showed views of the suspects at or near the residence, as well as audio recordings of his and his brother's voices. Shawn also reported that the tape contains an unidentified voice saying "watch out Shawn" about the time of the gunfire, and that the voice is not Michael's.

According to his report, Detective Francis then asked Shawn if he knew Tyler Gassman and if during the robbery, he recognized any of the voices of the suspects as being Tyler's. Shawn said he did know Tyler and explained that they hadn't talked for several years. He also said that he didn't recognize any voice as that of Tyler Gassman. Detective Francis asked Shawn if he knew any of the other suspects in the robbery and he said he didn't. It appears that the interview ended at that point and Shawn was instructed to call if he had or received any new information. It does not appear that he asked Shawn where he was inside the residence during the robbery, what he saw, heard or did, or why he left prior to the arrival of deputies.

The last paragraph of this additional report talks about Detective Francis receiving the aforementioned video recording from Doug Boe of the Public Defender's Office on 09/11/08 and placing it on property. The report indicates that he subsequently took possession of the disc for viewing and copying by the Forensic Unit. The report doesn't however describe the results of any review of the disc that might have taken place. Although the possibility of the existence of video from this incident was mentioned in the original incident report by Deputy Pfeifer, there appears to have been no effort made to confirm its existence prior to asking Shawn Fowler about it almost four months after the robbery occurred. A copy of the video recording was not actually received until almost five months after the robbery occurred.

There appears to be only one additional report under this incident number by Detective Marske regarding this robbery investigation. The report is dated 11/19/08 and describes conversations he had with a proposed defense witness named Haley Givas. Haley's name was given him by DPA Cruz and he talked in person with her at approximately 1000 hours on 11/18/08. According to his report, Haley explained that she had dated Paul Statler between November of 2007 and January of 2008. She also said that she dated Bryan Bewick prior to meeting Paul Statler. Detective Marske asked her if she had ever seen Paul Statler, Bryan Bewick or Tyler Gassman with a gun and she told him that the first time she met Paul he had a handgun with him. He asked her if she knew anything about the robberies and she said she didn't. She did tell him that she knew Paul had been involved in a robbery at the Cash Connection prior to her meeting him. Detective Marske then ended the contact and told her to call him if there was anything else she needed to tell him.

His report indicates that he received a call from Haley a short time later who told him that she knew more about the robberies and that there was something she needed to come clean about. He and Detective Francis met Haley a short time later and talked with her outside by Detective Marske's car. Haley then reported that she wasn't involved in any of the robberies but that she had purchased an assault rifle for Paul while they were dating. She went on to describe making the purchase of an AR-15 for Paul at the Double Eagle Pawn Shop on Sprague with money Paul had provided for the purchase. She said that Paul was with her when the purchase was made. She said that right after that, she knew that he was using the gun to commit crimes and that her name would be associated with the gun. She said she reported the gun stolen shortly after breaking up with Statler.

It doesn't appear however that she gave them any specific information about the rifle being used in this or any other specific crime. He and Detective Francis then went to Double Eagle Pawn and collected a copy of the receipt for the purchase of the rifle sold to Givas on January 9th, 2008. This information was then forwarded to Agent Ramsey of the ATF for further follow-up.

It appears that there was only one affidavit of probable cause prepared under this incident number. It was prepared by Detective Francis and is dated 06/11/08. It appears that it was signed by Detective Francis on 06/13/08. Under Danny Neil's proposed testimony, Detective Francis wrote that Danny would "testify that on 04-21-08 at 2055 hours, he was at his residence at [REDACTED], Spokane County when three unknown suspects armed with firearms attempted to come into his residence." Nowhere in Deputy Pfeifer's report is it stated that Danny Neil reported seeing three suspects armed with firearms, and there is no evidence that Detective Francis talked with Danny Neil and was given additional information prior to drafting the affidavit.

Under Michael Fowler's proposed testimony, Detective Francis wrote the Michel would testify that he was at the residence "when the unknown suspects had attempted to entered into the residence." In his additional report dated 06/13/08, Detective Francis wrote that Michael Fowler reported to him that "there were three subjects who had entered the house", and that Fowler believed that one was carrying a handgun and the other two were carrying long barreled shotguns.

Under [REDACTED]'s proposed testimony, Detective Francis wrote that [REDACTED] "will testify Paul Statler, Anthony Kongchunji, Robert E. Larson and Tyler Gassman are the unknown suspects who were armed with the handgun, shotgun and AR 15 rifle, and who had gone to the rear door of the residence at S. 1015 Dishman and had kicked at the back door to gain entry." Nowhere in Detective Francis' reports of their interviews with [REDACTED] does it say that [REDACTED] reported that any of the aforementioned suspects were armed when they went to the residence to commit the robbery. Nowhere is it written that [REDACTED] said anything about a shotgun or a pistol being involved in the robbery at all. The only recorded mention of an AR-15 rifle by [REDACTED] was when he reported that as they were driving away, "Paul Statler had fired shots from the AR-15 toward the house."

Regarding [REDACTED]'s proposed testimony about the aforementioned suspects having kicked at the back door to gain entry, I found nowhere in Detective Francis' reports where [REDACTED] reported that the suspects had kicked or kicked at the back door to gain entry. The only reference to attempted entry in the reports was in Detective Francis' additional report dated 06/13/08 where he wrote that [REDACTED] "explained that they had attempted to make entry into the back door but were unable." Even if the other suspects had told [REDACTED] that they had kicked the door, [REDACTED] wouldn't have been able to testify to it because he didn't observe it and it would be inadmissible hearsay.

It should be noted that the review of the aforementioned issues regarding Detective Francis' affidavit of probable cause is based on the information found in Detective Francis' additional reports only. It is believed that Detective Marske talked with [REDACTED] without Detective Francis being present on 05/23/08 at which time [REDACTED] apparently provided at least some information about this robbery. It doesn't however appear that Detective Marske wrote a report regarding that contact so it is not known at this time what information [REDACTED] may have provided that Detective Marske may in turn have verbally conveyed to Detective Francis prior to him preparing the affidavit of probable cause.

Under Detective Marske's proposed testimony, Detective Francis wrote that "Marske will testify to preparing several photomontages containing the suspects' photos and that M.D. ([REDACTED]) did identify Statler, Gassman and Larson as being present and involved in this incident." Under his own proposed testimony, Detective Francis wrote that he "will testify to preparing a photomontage of Larson and was present when M.D. identified Larson as being present during this incident."

It's apparent from Detective Francis' additional reports that from the beginning, [REDACTED] was unsure of the identity of one of the participants in this robbery, referring to him by the first name Andrew. It wasn't until their 06/12/08 interview with him that [REDACTED] revealed that the person whose name he thought was Andrew was a guy named "Bobby" who he believed was Paul Statler's cousin. Detective Francis wrote in his 06/13/08 additional report that "[REDACTED] was shown the prepared photomontage which contained the photo of Larson. After several moments he explained that the person that resembled "Bobby" was in space number 5."

Five different neighbors were interviewed and/or provided victim/witness statements to complete regarding what they saw and/or heard during this incident. Of the five witnesses identified, four wrote brief statements and three were interviewed. Two of the three interviewed also wrote statements. All five witnesses reported hearing gunshots and three of those five reported hearing what they believed were two different sounding firearms being fired. Patrick Arkell reported hearing one gunshot that was loud and deep, and after a short pause, five to six more shots that made more of a popping sound and were really fast. Patricia Muncy reported hearing a loud explosion like a large gun. She said it sounded like the shot hit the front of her house. She wrote that she then heard "about seven shots, pop pop pop like an automatic gun." Stephen Day told Cpl. McCrillis that he heard a loud shot and shortly thereafter heard several more shots that sounded different than the first shot. Day also reported seeing muzzle flashes coming from the pickup as it drove down Mica Park Road. Additionally, Day reported seeing two males in the street as the pickup was leaving that were identified by his descriptions as Shawn and Michael Fowler. He reported that when he first saw Michael in the street, Michael had a gun in his hand that he then put in his jacket pocket.

In spite of these witness statements, I didn't find any indication in any of the reports I reviewed that there was any inquiry made of any of the individuals from the victim residence as to whether or not Michael was armed that night and possibly fired a shot at the suspects as they were leaving. It should also be noted that although [REDACTED] didn't say anything about anyone shooting anything other than the AR-15, he didn't report having been shot at by anyone from the residence either.

Review of the CCTV recording from the cameras on Danny Neil's residence:

Viewing the footage from the mini-CD, I made the following observations: The video was made by videotaping a CCTV video monitor with some unknown type of recorder, possibly a handheld video camera of some kind that was subsequently copied to a mini-CD. The video consists of footage, both video and audio, from two different cameras located on the outside of Danny Neil's residence and the video only from a third camera. One of the cameras with audio is located on the front of the residence facing away from the residence and showing the street and a neighbor's house across the street. (I designated this as camera #1 for the purposes of this analysis) The other camera with audio appears to be located on the back of the residence and shows the front ends of two parked cars. (I designated this as camera #2) The location of the third camera, the one without audio, is not known and what it shows cannot be discerned from the poor quality of the video. (I designated this as camera #3)

The date 2008-04-22 appears in the upper right hand corner of the video and a clock showing military time is directly under the date. This robbery occurred on 04/21/08 and the reason for the different date on the video is not known. There is an S in the upper left hand portion of the video the significance of which is unknown. The footage on the video switches between the three cameras in a consistent order but at inconsistent intervals of time ranging from five to eight seconds. According to the CAD report, the call was first entered at 21:04:36 so the time on the video recording is close to the actual time. The quality of the video is not great, and because it was dark out at the time, making out any real detail on the video is nearly impossible. The audio on the recording from cameras #1 and #2 is actually fairly good and voices, yelling, a dog barking and gunshots can all be heard reasonable well. There are however gaps in the audio of the incident because no audio was captured while camera #3 was recording.

The segment of video on this recording begins with a view from camera #1 at approximately 21:07:01 and ends at approximately 21:09:25 with a view from camera #3. At approximately 21:07:24, camera #2 shows three subjects walking single file past the parked cars in front of the camera from right to left on the monitor. Their footsteps can be clearly heard on the audio as they walk by the camera. Very little video detail can be discerned because of the poor quality of the recording, and judging things such as suspect height and weight is not possible. It appears that the first subject may have been carrying something in his right hand but it isn't clear. His left hand and arm appear to be swinging freely by his side as he walks and he clearly didn't appear to have anything in his left hand. It can't really be seen if the second subject was carrying anything or not.

The third subject clearly appears to be carrying a long gun of some kind with his right hand near the trigger or grip and his left hand on the barrel or forestock. Although not clear, it does appear that all three subjects were wearing ski masks or hoods over their heads.

At approximately 21:07:34, banging sounds, shouting and a dog barking can be heard, picked up by camera #2. These sounds are also heard when the monitor switched to camera #1. At approximately 21:08:05, three figures are seen running past camera #2 from left to right on the monitor. From the time the first banging sounds are heard, presumed to be the suspects attempting to force the back door open, until the three suspects are seen running back past camera #2 is approximately 22 seconds. Shortly after that, a male believed to be either Michael or Shawn Fowler can be heard saying something unintelligible followed by what sounds like a single gunshot at approximately 21:08:16. At approximately 21:08:19, more voices are heard from two different individuals, including the words "get down, get down" just prior to a series of gunshots that were fired in rapid succession.

While the shots are being fired, camera #1 shows what appears to be a small pickup driving in front of the camera from left to right on the monitor. The pickup is only seen for a couple of seconds in the video as the monitor switched from camera #1 to camera #2 during the time the shots were being heard. Because of this camera change, it is not clear whether the audio actually picked up and recorded every shot that was fired. As best I can tell, it appears that there was a pause of approximately two seconds between the first shot and the first shot of the series of shots heard thereafter that took approximately three seconds. The total elapsed time of all the shots heard on the recording is approximately five seconds.

Not counting the first shot, I was only able to make out ten or eleven shots in the rapidly fired series of shots fired from the suspect vehicle. Because there were thirteen shell casings found at the scene, we know that there were at least that many shots fired from the .223 rifle. And although there is clearly a delay between the first shot heard and the subsequent shots, I am unable to clearly discern any significant difference in the sound of the first shot and the subsequent shots when listening to the audio of this recording. Based on this, the recording doesn't appear to answer the question of whether there were in fact two different weapons fired that night.

Additionally, in the very brief view of the pickup driving by the camera at approximately 21:08:20, it appears that there is an individual standing hunched over slightly in the bed of the truck up next to the cab. Although muzzle flashes cannot be clearly discerned to confirm this, it would seem reasonable to believe that the shots were fired from the bed of the pickup as opposed to the cab since the number of shell casings found on the road appears to equal or exceed the number of shots heard.

After the shooting stops, and at approximately 21:08:23 on the video, an obviously excited male voice is heard asking someone else if they got hit.

This appears to be either Michael or Shawn asking the other if they had been hit with gunfire. A short time later at approximately 21:08:53, one of the males is heard saying "Those were the same bitches dude" to which the other responds, "No it wasn't." There were a few other mostly unintelligible things said after that and the last thing heard before the end of the recording is "bad day." It should be noted that I was unable to make out the words "watch out Shawn" on the recording about the time of the shots being heard as was reported to be the case by Shawn Fowler when he told Detective Francis about the recording.

Detectives Marske and Francis interviewed [REDACTED] on 05/28/08 at which time [REDACTED] told them about several robberies that he was involved in or been told about by Anthony Kongchunji. In addition to the robberies that are described in this report, [REDACTED] told them about two other robberies and identified the addresses where they allegedly occurred. One was at 1659 E. Nebraska where the alleged victim was a male named Matt whose wife and small child were also present during the robbery. The other was at 2603 N. Napa where the alleged victims were guys named Big Nick and Scotty. [REDACTED] reported that he was told about these two robberies by Anthony Kongchunji and did not include himself as being involved in either. There is nothing in any of the reports I have reviewed that suggests that there was any follow-up done on either of these two robberies, and no mention that the information about them was provided to SPD detectives.

Review of the Jenalee Hall robbery, incident #08-114748:

This robbery was the last in the series of five robberies reviewed pursuant to this internal investigation. It occurred at approximately 0050 hours on 04/23/08 at [REDACTED] the residence of Jenalee Hall and her boyfriend Aramis Turner. Also present during the robbery was their infant son. Deputy Pfeifer responded to the victim residence and took the robbery report. He interviewed Aramis Turner and processed the scene. Cpl. Pannell also responded to the residence and interviewed Jenalee Hall. Several other deputies assisted to one degree or another during the course of the protracted investigation with some writing additional reports and some clearing without reports or dispositions given in CAD.

Aramis Turner told Deputy Pfeifer that he and Jenalee were watching TV in the living room of the apartment when the front door was forced open. He reported that four suspects wearing dark clothing and dark bandannas over their faces forced entry to the apartment. He described one as a white male with red hair about 6'0" tall and 200 pounds. He described another as a Hispanic male about 5'10" tall and 180 pounds. He was only able to describe the other two as white males. He reported that two of the suspects were holding pump action shotguns and that at one point, one of them racked a shotgun shell out of the shotgun onto the floor. Turner reported that this suspect let his mask fall down off his face and that he immediately recognized him as Anthony, an acquaintance of his. Turner also identified the suspect with red hair as being Larry Dunham. He said he recognized Larry because of his hair and his voice.

Turner reported that he didn't know the other suspect with a shotgun or the suspect with a baseball bat. He reported that Anthony pointed the shotgun at him and demanded money and held him in the living room while Larry and the suspect with the baseball bat searched the apartment. Turner reported that prior to the suspects leaving, his pants were pulled down around his ankles by Larry and he was searched. He said the suspects all then ran back out the front door, grabbing his wallet and Jenalee's purse on the way out. He reported that a laptop computer was also stolen from the bedroom. Turner reported chasing the suspects to a black Honda Civic, and that they sped away westbound on Broadway.

Turner also completed a written victim/witness statement that was similar but less detailed than the verbal statement he made to Deputy Pfeifer. In his witness statement, he wrote that there were four suspects, two with shotguns and two with baseball bats. Turner also wrote, "they repeated to say give me all your money, don't look at me, hurry up, or else something going to happen to you." He also reported in this written statement that the suspects were all wearing gloves. He repeated that he knew Anthony and Larry for the reasons previously stated, and the other two suspects he didn't know for sure. He then described putting his shoes on after the suspects left and ran after them, seeing them pull out in a black Honda Civic.

