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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR CLARK COUNTY

STATE OF WASHINGTON,	}	CAUSE NO. 07-1-00843-8
Plaintiff,		
v.		DEFENDANT'S SUPPLEMENTAL
		MEMORANDUM
DINO J. CONSTANCE,	}	
Defendant.		

In December 2010, the State finally disclosed e-mails between the lead detective on this case, Det. John O'Mara, and Mr. Golik's support staff (Stephanie Earl, now Ms. Urick), detailing how Mr. Castellanos was a suspect in a new residential burglary case in August 2007. The fact that Mr. Castellanos was a suspect and the details of this case were not disclosed to Mr. Constance's attorneys prior to trial, even though it is apparent that both Det. O'Mara and Ms. Urick knew of this new case.

Today, the State has disclosed redacted versions of the reports from Vancouver Police Department No. 07-16197, copies of which are attached to this pleading. The reports document how in August 2007, Mr. Castellanos, his former sister-in-law, Lynda Castellanos, and their friends somehow ended up in possession of expensive stringed instruments that had recently been stolen in a residential burglary that took place on August 9, 2007 – when Mr.

1 Castellanos was on warrant status. The State has given no explanation as to why it failed to
2 disclose this information to the defense prior to trial, and why it withheld these reports for
3 over four years.

4 In its pleading filed yesterday, the State claims that Ms. Urick never told Mr. Golik
5 about how she helped Mr. Brown get the NCO lifted. Apart from the fact that a trial deputy's
6 personal subjective knowledge is immaterial to the *Brady*¹ analysis,² it is a bit absurd to think
7 that support staff in the prosecutor's major crime's unit would not tell the trial deputy about
8 significant occurrences in the lives of key witnesses in a major case.³ However, the newly
9 disclosed information about Mr. Castellanos now shows that Ms. Urick *and* Det. O'Mara, the
10 lead detective on the case, knew about Mr. Castellanos' dishonest proclivities. Will the State
11 claim that Mr. Golik was never told about this information either – that his lead detective and
12 his paralegal failed to tell him about Mr. Castellanos' new-found attachment to thousand-
13 dollar violas.

14 Again, *Kyles* makes it clear that for *Brady* purposes, Mr. Golik's claim of ignorance is
15 irrelevant. The right to effective assistance of counsel, confrontation and due process, under
16 U.S. Const. amends. 6 & 14 and Wash. Const. art. 1, §§ 3 & 22, do not depend on the fact that
17 Mr. Golik personally claims to have been unaware of the histories of his witnesses.

18 However, whether Mr. Golik really was never told about these things (and whether he
19 was never told about Keitt Spry's threatening e-mail to Mr. Constance, whether he was never
20 told about the assistance given by Det. O'Mara to Mr. Castellanos to get his work-crew
21 requirement lifted, whether he was never told about Jordan Spry's outstanding warrants,
22

23 ¹ *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L.Ed.2d 215 (1963).

24 ² See *Kyles v. Whitley*, 514 U.S. 419, 437, 115 S. Ct. 1555, 131 L.Ed.2d 490 (1995) (“This in turn means that
25 the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's
26 behalf in the case, including the police.”),

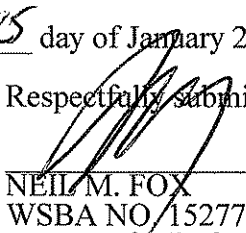
27 ³ The idea that support staff would fail to inform an attorney about key developments in the lives and legal
28 situations of witnesses in a major trial is troubling and, if credible, casts a shadow over the prosecutor's office's
efficiency. Would it not be malpractice for one's support staff to gain important information about a key witness and
not tell the lawyer about its existence, so that the lawyer goes into trial not knowing that his or her witness could be
impeached?

1 whether he was never told about Zach Brown's unfiled drug charges, whether he was never
2 told about the investigation of Keitt Spry for witness tampering and intimidation in the
3 context of his son's sex case, and whether he was never told about the many other categories
4 of withheld evidence) is an issue that needs to be explored, not the least of which through an
5 interview with Mr. Golik and discovery of his e-mails about this case.

6 Similarly, while Mr. Golik claims that he never "listened" to the illegal recordings of
7 Mr. Constance speaking with his attorney, the trial record reveals that transcripts of these
8 recordings were provided to him by Det. O'Mara. Did he not review these transcripts during
9 trial preparation? Mr. Golik needs to be interviewed (and the transcripts of the recordings
10 provided).⁴ He cannot insulate himself as a witness in this regard.⁵

11 DATED this 25 day of January 2011.

12 Respectfully submitted,

13 
14 _____
15 NEIL M. FOX
16 WSBA NO 15277
17 Attorney for Defendant
18
19
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21
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24 _____
25 ⁴ Because the CDs of the recordings contained privileged information, counsel has not filed them with the
26 court so as to avoid further dissemination of confidential information. The State, though, does not dispute that such
27 recordings were made – Mr. Golik only claims not to have listened to the recordings (although he received copies
28 of the transcripts of the recordings in February 2008).

29 ⁵ With regard to a lawyer's support staff's possession of an opponent's attorney-client confidences,
30 disqualification is required even if the lawyer never reviews the protected information. *Richards v. Jain*, 168
31 F.Supp.2d 1195, 1202 (W.D. Wash. 2001) ("The Court finds that under the Washington RPC the actions and conduct
32 of nonlawyers regarding privileged information are to be held to the same ethical standards as attorneys.")