Cpl. Pannell interviewed Jenalee Hall and took her statement. Hall reported recognizing two of the suspects, Poncho, AKA Anthony Kongchunji, and Larry Dunham. She also reported that an associate of theirs, Nick Smith, may also have been involved but didn't give any specific reason for saying that. She reported that two vehicles driven by them in the past are a black Honda and a red truck. This information was relayed to other deputies who searched for the suspects but didn't find them. Hall reported that at least two, and maybe four, people wearing masks kicked open their front door and came into their apartment. She reported that all four were wearing dark colored clothing with bandannas or masks to cover their faces.

Hall reported that the first suspect through the door had a shotgun that he pointed at them and yelled at them to get down and give him their money. She said that while doing this, the suspect's mask came down off his face and she recognized him as Anthony Kongchunji who used to be a friend of theirs. She said the second suspect, who was tall and skinny with red hair, was holding a baseball bat, was also ordering them to get on the ground and to give him their money. She said she recognized this suspect as Larry Dunham by his voice, the way he talked, his clothes and physical description. She said he was also a friend of theirs until that day. Hall reported that Larry Dunham held a baseball bat over his head as if he was going to hit them with it while the other two suspects ransacked the apartment. She described one of the suspects that ransacked the apartment as also being tall and skinny and being armed with a baseball bat. She reported that the suspects took her purse, her car keys and Turner's wallet as they left the apartment. She reported calling her mother after the robbery and then calling 911.

Hall was also given a victim/witness statement form to fill out that she did complete. Her written statement is fairly consistent with the verbal statement she gave to Cpl. Pannell. She wrote that the suspects all wore black outfits with blue bandannas and that they all had gloves on. She also wrote, "Nick Smith is who I believe was driving the car" and "I also believe that Larry brother [REDACTED] was involved which would have been the 3rd or 4th person he drives a red truck Nissan I believe." It was subsequently determined that Turner and Hall's written statements weren't received until Hall gave them to Sgt. Sherar probably over two and a half hours after the robbery had occurred and after the suspects had already been detained and interviewed.

Cpl. Pannell reported that while still at the victim residence, Jenalee Hall's brother, Robert Hall, arrived and indicated that he knew the suspects and where they lived and what they drove. He subsequently directed Pannell to Nick Smith's apartment at [REDACTED] where Anthony Kongchunji, [REDACTED], Larry Dunham and Nick Smith were contacted, identified, detained and subsequently arrested for this robbery. The vehicle used in the robbery was identified as a 2000 Nissan pickup, WA license [REDACTED], belonging to Larry and [REDACTED]'s mother [REDACTED]. The vehicle was searched with consent and a baseball bat was recovered as was a large pile of clothing believed to have been worn by one or more of the suspects during the robbery. Deputy Tanya Walker found Hall's purse and Turner's wallet in a dumpster at the E. 3rd address apartment complex. Additional evidence was lawfully discovered and collected linking the suspects to the robbery.

It should be noted that there is a discrepancy in the reports as to the type of vehicle used in this robbery. Cpl. Pannell described the vehicle that Robert Hall identified to him as a vehicle the suspects were associated with as a "red truck" and listed a red 2000 Nissan Pathfinder registered to [REDACTED] as V-1 on his additional report. Larry Dunham described the vehicle as a red Ford Sport Track that belonged to his mother. A 2000 Nissan pathfinder is a four-door SUV that doesn't have a removable top. A Ford Sport Track is a four-door pickup that resembles a Nissan Frontier which is also a four-door pickup. A registration check of the license number of the suspect vehicle recorded by Cpl. Pannell now comes back on a 2000 Nissan pickup currently licensed to a different person at a different address in Spokane Valley. It appears that Cpl. Pannell recorded the model of the vehicle as a Pathfinder instead of a pickup on his additional report, and that the vehicle has since been sold to a new owner and is no longer owned by [REDACTED].

The four suspects were interviewed by different deputies after being advised of their rights and agreeing to waive them. The three that gave statements gave varying stories regarding the incident and their involvement, as well as the involvement of the other suspects. Larry Dunham was interviewed by Deputy Pfeifer. Larry's statement is summarized as follows:

- He was at Nick Smith's apartment with the others when Anthony Kongchunji said he had something to do that he wanted his, [REDACTED] and Nick's, help with.

- Nick Smith drove the four of them to Hall's apartment in a red Ford Sport Tack that belonged to his, Larry's, mother.
- Nick stayed in the vehicle during the robbery.
- Anthony brought a black 12 gauge shotgun and a baseball bat.
- Anthony kicked the apartment door open and the three of them went inside.
- Anthony was holding the shotgun and [REDACTED] was holding the baseball bat.
- He searched the apartment and stole a laptop computer.
- They returned to Nick's apartment after the robbery and didn't make any stops on the way.
- He left the laptop in the Sport Track following the robbery.

Nick Smith was interviewed by Cpl. McCrillis. Nick was asked for and gave consent for deputies to search his apartment for evidence of the robbery. Nick lied to Cpl. McCrillis about some of the events in the hours preceding the robbery and eventually admitted to doing so. Nick's statement after admitting to lying is summarized as follows:

- He was the driver during the robbery.
- He thinks Anthony, [REDACTED] and Larry were involved with the robbery.
- When Anthony first arrived at his apartment that night he showed him a shotgun in a black case.
- Anthony had a dark colored bandanna that he probably wore during the robbery.
- He saw Anthony take the shotgun with him when they committed the robbery and he thought Larry had a baseball bat.
- Following the robbery, they drove to a house in the Broadway and Park area where Anthony gave the shotgun to someone else.

[REDACTED] was interviewed by Cpl. Pannell and repeatedly lied to him about the events of that night. Upon further questioning and confrontation, [REDACTED] eventually admitted driving the other three suspects to Hall's apartment, and that he might have gone inside. [REDACTED] denied being armed with any weapons and said that none of the other suspects were armed either.

Anthony Kongchunji was interviewed by Deputy Frost. Anthony denied any knowledge of any criminal acts that night and invoked his right to an attorney.

According to his additional report, Cpl. Pannell, following the suspect interviews and collection of evidence, requested that Sgt. Sherar assist with doing a show-up with the victims of the robbery/burglary. It is not known at what time this request was made but according to Sgt. Sherar's additional report, he arrived at the victim address to retrieve Turner and Hall for the show-ups at 0249 hours. His report indicates that he arrived at the 3rd Avenue address with Turner and Hall at 0312 hours for the show-ups. The robbery occurred at approximately 0050 hours, two hours and twenty two minutes prior to the show-ups being conducted.

According to Sgt. Sherar's report, he told Hall that each of the four suspects would be brought out into the open for her to view, and for her to tell him if she recognized whether or not any of them were the ones who committed the robbery. According to his report, Hall identified the first suspect viewed as Poncho, Anthony Kongchunji, who was the suspect who held a shotgun to Turner's head. When asked to rate how sure she was of her identification of the suspect on a scale of 1 to 10, Hall rated it as a 10.

According to his report, Hall identified the second suspect viewed as "Matt" who she stated did a lot of talking during the robbery and was one of the males with a baseball bat. When asked to rate how sure she was of her identification of the suspect on a scale of 1 to 10, Hall rated it as a 10.

According to his report, Hall positively identified the third male viewed as Larry who was the other male with a baseball bat. She reported that Larry held the bat over her and her child during the robbery. When asked to rate how sure she was of her identification of the suspect on a scale of 1 to 10 Hall rated it as a 10.

According to his report, Hall positively identified the fourth suspect viewed as Nick Smith who she said took part in the robbery but who she didn't recall seeing with a weapon. When asked to rate how sure she was of her identification of the suspect on a scale of 1 to 10 Hall rated it as a 9.

It should be noted that Sgt. Sherar's report doesn't say which suspects were shown to Hall in what order, only that Hall identified them by name as she viewed them. This creates some confusion because according to Hall, there were two suspects with baseball bats that, according to the reports, were eventually identified by Hall as Larry and [REDACTED]. In her original statement to Cpl. Pannell, Hall identified Larry Dunham as the "2nd suspect" and stated that he had a baseball bat that he held over his head as if he was going to hit her with it. She reported that he was also yelling at them to empty their pockets, to get down and to give them their money. She said she was able to identify him in part due to recognizing his voice. It should be noted that although she reported that one of the other two unidentified suspects that ransacked the apartment also had a baseball bat, she didn't report that this suspect ever said anything.

When Hall was taken to do the show-ups and showed the second suspect, she "positively identified the second male as "Matt" and stated he did a lot of talking during the robbery." She then "positively identified the third male as "Larry" and stated he was the other male with one of the baseball bats" and that "Larry" held the bat over her and her child during the robbery. Because it is nowhere written in which order the suspects were shown to Hall, it's not clear if she misidentified Larry and/or Mathew or if she was confused or misspoke.

It must be pointed out that although Cpl. Pannell's report regarding Hall's original statement to him mentions the two suspects that ransacked the apartment as being "later identified as Nick Smith and [REDACTED]", there is no evidence whatsoever that at the time of the robbery, either Turner or Hall knew who they were. Hall did mention to Cpl. Pannell that Nick Smith was an associate of Anthony and Larry's, and that he may have been involved. She didn't offer anything however in the way of evidence that suggested he was in fact involved. It wasn't until Hall's brother Robert arrived and showed them where Nick Smith lived that "Larry's brother" was mentioned. As previously mentioned, it was at approximately 0249 hours when Sgt. Sherar and Deputy Bodman picked Hall and Turner up at their apartment to take them to do the show-ups. This would have been approximately two hours after the robbery and well after the suspects were first contacted and detained by Cpl. Pannell. It wasn't until after Turner and Hall were taken back to their apartment after the show-ups that Hall provided Sgt. Sherar their completed victim/witness statement in which Hall wrote that she believed Nick Smith was driving the car; that Larry's brother [REDACTED] was involved which would have been the 3rd or 4th person, and that he drives a red truck.

There is no evidence that either Turner or Hall ever saw any of the suspect's faces during the robbery except Anthony Kongchunji's. It is quite suspect therefore that Hall was somehow able to positively identify [REDACTED] and Nick Smith in the show-ups and name them by name. It is also not known why the show-ups were done so long after the robbery or why three of the four suspects whose faces were never seen by the victims were included in the show-ups. It appears from a review of these facts that Hall's "positive" identifications of at least two of the suspects may have been the result of information she obtained about the suspects between the time of the robbery and the time she participated in the show-ups well over two hours later.

The show-ups for Aramis Turner were conducted by Deputy Bodman. According to Deputy Bodman's report, Cpl. Pannell and Deputy Pfeifer brought out each suspect one at a time for Turner to look at.

According to Bodman's report, when the first male was brought out, Turner said "that's the guy that held the shotgun to my head." When asked if he was sure, Turner said "yes, his mask fell off while he was holding the shotgun to my head." Turner didn't apparently identify the suspect by name at that point.

According to Bodman's report, on the second male, Turner said "I can't tell."

According to Bodman's report, on the third male, Turner said "that's Larry he was holding the baseball bat." When asked if he was sure, Turner said "yes I saw his red hair under the baseball cap, and I knew who it was when he started talking."

According to Bodman's report, on the fourth male, Turner once again said "I can't tell."

As with Sgt. Sherar's report, Deputy Bodman's report doesn't say which suspects were shown to Turner in what order. After conducting the show-ups, Hall and Turner were returned to their apartment. According to Sgt. Sherar's report, that was when Hall gave him the victim/witness statement forms that had been completed. He said it was also at that time that Hall told him about receiving a phone call on her cell phone from Nick Smith about fifteen minutes prior to the robbery. Hall told him that during the call, Nick asked her what she was doing and that she told him her and Turner were at their apartment with their son. Hall said Nick asked her if she wanted to hang out the next day and she told him that would be fine. According to Sgt. Sherar's report, Hall then told him that fifteen minutes later, Smith and the other three males kicked in the door to their apartment and robbed them. He wrote that Hall "showed me her cell phone which displayed a call from Nick Smith at 0019 hours." The report didn't say what number if any Hall's phone showed Nick calling from.

According to Cpl. McCrillis's report, at some point after his initial interview with Nick Smith, Nick told him that Anthony had mentioned the name Paul Statler, apparently regarding the subject of the shotgun being dropped off after the robbery. According to his report, Cpl. McCrillis found an address in RMS for Paul Statler of [REDACTED] where he, Sgt. Sherar and Deputy Rodriguez subsequently went in an effort to recover the shotgun used in this robbery. According to his report, there were at least two males and two females inside the residence when they arrived and knocked on the door. According to his report, Paul Statler eventually opened the door and was questioned about the shotgun being dropped off there by Poncho. Paul initially denied that anyone had dropped a shotgun off there but after leaving the residence to talk in private, stated that he didn't know why Poncho wanted it left at his house and that he did not plan on holding onto it. According to the report, Paul said he could get in a lot of trouble for being in possession of the shotgun because he is a felon, and that he hid the gun under his mother's bed when they arrived because he was afraid of being in possession of it. Cpl. McCrillis's wrote in his report, "We retrieved the shotgun from his mother's bed. The shotgun was in a black nylon case."

According to his report, Cpl. McCrillis subsequently took the shotgun to property where he photographed it and noted that it was loaded with one twelve gauge shell in the chamber and two in the tube. He described the make, model and serial number of the shotgun in his report and that it was not reported stolen. He didn't describe the shells found in the gun in his report but did describe them on the property sheet as 3" 1 1/8 oz. steel "Estate" cartridges. It should also be noted that the shotgun is described on the property sheet as being a pistol grip shotgun but not described as such in his report.

Following the investigation and their arrests, all four suspects were taken to be booked, the three adults in the county jail and [REDACTED], a juvenile, in Juvenile Detention. Cpl. Pannell subsequently completed probable cause affidavits for each suspect that were all the same other than each respective suspect's name. Cpl. Pannell's affidavit is quite lengthy and appears to detail pretty much all the evidence discovered during the course of the investigation. I did find a few things in the affidavit that should be noted.

Under Cpl. McCrillis's proposed testimony, Cpl. Pannell wrote that McCrillis can testify to interviewing Nick Smith who "admitted to knowing and participating in the burglary and robbery by being in the car with Larry and [REDACTED] and Kongchunji while going to Hall and Turner's apartment with the intent to commit the crime..." There is nowhere in Cpl. McCrillis's report of his interview with Nick Smith that Nick admitted to going to the victim's apartment with the knowledge or intent to commit the robbery.

Under Jenalee Hall's proposed testimony, Cpl. Pannell wrote that Hall positively identified Anthony "Poncho" Kongchunji as the suspect with the shotgun, Larry Dunham as the second suspect with the baseball bat, [REDACTED] as the 3rd suspect with a baseball bat and Nick Smith as the 4th suspect inside the apartment. The issues/questions regarding Hall's ability to "positively" identify at least two if not three of the suspects in spite of never seeing their faces during the robbery have previously been well documented in this report.

Under Deputy Pfeifer's proposed testimony, Cpl. Pannell wrote that Deputy Pfeifer "can further testify that he locate the stolen purse, keys and wallet in the dumpster near Smith's apartment..." According to the reports, it was Deputy Walker who found the victim's purse and wallet in the dumpster. According to Deputy Pfeifer's report, after being told of the find by Deputy Walker, he photographed and collected the items.

Under Cpl. McCrillis's proposed testimony, Cpl. Pannell wrote "...that he went to the address and contacted the resident Paul E. Statler who voluntarily gave consent for Cpl. McCrillis to enter the residence and recover the shotgun, that the shotgun was found and recovered from inside the home and placed on property." In his additional report regarding the recovery of the shotgun, Cpl. McCrillis wrote "Statler said he hid the gun in his mother's bed when we arrived because he was afraid of being in possession of the gun. We retrieved the shotgun from his mother's bed." His report doesn't say anything about asking for or being given consent to seize the shotgun or contain any details about the actual mechanics of the seizure. There wasn't a copy of a search consent card with the reports and I didn't find a search consent card in the file where the cards are kept.

In an email exchange between Det. Marske and Cpl. McCrillis provided me by Marske with reports and other documents from the Christopher Selfridge robbery investigation, Det. Marske asked Cpl. McCrillis about the seizure of the shotgun from Statler's residence. In Cpl. McCrillis's answer dated 05/05/08, he wrote, "I advised Statler that I would not call his probation officer but that I could not guarantee his probation officer would not find out. I told him I would not arrest him tonight if he turned the gun over to me. He told me he hid the gun in his mom's bed." Again, there are no details regarding the actual mechanics of how he actually obtained possession of the shotgun. It is not clear from these documents and reports whether Cpl. McCrillis actually went into the residence and recovered the shotgun from the bed himself or whether Statler did so and gave it to him.

The circumstances described in his email to Det. Marske could potentially be viewed as suggesting that the shotgun may have been obtained not so much as a result of Statler giving "voluntary consent" but as a result of Statler feeling pressured or coerced to turn it over in exchange for not being arrested that night and for not having his probation officer notified.