Vancouver Police Department						Case No. 07-16197	
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID ORIGINAL	
Incident Report						RCN	
Records Center						DOR 08/10/2007	
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assaulted <input type="checkbox"/> Non Disclosure <input type="checkbox"/>	
Distribution NONE						Distribution Other	
init	pDis	sDis	dEnt	M.C.	Concl	Case	F/U
Status						<input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>	

Administrative Information							
Location				City		State	Zip Code
Local Geo				State Geo	Precinct	Geo	
				V EAST			
Rep Date		Rep Time	From Date		From Time	To Date	To Time
08/09/2007		21:16	08/09/2007		16:00	08/09/2007	21:16
Category	Class	Premise					
		RE					
Dom Viol	DV Card	Child Abuse	Arson	Homicide	Gang	Weapons	Alcohol
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
							Computer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Offense Information							
Off # Offense		Offense Category		Offense Translation			Attempted or Completed
2 9A.56.030		THEFT		THEFT I - Other			C
Location Type 1STORY							
Off # Offense		Offense Category		Offense Translation			Attempted or Completed
1 9A.52.025		BURGLARY		Burglary - residential			C
Location Type 1STORY							

Individual							
Role	Seq	Type	Last Name		First Name		Middle Name
V	1	I	LAWER		DIANE		GAYE
Sex	Race						
F	W						
Birthdate		Eth					
Age Low	Age High	Hgt	Wgt	Hair	Eyes	Residence	Employment/Occupation
		54	450	BLK	HAZ	F	
Driver's License Number			Driver's License Issuer		Social Security No.		State ID No.
FBI No.	PCN						
Custody Status		Gang Affiliation		Tribe Affiliation		Identifiers	
Comments							
Type	Location				City		State
H							
Type	Phone No.						
H							

Reporting Officer Hammond, Scotland		PSN 1431	Ref Case Number	VPD	Agency/Case Number
Approving Officer Thompson, Jon		PSN 1284	Report ID 07016197	ORIGINAL	

Vancouver Police Department

Case No.
07-16197

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
1	STOLEN	OTHER			2		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
		5300					
Description CELLO							
Brand							
Model							
Serial No.				Owner Applied No. (OAN)			
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location					City	State	Zip Code

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
2	STOLEN	OTHER			1		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
		650					
Description VIOLIN							
Brand							
Model							
Serial No.				Owner Applied No. (OAN)			
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location					City	State	Zip Code

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
3	STOLEN	OTHER			2		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
		1500					
Description VIOLA							
Brand							
Model							
Serial No.				Owner Applied No. (OAN)			
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location					City	State	Zip Code

Reporting Officer
Hammond, Scotland

Approving Officer
Thompson, Jon

PSN
1431

PSN
1284

Ref Case Number

ORIGINAL

07016197

VPD

Agency/Case Number

Vancouver Police Department

Case No.
07-16197

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
4	STOLEN	OTHER			1		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
		100					
Description							
ELECTRIC GUITAR							
Brand							
Model							
Serial No.				Owner Applied No. (OAN)			
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location				City	State	Zip Code	

Narrative

SUMMARY:

Dispatched to a residential burglary at [REDACTED]. Victim stated some music instruments had been stolen. A Residential burglary and Theft I had occurred. Report taken. Case suspended due to lack of investigative leads.

MENTIONED:

Diane Lawer - victim

ACTION TAKEN:

On August 9, 2007 at 2131 hours I was dispatched to a residential burglary at [REDACTED].

I arrived on scene and contacted a female (identified as Diane Lawer)

Diane stated sometime between 4:00 pm and 9:00 pm someone had entered her home and taken some musical instruments.

I asked if the house was locked and Diane said, "No". Diane stated she had left the front door unlocked when she left. I looked at the front door and saw no evidence of forced entry.

Diane stated nothing was out of place and nothing else was missing except for the instruments.

I asked Diane if she had been fighting or arguing with someone that could possibly be mad enough to come and take the instruments. Diane stated she had not been fighting with anyone. Diane said she did not know anyone that would have taken the instruments.

Diane gave me a list of the instruments:

- 2 Cellos = \$5300
- 1 Violin = \$650
- 2 Violas = \$1500
- 1 Electric Guitar = \$100

Diane stated she owned the instruments outright. I asked Diane if she had any serial numbers. Diane said she did not have any, but would call Beacock music store to see if they had the serial numbers on record as that is where she purchased the instruments.

Reporting Officer	PSN	Ref Case Number	Agency/Case Number
Hammond, Scotland	1431		
Approving Officer	PSN	Report ID	ORIGINAL
Thompson, Jon	1284		

Report printed by: 0127

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Vancouver Police Department

Case No.
07-16197

Narrative

I looked in the front room area of where the instruments were kept and found nothing of evidentiary value.

I gave Diane the case number and told her to call if she had the serial numbers or any more information regarding the theft.

RECOMMENDED ACTIONS:

Case suspended due to lack of investigative leads.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer
Hammond, Scotland

PSN
1431

Approving Officer
Thompson, Jon

PSN
1284

Agency/Case Number
VPD
07016197
Report ID
ORIGINAL
Ref Case Number

Report printed by: 0127

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Vancouver Police Department						Case No. 07-16197			
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID 08/12/2007 21:46 1431			
Supplemental Incident Report						RCN			
Records Center						DOR 08/12/2007			
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assaulted <input type="checkbox"/>	Non Disclosure <input type="checkbox"/>		
Distribution NONE						Distribution Other			
init	pDis	sDis	dEnt	M.C.	Concl	Case	FIU	Ret	Letf
						Status <input type="checkbox"/> <input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>			
Administrative Information									
Location				City		State	Zip Code		
Local Geo	State Geo	Precinct V EAST		Geo					
Rep Date 08/09/2007	Rep Time 21:16	From Date 08/09/2007	From Time 16:00	To Date 08/09/2007	To Time 21:16	Category	Class	Premise RE	
Dom Viol <input type="checkbox"/>	DV Card <input type="checkbox"/>	Child Abuse <input type="checkbox"/>	Arson <input type="checkbox"/>	Homicide <input type="checkbox"/>	Gang <input type="checkbox"/>	Weapons <input type="checkbox"/>	Alcohol <input type="checkbox"/>	Drugs <input type="checkbox"/>	Computer <input type="checkbox"/>
Offense Information									
Off # 1	Offense 9A.52.025	Offense Category BURGLARY	Offense Translation Burglary - residential			Attempted or Completed C			
Location Type 1STORY									
Off # 2	Offense 9A.56.030	Offense Category THEFT	Offense Translation THEFT I - Other			Attempted or Completed C			
Location Type 1STORY									
Article									
Item # 1	Loss/Action STOLEN	IBR Type OTHER	NCIC Category	Type	Quantity 2	Caliber	Drug Type		
Drug Quantity	Drug Measure	Loss Value	Color	Color					
Description CELLO									
Brand									
Model									
Serial No. J3522, L6425			Owner Applied No. (OAN)						
Miscellaneous									
Rec. Date	By PSN	Rec. Agcy	Rec. Value						
Location				City		State Zip Code			

Reporting Officer Hammond, Scotland		PSN 1431	Agency/Case Number VPD 07016197
Approving Officer Trumpf, Rodney		PSN 1194	
		Report ID 08/12/2007	Ref Case Number 21:46 1431

Report printed by: 0127

Vancouver Police Department

Case No.
07-16197

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
2	STOLEN	OTHER			1		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
Description VIOLIN							
Brand							
Model							
Serial No. Z3771			Owner Applied No. (OAN)				
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location				City	State	Zip Code	

Article

Item #	Loss/Action	IBR Type	NCIC Category	Type	Quantity	Caliber	Drug Type
3	STOLEN	OTHER			2		
Drug Quantity	Drug Measure	Loss Value	Color	Color			
Description VIOLA							
Brand							
Model							
Serial No. 2571, M43025			Owner Applied No. (OAN)				
Miscellaneous							
Rec. Date	By PSN	Rec. Agcy	Rec. Value				
Location				City	State	Zip Code	

Narrative

ACTION TAKEN:

On August 9, 2007 I was dispatched to a residential burglary at [REDACTED]. The victim (Diane Lawer) reported someone had taken several instruments from inside the house. Diane said she was going to try and find the serial numbers for the stolen instruments. I told Diane to call when she got the serial numbers so I could put them in the report.

On August 11, 2007 I received a voice message from Katherine Lawer (daughter of Diane) regarding the stolen instruments she reported on 8/09/07.

Katherine left a message giving me the serial numbers to the instruments.

- Cello #1 - J3522
- Cello #2 - L6425
- Viola #1 - 2571
- Viola #2 - M43025
- Violin - Z3771

I called records and they stated they did not need a make and model number to enter stolen property into NCIC, just the serial number.

Reporting Officer Hammond, Scotland	PSN 1431	Agency/Case Number VPD 07016197 Report ID 08/12/2007 Ref Case Number 21:46 1431
Approving Officer Trumpf, Rodney	PSN 1194	
Report printed by: 0127		

Vancouver Police Department

Case No.
07-16197

Narrative

I am going to follow up and get the make and model numbers for the instruments for more identification purposes.

Case is active until I can do further follow-up my next work day.

RECOMMENDED ACTIONS:

Attach to Original report. Case active for further follow-up on my next work day.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer Hammond, Scotland	PSN 1431
Approving Officer Trumpf, Rodney	PSN 1194

Agency/Case Number VPPD 07016197
Report ID 08/12/2007
Ref Case Number 21:46 1431

Report printed by: 0127

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Vancouver Police Department						Case No. 07-16197			
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID 08/20/2007 22:57 1414			
Supplemental Incident Report						RCN			
Records Center						DOR 08/20/2007			
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assuaulted <input type="checkbox"/>		Non Disclosure <input type="checkbox"/>	
Distribution V DETECT						Distribution Other			
init	pDis	sDis	dEnt	M.C.	Concl	Case	F/U	Ret	Let
						Status <input type="checkbox"/> <input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>			

Administrative Information										
Location					City			State		Zip Code
Local Geo		State Geo		Precinct V WEST		Geo V21				
Rep Date 08/18/2007		Rep Time 16:40		From Date 08/18/2007		From Time 16:40		To Date		To Time
Dom Viol <input type="checkbox"/>		DV Card <input type="checkbox"/>		Child Abuse <input type="checkbox"/>		Arson <input type="checkbox"/>		Homicide <input type="checkbox"/>		Gang <input type="checkbox"/>
								Weapons <input type="checkbox"/>		Alcohol <input type="checkbox"/>
								Drugs <input type="checkbox"/>		Computer <input type="checkbox"/>