This robbery was assigned to Detective Marske on 04/24/08 as an in-custody and he prepared a probable cause affidavit and warrant request for the four suspects that same day. This would have been common practice for a detective in 2008. Detective Marske's affidavit appears to have been prepared from the reports and Cpl. Pannell's probable cause affidavit. There are no additional reports by Detective Marske under this incident number and there is no indication that he did any follow-up prior to preparing the affidavit. The affidavit appears in large part to be a recantation of Cpl. Pannell's affidavit but not a word for word reproduction.

One item of note in Det. Marske's affidavit that differs from Pannell's affidavit is found in the paragraph describing Cpl. McCrillis's proposed testimony. Det. Marske's affidavit indicates that Cpl. McCrillis talked with Nick Smith and that Nick told him that the shotgun had been dropped off at the residence of Paul Statler. Nowhere in Cpl. McCrillis's report or Cpl. Pannell's affidavit does it say that Nick told Cpl. McCrillis that the shotgun was dropped off at Paul Statler's residence. Cpl. McCrillis's report says that Nick told him they dropped off the shotgun at a residence in the area of Broadway and Park and that Nick later told him that Kongchunji mentioned the name Paul Statler. Cpl. McCrillis subsequently checked RMS and found an address for Paul Statler of [REDACTED] [REDACTED] which is in the area that Nick described the residence being.

Review of post arrest interviews of Paul Statler, Tyler Gassman and Robert Larson:

On 06/12/08, Detectives Francis and Marske conducted an in-custody interview with Paul Statler in the detective's office about these robberies. ATF Agent Ramsey was also present to talk to him about the shotgun that was recovered from his residence by Cpl. McCrillis following the Jenalee Hall robbery. Statler was advised of his constitutional rights and agreed to waive them. Statler denied knowing anything about the shotgun on that day other than what he had been told by Shane Nielson who he said told him that a person named Poncho had brought the gun to the house. Statler was apparently confronted about his alleged involvement in several other robberies and denied any involvement. Francis' report says that Statler said he was not involved in any robberies and did not know anything about any guns. The interview apparently ended at that point and there is nothing in the report that indicates there was any subsequent effort made to question him further or interrogate him about the robberies. The report ends with the statement that a warrant request was prepared for the criminal complaint for Paul Statler, Tyler Gassman, Robert E. Larson and Anthony Kongchunji concerning this investigation.

On 06/26/08, Detectives Francis and Marske conducted an in-custody interview with Robert Larson in the detective's office about these robberies. According to Francis' additional report, Larson "waived his rights and was advised of the information which had been filed the case investigation." The report says that Larson denied knowing anything about any robberies and denied having any involvement with any firearms. The interview apparently ended at that point and there is nothing in the report that indicates there was any subsequent effort made to question him further or interrogate him about the robberies.

On 6/27/08, Detectives Francis and Marske conducted an in-custody interview with Tyler Gassman in the detective's office about these robberies. Gassman was advised of his rights which he said he understood and waived. According to Francis' additional report, Gassman denied being involved in the Danny Neil robbery due to the fact that his stepdad had dated Nona Fowler in the past and that he knew Michael and Shawn Fowler. Gassman added that he had been working in the Post Falls area and staying with a friend named Liz Holder. Gasman went on to describe his various recent living arrangements and claimed that he wasn't in Spokane on 04/21/08. He offered the names of a total of four people who it appears he was suggesting could verify his living/working history.

According to Detective Francis' report, Gassman was asked if he had heard who was doing the robberies and he said people had called him and asked him if he was involved. He denied any involvement. He went on to explain that he knew Anthony Kongchunji and had last seen him about two years prior. He admitted talking by phone with Robert Larson recently but said he wasn't around him. He said he knew Brian Bewick but hadn't been around him in a while. He denied knowing the names [REDACTED], Big Nick, Matt Gardner or Christopher Selfridge. He said he hadn't been to Paul Selfridge's house but had talked with him at the probation office.

The report ends with Gassman stating that he had not been involved in any robberies and had been out of town at the time of the robbery at the Fowler's, Danny Neil's residence. Although stating that he wasn't in Spokane on the day of the Danny Neil robbery, there is no indication in the report that he was asked where he was that day, nor does it appear that there was any attempt to interrogate him about any of the robberies he was alleged to have been involved in.

Continuation of investigation:

09/03/13 @ 1110 hours: I talked briefly with former Detective Francis by phone about this investigation. I asked him about his case files for this series of robberies and if he knew what happened to them. He indicated that he didn't know what happened to the original case files but would check a box of old cases he took home when he retired to see if any of the files were in it. He told me he would let me know if he found any and I ended the conversation.

09/05/13 @ 0950 hours: I received a phone call from Bill Francis who told me that he had looked through the stuff he took home when he retired and didn't find any reports or case files relating to any of these robberies. He told me that as best he could remember, the last time he saw the case files for these cases they were in an accordion type folder in one of the drawers of a file cabinet at his desk. He said he believes that was where he left them when he retired. I then talked again with Sgt. Marske about these case files and he indicated that he was confident that none of the original case files had been preserved.

I then talked by phone with Lynnette Brown in the jail office about the inmate check-out logs I had previously requested. She told me that she found the logs for the calendar years 2008 and 2009 but that the logs from 01/15/09 to 03/5/09 are missing. I also asked her for the inmate housing history for [REDACTED] and Anthony Kongchunji for their jail stays related to their arrests and bookings for the Hall robbery on 04/23/08.

09/09/13: I received the jail stay reports from Lynette Brown for [REDACTED] and Anthony Kongchunji's jail stays following their arrests for the Hall robbery, exhibit #9. According to the records, Kongchunji was booked into jail on 04/23/08 and moved to 5W later that same day. He stayed on 5West until 12/22/08. [REDACTED] was booked into jail on 03/24/08 and moved to 5West later that same day. He was housed on 5West between 04/24/08 and 05/27/08 and between 09/15/08 and 09/17/09. This confirms that the two were housed in the same jail module for 34 days during April and May, and for 5 days during September of 2008. This means that they would have been housed together approximately 30 days prior to [REDACTED]'s first interview with Detective Marske on or about 05/23/08.

I then gave Sgt. Marske copies of the only two additional reports I found in my search for reports that he had written and asked him to review them. I asked him to let me know if after reviewing the reports he thought there were other reports that he wrote that I don't have. Sgt. Marske told me a short time later that he couldn't say whether he had generated any other additional reports or not.

Also on this date I sent a request to Pat Moulton asking for CAD reports for incident numbers 08-47438, 08-113460 and 08-110807. I subsequently received the reports and added them to their respective case files and linked them to the incident in IAPro.

09/11/13 @ 1040 hours: I gave Sgt. Marske a memo directing him to write an administrative report and answer the following questions: I gave him until 09/17/13 to complete the report and give it to me.

1. During the course of your involvement in the aforementioned incidents, did you ever conduct or participate in any interviews or free-talks with Anthony Kongchunji? If so, please tell me as best you can recall when it/they occurred, who all was present during it/them, whether or not it/they were recorded and whether or not you documented the content of it/them in a report.
2. During the course of your involvement in the aforementioned incidents, did you ever conduct or participate in any interviews or free-talks with [REDACTED]? If so, please tell me as best you can recall when it/they occurred, who all was present during it/them, whether or not it/they were recorded and whether or not you documented the content of it/them in a report.

09/11/13: I went to the property room and checked out item #26 of incident #08-113460, the Danny Neil Robbery on 04/21/08. This is the video referred to by Detective Francis in his 09/12/08 additional report that was provided by Shawn Fowler through the Public Defender's Office. Detective Francis wrote about receiving the video and having it copied but didn't mention reviewing it. The envelope contained a mini-CD and two full size copies prepared by the Forensic Unit. Markings on the envelope and on the CD protectors on the two copies indicate that they were admitted into evidence during the ensuing trial but not published to the jury. I viewed all three discs and confirmed that they all contained the same footage of the same event. (See the review of the Danny Neil robbery for my detailed review of the recording) I made a digital copy of the audio of the recording with a digital recorder and put it in IAPro and had the Digital Forensic Unit make a copy of the video for the case file. I left the original and two copies with the Digital Forensic Unit to be returned to the property room.

09/17/13 @ 0810 hours: Sgt. Marske came to my office and gave me a one page administrative report answering the two questions I asked of him in writing on 09/11/13. His report confirmed that he did attend a free-talk with Anthony Kongchunji that he believed was arranged between Senit Lutgen and Eugene Cruz and occurred in 2008. He reported that Det. Francis was also present and that he believes Eugene Cruz was there as well.

He reported that he didn't prepare a report, that he didn't record the interview and didn't know if it was recorded. Sgt. Marske also confirmed that he did participate in interviews with ██████████ that occurred in May and June of 2008. He reported that the interviews were conducted with the permission of ██████████'s attorney who may have been present at times. He confirmed that Det. Francis was present but didn't answer my question about the interviews being recorded. He reported that he didn't make a report on the information given by ██████████ because Det. Francis did. I then talked briefly with Sgt. Marske and asked him if the interviews with ██████████ were recorded and he said they weren't.

09/18/13 @ 1215 hours: I called the Forensic Unit and inquired as to whether anything from the Jenalee Hall robbery had been submitted for processing. Later that day I was later provided copies of latent fingerprint processing and comparison requests on several items from the case. The documents reflect that the shotgun, shotgun shells, WIC pamphlet and baseball bat were submitted for latent print processing by Deputy Pfeifer. The date of the request is not reflected on the form. The only latent lift taken from any of the items submitted was one latent print of AFIS quality from the WIC pamphlet. Detective Marske submitted a comparison request on 05/07/08 listing Kongchunji, Statler, Larry Dunham, ██████████, Nicholas Smith and Jenalee Hall. Comparisons were made with no match with the listed people/suspects. The print was subsequently registered in AFIS. I added these documents to the Hall robbery case file, exhibit #5. They were marked with an F at the bottom to identify them as having been obtained from the Forensic Unit. Later that day, I inquired with the Forensic Photo Lab as to whether there had been any requests to have the pictures taken during this investigation printed and was told that they couldn't find any evidence that there was. The film had been processed but no requests to have prints made could be found. I asked to have the photographs put on a disc for my investigative file.

09/19/13 @ 0900: I called the Washington State Patrol Crime Lab and inquired as to whether there were any submissions to the lab related to any of these five robberies and was told that there weren't. I then spoke with Firearms Examiner Glen Davis in the firearms section. I asked him if in 2008, a .223 caliber shell casing submitted to the lab for IBIS entry would have been entered or not. He talked with some other examiners and told me that as best any of them can remember, .223 caliber casings have always been appropriate for submission and entry in IBIS. I also checked with the Forensic Unit and confirmed that there were no submissions for either the Weskamp or Humphrey robberies.

09/19-13 @ 1530 hours: I was provided a CD containing the photographs from the Hall robbery investigation. A review of the photographs confirms that the vehicle bearing license plate # [REDACTED] is in fact a red or burgundy in color four door pickup. There are also a few pictures of the Mossberg 500A pistol grip pump action shotgun that Cpl. McCrillis recovered from Paul Statler's residence. There is no butt stock on the shotgun but it is not clear from the photographs whether or not that particular shotgun ever had one on it. The barrel is not clearly shown in the pictures so it is not clear whether or not the barrel had been cut off or not. The synthetic pistol grip and forestock are black and the finish on the barrel and receiver appear to be black as well.

09/24/13 @ 1020 hours: I conducted a follow-up interview with Tim Note in his office. The interview was recorded with my digital recorder and subsequently placed in the dictation file and copied to a disc for the case file. I notified Erica Rivas that I needed the interview transcribed. The purpose of the interview was to attempt to clarify some of the things Note said during our first interview. Much of the interview consists of Note repeating the same things he told me during the first interview regarding his suspicions and/or concerns about the investigations and the conduct of the detectives involved. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. See the transcription of the interview for the complete record.

I asked Note about a statement he made in the first interview regarding what he had been told by Anthony Kongchunji found on page two of the transcription of the interview. His statement indicated that Kongchunji told him that there were some things he told the detectives during his free-talk that weren't correct and that they had him correct some things. I asked him if he could clarify what he was talking about in that statement. He explained that at one point during the free-talk, they, implying Kongchunji and [REDACTED], implicated Paul and a guy whose name he believed was Andrew, and that there was no Andrew. Upon further discussion, Note indicated that it was his recollection that during a subsequent conversation with Kongchunji, the detectives either told or suggested to Kongchunji that the person he thought was a guy named Andrew was actually Robert Larson or "Bobby." Upon further discussion, Note acknowledged in essence that his recollection was that after their first conversation with Kongchunji, the detectives went back to him and somehow established that the Andrew Kongchunji initially identified was actually Robert Larson.

I then questioned Note about his concern or suspicion that Eric Weskamp was actually a co-conspirator in that robbery, and asked him if he had any actual evidence to support that theory.

Note proceeded to repeat much of what he said in our first interview regarding that issue and the reasons for his suspicions but was ultimately unable to provide any actual evidence to support his belief that that was the case. This was also the case for his original implication that he thought the detectives knew of and suppressed Eric Weskamp's involvement in the robbery. When questioned further about the basis for his belief that this was the case, Note told me that he had been told by Paul Statler's defense team that should the case have been tried again, Eric Weskamp would actually testify to his involvement in the case. He confirmed that this was what he meant when he talked in our first interview about Weskamp being the "hold card." When pressed for the name of the person he heard this from, Note would only tell me it came from the defense team that would have provided Statler's defense had the case been tried again. He indicated that he didn't think I would get any cooperation from his source should I identify and inquire of them. Other than suspicion and conjecture, Note was unable to provide any actual evidence that Weskamp was a co-conspirator in the robbery or that the detectives knew that he was and either ignored or suppressed it.

We then talked about his statement in our first interview about Eric Weskamp being instrumental in providing the phone records that ultimately resulted in the alleged date of the crime being changed from the 15th to the 17th of April. I clarified for him that it was actually Kyle Williams' phone records that precipitated the change in the alleged date of the robbery and exactly how Detective Francis came into possession of the phone records. Note then went on to talk more about the reasons for his belief that Weskamp was involved in the robbery including his belief that Clifford Berger had chased after the suspects following the robbery, and that this was "the monkey wrench" that got thrown into it. I told him that from what I had been able to discern from reviewing the witness statements and reports, there wasn't a pursuit of the suspect vehicle immediately following the robbery, but that a short time after the suspects left, Berger and Williams went looking for the suspects in Williams' Cadillac. Note indicated that it was his recollection from the testimony at trial that there was a pursuit, but didn't offer any substantive explanation for why Berger and Williams' pursuit or search for the suspect vehicle supported his contention that Weskamp was involved in the robbery.

Another aspect of Note's belief that Weskamp was involved in the robbery was in regards to evidence of phone contact between Weskamp and ██████████ both before and after the robbery that was reportedly discovered after the trial by the Innocence Project. I explained that phone contact between Weskamp and ██████████ prior to the robbery would be expected since they were primarily involved in setting up the drug deal. I suggested that it wouldn't therefore be unexpected that following the robbery, there would be phone contact between them regarding what had happened.

At that point Note again launched into the previously stated reasons why he believes this was a set up robbery and that Weskamp was involved and was to have profited from his part in it.

It should be noted that subsequent to this interview, I went through the reports for the Weskamp robbery again and realized that there was no evidence at that time that Weskamp and [REDACTED] had any phone contact prior to the robbery. The reports only mention calls between Weskamp and Kongchunji during the time the drug sale was being arranged. Indicating to Note that there was phone contact between Weskamp and [REDACTED] prior to the robbery was a mistake on my part. It appears that evidence of their phone contact prior to and after the robbery was discovered after the suspects in this case were tried and convicted.

During additional discussion about his thoughts on the case, Note indicated that he was not out to slander and ruin guy's careers, but that he had some grave concerns about the case. He acknowledged that much of what he now knows or believes about the case comes from what he has been told in the years following the trial, and that at this point it is difficult for him to separate what he has heard since from what was going on at the trial. He said his direct knowledge of anything stops five years ago at the trial. He added that he absolutely believes that Weskamp was involved, and that at a minimum, a slip shod investigation took place. He indicated that his belief was that everyone involved in this case had serious credibility issues and that they, the detectives, just took peoples word for things. He indicated that he didn't know if the detectives actually suppressed Weskamp's testimony or just chose not to connect the dots. He added that he was astounded by the amount of cart-blanche credibility the detectives were willing to give some of the "scumbags" at the exclusion of looking into any facts or checking up on the stories of the other "scumbags" who all have motives to lie. He then reiterated his belief that other than [REDACTED]'s testimony, there was no evidence to corroborate that they, meaning Statler, Gassman and Larson, were involved.