Offense Information										
Off # 1	Offense 9A.52.025			Offense Category BURGLARY		Offense Translation Burglary - residential			Attempted or Completed C	
Location Type 1STORY										

Individual											
Role I	Seq 1	Type I	Last Name CASTELLANOS			First Name LYNDA			Middle Name D	Sex F	Race W
Birthdate		Eth									
Age Low	Age High	Hgt 504	Wgt 150	Hair BLN	Eyes BRO	Residence F	Employment/Occupation				
Driver's License Number			Driver's License Issuer			Social Security No.		State ID No.		FBI No.	PCN
Custody Status		Gang Affiliation			Tribe Affiliation		Identifiers				
Comments											
Type H	Location					City			State	Zip Code	
Type C	Phone No.										

Individual											
Role I	Seq 2	Type I	Last Name KOSEK			First Name ROBERT			Middle Name E	Sex M	Race W
Birthdate		Eth									
Age Low	Age High	Hgt 601	Wgt 180	Hair BRO	Eyes GRN	Residence F	Employment/Occupation				
Driver's License Number			Driver's License Issuer			Social Security No.		State ID No.		FBI No.	PCN
Custody Status		Gang Affiliation			Tribe Affiliation		Identifiers				
Comments											
Type H	Location					City			State	Zip Code	
Type C	Phone No.										

Reporting Officer McCaleb, Eric						PSN 1414		Agency/Case Number VPD 07016197	
Approving Officer Skarpho, Richard						PSN 1177		Report ID 08/20/2007	
								Ref Case Number 22:57 1414	

Individual												
Role	Seq	Type	Last Name			First Name			Middle Name		Sex	Race
I	3	I	GOEBEL			BUDDY			L		M	W
Birthdate		Eth										
Age Low		Age High		Hgt	Wgt	Hair	Eyes	Residence	Employment/Occupation			
				508	200	BRO	BLU	U				
Driver's License Number				Driver's License Issuer		Social Security No.		State ID No.		FBI No.	PCN	
Custody Status		Gang Affiliation			Tribe Affiliation			Identifiers				
Comments												
Type	Phone No.											
C												

Individual												
Role	Seq	Type	Last Name			First Name			Middle Name		Sex	Race
I	4	I	CASTELLANOS			RICCI			D		M	W
Birthdate		Eth										
Age Low		Age High		Hgt	Wgt	Hair	Eyes	Residence	Employment/Occupation			
				508	160	BRO	BRO	F				
Driver's License Number				Driver's License Issuer		Social Security No.		State ID No.		FBI No.	PCN	
Custody Status		Gang Affiliation			Tribe Affiliation			Identifiers				
Comments												
Type	Location		City					State	Zip Code			
H												
Type	Phone No.											
C												

Article											
Item #	Loss/Action		IBR Type		NCIC Category	Type	Quantity	Caliber	Drug Type		
1	RECOV. LOC		OTHER								
Drug Quantity			Drug Measure		Loss Value		Color	Color			
Description											
VIOLA											
Brand											
Model											
Serial No.					Owner Applied No. (OAN)						
2571											
Miscellaneous											
Rec. Date		By PSN		Rec. Agcy		Rec. Value					
08/18/2007											
Location							City		State Zip Code		

Narrative

SUMMARY:

I recovered a stolen viola and it was returned to the owner.

NARRATIVE:

On the above date and time I responded to the above address with Ofc. Lachapelle reference a subject trying to pawn a stolen cello. Ofc. Lachapelle got information from the subject about where he got the cello and I went to

Reporting Officer	PSN	Ref Case Number	Report ID	Agency/Case Number
McCaleb, Eric	1414			
Approving Officer	PSN	22:57 1414	08/20/2007	VPD 07016197
Skarpho, Richard	1177			

Vancouver Police Department

Case No.
07-16197

Narrative

that address to follow up. See Ofc. Lachapelle's report for further information.

The subject stated he got the cello from Lynda Castellanos and she lived at [REDACTED]. I contacted Lynda at that address and asked if I could come inside to talk about the cello. Lynda invited me into her apartment and I then asked her where the cello came from. She said a friend of hers named Buddy had brought the cello over a few days earlier. She said he left the cello in her apartment and told her that she could have it. I asked Lynda if she had any other musical instruments inside her home and she said that she did not. She said that she was going to buy a violin from Ricci Castellanos, her ex brother-in-law, for \$25. She said that he stays in either apartment [REDACTED], but is not there now. She said Robert Kosek lives in apartment [REDACTED] and that is where Ricci had left the violin.

Lynda said she only knows Buddy by his first name and described him as a white male in his late 30's, with a bald head. She said he used to live on [REDACTED] directly behind the check cashing store that is on the corner of [REDACTED].

I contacted Robert in apartment [REDACTED] and asked if I could come inside and talk to him about the violin. Robert invited me into his apartment and I asked him if he had a violin. He stated that his friend Ricci had left one in his apartment and that Ricci was selling it to Lynda for \$25. I asked Robert where the violin was and he said that it was in his closet. I asked Robert if I could get it out of the closet and he said yes. Inside the closet I found a case containing what I thought was a violin. Robert stated that he did not want the violin in his house because it did not belong to him. I took the violin for safekeeping. I asked Robert if he knew where the instrument had come from and he stated that all he knew was Ricci had brought it over and was going to sell it to Lynda. Robert said Ricci had left before we arrived and did not know when he would be returning.