Later in the interview, while talking about his source for information regarding what Eric Weskamp may or may not have testified to at a new trial, Note acknowledged that the allegations were made to him by someone else and he just passed them on to me. When questioned further about his source, he told me that he wasn't sure that the person I needed to talk to would talk to me about it.

We then discussed the issue of the change of the date of the alleged robbery from the 15th to the 17th.

I asked him if it was his belief or suspicion that following the prosecution learning of the suspect's alibi for the night of the 15th, that the detectives then went out looking for some reason or way to change the date. He didn't directly answer the question but went on to talk about one paragraph in one of Detective Francis' reports where he allegedly wrote that the date of the robbery may have been the 17th. He then went on to talk about the case against Robert Larson being dismissed before the trial because of additional evidence found apparently supporting his alibi. He also talked about testimony at trial from Clifford Berger that also corroborated the original date of the robbery being the 15th.

I then explained what I had found in my review of the case regarding the way Detective Francis came into possession of the phone records from Kyle Williams and asked him if he had any evidence that it happened some other way. He offered nothing to the contrary and then went on to talk about their issue with the phone records being that it was only a snapshot consisting of only five phone calls. He went on to suggest that he found it very odd that they would only bring them five phone numbers instead of complete printouts. I asked him if he was suggesting that he thought the detectives should have obtained Williams' cell phone records from his service provider to corroborate the partial record Williams provided and he said it was. He then clarified that he never alleged that the detectives manufactured evidence, but that they took a piece of crap record from an unreliable source and didn't do any investigating to corroborate it or find out why they only got the five calls.

09/24/13 @ 1630 hours: I called and talked briefly with Tim Note by phone and asked him if he knew specifically why the Prosecutor's Office dismissed the charges against Statler, Gassman and Bewick in the Christopher Selfridge robbery case. He told me that to the best of his recollection, it was because of issues with the photomontage identifications of the suspects. He said they were in mid trial when the deputy or corporal that took the original report began talking on the stand about showing the victims photomontages. His recollection was that there were no reports indicating that he had done that so nobody knew about it until trial. He indicated that his recollection was that the victims didn't identify the suspects when shown the montage by the deputy or corporal but did identify them when Detective Marske showed them the montages he prepared. He thought the deputy or corporal did a report in expediter but that it got lost or something and never made it to discovery. I thanked Tim for answering my question and ended the conversation.

09/25/13 @ 1500 hours: Detective Elliott came to my office where I served him with his rights and responsibilities of member notification and a member complaint notification in this case.

He signed both documents and I gave him copies of both. I scheduled an administrative interview with him at 1000 hours on 10/01/13. I also scheduled Sgt. Marske for an interview at 1300 hours on 10/01/13.

10/01/13 @ 1012 hours: I conducted an administrative interview with Detective Justin Elliott regarding this investigation. The interview was recorded via the Interview Tracker recording equipment in the small conference room and with my digital recorder. The interview was subsequently transcribed by Erica Rivas and placed in the case file. Copies of the recordings of the interviews were made and placed in the case file as well. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (see the transcription of the interview for the complete record)

I inquired as to Det. Elliott's interviews of the victims in this case. He told me he interviewed both Christopher Selfridge and Yvonne Denham together initially and then again separately later on. He said he obtained independent descriptions of the suspects from each of them but admitted that his interview with Yvonne is not detailed in his report. Det. Elliott confirmed that he believed the robbery was a drug rip robbery and that he confronted the victims about it. He said they admitted to having had personal use marijuana in the house but denied possessing large amounts or possessing it for sale. He confirmed that he didn't pursue a drug possession investigation at that time but did put the information in his report. He confirmed that Selfridge eventually admitted that the suspects may have known him to have money or marijuana in the apartment and that it was a possibility that the suspects were looking for those items.

I questioned Det. Elliott about the lighting conditions inside the apartment at the time of the robbery and he said he didn't ask the victims about that. I asked him if Selfridge showed him where he was standing outside after the robbery from where he was able to see one of the suspects remove his mask while in the car. He said he didn't remember walking out with Selfridge and him doing that.

I asked him about being provided the names Paul Statler and Brian Bewick by Selfridge. He told me that sometime after taking the initial report and leaving, Selfridge called him and left him a voicemail message. He said he then talked briefly with Selfridge who told him that he heard from some friends who wanted to remain anonymous that Statler and Bewick were two of the suspects. I asked him if he inquired as to whom the friends were that gave him this information and he said he didn't at that time. I asked him if based on that call, he felt Selfridge was doing some investigating on his own and he said he did.

I asked him if he asked Selfridge if he knew either Statler or Bewick and he didn't recall doing so.

I then asked Det. Elliott what he did with the information provided by Selfridge. He said that to the best of his recollection, the next day he prepared photomontages with the two suspects in them that he subsequently showed to both Selfridge and Denham. He said he later put the two montages on property sometime after midnight during his 02/19/08 shift. He confirmed that the copies of the two montages, pages 46 and 47 of exhibit #1, were the montages he prepared and showed the witnesses. I asked him about generating a report about showing the montages and he said he did. He explained that he didn't believe the original report he generated in Expediter the shift before had been finalized so he continued writing on the same report believing it was still available to be edited. He said he added the information regarding showing the montages and then transferred the report for review. He said that what he found out later was that the report had already been approved and submitted during his prior shift and that the additional information he had added was omitted.

I then asked him some more questions about showing Selfridge and Denham the montages. He said he showed the montages to each of them separately after reading them the standard admonishment on the montage. He said that to his recollection, neither of them were able to identify anyone in the two montages. I then inquired about him showing photomontages containing pictures of suspects when neither of the witnesses reported seeing the suspects without their faces covered or at least partially covered. He conceded that prior to showing the montages, neither of the victims had reported seeing either of the two armed suspects without their faces covered, and that Denham had not reported seeing any of the suspects without their faces covered or partially covered.

I then asked him if it was a common practice to show a photomontage of a suspect to a witness or victim who never saw their uncovered face. He explained that he assumed they had seen some minimal features such as the eyes during the incident which would have led him to bring the montages but that had the suspect's faces been completely covered there would have been no reason for him to bring pictures of faces. I asked him if either of the victims sufficiently described the first two suspect's features that would have led him to believe they could identify them just by those features without having seen their entire face. He said he didn't know and that if they did, he didn't describe it in his report.

Upon further questioning about showing montages under these circumstances, Det. Elliott indicated that he couldn't say specifically what led him to believe the victims would have had the opportunity to identify them, but that for him to have gone to the extent of putting the montages together and showing them, there must have been something present that led him to believe that they could identify them. He said that without having his other report, he couldn't remember what that was. He added that because of the possibility that the driver who took his mask off could have been one of the two armed suspects may have been the reason he showed Selfridge the montages.

I then asked Det. Elliott about finding out that the additional information regarding the montages had not attached to his original report. He told me that on an unknown date sometime after March of 2008, he was working dayshift in either district 11 or 12 in a two man car with Deputy Lawler when he received a phone call from Det. Marske. He said he remembers Det. Marske mentioning something about this robbery and that he had shown the victims photomontages three or four days after the robbery and that they had identified suspects. He said he then questioned Det. Marske about showing montages after he had already done so at which time it was revealed that Det. Marske didn't have the information about him showing the montages that he believed he had added to his original report.

Det. Elliott went on to explain that he then found a copy of the incident report with the additional information he had added saved on his issued computer in Expediter mobile. He said he remembers going down to the Major Crimes Office and providing a copy of the complete report to Det. Marske. He said he also had a phone conversation with DPA Cruz, likely that same day, during which he was told that the charges for that incident were quickly dropped. I asked him if his understanding based on the call from Det. Marske was that they were in trial for that case and he said possibly. I asked him if he was called as a witness in the trial and he said he didn't believe so and didn't remember going to court on it. He also reported that he believed he then wrote an additional report explaining his actions and what had occurred. He said he didn't know however if that report went through Expediter or if he gave Det. Marske a printed additional report. He couldn't say for sure whether he gave it to Det. Marske or if he put it in records himself. I asked him about that report still being in his computer and he confirmed that it was not. (This report was not found in records)

I asked him if following his showing the victims the montages, he had any additional involvement with the robbery investigation and he said he didn't.

When questioned further about possibly having actually been called as a witness in the trial, Det. Elliott said he didn't remember being called and that he thinks he would remember had that been the case.

10/01/13 @ 1318 hours: I conducted an administrative interview with Sgt. Doug Marske regarding this investigation. The interview was recorded via the Interview Tracker recording equipment in the small conference room and with my digital recorder. The interview was subsequently transcribed by Erica Rivas and placed in the case file. Copies of the recordings of the interviews were made and placed in the case file as well. Sgt. Marske was advised of the nature of the allegations being investigated and reminded of his rights and responsibilities as a member of the Sheriff's Office. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (see the transcription of the interview for the complete record)

This interview pertained primarily to the Christopher Selfridge robbery and Sgt. Marske's involvement in the investigation. I only found one additional report by Sgt. Marske for this investigation and asked him if he believed he generated any other reports and he said he believes that he did. Sgt. Marske confirmed that he did review Cpl. Elliott's robbery report in this case when it was assigned to him and confirmed that he thought it was a drug-rip robbery. He confirmed that he confronted Selfridge about it and that Selfridge denied that it had anything to do with drugs, and that he didn't believe him when he denied it.

I asked him about Selfridge conducting his own investigation into the robbery, and if he asked Selfridge for the names of the people who Selfridge told him gave him Statler and Bewick's names as suspects. He said he did and that Selfridge gave him the names Jacob Gingrich and Ashley Schaeffer. He didn't seem to be able to recall just when Selfridge gave him the names though. Sgt. Marske then told me that he believes there should be another report about an interview that either he or Det. Francis did with Jacob Gingrich. He couldn't say when he talked with Gingrich but indicated that he talked with him about his involvement with Ashley Schaeffer.

Sgt. Marske then went on to talk in general about his involvement in this investigation. He described making phone calls and taking photomontages to show Selfridge and Denham. He said that Det. Francis knew Paul Statler from a 2003 robbery investigation that Statler and Tyler Gassman were involved in and that was why he prepared a photomontage with Gassman in it.

He said he took the montages he prepared to show to Christopher Selfridge who continued to deny that the robbery involved drugs which made him suspicious of his identification of the suspects. He said when asked, Selfridge denied having ever seen the suspects before. He said Selfridge identified Statler as the suspect with the shotgun, saying he could identify him from whatever part of his face he could see, and that he identified Bewick because he took his mask off in the car. He confirmed the Selfridge was unable to identify anyone in the montage containing a photo of Tyler Gassman.

He said he showed the montages to Yvonne Denham and she didn't identify either Statler or Bewick. He said she did identify Gassman, and that she said she wouldn't forget his eyes. He said he was skeptical of how sure she was but that she said she would never forget the guy's eyes. He later said that he believed Denham's identification of Gassman was a positive I.D. Sgt. Marske then talked about going back out to Selfridge's address on the 22nd because Selfridge had called him and told him he had found some evidence, i.e. the makeup bag. He said Selfridge told him he described the makeup bag to Jacob Gingrich who told him that it was Ashley Schaeffer's bag. He said he was skeptical of it as well because it was two days after the robbery and nobody had picked it up prior to then. He said he took the makeup bag and put it on property and had it checked for latent prints. He added that he wasn't aware at that point that Cpl. Elliott had previously shown them photomontages.

Sgt. Marske then mentioned that he saw that there were montages on the property sheet but that he didn't go look at them. He said he mistakenly thought they were the montages that they had done on Leonardo Ramone. He said they stopped another vehicle that matched the description at the Zip Trip and the people ended up not being involved. He said what he assumed was that they showed pictures of Leonardo Ramone and somebody else to Selfridge and he didn't identify anyone so he assumed that those montages were completely unrelated to Statler and Bewick. He said he didn't know until the day of trial that Cpl. Elliott had shown the montages. He added that he didn't feel there was enough to make a charge against Statler, Gassman or Bewick at that time and that he didn't feel that Selfridge was being completely truthful. He reiterated his skepticism of Selfridge's identification of the suspects, and of his concern that he may have seen pictures of the suspects somewhere before identifying them in the montages.

I then questioned Sgt. Marske further about the photomontage I.D.'s of the suspects. He acknowledged that prior to showing them the montages, he had no reason to believe that either Selfridge or Denham ever saw the two armed suspects without their faces covered or partially covered. He added that Selfridge assured him that he didn't know Statler or Bewick and that he had never seen them.

I asked him if he had any reason to believe that Denham had ever seen the third suspect without his face covered or partially covered prior to showing her the montage. He indicated that he didn't, and indicated that he probably asked her if she knew any of them but that he left it off his report.

I asked Sgt. Marske if he asked Selfridge how it was possible for him to identify Statler as the suspect with the shotgun ever though he was wearing a mask during the robbery and he told me he didn't according to his report. When I asked if either of them gave him anything that was not in his report that would have suggested to him that they would be able to make an I.D., he said no, not for Selfridge but that Denham told him she would never forget "those eyes." I asked him which of the three suspects Denham thought Gassman looked like and he said it was the suspect that was directly focusing on her during the robbery.

In further discussion about the identifications, Sgt. Marske clarified that it was Bewick that Selfridge identified as the "incredibly skinny" guy that took his mask off in the car as they were leaving. He confirmed that Selfridge identified Statler as having the shotgun but didn't identify Gassman, the one with the handgun who Denham identified because of his eyes. He added that that went along with what ██████████ told them about the driver normally staying with the car. He then confirmed that the reason he showed Denham the three montages was because she felt the one had distinctive eyes and that she would be able to identify him from that. He then indicated that he would have shown her the montages either way. I questioned him further about showing a montage to someone when the suspect was wearing a mask and suggested that in that case he would have to have more than just the suspect's name and he said yes. When questioned about having something from Selfridge in the way of a reason he thought he might be able to identify him, Sgt. Marske indicated that he didn't other than the fact that Selfridge had close contact with the suspect who hit him with the barrel of the shotgun. I asked him if he questioned Selfridge about the lighting conditions in the room at the time of this robbery and he said he didn't recall doing so.

I then asked him if he questioned Selfridge about his proximity to the suspect vehicle as it related to his ability to see the suspect that took his mask off. He said yes and went on to describe, and draw on the whiteboard, where Selfridge showed them he was standing when the suspect vehicle went by and he saw the suspect take his mask off. Following his detailed description of what Selfridge told them and showed them, I asked him if it was fair to say that some of what he was told and some of what happened is not in his report and he acknowledged that it was.

I asked him if he thought he generated another report and he said "I do." After further discussion, he then stated that there probably was not another report that involved them going out and talking with Selfridge. He then added that he didn't think Det. Francis probably did another report about that contact with Selfridge either, and that was the end of the investigation for two months at least.

I asked him if he considered the identification of Paul Statler by Selfridge a positive I.D. He went on to list several reasons why he was skeptical of the I.D. and indicated that he didn't consider Selfridge a credible witness. He said he was skeptical because of who Selfridge was but not because of how he identified him. I asked him if he suspected that Selfridge may have seen a picture of Statler and he said no. He then said yes, that he did suspect that. I asked him if he thought Selfridge was lying to him when he said he didn't know them, referring to the suspects, and he said he did and that's why he asked him if he had ever seen them before. He said he "was afraid he could be the kind of person that would lie and say that this was the person on a rumor." He added that he did not however get that feeling from Yvonne Denham, and that she was a "very credible witness." When asked again if he thought Selfridge's identification of Statler was a positive I.D. he said yes and indicated that Selfridge said it was positive but that he was skeptical. I asked him the same question of Selfridge's identification of Bewick. He said "yep" no hesitation on his part, he picked him out right away. It looked like a good identification to me." He added that he was skeptical anyway but that it was a positive I.D.

I asked him if he questioned Selfridge about doing some investigating on his own and he said he did. He indicated that knowing that Selfridge was doing so also contributed to his concerns about the identifications. I asked him if with the information he had at that point, he felt he had probable cause to arrest or refer charges on any of the three suspects and he said he didn't think so. I asked him about any follow-up investigation done between showing them the montages and his talking with [REDACTED] the first time and he said he picked up the makeup bag and tracked down and talked with Jacob Gingrich. I asked him if he made any effort to interview or question any of the three suspects and he said he didn't think so. I asked him if he had anything else going on during this period of time and he said he became heavily involved in a homicide investigation approximately ten days later.

I then questioned him about the four probable cause affidavits I had obtained during the course of my investigation and laid them out on the table for him to review if necessary.

I told him about Tim Note's assertion that Tyler Gassman had been released at his first appearance after which time the same affidavit with slightly different wording regarding Denham's identification of him was submitted resulting in him being charged again and asked him if that was the reason for the different affidavits. He said it wasn't and went on to explain why the affidavits differ in regards to his and Denham's proposed testimony. He explained that in the first affidavit, he left off the fact that Denham had identified anybody in a montage, and that it was just an oversight on his part.

I pointed out the changes he made in the affidavits regarding his and Denham's testimony and asked him if he was asked by someone from the Prosecutor's Office to make the changes. He said he didn't recall, and that he wasn't even sure why he did a second affidavit. Upon further discussion about the subsequent affidavits, Sgt. Marske explained that what he thought happened was that the prosecutor was bumping up against a speedy trial deadline and dismissed the charges without prejudice so they could re-file the charges later. He added that he was not sure why they wouldn't have just used his first affidavit to charge them again and indicated that he didn't know why he would have done another one unless someone asked him to.

I asked him about the differences in the affidavits regarding his and Denham's testimony and the appearance that the changes may have been done in an attempt to make Denham's identification of Tyler Gassman look more positive than it really was. Sgt. Marske denied that was the reason for the changes and pointed out that his belief was that her identification was actually more positive than he made it sound. I then questioned him about the changes to the affidavits regarding his testimony and the difference between Denham identifying Gassman as looking like one of the robbers and Denham identifying Gassman in a photomontage. I asked him if he could explain why he made that change and he said "I think it's more accurate in the second one." He then added "I think they're both accurate but I think it's more accurate to what I would testify the person she identified was Tyler Gassman." I asked him if he was saying that his second affidavit was more reflective of her actual I.D. than his first one and he said it was. He added that he thinks the facts in the second affidavit are more accurate and indicated that it appeared that he was in a hurry when he prepared the first one.

I then asked him when he first found out that Cpl. Elliott had shown photomontages to Selfridge and Denham prior to him showing them montages. He said he first found out that was the case the morning of trial when Cpl. Elliott showed up to testify and asked where his photomontages were. He said that was when he learned that Cpl. Elliott had shown montages containing pictures of Statler and Bewick to the victims and that they hadn't identified anyone in them.

He went on to describe his ensuing conversation with Cpl. Elliott about what had happened and why he hadn't received the portion of the report that Cpl. Elliott thought he added to his original report.

I asked Sgt. Marske if he knew whether the prosecutor interviewed Cpl. Elliott prior to trial in this case and he didn't think that he did. I then explained that his version of how this all came to light differed from Cpl. Elliott's version and asked him if he recalled having a phone conversation with Cpl. Elliott about the montages. He said he didn't but that he remembered seeing him at trial that morning. Upon further discussion, and a brief explanation of Cpl. Elliott's version, Sgt. Marske conceded that it was possible that he did make a phone call to Cpl. Elliott that morning that prompted Cpl. Elliott to come in. It should be noted that the differences between Sgt. Marske and Cpl. Elliott's recollections about these types of details are not unexpected in light of the significant amount of time that has passed since they occurred.

Sgt. Marske told me that upon realizing what had happened, he was devastated, the judge was irritated and the prosecutor was furious. He added that Christopher Selfridge never told him that a deputy had come by and shown him montages when he specifically asked him if he had ever seen them, the suspects, before. We then talked some more about his skepticism of Selfridge's credibility and he indicated that he was less concerned about it after talking with [REDACTED] and being told about all the other robberies these guys had done. Upon further questioning, Sgt. Marske confirmed that [REDACTED] hadn't implicated any of the suspects in this particular robbery and that none of the suspects admitted to any involvement in it.

We then talked again briefly about his having seen that there were two photomontages on property and his mistaken assumption that they were related to the possible suspect vehicle stop and not the actual robbery investigation. I asked him if he would acknowledge that he was in error by not looking further into the montages and asked him if it was not his responsibility to thoroughly review the case. Sgt. Marske reiterated his belief at the time that the montages related to the possible suspect vehicle stop involving Ramon Leonardo. He went on to state, regarding the case file of that stop, "...I believe that there's montages in there..that they had pictures in there or photos in there..so I as..when I see them on property.. photo montages on property...I thought those were the ones.. and they weren't pictures of Statler or Gassman..so they never became important to me to go see what they were..

...I assumed reading the report and when they stopped the vehicle, they had done that case and they're..they had pictures of the that they had taken those pictures of the people in the Explorer over to and and made montages from those..that's what I thought at the time.." He then confirmed that he didn't go look at the montages.

I asked him if it says in the reports regarding that stop whether they prepared photomontages and he said he didn't know and that he hadn't reviewed that report. When asked, he clarified that he reviewed the report at the time of the incident but not recently. He then reiterated that he never went and looked at the montages and admitted that he should have done so before trial. He indicated that the lack of any mention in Cpl. Elliott's report about him showing the montages contributed to his assumption about the montages. It should be noted that there is nothing in any of the reports I was able to obtain regarding either the possible suspect vehicle stop or the robbery investigation about deputies involved in the stop preparing photomontages to show the victims of the robbery. Nor is there anything in any of the reports describing exactly how the individuals in the vehicle stop were eliminated as suspects in the robbery. There is a miscellaneous entry in the CAD report by radio operator Hawkins at 0559 hours that Dep. Stockman's stop was found not to be related to the home invasion robbery.

I asked Sgt. Marske about there being no documentation in any report regarding his collecting the makeup bag he talked earlier about collecting from the scene of the robbery. I asked him if it was possible that he wrote a report that did not get turned into records and he answered yes. He then said "I believe there's a report that that should talk about um..conversations I would have had with Jacob Gingrich..um..and picking up that makeup bag." I asked him if he ever talked with Ashley Schaeffer and he said he did. He went on to tell me about talking with her after the Jenalee Hall robbery while he was standing by with Department of Corrections officers while they conducted a search of Paul Statler's residence. He said he asked Ashley about the makeup bag and she acknowledged that it may be hers. When he told her about it being found at the scene of a robbery on S. Woodruff, she told him she had been at a party over there and that the bag had been stolen.

I then asked Sgt. Marske about the shotgun recovered from Paul Statler's residence following the Jenalee Hall robbery. I asked him if he had a chance to look at that shotgun prior to his preparing the probable cause affidavits for this robbery and he said he didn't remember. I asked him if he looked at any pictures of it and he said he didn't remember. He had previously described the shotgun to me in detail and I asked him where he got that description from.

He said he saw the shotgun when he got it off property and took it to court for trial and again recently when he retrieved it from the court and returned it to the property room. I pointed out that the shotgun was not described in any detail in Cpl. McCrillis' report or in his affidavit, and asked him what at the time he prepared his affidavit was his reason to believe that that was the shotgun used in the robbery that occurred three months earlier. His answer was "I can't tell you..I I don't know."

He went on to say that he was sure that he did think it was the gun but that he didn't know that he had any evidence "other than the fact that it was a shotgun that was recovered from the suspect..it was used in another robbery..it was at his house." He also confirmed that nobody, not even [REDACTED], had told him that the shotgun recovered from Paul Statler's house was the shotgun used in the Christopher Selfridge Robbery. I asked him if he ever established actual ownership of the shotgun and he said he didn't recall. He went on to describe referring the issue of Statler's possession of the shotgun to the ATF for follow-up but that he didn't know what they did with it.

Sgt. Marske said he thought he sent the ATF some information about Cpl. McCrillis collecting the gun and indicated that there were potentially some issues about whether or not McCrillis made some sort of an arrangement with Paul Statler to get the gun from him. He then went on to mention that Anthony Kongchunji and [REDACTED] had basically admitted that Kongchunji had obtained the shotgun from Statler prior to the Hall robbery and then returned it to him following the robbery and that it was his, Statler's gun. I asked him if he asked [REDACTED] who actually owned the shotgun. He said he probably did and guessed that [REDACTED]'s answer was that the guns were Paul's.

I asked him about the shotgun recovered from Paul Statler's residence not being fully described in his probable cause affidavit and he confirmed it was because that was all the description he had of it and that it was not done in an attempt to minimize the differences in the descriptions of it. We then discussed the differences and similarities between the shotgun recovered from Statler's residence and the description given by Selfridge of the shotgun used in the robbery and Sgt. Marske indicated a belief that Selfridge's description of the shotgun matched the shotgun recovered fairly well. He added that he felt that had he described the shotgun in his affidavit it would have helped him not hurt him because they were so similar.

I then asked him about the Department of Corrections personnel search of Paul Statler's residence that wasn't mentioned in any report that I had.

He explained his working relationship with some Community Correction's Officers while a property crimes detective and how they would occasionally assist him with investigations involving individuals under their supervision. He went on to describe notifying them about Paul Statler's involvement in these robberies after talking with Dunham and Kongchunji. He said he probably also told them enough about him and what they were looking for that if they saw anything like that to let them know. He said he and Detective Ricketts stood by outside the residence while they did the search. He indicated that the DOC personnel collected a bullet, a shell casing and a ball cap that said "Police" on it which he took and placed on property. He added that there should be a report about that incident as well since he collected the items and put them on property. I asked him if the search was something DOC did at his request and he said he didn't know but that he would have requested them to do it. He added that he wouldn't direct them to do it but that he would suggest it.

Regarding why reports may not have made it to records, Sgt. Marske explained that the three robberies that occurred between the Selfridge and Hall robberies were assigned to Detective Francis who put together a case file that encompassed parts of the Selfridge and Hall cases as well. He explained that in some investigations, he wouldn't put reports in records until the investigation was completed, and indicated that he may have given some reports to Detective Francis who didn't put them records thinking that he already had. I asked him if there was any other potential explanation for reports not getting turned into records and he said there was. He explained that if he and Detective Francis did something together only one of them would generally write a report. This appeared to be a suggestion that they may have done things together on one or more of the cases that just didn't get covered in Detective Francis' reports.

Upon further discussion regarding the DOC search of Statler's residence, I suggested that someone might view the search as something he enlisted their help with to accomplish a search that he otherwise wouldn't have been able to do. He responded that he wouldn't say it would be to avoid a search warrant because he didn't have enough to get a search warrant. He added that if he wrote a search warrant for his residence he would have to lay out all the facts in an affidavit which would be returned to the court and be made public on a case that involved a confidential source of information, referring to [REDACTED] and Anthony Kongchunji. He indicated that someone on supervision has agreed to being searched at any time and that he doesn't believe there is anything wrong with doing it that way.

I told Sgt. Marske that we would have to have one more interview to talk about some other robberies and ended the interview at 1506 hours. (See the transcription of the interview for complete details)

10/03/13: I prepared a list of questions for DPA Cruz regarding the dispositions of these robbery cases and delivered it to DPA Driscoll to give to Cruz. I was informed by DPA Driscoll on 10/07/13 that he had given the questions to Cruz.

10/07/13: I talked in person with Eric Weskamp's mother and by phone with his father in an attempt to locate Eric. Both told me that Eric had relocated to somewhere in Oregon several months ago. Neither was able to provide me with an address or phone number for Eric and neither knew who he was living with or working for.

10/08/13 @ 1003 hours: I conducted a second administrative interview with Sgt. Doug Marske regarding this investigation. The interview was recorded via the Interview Tracker recording equipment in the small conference room and with my digital recorder. The interview was subsequently transcribed by Erica Rivas and placed in the case file. Copies of the recordings of the interviews were made and placed in the case file as well. Sgt. Marske was reminded of his rights and responsibilities as a member of the Sheriff's Office and that he had previously been advised of the nature of the investigation. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (see the transcription of the interview for the complete record)

This interview pertains primarily to the second robbery in this series, the Eric Weskamp robbery, which was assigned to then Detective Francis for follow-up. This was a robbery involving [REDACTED] and Anthony Kongchunji and allegedly involving Paul Statler, Tyler Gassman and Robert Larson. It was not reported to the police when it occurred and wasn't learned of until Detective Marske's first interview with [REDACTED]. This was also the case that resulted in the convictions of Statler, Larson and Gassman being vacated in 2012 by Judge Price.

I told Sgt. Marske that I was unable to find any additional reports from him in this case and asked him if he believed he generated any reports for the case. He said he may have and if he did, it indicated that it would have pertained to his contact with [REDACTED] prior to the contact where he and Det. Francis drove [REDACTED] around which was covered in Det. Francis' report. I asked him if he had any idea what happened to that report or reports if he wrote them and he said he didn't.

I asked him about his involvement in the investigation apart from his first interview with [REDACTED] and his preparation of a probable cause affidavit. He said he was part of a free-talk agreement with Anthony Kongchunji. He indicated that he took notes during the interview but that he didn't write a report. He indicated that there was some discussion with the prosecutor's office regarding the free-talk and that he didn't believe the prosecutor's office wanted a report written about it because it was supposed to be a protected conversation.

I asked him if Kongchunji entered into some kind of a plea agreement as a result of the free-talk. He told me that what he recalled happening was that Kongchunji gave a lot of information during the free-talk about his and other's involvement in these robberies but didn't want to have to testify and go to prison as a snitch. He indicated that Kongchunji wanted to make a deal that didn't involve his having to testify but the prosecutor's office wasn't willing to do that so he ended up pleading as charged and taking a much longer sentence than he would have received had he agreed to testify. He also indicated that his understanding was that the information Kongchunji gave during the free-talk couldn't be used against him. I asked him why if it was a protected interview, Detective Francis named him in an additional report as a source of information. He said he couldn't explain that.

I asked Sgt. Marske to briefly describe his working relationship with Detective Francis regarding these robberies. He indicated that although they each had robberies assigned to them separately, they kind of worked together as partners in hopes of solving them all. Upon further discussion, he told me that Det. Francis didn't have much to do with the Hall robbery and that he didn't have much to do with the Neil or Weskamp robberies. He said he did participate in the Kongchunji free-talk, and that he and Det. Francis probably did everything involving [REDACTED] together.

I pointed out that Detective Francis had prepared an affidavit of probable cause for this case dated 07/18/08 and asked him if he could explain why he prepared another affidavit of probable cause for it dated 07/25/08. He said he couldn't and indicated that he initially thought they were going to charge all the robberies together but found out later that they couldn't. He said he may have been preparing an affidavit to put it all together in one big document but that he couldn't explain for sure why he would have done a separate affidavit when Det. Francis had already done one.

I asked him if he knew which affidavit the prosecutor's office relied on as the basis for their filing of charges in the case and he said he didn't. I asked him what information he relied on to prepare the affidavit of probable cause that he wrote.

He said he probably used his other affidavits that he prepared in the other case for part of it and indicated that some of it would have had to come from Det. Francis because he didn't participate in the interviews with Joni Jeffries or Cliff Berger. I asked him if he recalled reviewing Det. Francis' additional reports or his affidavit prior to or in conjunction with preparing his affidavit. He said he didn't recall and said he wasn't sure his affidavit was even turned into the prosecutor as it was dated but not signed.

I then pointed out that one of the most significant issues regarding this case had to do with the alleged date of the robbery and the change of the date of occurrence just before the trial started. I pointed out that I was unable to find anywhere in any of the reports where Clifford Berger gave an estimated date of occurrence and that the only estimate of the date of occurrence Eric Weskamp gave was that it occurred approximately two weeks before Kongchunji was arrested which would have made the date of the robbery approximately April 9th not on or about April 15th. I asked him if he recalled on what he based his use of the on or about April 15th date in his affidavit. He said he didn't recall but would guess it was from information provided by Det. Francis. I asked him if he knew where Detective Francis got that information and he said he didn't.

Upon further discussion about the date of the robbery and the subsequent date change, Sgt. Marske indicated a belief that the date change came about as a result of information from Cliff Berger about a phone call and some phone records that showed the date of the call. Upon further questioning, he confirmed that the on or about 04/15/08 date came from Det. Francis and that was what he relied on when he prepared his affidavit. I asked him if he did anything independently to verify that date and he said no. Upon further discussion, it was clear that Sgt. Marske's recollection of this aspect of the investigation was not great and that he was not involved in the events surrounding the change of the alleged date of the robbery.

I asked him if he was familiar with the one-page phone record Kyle Williams provided Det. Francis that formed the basis for the change in the date of the robbery and he said he wasn't. I asked him if he knew if there was ever any consideration given to obtaining or attempting to obtain Kyle Williams' complete cell phone records to corroborate or authenticate the one-page record and he said he didn't know. I asked him if he knew if there was ever any consideration given to obtaining or attempting to obtain Robert Seiler's complete cell phone records and he said he didn't know. I asked him if he recalled inquiring of [REDACTED] as to the date of the robbery and he said he guessed he probably did but didn't recall.