I checked the EPR report with the information about the stolen instruments. I determined the instrument to be a viola and that it was stolen in the original burglary. I confirmed this by matching the serial number on the viola to that of one stolen in the burglary. I contacted the owner of the viola and it was released back to her.

I went to the address that Lynda had described and determined it to be [REDACTED]. I contacted the residents at that address who said that Buddy used to live there, but had moved out over a month ago. They were not able to provide me with Buddy's last name or current address. They did state that he drove a blue Nissan Pulsar.

I ran the name Buddy in EPR and began checking every entry. I found an entry for a subject named Buddy Goebel. Buddy listed [REDACTED] as his address and was reported as driving a blue Nissan Pulsar bearing 342LYZ/WA. There was no current information on Buddy's location.

ACTIONS RECOMMENDED:

Forward to Detectives for further follow up.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer McCaleb, Eric	PSN 1414	Agency/Case Number VPD 07016197
Approving Officer Skarpho, Richard	PSN 1177	
Report ID 08/20/2007		Ref Case Number 22:57 1414
Report printed by: 0127		

Vancouver Police Department						Case No. 07-16197
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID 08/21/2007 23:45 1410
Supplemental Incident Report						RCN
Records Center						DOR 08/21/2007
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assaulted <input type="checkbox"/> Non Disclosure <input type="checkbox"/>
Distribution V DETECT						Distribution Other DET KNOEPPPEL
Init	pDis	sDis	dEnt	M.C.	Concl	Case
						F/U
						Ret
						Let
Status						<input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>

Administrative Information							
Location				City		State	Zip Code
Local Geo		State Geo		Precinct		Geo	
				V WEST		V21	
Rep Date		Rep Time		From Date		From Time	
08/18/2007		16:40		08/18/2007		16:40	
To Date		To Time		Category		Class	
Premise	Dom Viol	DV Card	Child Abuse	Arson	Homicide	Gang	Weapons
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Offense Information							
Off #	Offense		Offense Category		Offense Translation		Attempted or Completed
1	9A.52.025		BURGLARY		Burglary - residential		C
Location Type 1STORY							

Individual							
Role	Seq	Type	Last Name		First Name		Middle Name
I	1	I	WILSON		MARK		JAMES
Sex	Race						
M	W						
Birthdate		Eth					
Age Low	Age High	Hgt	Wgt	Hair	Eyes	Residence	Employment/Occupation
						F	
Driver's License Number			Driver's License Issuer		Social Security No.		State ID No.
FBI No.		PCN					
Custody Status	Gang Affiliation		Tribe Affiliation		Identifiers		
Comments							
Type	Phone No.						
C							

Individual							
Role	Seq	Type	Last Name		First Name		Middle Name
S	1	I	GOEBEL		BUDDY		LESTER
Sex	Race						
M	W						
Birthdate		Eth					
Age Low	Age High	Hgt	Wgt	Hair	Eyes	Residence	Employment/Occupation
		508	170			F	
Driver's License Number			Driver's License Issuer		Social Security No.		State ID No.
FBI No.		PCN					
Custody Status	Gang Affiliation		Tribe Affiliation		Identifiers		
Comments							

Narrative

SUPPLEMENTAL REPORT:

On 08/18/07 at approximately 1640hrs. I, Ofc. Lachapelle, along with Ofc. McCaleb was dispatched to [REDACTED]

Reporting Officer Aldridge, Amy		PSN 1410		Agency/Case Number VPD 07016197 Report ID 08/21/2007 Ref Case Number 23:45 1410
Approving Officer Skarpho, Richard		PSN 1177		
Report printed by: 0127				
Page 1 of 2				

Vancouver Police Department

Case No.
07-16197

Narrative

■ Purple Monkey Music, in reference to a male actively attempting to pawn a stolen cello.

Upon my arrival, I noticed a male matching the physical description given standing in the door way of the business. I approached him and he identified himself as Mark Wilson. Mark stated that he brought the cello to the store the day before hoping to pawn it. I asked Mark where he got the cello from. He stated that he got it at Linda Costellano's house, [REDACTED]. Mark stated that Linda told him that the cello was given to her by Buddy.

Mark stated that Linda did not have any money so he offered to pawn the cello for her. Mark stated he was just trying to help Linda out. Mark agreed that he should have known the cello was stolen because he said Buddy breaks into houses often. He also said that he originally attempted to pawn the cello at a shop downtown but they would not take it because the suspected it as stolen.

Mark stated that he particularly suspected the cello of being stolen property after he had already taken it to the pawn shop and Linda told Buddy it was there. He stated that Buddy became very angry about it because he knew the could track pawned property.

Mark stated that he did not know Buddy's full name but believed he lived on [REDACTED]. Mark stated that he would contact me if he was able to find out Buddy's full name. Mark was released at the scene after Ofc. McCaleb arrived at Linda's house. I was notified by the pawn shop that the police had seized the cello the day before.

Ofc. McCaleb informed me that he spoke with Linda and that he recovered another stolen viola. SEE ATTACHED SUPPLEMENT OF OFC. MCCALEB

Ofc. McCaleb and I went to [REDACTED] the address also described to him from Linda, as Buddy's current residence. The occupants of the residence were cooperative and stated that Buddy had not stayed there for about a month. They also did not know Buddy's full name.