I asked Sgt. Marske if he recalled learning sometime prior to trial that one or more of the defendants had established an alibi for the 04/15/08 date and he said he did. He said he remembered that one of them had a work record saying that he was at work during the time of the robbery on that particular day. He went on to explain that he wasn't particularly concerned however because he never thought they established a clear date that it was 04/15/08. He went on to explain that in some cases, they are unable to determine an exact date for the commission of a crime and indicated that this was the case with this robbery and why the on or about 04/15/08 was used. He indicated that they relied on [REDACTED] initially telling them approximately when it happened, and that "some things were done to try and get close." He added that they didn't think [REDACTED] was lying and that he thinks Det. Francis went to some added effort to see if he could narrow it down further and that's when he came up with the records, referring to Kyle Williams' phone records.

I asked him if either he or Det. Francis ever gave any consideration to the possibility that [REDACTED] and Anthony Kongchunji were lying about the involvement of Statler, Gasman and Larson in this or other robberies. He said there was but that he didn't think either of them was lying. I asked him if he was aware of [REDACTED] and Kongchunji being housed together in the county jail for 30 days between their arrest and his first conversation with [REDACTED] and he said he wasn't. I asked him if it isn't common practice to have co-defendants in serious cases kept separate while in jail and he said he's not usually involved in that and that he assumed the jail would be involved in where they are housed. I asked him if he knew if there was a keep separate request made at the jail to keep them separate. He said he didn't know and that he was surprised that they were housed together.

I asked him if there was ever any consideration given to obtaining or attempting to obtain search warrants or search consent for any of the residences where the suspects lived to look for outstanding firearms used during these robberies. He said they notified DOC about Paul Statler's involvement and they conducted a search of his residence. He said they didn't feel they had probable cause to search Robert Larson's residence and that they didn't know for sure where Tyler Gassman was living. He said Anthony Kongchunji was in custody and that they didn't know Robert Larson's name initially and it was a while later that they learned about him. He said he didn't think there was anyone else implicated in the robberies and that he wasn't sure where they would have searched. I asked him about [REDACTED]'s residence and he said they didn't. He said [REDACTED] was cooperating and that they believed what he told them about who was involved in the robberies and that he didn't have any guns.

During further discussion about attempts to locate outstanding guns, Sgt. Marske pointed out that he did try to find the AR-15 rifle that ██████████ told them Paul Statler used during the Neil robbery. He said he tried to locate it by contacting one of Statler's ex-girlfriends, Haley Givas, and then trying to find out where that gun was purchased which he said he thought he did. He added that he provided the information about that gun to the Bureau of Alcohol Tobacco and Firearms and asked them to follow-up on it, and that he did try to locate the guns. He indicated that they were concerned that any guns Paul Statler had weren't stored at his mother's house and could have been stored at his father's house and that they didn't feel he was going to be cooperative with them and that they didn't feel they had enough to get a warrant for a house they knew Paul Statler wasn't living at. He added that if they had found guns, they didn't have any way to identify them as the guns from the robbery other than a description. He said it didn't seem possible except for when they found out that he had maybe purchased a gun during this series of robberies from the pawn shop that they did follow up with.

I asked him if he was involved in the examination of Kyle William's Cadillac for bullet strike evidence with Det. Francis and he said he wasn't. I asked him if he knew whether the bullet holes in the car were through and through holes or if there was any effort made to recover bullet fragments and he said he didn't know. I asked him if he knew if there was ever any consideration given to obtaining the cell phone records of any or all of the individuals involved in this robbery in order to attempt to identify the actual date of occurrence or to corroborate involved individuals statements. He said he didn't recall having a lot of knowledge about any of the main suspects having phones and that he didn't recall looking for any records. He said he was not sure he had cell phone numbers for Statler, Gassman and Larson, and that he's not sure they were ever something he considered. He added that he didn't know about what Det. Francis did and that it would have been his decision to do that. He conceded that due to the difficulties with the dates, he could see where it might have been useful on that robbery.

During further discussion regarding the issue of establishing the actual date of the robbery, Sgt. Marske said they didn't realize the date was an issue because they didn't say April 15th was the date it occurred. He then said "we knew that we didn't have an exact date..they provide an alibi for one day..you know we could say well it..maybe it was the 16th ...maybe it was the 14th ...maybe it was the 18th .." After further discussion about the basis for the April 15th date, I told him that from what I had been able to find from the reports, it appeared to me that the April 15th date for the date of the robbery was a guess. His response was "I think it was a guess, I think that's why it says on or about."

I asked Sgt. Marske if to his knowledge, there was ever any consideration given to the possibility that either Eric Weskamp or Robert Seiler were involved in setting up the robbery. He said not to his knowledge. I asked him if he now or ever did have any evidence that would suggest that either Eric Weskamp or Robert Seiler were in any way involved in setting up the robbery and he said no. I asked him if he ever ignored or intentionally suppressed any evidence that Eric Weskamp was involved in this robbery in any way other than as a victim and he said no. I pointed out that Eric Weskamp never mentioned Robert Seiler being present during the robbery while Seiler later reported being right there and actually being in the suspect's vehicle when they were assaulted and robbed. I asked him if he was aware of any attempt by Det. Francis to question Weskamp about this and he said he wasn't. He added that he never talked with Weskamp or Seiler and was not involved in any of that.

I then talked with Sgt. Marske about Clifford Berger's report that Joni Jeffries had been involved in some kind of a drug deal earlier on the day of this robbery with a person named Stevie O where things had gone bad resulting in her losing money. When asked if he recalled reading or noticing that in Det. Francis' report he said he did. I asked him if to his knowledge, there was any additional inquiry or investigation into that report by either him or Det. Francis. He said not by him and he didn't know what Det. Francis did after that.

I asked him if he was involved in the post-arrest interviews with Statler, Gassman or Larson and he said yes. I asked if any of them admitted any involvement in the robbery and he said no. I pointed out that during the interview with Tyler Gassman, Gassman claimed he wasn't in Spokane the night of the Neil robbery and asked him if he was aware of any follow-up investigation regarding that assertion by Gassman. Sgt. Marske then went on to talk about [REDACTED] telling them that Tyler Gassman had suggested the robbery because he knew the Fowlers and wanted to be part of it but could not actually be physically present because they knew him. He said he didn't know how much follow-up Det. Francis did about figuring out if he was actually out of town and that they knew he was living with his girlfriend at some point in Post Falls.

When I pointed out that Gassman was charged with that robbery, Sgt. Marske said he was, as a co-conspirator, and that he set it up. I asked him if it was as a co-conspirator, not someone who was present and he said he didn't know if he was present and that [REDACTED] says he was but he didn't go in. He said [REDACTED] told him Gassman was there but that he and Gassman stayed outside while the other three went inside.

It should be noted that in Det. Francis' report regarding their 05/28/08 interview with [REDACTED] about the Neil robbery, [REDACTED] didn't mention Tyler Gassman even being there. In their 06/12/08 interview with him, [REDACTED] did name Gassman as being involved and said he was one of the four that went to the house while he stayed in the vehicle.

I asked him if Gassman was questioned or interrogated regarding his involvement in the Weskamp robbery during his post arrest interview. Sgt. Marske said that according to the reports, it looks like he was just generically questioned about being involved in the series of robberies in general. He said he didn't see anything specific and that he couldn't recall. I asked him if he believed Gassman was in fact involved in the robberies that either he or Det. Francis referred him for and he said yes. I asked him why then Gassman wasn't questioned and/or interrogated about his involvement in all the robberies he had been implicated in by [REDACTED]. He said he wasn't sure that he wasn't, that he didn't recall it and that he was not reading it, an apparent reference to not finding it in his reports.

When I pointed out that it doesn't appear from the reports that Gassman was questioned about any of the other robberies, he indicated that he was not sure that was an error in how he was interviewed more than it's just not well documented. He indicated that the report says Gassman didn't know [REDACTED], Bid Nick, Matt Gardner, Christopher Selfridge or Eric Weskamp. He said Gassman was asked about these people but that he just doesn't think what he said it well documented. When asked about writing a report regarding the interview, Sgt. Marske said "I don't have a report here..I don't know if I did or not..although if Bill had written a report I probably would not have..we don't generally both write reports about the same incident." I asked him if he was saying or suggesting that Gassman was questioned in more detail than is reflected in Det. Francis' report and he said he did.

Sgt. Marske then went on to talk about a report that talks about Robert Larson being interviewed and that he was interviewed more that is reflected in the report. He said he recalls walking out of the interview and discussing with Det. Francis their feeling that Larson was on the verge of confessing. He indicated that the interview with Larson was considerably longer than is indicated in Det. Francis' report about it. He indicated that the same was true of the interview with Paul Statler.

I asked Sgt. Marske if to his knowledge, any of the people that Tyler Gassman named during his interview were contacted regarding his whereabouts during the nights of these robberies. He said he didn't know if they did any follow-up with that and that he didn't recall ever being involved in trying to check out any of his alibis.

I then pointed out that the only description of any of the suspects in the Weskamp robbery was that one of the suspects was taller with a pasty white complexion. I asked him if that description matched Statler, Gassman or Larson and he said he didn't know. I asked him if it matched Larry Dunham and he said "it could." I then asked him about [REDACTED] coming up with the name Bobby for the suspect he originally thought was named Andy or Andrew and asked him if he asked [REDACTED] how he came to realize he had the wrong name. He said [REDACTED] told them he was thinking about it while in jail and it came to him. I asked him if [REDACTED] offered any other explanation for the change and he said "no, he just said he remembered." When questioned further, Sgt. Marske denied that either he or Det. Francis suggested the name Bobby to [REDACTED] and that it was [REDACTED]'s revelation. I asked him if he considered [REDACTED]'s photomontage I.D. of Robert Larson a positive I.D. He said "I don't recall, it was an I.D." He added that what made it more significant was [REDACTED]'s ability to describe where Larson lived.

I then asked him about his involvement if any in the Jeannie Humphrey robbery that was another robbery assigned to Det. Francis. He indicated that he thought this was a robbery that was originally identified by [REDACTED] and that Kongchunji later provided some clarifying information about it. After additional review of Det. Francis' report, Sgt. Marske confirmed his belief that the information first came from [REDACTED] and that Kongchunji later provided the name Kerry Lutz. He added that this was a robbery that [REDACTED] wasn't involved in and that Kongchunji had told him about. I asked him if he was aware of Jacob Dills ever being interviewed by Detective Francis and he said he wasn't.

I asked him about alleged robberies described by [REDACTED] that didn't appear to have been followed up on. He acknowledged that there were some robberies that were not assigned as cases because they couldn't get the victims to cooperate at all. He described efforts to identify victims in a robbery off Nevada and Lincoln but that he couldn't get anyone to call him back. I pointed out that this was another situation where work was done that didn't make it into a report and he responded "well not that we have here." He added that he couldn't believe that there's not a report with the name of the person that refused to cooperate but acknowledged that none of the reports I was able to find contained that information.

I then asked him about the free-talk with Anthony Kongchunji and he confirmed that there was one free-talk with him that he could recall that he participated in. He said he didn't recall if he wrote a report but that he didn't think that he had. He said he took notes that he believed ended up in Detective Francis' case file or were given to the prosecutor's office. He described not knowing at that time exactly what they were supposed to do as far as reports on free-talks due to the confidential nature of the conversations. He indicated that it was his understanding that Kongchunji admitted his involvement in some of the robberies but didn't want to testify against co-defendants so they weren't able to come to an agreement that included his testimony. He indicated that he believed he pled as charged and went to prison.

I asked him about Kongchunji providing information during the free-talk that corroborated what [REDACTED] had told them and he confirmed that he did. I asked him if there was any agreement or discussion about using the information Kongchunji provided during the free-talk to further their investigations. He said he didn't remember if there was any discussion about it but that he didn't believe there was an issue with them doing so. I asked him about his first interview with [REDACTED] and if Det. Francis was there. He said he didn't believe he was but that he couldn't recall. He added that he usually doesn't interview someone alone if he can avoid it. I asked him if he could recall how it came about that he interviewed [REDACTED] the first time and he said he couldn't. He indicated not knowing for sure exactly how many times he talked with [REDACTED] as it was a long time ago. I ended the interview at that point at 1124 hours.

10/09/13: I obtained a copy of the Division 3 Washington State Court of Appeals decision in the matter of the State of Washington v. Robert E. Larson dated March 15, 2011 from the westlaw.com website. I added it to the case file as Exhibit #10. Regarding the issue of Detective Marske allegedly threatening Anthony Kongchunji and driving him off the stand, the Court wrote in its decision "If a defense witness is threatened and those threats effectively keep that witness off the stand, the accused is deprived of due process of law: however, where state simply provides the witness with a truthful warning, no constitutional violation occurs." The Court went on to write "Remarks of detectives, cautioning codefendant about offering false testimony and reminding him of consequences of perjury, did not violate the defendant's right to due process or deny him a fair trial..." The State Supreme Court declined review of the Appeals Court decision, effectively affirming its ruling on this issue and the others addressed in the appeal.

10/14/13: I prepared a delay of investigation notice for Sgt. Marske for this investigation informing him that the investigation would not be completed within sixty days from its initiation.

The notice indicates that I anticipate that the investigation would be completed and forwarded to the Sheriff by November 14, 2013. After he signed the notice, I emailed a copy of it to the DSA President, Dep. Loucks.

10/22/13 @ 0808 hours: I conducted a third administrative interview with Sgt. Doug Marske regarding this investigation. The interview was recorded via the Interview Tracker recording equipment in the small conference room and with my digital recorder. The interview was subsequently transcribed by Erica Rivas and placed in the case file. Copies of the recordings of the interviews were made and placed in the case file as well. Sgt. Marske was reminded of his rights and responsibilities as a member of the Sheriff's Office and that he had previously been advised of the nature of the investigation. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (see the transcription of the interview for the complete record)

This interview pertained primarily to the Neil and Hall robberies, the last two robberies in this series. When asked, Sgt. Marske said he didn't recall if he prepared any other additional reports regarding these two robbery investigations other than the one additional report he generated dated 11/19/08, page 27 of exhibit #4. He said that other than his interview with Haley Givas, he didn't believe he was involved in any of the follow-up regarding the Hall robbery which was assigned to Det. Francis.

I then asked him about conflicting statements in Det. Francis' additional reports from [REDACTED] regarding Tyler Gassman's involvement in the Neil robbery, specifically regarding whether Gassman actually went to the residence with the other three suspects or whether he stayed with [REDACTED] at the vehicle. He acknowledged seeing the apparent contradictory statements in Det. Francis' reports but didn't remember [REDACTED]'s statements regarding Gassman's involvement being that conflicting. He reiterated his recollection that Gassman wasn't able to go to the residence for fear of being recognized because he knew the victims. He also acknowledged that he didn't know what steps Det. Francis took to determine if Gassman was actually there or not.

I then talked with him about what Anthony Kongchunji told him about his involvement in the Neil robbery during his free-talk. He confirmed that Kongchunji admitted that he was involved in this robbery but couldn't remember whether Kongchunji said he went to the house or stayed in the truck. I asked him if Kongchunji implicated the same individuals in the robbery as had [REDACTED] and he said he did. I asked him if anything Kongchunji told him about the robbery contradicted what [REDACTED] had told him and he said not that he recalled.

I asked him if he recalled seeing the mention of CCTV cameras and a CCTV monitor at the Neil residence in Dep. Pfeifer's report and he said he did. I asked him what if anything he recalled regarding the existence of a video from the victim's residence for the night of the robbery. He said just that Det. Francis said there was and recovered it sometime later. He said he didn't view the video and that he thought Det. Francis had viewed it because he had talked about it.

I asked him if he knew whether there was ever any consideration given to sending the .223 caliber shell casings found at the scene of this incident to the crime lab for entry into the IBIS computer database and he said he didn't know. I asked him if during his interview with Haley Givas, he asked her if she had any first-hand knowledge about Paul Statler's involvement in any of the robberies and he said he did. He said she didn't know the specifics but that she just knew that there was a rumor that they were robbing people. He said she told him she wasn't present when they did any of the robberies but that she knew they were doing stuff.

I then asked him to clarify his prior statements regarding efforts he made to recover the AR-15 rifle Haley Givas reported buying for Paul Statler. Regarding any investigatory steps being taken to locate the .223 rifle prior to talking with Haley Givas, Sgt. Marske said he wasn't sure what steps were taken. He told me that after learning of the purchase of the rifle by Haley Givas, he asked her what happened to the rifle. He said she told him she thought the gun was buried someplace in Idaho and that they had gotten rid of it. He then mentioned recalling that Gassman was living in Idaho at the time and that they kind of assumed that the gun was probably gone. I asked him if he asked either [REDACTED] or Kongchunji about what may have happened to the rifle during their free-talks. He said he probably did but that he didn't recall. I asked him if he asked Paul Statler or any of the other co-defendants about the Ar-15 during their post arrest interviews and he said he didn't recall.