Mark contacted me at approximately 2130hrs. and stated that Buddy's full name was Buddy Lester Goebel.

RECOMMENDATION:

This report should be attached to the original and sent to Det. Knoepfel for additional investigation.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer
Aldridge, Amy
Approving Officer
Skarpho, Richard

PSN
1410
PSN
1177

Agency/Case Number
VPD
07016197
Report ID
08/21/2007
23:45 1410
Ref Case Number

Report printed by: 0127

Page 2 of 2

Vancouver Police Department						Case No. 07-16197			
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID 08/29/2007 14:49 1307			
Supplemental Incident Report						RCN			
Records Center						DOR 08/29/2007			
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assaulted <input type="checkbox"/>	Non Disclosure <input type="checkbox"/>		
Distribution NONE						Distribution Other			
init	pDis	sDis	dEnt	M.C.	Concl	Case	F/U	Ret	Let
						Status <input type="checkbox"/> <input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>			

Administrative Information											
Location					City		State	Zip Code			
Local Geo	State Geo		Precinct V DET		Geo						
Rep Date 08/17/2007		Rep Time 19:00	From Date		From Time		To Date	To Time	Category	Class	Premise
Dom Viol <input type="checkbox"/>	DV Card <input type="checkbox"/>	Child Abuse <input type="checkbox"/>		Arson <input type="checkbox"/>	Homicide <input type="checkbox"/>	Gang <input type="checkbox"/>	Weapons <input type="checkbox"/>	Alcohol <input type="checkbox"/>	Drugs <input type="checkbox"/>	Computer <input type="checkbox"/>	

Individual												
Role W	Seq 1	Type I	Last Name SERVICE			First Name ANSON			Middle Name LEON		Sex M	Race W
Birthdate		Eth										
Age Low	Age High	Hgt	Wgt	Hair	Eyes	Residence F	Employment/Occupation PURPLE MONKEY MUSIC/OWNER					
Driver's License Number			Driver's License Issuer		Social Security No.		State ID No.		FBI No.	PCN		
Custody Status		Gang Affiliation		Tribe Affiliation		Identifiers						
Comments												
Type W	Location					City		State	Zip Code			

Article											
Item # 1	Loss/Action RECOV. LOC		IBR Type OTHER		NCIC Category	Type	Quantity		Caliber	Drug Type	
Drug Quantity		Drug Measure		Loss Value 2500		Color	Color				
Description CELLO											
Brand SHERYL AND ROTH											
Model											
Serial No. J3522				Owner Applied No. (OAN)							
Miscellaneous RETURNED TO OWNER											
Rec. Date 08/17/2007		By PSN 1307		Rec. Agency VPD		Rec. Value 2500					
Location					City		State	Zip Code			

Reporting Officer Knoeppel, Barbara						PSN 1307		Agency/Case Number VPD 07016197	
Approving Officer Ryan, Tom						PSN 1113			
Report printed by: 0127						Report ID 08/29/2007			
						Ref Case Number 14:49 1307			

Vancouver Police Department

Case No.
07-16197

Evidence

Item # 1307-001	Loss/Action EVIDENCE	IBR Type OTHER	Description PHOTOS ON DISK
Loss Value 2500	Amount 1	Caliber	Drug Type
Drug Quantity			
Drug Measure			
Brand			
Model			
Serial No.		Owner Applied No. (OAN)	
Miscellaneous			
Rec. Date 08/29/2007	By PSN 1307	Rec. Agcy VPD	Rec. Value
7			
Location		City	State Zip Code

Officer Notes
photos of cello retained as evidence

Narrative

SUMMARY:

Diane Lawer's stolen cello was recovered from Anson Service, the owner of Purple Monkey Music.

NARRATIVE:

On 8/17/07, at about 1830 hours, I received a phone call from Anson Service, the owner of Purple Monkey Music located at [REDACTED]. Anson told me that a male attempted to sell him an expensive cello for a very cheap price, and Anson suspected it was stolen. Anson provided me with the description of the cello including the serial number, and I confirmed the instrument was stolen.

Anson told me the following:

A white male walked into his music store carrying a cello. The cello was not in a case (I previously spoke with Diane about this burglary and she mentioned that the cases for the instruments were not stolen). The male wanted to sell the cello to Anson for about \$50.00.

Anson knew the cello was worth significantly more than that, and assumed it was stolen. He kept the cello and told the male to come back later and he would see what he could do. Anson said he almost had the male's I.D., but the male left the store. He described him as a white male in his late 30's.

I gave Anson the case number and told him to call 911 if the male returned for the cello. Anson came to my office and turned the cello over to me. I contacted Diane Lawer to advise her that I recovered the cello. I described the male that attempted to pawn it and she said the male did not seem familiar.

On 8/21/07, I learned that patrol had responded to Purple Monkey Music on 8/18/07, when the male (later identified as Mark James Wilson) returned for the cello. Per investigation conducted by Officer Amy LaChapelle and Officer Eric McCaleb, Mark admitted to pawning the items however said he obtained them from somebody else. Their investigation led to the recovery of Diane's viola.

I asked Diane if she knew any of the people mentioned in the reports. Diane did not know any of the people I mentioned.

Reporting Officer Knoepfel, Barbara	PSN 1307	Agency/Case Number VPD 07016197
Approving Officer Ryan, Tom	PSN 1113	
Report ID 08/29/2007		Rel Case Number 14:49 1307
Report printed by: 0127		
Page 2 of 3		

Vancouver Police Department

Case No.
07-16197

Narrative

I contacted records and had both instruments removed from NCIC. I returned the cello to Diane's husband, Bill Lawer, on 8/29/07 and retained photos of it as evidence.

RECOMMENDED ACTION:

Active; pending contact with Ricci Castellanos and Buddy Goebel.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer	PSN	Agency/Case Number
Knoeppel, Barbara	1307	VPPD 07016197
Approving Officer	PSN	Report ID
Ryan, Tom	1113	08/29/2007
		Ref Case Number
		14:49 1307

Report printed by: 0127

Page 3 of 3

Vancouver Police Department						Case No. 07-16197			
605 E. Evergreen Vancouver, WA 98661			(360) 487-7400 (360) 694-9646 (FAX)			Report ID 07/03/2008 13:20 1307			
Supplemental Incident Report						RCN			
Records Center						DOR 07/03/2008			
707 W 13TH Street Vancouver, WA 98660			(360) 397-2211 (360) 397-6074 (FAX)			Officer Assaulted <input type="checkbox"/> Non Disclosure <input type="checkbox"/>			
Distribution NONE						Distribution Other			
Init	pDis	sDis	dEnt	M.C.	Concl	Case	F/U	Ret	Let
						Status <input type="checkbox"/> IR <input type="checkbox"/> A <input type="checkbox"/> AR <input type="checkbox"/>			

Administrative Information

Location			City			State		Zip Code											
Local Geo			State Geo		Precinct V DET		Geo												
Rep Date 08/09/2007		Rep Time		From Date		From Time		To Date		To Time		Category		Class		Premise			
Dom Viol <input type="checkbox"/>		DV Card <input type="checkbox"/>		Child Abuse <input type="checkbox"/>		Arson <input type="checkbox"/>		Homicide <input type="checkbox"/>		Gang <input type="checkbox"/>		Weapons <input type="checkbox"/>		Alcohol <input type="checkbox"/>		Drugs <input type="checkbox"/>		Computer <input type="checkbox"/>	

Article

Item # 1		Loss/Action RECOV. LOC		IBR Type OTHER		NCIC Category		Type		Quantity 1		Caliber		Drug Type	
Drug Quantity		Drug Measure		Loss Value		Color		Color							
Description LEON AUBERT VIOLA															
Brand															
Model															
Serial No. M43025				Owner Applied No. (OAN)											
Miscellaneous VIOLA, CASE, AND BOW															
Rec. Date 07/03/2008		By PSN 1307		Rec. Agcy VPD		Rec. Value									
Location			City			State		Zip Code							

Narrative

ATTACHMENTS:

- Copy of Pawn Hold
- Copy of Stolen Hit
- Copy of Certified Letter to Diane Lawer

SUMMARY:

A stolen Viola was located at Briz Loans. Five musical instruments were stolen in this residential burglary. The viola is the 3rd instrument to surface. The pawnner, Jan Edwards is a transient female.

NARRATIVE:

On July 1st, Tom Beene notified me of a stolen hit on a viola at Briz Loans. I called Briz Loans and placed a

Reporting Officer Knoepfel, Barbara		PSN 1307		Agency/Case Number VPD 07016197	
Approving Officer Ryan, Tom		PSN 1113		Report ID 07/03/2008	
				Ref Case Number 13:20 1307	

Vancouver Police Department

Case No.
07-16197

Narrative

verbal hold on the viola.

On July 3rd, I contacted Scott Ulrich at Briz Loans. Scott said he did not recall the specific transaction, which occurred in March of 2008. He said he was not familiar with Jan Edwards (pawner) and would not be able to identify her.

I examined the viola and confirmed the serial number was M43025. The viola had been pawned along with the case and bow. I placed a written hold on the viola and had Scott sign the hold.

I advised Scott that the victim had 5 instruments stolen in a residential burglary and that 3 had surfaced thus far. I advised Scott that the victim, Diane Lawer, would likely want to arrange for the return of her property however I still had to notify her of its recovery.

I contacted records and had the viola removed from NCIC.

I checked EPR and Prime and was unable to find any address or phone numbers for Jan Edwards. There is no suspect in the original burglary, although Buddy Goebel was a person of interest. The other instruments that surfaced were allegedly given to the possessors by Buddy.

I have been unable to contact Diane Lawer. I sent Diane a letter via certified mail. I notified Diane that I had located her property, placed it on a 120 day hold, and requested she contact me.

RECOMMENDED ACTION:

Suspended pending contact with victim.