I then talked with Sgt. Marske about his contact with Anthony Kongchunji on or about January 29th, 2009 when he brought him from the jail to the PSB. He confirmed that he did transport him to the meeting and that he believed that Det. Francis was with him. I asked him how he came to learn that Kongchunji had talked with Tim Note and Anna Nordvedt and he said he wasn't sure he did know that. He indicated that he transported Kongchunji from the jail to the PSB that day at the request of the prosecuting attorney's office. I asked him what his understanding was of why he did so and he said he recalled believing that Kongchunji was going to recant what he had told him during his free-talk.

He went on to say that the prosecutor's office had offered Kongchunji a plea agreement to testify against the other co-defendants and that what he recalled was that Kongchunji wanted to do no prison time in exchange for that testimony and that the prosecutor wasn't willing to do that. He indicated that Kongchunji basically said he wouldn't testify at all if he had to go to prison.

I talked with him about Tim Note's allegation that in a meeting with Tim Note and Mark Cipolla, he and detective Francis declined to answer his questions, citing the confidentiality of the free-talk agreement. I asked him if he recalled that and he said he didn't. I then reminded him of Tim Note's allegation that he threatened Kongchunji on the way to the meeting with all the attorneys and asked him to tell me what he told Kongchunji during the trip from the jail to the PSB. He told me that the allegation that he threatened Kongchunji was absolutely not true. He said he reminded Kongchunji that there were witnesses to what he told him during his free-talk, and that if he got on the stand and testified differently, he would be called to rebut what he said. He indicated that what he said was just him being completely honest with Kongchunji about what would happen if he testified differently than what he had said during his free talk. He also indicated that he told Kongchunji that if he did testify differently, their free-talk agreement was gone and that he wouldn't be obligated to keep it a secret any longer.

He confirmed that he did tell Kongchunji that he could face a potential perjury charge but denied telling him he could face other additional charges or a longer prison sentence. He indicated that their conversation wasn't very detailed, and was more like "if you get up there and testify to this..you get up and testify that they weren't there..I'm gonna get up and testify that they were..and I'm gonna tell them everything you told me." I asked him if anyone from the prosecutor's office asked him or suggested to him that he have that conversation with Kongchunji and he said he didn't recall. He added that all he did was explain to Kongchunji that he didn't get to say something different now than he said then, and that if he did, somebody's going to assume that he's lying.

I then talked with Sgt. Marske about the report of one witness in the Neil robbery investigation that reported seeing Michael Fowler with a pistol in his hand as the suspect vehicle was driving away. I asked him if there was any discussion between him and Det. Francis about the possibility that Michael Fowler had possibly fired a shot at the suspects as they were fleeing and he said not that he recalled. I asked him if he was aware of Michael Fowler ever being questioned about the report that he was armed that night and he said he never spoke with Michael Fowler and didn't know.

I then asked him about the Jenalee Hall robbery and he confirmed that it was assigned to him as an in-custody. I asked him if he believed he generated any additional reports regarding the investigation that I didn't have and he said he would have thought so. He said he thought he would have at least done a report to settle the case, but that he didn't see one. I asked him if either he or Det. Francis ever interviewed or attempted to interview Shane Neilson or any of the other people present at Paul Statler's residence the night the shotgun was recovered and he said not that he recalled. I asked him if the shotgun recovered that night was ever sent to the crime lab for test firing or DNA testing and he said he didn't believe so. I asked him if he interviewed Jenalee Hall or Aramis Turner regarding the robbery and he said he didn't recall doing that.

I asked him if he reviewed Cpl. Pannell's report regarding his involvement in the investigation and he said he did. I asked him if he had any concerns regarding Hall's identification of the two suspects who had masks on and who weren't reported to have said anything during the robbery. He said he doesn't recall really having any trouble with any part of the case as it came to him the next day. I explained to him the question of how Jenalee Hall could have positively identified the two suspects whose faces she never saw and whose voices she never reported hearing and asked him if he saw any issues or had any concerns about her identification. He said he didn't recall but what he remembers is that Nick Smith was out in the vehicle and didn't even go into the apartment. He indicated that he got the impression that Hall was identifying associates of Larry and Kongchunji but that he may need to read the reports again. He said he couldn't recall how Hall identified them.

I asked him if he had any questions or concerns regarding the circumstances of the recovery of the shotgun from Paul Statler's residence. He said he did have some issues with how he, referring to Cpl. McCrillis, recovered the shotgun. He went on to explain that it was his belief that Cpl. McCrillis had made an agreement or a deal with Statler that if he turned the gun over to him he wouldn't report him to his probation officer. He said he thought that was a mistake and that he thought it made the investigation of the Selfridge robbery difficult because he had made some sort of an arrangement with the suspect on the gun. He said he would have preferred he called Statler's DOC officers, secured the house and had them search for the gun.

I asked him about making a connection or possible connection between the Hall robbery and the Neil robbery. He said he did eventually but that he didn't remember how quickly that occurred. I asked him if Anthony Kongchunji told him about the Jenalee Hall robbery and his involvement in it during his free-talk and he said he did.

He said Kongchunji admitted his involvement and implicated the same people in it that [REDACTED] did. He went on to talk about remembering being told by Kongchunji that he had gone to Paul Statler prior to the robbery and obtained permission to do a "solo mission" and that he got the shotgun from Statler to do the robbery. I asked him if he found any inconsistencies in what Kongchunji told him about the robbery in light of all the other evidence and other witness statements and he said not that he recalled.

I reminded Sgt. Marske that [REDACTED] had repeatedly lied to Cpl. Pannell the night he was arrested for the Hall robbery and asked him what [REDACTED] did, said or provided them that convinced him that [REDACTED] was telling them the truth about Statler, Gassman and Larson's involvement in these robberies. He said that he provided them a significant amount of detail on the robberies. He said he talked about what vehicles they were driving and took them to locations. He said [REDACTED] told them who had weapons, what kind of weapons they had and "just lots of detail." He then went on to talk about the Hall robbery and his impression that it appeared amateurish compared to the other robberies that appeared to be more professionally done. He indicated that this seemed to corroborate what [REDACTED] told them about Statler, Gassman and Larson not being involved in the Hall robbery.

I asked him if he believed they had probable cause to arrest the suspects that he and Det. Francis referred charges on and he said yes. I reminded him of the allegation by Tim Note that following their free-talks with [REDACTED] and Kongchunji, they put blinders on to any fact that complicated or didn't comport with their version of events and asked him how he would respond to that allegation. He said that wasn't true and said that they followed where the evidence was leading them. He said they followed the evidence the best they could and it all led back to Statler, Gassman, Larson, [REDACTED], Kongchunji and maybe Bryan Bewick.

10/22/13 @ 1408 hours: I served Det. Shannon McCrillis with a member notification and a copy of his rights and responsibilities of member notice. I also provided him copies of his additional reports from the Neil and Hall robberies for him to review prior to his interview. We scheduled his interview for 1300 hours on 10/23/13. He agreed to waive his right to be notified 72 hours prior to the interview.

10/23/13 @ 0730: I prepared a member notification for Deputy Pheifer directing him to generate an administrative report and answer nine specific questions regarding his involvement in the Neil and Hall robbery investigations. I directed him to complete the report and give it to me no later than 0700 hours on Monday October 28th, 2013.

I included a rights and responsibilities of members notice as well as copies of his additional reports for the aforementioned robberies. I put the notices in an inter-office envelope and put it in his mailbox in the roll-call room. The questions I directed him to answer were:

1. Your incident report for the Danny Neil robbery dated 04/22/08, incident #08-113460, indicates that you conducted a search of the victim residence for evidence of the drive-by shooting that occurred after the attempted home invasion robbery. It doesn't appear from the reports I have that a search warrant was obtained prior to the initiation of the search. Please tell me what exception to the search warrant requirement you used as a basis for the search of Danny Neil's residence.
2. If the answer to question #1 is consent, was consent obtained from everyone present with standing to object to the search?
3. If the answer to question #1 is consent, was a search consent card read and signed and if so, what happened to it?
4. Your report also states that you opened a canister that was sitting on a dresser to see if it had received any damage from bullet fragments. The canister contained marijuana that you subsequently seized as evidence. Was there any evidence of bullet fragment damage to the outside of this canister when you inspected it that would have led you to believe that there was evidence of bullet fragment damage inside?
5. If the answer to question #4 is no, please explain why you opened the canister.
6. If the answer to question #4 is yes, why wasn't the damage mentioned in your incident report?
7. On your next shift, you responded to a home invasion robbery at the apartment of Jenalee Hall and Aramis Turner, incident #08-114748. In the course of investigation this robbery did you consider the possibility that the two robberies may have been perpetrated by the same suspects?
8. If the answer to question #7 is yes, did you mention it to the other deputies and corporals involved in the investigation?
9. If the answer to question #7 is yes, did you question Larry Dunham about it when you questioned him about the Hall robbery, and if you did, what was his response and why isn't it mentioned in your additional report?

I subsequently received an administrative report from Dep. Pfeifer addressing the aforementioned questions. According to his report, he was in a training car with Deputy Tanya Walker at the time of the Neil and Hall robberies. Regarding my question about the lawful authority they relied on to conduct the search of the Neil residence he wrote that he didn't recall what they used to search the house. Regarding the questions about opening the closed container that he found marijuana in, he wrote that he didn't recall looking for damage on the outside of the container prior to opening it and that he didn't believe it was damaged on the outside. He also wrote that he does not know why he checked the inside of the container before examining the exterior of it. He also wrote that he didn't believe that he considered that the two incidents were connected and didn't remember discussing it with anyone.

10/23/13 @ 1308 hours: I interviewed Det. McCrillis in my office regarding this investigation. The interview was recorded with my digital recorder and later copied to a CD for the case file. It was also put into the dictation file to be transcribed by Kirsta Houchin. Det. McCrillis was reminded of his rights and responsibilities as a member of the Sheriff's Office and said he didn't have any questions about them. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (See the transcription of the interview for the complete record)

Regarding the Danny Neil robbery investigation, I asked Det. McCrillis if he could tell me how far away Stephen Day reported being when he told him about seeing Michael Fowler with a pistol and he said he couldn't at this point. He also confirmed that it was his understanding from talking with Monica Flanagan that at least some of the suspects actually did make it into the residence. He confirmed that he was involved in the search of the residence for evidence of the drive-by shooting but couldn't describe just what his specific involvement was. I asked him if he could tell me if a search warrant was obtained to search the residence and he said he didn't think so. I asked him if search consent was obtained to search the residence and he said that if a search warrant was not used search consent would have been obtained. I asked him if he could confirm that he didn't obtain a search warrant or search consent from the occupants and he said he couldn't. He said he could confirm that the way they do business out there is that they wouldn't go into the house without consent or a search warrant.

I asked him about his interview of Nicholas Smith regarding the Jenalee Hall robbery and if Smith was truthful with him during the interview. He indicated that he wasn't entirely truthful with him at first but that after confronting him about what other co-defendants were saying, Smith came forward and told him part but not all of what he knew.

I asked him if at that point he considered Smith a credible witness and he said yes. I asked him about making a connection between the Hall robbery and the Neil robbery that occurred during his prior shift and he indicated that he didn't remember whether he thought the two robberies were possibly done by the same persons. He also indicated that his understanding was that the Neil incident was a drive-by-shooting. He did however concede that he interviewed Monica Flanagan during the Neil investigation who told him that the suspects came into the house.

I then asked him to describe in as much detail as possible the conversation he had with Paul Statler and the circumstances of the seizure of the shotgun from Paul's mother's bedroom. He talked about using caution to approach the residence and eventually talking with Statler at the front door. He said they identified themselves and although he couldn't recall exactly how, he told Statler why they were there. He said they were allowed to go inside the residence but that he couldn't remember how many of them actually went inside. He talked about other people being inside the residence that were being mouthy but that he couldn't say what they were saying. He said that as he was talking with Paul about the shotgun, he got the impression that Paul didn't want to talk to him in front of those other people. He then talked about getting the impression that Paul wanted to talk privately with him and about getting him to go outside and talk with him without it looking like he was doing it voluntarily.

He told me that Paul seemed very concerned about his probation officer finding out that there was a gun in his house. He said Paul was pretty adamant that it wasn't his gun, that he wanted nothing to do with it, and that he was just doing a favor for his buddy who dropped it off by allowing him to keep it there. Det. McCrillis indicated that he wasn't really concerned about Paul being a convicted felon in possession of a firearm but was more concerned with Paul giving the firearm up to benefit the investigation. He said Paul basically admitted having the shotgun and told him it was under his mother's bed or between her mattresses which was where they recovered it from. He indicated that Paul walked into his mother's bedroom to get the shotgun and that he followed him in. He indicated that for officer safety reasons, he didn't want Paul to go in and walk out with the shotgun.

Det. McCrillis told me that Paul was being really cooperative and that he didn't feel that getting a search warrant to recover the shotgun was necessary. He brought up the topic of why he didn't get a search consent card and indicated that he didn't know why he didn't and that Paul was being cooperative and adamant that someone had just dropped it off there.

I asked him if he asked Paul who the shotgun belonged to and he said that if it's not in his report he probably didn't. I asked him if he asked Paul if he would give him the gun and he said he did. I asked him if Paul actually retrieved the gun from his mother's bed or if he did. He said he thinks Paul started to but that he stopped him and had him show him where the gun was and he retrieved it. He indicated that this was done for officer safety reasons. I asked him if it was a situation where he didn't feel that he was going in and conducting a search and he said that was correct. He said it was more of a retrieval. I asked him if that was the reason he didn't ask for and obtain a search consent card and he said "most likely, because we weren't looking to search."

I asked him if during his interview with Nicholas Smith he asked Smith who the shotgun belonged to and he said he couldn't remember. I asked him about identifying and interviewing the other occupants in Paul Statler's residence when they went there to recover the shotgun and he said he didn't. I asked him if he recalled why he didn't do so and he indicated that he would have assumed that other officers there with him would have done that since he was talking with Paul. He confirmed that he didn't know if either of the other officers there at the time actually identified or interviewed those people or not. I asked him if there was any consideration given to obtaining a search warrant for the residence to recover the shotgun. He said yeah, and that there's always consideration with the information that they have. He said he thought they had enough to get a search warrant if they needed to and that had they needed to, someone would have taken the time to write one.

I then asked him about the email exchange he had with then Det. Marske regarding the circumstances of the recovery of the shotgun and basically asked him if he made a deal with Paul Statler in order to recover the shotgun. He confirmed that he told Statler that he wouldn't arrest him that night and wouldn't report it to his probation officer that night if he would turn the shotgun over to him. When questioned further about the circumstances of the recovery of the shotgun, he responded "there was no agreement." He went on to explain that he told Statler that everything would be in his report and that there was no way he could keep it from his probation officer. He said Statler knew his probation officer would find out and that was really his concern. He said he didn't need to make any "threats" or "promises" and that Statler was being cooperative but was just really scared about violating his probation. He also confirmed that unlawful possession of a firearm is not a mandatory arrest situation and that officers have discretion to arrest or not for that type of thing. He also denied that his agreement with Statler to get the shotgun was coercive. I asked him if after putting the shotgun on property he had any further involvement in the investigation and he said he didn't think so. I ended the interview at 1337 hours.

10/23/13 @ 1348 hours: I served Det. Pannell with a member notification and a copy of his rights and responsibilities of member notice. I also provided him copies of his additional reports from the Neil and Hall robberies for him to review prior to his administrative interview. We scheduled his interview for 0900 hours on 10/28/13.

10/28/13 @ 0906 hours: I interviewed Det. Pannell in my office regarding this investigation. The interview was recorded with my digital recorder and later copied to a CD for the case file. It was also put into the dictation file to be transcribed by Erica Rivas. Det. Pannell was reminded of his rights and responsibilities as a member of the Sheriff's Office and didn't have any questions about them. Deputy Loucks of the DSA was present for the interview but didn't participate. The following is a somewhat paraphrased synopsis of the content of the interview and is not intended to be comprehensive documentation of the interview. (See the transcription of the interview for the complete record)

I asked Det. Pannell to describe his participation in the Danny Neil robbery investigation. He told me he was on duty when the call of a drive-by shooting came out. It was clear from his reaction when I referred to the incident as a home invasion robbery that he didn't fully understand the true nature of the call when he initially responded. He said he assisted with setting up a perimeter to secure the scene. He said he remembered talking briefly with some of the neighbors in the area and passing out witness statements. He said other deputies were conducting the primary investigation and interviewing witnesses. He said he kept trying to get a hold of Michael Fowler but that Michael would never meet with him that night. Upon a request for clarification, Det. Pannell confirmed that his understanding of the nature of the call when he responded was that it was a drive-by shooting.