I certify or declare under penalty of perjury under the law of the state of Washington, that to the best of my knowledge the attached report(s), documents, and information contained therein are true, correct, and accurate. (RCW 9A.72.085)

Reporting Officer
Knoepfel, Barbara

PSN
1307

Approving Officer
Ryan, Tom

PSN
1113

Agency/Case Number
Vpd
07016197
Report ID
07/03/2008
13:20
Ref Case Number
1307

Report printed by: 0127

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BRIZ LOAN & GUITAR
506 WASHINGTON ST. - VANCOUVER, WA

LOAN #: 72716 DATE: 03/05/2008 EMP.: SU

NAME: JAN M EDWARDS PH #: ()

ADDR: [REDACTED]

DESC: Race: W Sex: F DOB: 0 [REDACTED] Height: 5' 05" Weight: 120
ID: State Id [REDACTED]

ITEM: 1) VIOLA OTHER LEON AUBERT 811, #M43025; W/ CASE AND BOW
W/ CASE AND BOW

PAGE: 1 of 1

X *Jan M Edwards* Loan ^{XX} Other
\$ 60.00

CITY OF VANCOUVER - POLICE DEPARTMENT - Pursuant to the provisions of
Vancouver Municipal Code Chapters 9.44 Junk Dealers, 5.48 Pawnbrokers, supplying
false information is a crime RCW 10.60.020.

U67-16197



Vancouver Police Department

Pawn Hold/Release Order

Date: 7-1-08

Case #: V07-16197 Residential Burglary

To:

- Briz Loan, [redacted]
Continental Loan, [redacted]
Easy Pawn Inc., [redacted]
Lucky Loan, [redacted]
Main Street Loan, [redacted]
RW Loans, [redacted]
Other: _____

You are hereby ordered to hold intact and safe from damage, commingling, or alteration, in your regularly licensed place of business, the following lost/stolen property pending our release order (VMC 5.48.140, RCW 19.60.040).

You are hereby notified that the Vancouver Police Department consents to the release of the property herein described to: Released by _____, Vancouver Police Department, on _____

PROPERTY LIST

Table with 4 columns: PAWN#, PAWN DATE, DESCRIPTION, SERIAL NUMBER. Row 1: 72716, 3-5-08, Leon Albert Viola, M43025

Receipt of this hold order acknowledged by:

[Signature] Pawnbroker or Pawnbroker Representative

[Signature] Vancouver Police Department Representative

Originating Agency and case number : _____

V07-16197



Vancouver Police Department

Pawn Hold/Release Order

Date: 7-1-08

Case #: 107-16197

To:

- Action Loan, [REDACTED]
- Briz Loan, [REDACTED]
- Continental Loan, [REDACTED]
- Easy Pawn Inc., [REDACTED]
- Lucky Loan, [REDACTED]
- Main Street Loan, [REDACTED]
- RW Loans, [REDACTED]
- Other: _____

You are hereby ordered to hold intact and safe from damage, commingling, or alteration, in your regularly licensed place of business, the following lost/stolen property pending our release order (VMC 5.48.140, RCW 19.60.040).

You are hereby notified that the Vancouver Police Department consents to the release of the property herein described to: Diane LAWER
Released by B. Knoepfel, Vancouver Police Department, on 7-3-08

PROPERTY LIST

PAWN#	PAWN DATE	DESCRIPTION	SERIAL NUMBER
<u>72716</u>	<u>3-5-08</u>	<u>Leon Albert Viola</u>	<u>M43025</u>

Receipt of this hold order acknowledged by:

[Signature]
Pawnbroker or Pawnbroker Representative

[Signature]
Vancouver Police Department Representative

Originating Agency and case number : _____

107-16197

Knoepfel, Barbara

From: Beene, Tom
Sent: Tuesday, July 01, 2008 7:38 AM
To: Knoepfel, Barbara
Cc: Ryan, Tom
Subject: Stolen Hit V07-16197
Importance: High

I have received a valid stolen hit from Records on our case number V07-16197. I will forward it to you via interoffice mail.

Pawn info:

Briz Loan ticket #72716 dated 030508, pawned by Jan M Edwards dob/[REDACTED] WFA 505/120 showing WA ID [REDACTED], no phone, address [REDACTED] pawning, "... 1) VIOLA OTHER LEON AUBERT 811, #M43025; W/CASE AND BOW..."

Our case V07-16197 has several other stolen/recovered musical instruments and describes this one by serial number.

Tom

V07-16197

V01-16197

CITY OF VANCOUVER

P.O. Box 1995
Vancouver, WA 98668-1995



POLICE DEPARTMENT

CLIFFORD R. COOK
Chief of Police

July 3, 2008

Diane Lawer
[REDACTED]

RE: V07-16197

Diane,

On 7/3/08, I located the following property at Briz Loans in [REDACTED]:

Leon Aubert Viola, Serial Number M43025, case and bow included

This appears to be the viola you reported stolen in your residential burglary. I have spoken with the pawnbroker (Scott Ulrich) and placed a 120 day written hold on the viola. Please contact me for further regarding your options with regard to recovering your property. I will also need to know whether or not any insurance claim was filed.

Respectfully,

Detective Barbara Knoeppel
[REDACTED]

CLIFFORD R. COOK
Chief of Police

V07-16197-1

PS Form 3800, June 2002 See Reverse for Instructions

Street Apt. No. or PO Box No.
Diane Lawer

City, State, ZIP+4

7006 0100 0003 1892 1198
7006 0100 0003 1892 1198
7006 0100 0003 1892 1198



7006 0100 0003 1892 1198
CERTIFIED MAIL™
 PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS & OVER A POSTED LINE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Postmark Here

OFFICIAL USE
 For delivery information visit our website at www.usps.com
CERTIFIED MAIL™ RECEIPT
 U.S. Postal Service™
 (Domestic Mail Only; No Insurance Coverage Provided)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Diane Lawer

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

107-16197