I asked him about participating in the search of the inside of the residence and he said he didn't remember if he assisted with the search or not. I asked him if during his phone interview with Michael Fowler, he questioned Michael about leaving the scene prior to law enforcement arriving and he said he didn't remember. He also denied knowing about a report by a neighbor that Michael may have been armed with a pistol at the time the suspects fired shots at the house.

Regarding the Jenalee Hall robbery, I asked him if it was his understanding at the time of the investigation he was involved in that this was a drug-rip robbery. He said he just thought it was just a home-invasion robbery. I asked if he had any inclination that he recalled that the target of the robbery may have been drugs or drug money and he said no.

He also confirmed that he didn't know the Neil robbery was a home-invasion robbery and that he didn't have any suspicion that the two robberies may have been committed by the same suspects.

I then talked with him about Jenalee Hall's identification of all four of the suspects during the show-up identification. He confirmed that he interviewed Hall and that she identified two of the suspects in the robbery as Anthony Kongchunji and Larry Dunham. He also conceded that Hall didn't report seeing either of the other two suspects without their faces covered or hearing either of them say anything. He acknowledged being involved in the show-up identification process but didn't remember exactly what his part was. I asked him if there was a particular deputy or detective in charge of the scene and he said not that he remembered. I reminded him of the statement in his report about being told that Hall had positively identified all four suspects and asked him if at the time, he questioned how Hall was able to identify all four suspects when she never saw two of them without their masks on or heard them speak. He said he didn't. I asked him if he believed he had probable cause to arrest the four suspects prior to conducting the show-up identifications and he said he didn't remember.

I asked him about interviewing Nicholas Smith and he confirmed that he did. I asked him if he believed Smith told him the truth during the interview. He said he assumed Smith told him the truth when he first talked with him but indicated that information he received from other deputies regarding other suspect's statements suggested that he hadn't told him the truth. He said he confronted Smith about it at which time Smith then changed his story. When questioned further, he was unable to remember what he was feeling that night about Smith's degree of truthfulness. He did say that some of the things Smith told him the second time were consistent with what some of the other suspects were saying.

I asked him about the affidavit he prepared saying that Dep. Pfeifer found the victim's purse and wallet in a dumpster when Dep. Pfeifer and Dep. Walker's reports say it was actually Dep. Walker who found those items in the dumpster. He said he couldn't explain why that was but that he could speculate that that may have been the way he interpreted it when talking to the deputies and gathering the information. I asked him if he prepared his affidavit prior to getting written reports from the deputies and he said he did. I suggested that in all likelihood, it was just a miscommunication or misunderstanding about who told him what about who found the items and he confirmed that that could have been the case. Cpl. Pannell confirmed that he didn't recall having any additional involvement in the robbery following the suspect's booking into jail and I ended the interview at 0923 hours.

11/04/13: It should be noted that as of the date of this report, I have yet to receive a response from DPA Cruz to the questions I submitted to him in writing on October 3, 2013, nor has former Detective Francis availed himself for an interview. I completed this investigation and submitted it to Sheriff Knezovich for review and sent a notice of the completion of the investigation to Sgt. Marske and DSA President Loucks.

SUMMARY OF ALLEGATIONS:

Between 02/18/08 and 04/23/08, there were four separate incidents in Spokane County where armed suspects forced or attempted to force entry into occupied residences with the apparent intent to rob the occupants of drugs and/or money. Additionally, there was one other similar robbery that occurred outside a residence on the street. Not until the last robbery on 04/23/08 were any suspects arrested. One of the cases assigned to Det. Francis, incident #08-212944, resulted in the arrests and convictions of Paul Statler, Tyler Gassman and Robert Larson. Paul Statler's attorney for that case was Tim Note. Statler, Gassman and Larson's convictions were recently vacated by Judge Price and they were released from prison.

On August 20, 2013, during an interview with Sgt. Tim Hines, Tim Note made several allegations of misconduct against now retired Detective [REDACTED] and then Detective Doug Marske. His allegations are summarized as follows:

1. That just prior to the 2009 trial of his client, Paul Statler, for the Eric Weskamp robbery, Det. Marske threatened a potential defense witness, Anthony M. Kongchunji, with additional charges and/or additional prison time should he testify in the upcoming trial as to the innocence of his client.
2. Regarding the Christopher Selfridge robbery, incident #08-47438, that after a judge released one of the suspects in the robbery, Tyler Gassman, due to insufficient probable cause, Det. Marske changed the affidavit of probable cause to reflect that the photomontage witness identification of Tyler Gassman by Yvonne Denham was more of a positive identification than was stated in the original affidavit.
3. Regarding incident #08-212944, that the victim, Eric Westkamp, was actually involved in setting up the robbery, and that Det. Marske and possibly Det. [REDACTED] knew it and suppressed it, implying that they did so in order to prosecute Statler, Gassman and Larson for the crime.
4. That the entire series of cases were poorly investigated, and that following the free-talk with [REDACTED], it was like Detectives [REDACTED] and Marske put blinders on to any fact that complicated or didn't comport with their version of events.

APPLICABLE SHERIFF'S POLICY:

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action. An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020, Collective Bargaining Agreement and RCW 41.14.120.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020, Collective Bargaining Agreement and RCW 41.14.120.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.14.120, shall be removed, suspended, demoted or discharged except for cause, and only upon:
 - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice. In an administrative investigation of criminal conduct if an employee is compelled to provide testimony a Garrity notice shall be issued and signed.

RCW 41.14.110 TENURE – GROUNDS FOR DEPRIVATION:

The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- (1) Incompetency, inefficiency, or inattention to duty to, or dereliction of duty;

- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure of the part of the employee to properly conduct himself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;
- (3) Mental or physical unfitness for the position which the employee holds;
- (4) Dishonest, disgraceful, or prejudicial conduct;
- (5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precluded the employee from properly performing the function and duties of any position under civil service;
- (6) Conviction of a felony, or a misdemeanor involving moral turpitude;

Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sheriff's Policy 340.3.5 (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Sheriff's Policy 340.3.5 (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.

Sheriff's Policy 340.3.5 (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

EVIDENCE AS TO ALLEGATIONS:

Evidence as to the allegation that just prior to the 2009 trial of his client, Paul Statler, for the Eric Weskamp robbery, Det. Marske threatened a potential defense witness, Anthony M. Kongchunji, with additional charges and/or additional prison time should he testify in the upcoming trial as to the innocence of his client:

Approximately one month after their arrests and incarceration together in the Spokane County Jail for the Jenalee Hall robbery, [REDACTED] and Anthony Kongchunji submitted to free-talks with Detective Marske. During his free-talk, Kongchunji admitted his involvement in several armed robberies and implicated various other individuals including Paul Statler, Tyler Gassman and Robert Larson. After providing information regarding the robberies, Kongchunji and the prosecutor's office were unable to agree to the terms of a plea agreement for his testimony and it appears that he plead guilty to one or more of the robberies and was sentenced. Almost immediately thereafter, Kongchunji contacted Paul Statler's attorney, Tim Note, and indicated a desire to talk with him. According to Note, he and Robert Larson's public defender, Anna Nordvedt, met with Kongchunji shortly thereafter in the jail.

According to Note, it was during this meeting that Kongchunji reported that he hadn't been entirely truthful with Det. Marske during his free-talk. Note reported that Kongchunji told him that he had lied about the involvement of Statler, Gassman and Larson in this series of robberies, and that they really weren't involved as he had previously claimed. Note reported that he then contacted DPA Cipolla and was directed to a subsequent meeting in the Public Safety Building that was attended by several individuals including Anthony Kongchunji and his attorney Senit Lutgen. He reported that during that meeting, Kongchunji appeared scared and wouldn't even make eye contact with him. He reported that he was advised at that time that Kongchunji wouldn't be testifying in the upcoming trial and just wanted to go to prison. Note reported that his opinion for the reason for Kongchunji's change of attitude was that someone had got to him in a dramatic way. He reported that following the trial and convictions of Statler, Gassman and Larson for the Eric Weskamp robbery, he talked again with Anthony Kongchunji in the jail at which time Kongchunji reported that while being transported to the aforementioned meeting in the Public Safety Building, Det. Marske threatened him with additional charges should he testify for them. Note further indicated that he believes that what Det. Marske did constitutes witness tampering.

Neither of the conversations Note reported having with Kongchunji were recorded and Note did not provide me with any written notes or reports about the contacts.

Anthony Kongchunji is still in prison and unavailable for an interview and former Detective Francis has not availed himself for an interview regarding this investigation.

Sgt. Marske was questioned about this allegation during his third interview regarding this investigation. Sgt. Marske confirmed that he, and possibly Det. Francis, transported Kongchunji from the jail to the Public Safety Building for the aforementioned meeting. He said that the allegation that he threatened Kongchunji was absolutely not true. He said he reminded Kongchunji that there were witnesses to what he told him during his free-talk, and that if he got on the stand and testified differently, he would be called to rebut what he said. He indicated that what he said was just him being completely honest with Kongchunji about what would happen if he testified differently than what he had said during his free talk. He also indicated that he told Kongchunji that if he did testify differently, their free-talk agreement was gone and that he wouldn't be obligated to keep it a secret any longer. He confirmed that he did tell Kongchunji that he could face a potential perjury charge but denied telling him he could face other additional charges or a longer prison sentence. He indicated that their conversation wasn't very detailed, and was more like "if you get up there and testify to this..you get up and testify that they weren't there..I'm gonna get up and testify that they were..and I'm gonna tell them everything you told me."

This particular issue was one of several that were appealed to the Washington State Court of Appeals following the convictions of Statler, Gassman and Larson. According to the published decision of the Court in their decision in the matter of the State of Washington v. Robert E. Larson dated March 15, 2011, the Court wrote, "If a defense witness is threatened and those threats effectively keep that witness off the stand, the accused is deprived of due process of law: however, where state simply provides the witness with a truthful warning, no constitutional violation occurs." The Court went on to write "Remarks of detectives, cautioning codefendant about offering false testimony and reminding him of consequences of perjury, did not violate the defendant's right to due process or deny him a fair trial..." The Court of Appeals rejected Larson's assertion that Det. Marske's actions constituted misconduct and the State Supreme Court declined review of the Appeals Court decision, effectively affirming its ruling on this issue. It should also be noted that there is every reason to believe that Tim Note was well aware of the Court of Appeals decision in this particular matter when he made the aforementioned allegation against Sgt. Marske on August 20, 2013. There is therefore no evidence that Det. Marske engaged in any misconduct with respect to the statements he made to Anthony Kongchunji during the aforementioned contact.

Evidence as to the allegation regarding the Christopher Selfridge robbery, incident #08-47438, that after a judge released one of the suspects in the robbery, Tyler Gassman, due to insufficient probable cause, Det. Marske changed the affidavit of probable cause to reflect that the photomontage witness identification of Tyler Gassman by Yvonne Denham was more of a positive identification than was stated in the original affidavit.

Sgt. Marske was questioned about this allegation during his October 1, 2013 administrative interview. Regarding the reason for his preparation of a second affidavit of probable cause in this case, Sgt. Marske explained that what he thought happened was that the prosecutor was bumping up against a speedy trial deadline and dismissed the charges without prejudice so they could re-file the charges later. He could not however recall specifically why he prepared the second affidavit and said that he didn't know why he would have done it unless someone had asked him to. When questioned about whether he considered Denham's photomontage identification of Tyler Gassman a positive identification, Sgt. Marske said he did.

Sgt. Marske was asked about the differences in the affidavits regarding his and Denham's testimony, and the appearance that the changes may have been done in an attempt to make Denham's identification of Tyler Gassman look more positive than it really was. Sgt. Marske denied that was the reason for the changes and pointed out that his belief was that Denham's identification was actually more positive than he made it sound. He also explained that in the first affidavit, leaving out the fact that Denham had identified anybody in a montage

He was questioned about the changes to the affidavits regarding his testimony and the difference between Denham identifying Gassman as looking like one of the robbers and Denham identifying Gassman in a photomontage. He was asked if he could explain why he made that change and he said "I think it's more accurate in the second one." He then added "I think they're both accurate but I think it's more accurate to what I would testify the person she identified was Tyler Gassman." He was asked if he was saying that his second affidavit was more reflective of her actual I.D. than his first one and he said it was. He added that he thinks the facts in the second affidavit are more accurate and indicated that it appeared that he was in a hurry when he prepared the first one.

Sgt. Marske's explanation for the reason for the changes in the affidavit appears reasonable and there was nothing about it that suggested he was being anything but truthful and candid.

Other than Tim Note's opinion as to the reason for the changes, I found no evidence to support his allegation that Sgt. Marske's actions with regard to the changes to the affidavit were in any way inappropriate or were made with any intent to convey a false impression.

Evidence as to the allegation regarding incident #08-212944, that the victim, Eric Westkamp, was actually involved in setting up the robbery, and that Det. Marske and possibly Det. [REDACTED] knew it and suppressed it, implying that they did so in order to prosecute Statler, Gassman and Larson for the crime.

During his first interview, Tim Note expressed his belief that Eric Weskamp was actually involved in setting the robbery up and appeared to base this belief in large part on evidence obtained years later that Eric Weskamp and [REDACTED] had been in phone contact with each other both before and after the robbery. During his second interview, he acknowledged that much of what he now knows or believes about the case comes from what he has been told in the years following the trial, and that at this point it is difficult for him to separate what he has heard since from what was going on at the trial. He said his direct knowledge of anything stops five years ago at the trial. When questioned about having evidence to support this allegation, Note said that he had been told by Paul Statler's defense team that had the case been tried again, Eric Weskamp would actually testify to his involvement in the robbery. When pressed for the name of the person he heard this from, he would only say it came from the defense team that would have provided Statler's defense had the case been tried again.

Note was unable to provide me with any documentation of the aforementioned telephone contact between Weskamp and [REDACTED] and offered no other evidence to support his allegation. Later in the interview, while talking further about his source of information regarding what Weskamp may or may not testify to at a new trial, Note acknowledged that the allegations were made to him by someone else and he just passed them on to me. When questioned further about his source, Note told me that he wasn't sure that the person I needed to talk to would talk with me about it. I was unable to locate Eric Weskamp to ask him about this issue.

When questioned about this allegation during his October 8, 2013 administrative interview, Sgt. Marske denied ever having any evidence that would have suggested that either Eric Weskamp or Robert Seiler were involved in setting up this robbery. When asked if he ignored or intentionally suppressed any evidence that Eric Weskamp was involved in this robbery in any way other than as a victim he said he didn't.


Although Eric Weskamp was obviously instrumental in setting up the drug deal that resulted in this robbery, I found no evidence that suggests that Detectives [REDACTED] and Marske even suspected that Weskamp was involved in setting up or planning the robbery. Other than an unidentified third party's allegation passed on to me by Tim Note, I found no evidence to support this allegation.

Evidence as to the allegation that the entire series of cases were poorly investigated, and that following the free-talk with [REDACTED], it was like Detectives [REDACTED] and Marske put blinders on to any fact that complicated or didn't comport with their version of events.

As a result of my extensive review of the reports, affidavits and various other documents related to this series of robberies, as well as my interviews with Sgt. Marske and detectives Elliott, McCrillis and Pannell, I did find several instances where those involved in the investigations could have been more thorough. I found instances where mistakes and assumptions were made that had negative ramifications on an investigation. I found examples where various investigative steps could have been taken to further the investigations but weren't such as re-interviewing victims and witnesses, identifying and interviewing potential witnesses, obtaining cell phone records and submitting evidence to the crime lab. I also found examples where victims, witnesses and suspects could have been more thoroughly interviewed and contradictions in various victims and witnesses statements should have been questioned and clarified. I noted numerous instances where victims and/or witnesses with obvious credibility issues and reasons to be untruthful appeared to be believed with little or no effort made to confirm their veracity. I found numerous examples where investigative steps were taken, such as recovering evidence or interviewing victims, that weren't documented in reports or that weren't documented to the degree they could have or should have been. Additionally, I found numerous apparent inaccuracies in probable cause affidavits that appeared to be the result of inattention to detail in the preparation or the inclusion of proposed testimony for which no supporting statements in reports could be found.

In response to the allegation that detectives [REDACTED] and Marske put blinders on to any fact that complicated or didn't comport with their version of events, Sgt. Marske stated in his administrative interview that they didn't do that, and that they went where evidence took them in the investigations. While there are clearly things that could have been done that weren't, and things that were done that could have been done better, there doesn't appear to be any evidence to support the allegation that either Detective [REDACTED] or Detective Marske intentionally ignored or disregarded any facts or evidence that "didn't comport with their version of events."

Submitted/Prepared by:



Sgt. Tim Hines
Office of Professional Standards

November 4, 2013

Date