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VIA EMAIL & U.S. MAIL

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RE: Deeply Disturbing Conduct of UW Clinical Professor Michael Piepkorn, MD

Dear President Cauce, Dean Dellit, Mr. Kerwin, Commission Chair Chung,

On behalf of the undersigned, I write to express my concerns regarding the seriously troubling conduct of Michael Piepkorn, MD, PhD, a Clinical Professor in the Division of Dermatology at the University of Washington School of Medicine.

As explained below, I have become aware of seriously troubling conduct involving Dr. Piepkorn that I believe warrants further investigation by UW, including credible allegations that (i) Dr. Piepkorn engaged in child sex abuse, (ii) Dr. Piepkorn paid to cover up child sex abuse, (iii) Dr. Piepkorn paid hundreds of thousands to help another individual accused of serious child sex abuse, (iv) Dr. Piepkorn paid thousands to a Washington State Patrol Trooper for misuse of that Trooper's authority for private gain, and (v) as well as other misconduct warranting an investigation.

Dr. Piepkorn's troubling conduct not only includes sex abuse of children, his conduct includes a number of bizarre behavior such as stalking and harassing a number of individuals and being a peeping Tom. Dr. Piepkorn's conduct stems not from an isolated incident, but is the result of a repeated patten of disturbing conduct that I believe should be investigated.

I. Dr. Piepkorn Engaged in Seriously Alarming, Abusive Conduct

By way of background, I first became familiar with Dr. Piepkorn in October 2019 when my parents, Plaintiffs Lakhan Jha and Minakshi Kumari, filed a lawsuit against Dr. Piepkorn stemming from a boundary dispute with Dr. Piepkorn regarding a rental property Dr. Piepkorn owned in Woodinville. While the dispute with Dr. Piepkorn was mostly a personal dispute over real property, Dr. Piepkorn was also sued for conduct he engaged in, including, trespass, assaulting my parents, and harassing them with a range of bizarre conduct, including keeping them and their family under surveillance.

Dr. Piepkorn has been profane and verbally abusive towards my parents and I. For example, here is a photograph showing Dr. Piepkorn showing a profane gesture towards my parents as shown in court:



While it is not unimaginable for Dr. Piepkorn to display a profane gesture towards us in the midst of a neighborly dispute, Dr. Piepkorn was also sued for assault because he threatened to kill us. Plaintiffs' claim for assault against Dr. Piepkorn stems from the fact that on October 4, 2019, Piepkorn stated to Plaintiffs, "bring it on motherfucker, I'll shoot you" and made a shooting like impression with his fist, threatening to shoot Plaintiffs. Here is a photograph showing Dr. Piepkorn physically threatening to shoot Plaintiffs:



See Jha et ano v. Piepkorn, King County District Court, Cause No. 201-00188, Ex. C, Pg. 60.

Dr. Piepkorn does not deny that he threatened to shoot his neighbors (my parents) over a boundary dispute. Rather, Dr. Piepkorn asserts that his conduct was directed towards Plaintiffs' son, the undersigned. *See* Dkt. #71, Ex. E ("My client's communications were with Siddharth. In no way did he threaten the Jhas.") Given that there are there are photographs showing Dr. Piepkorn making

a gun-like impression shooting Plaintiffs, it is irrefutable that Dr. Piepkorn engaged in menacing conduct towards others.

However, my parents and my experience with Dr. Piepkorn threatening to shoot us was not an isolated incident. For years, my parents and I have experienced Dr. Piepkorn's relentless, random appearances at all times of the day and night. While we understand that Dr. Piepkorn may have been angry about the fact that he was sued over a boundary dispute, Dr. Piepkorn's conduct goes above and beyond that of a litigant in a boundary dispute.

To be clear, Dr. Piepkorn has a rental company that manages his rental next door. Tenants occupy the rental and Dr. Piepkorn has been an absentee owner for years. Dr. Piepkorn does not live next door nor does he have any reason to be in the vicinity. Nevertheless, Dr. Piepkorn has consistently appeared in our yard at various times of the day and night. For example, here is a photograph showing Dr. Piepkorn standing next to a tree in the dark:



In light of Dr. Piepkorn's disturbing conduct that continued to persist over time, in June 2020, my parents tried to obtain an Order of Protection against Dr. Piepkorn. An Order of Protection was initially granted and found that Dr. Piepkorn committed unlawful harassment in contravention of RCW 10.14.

While a judge did not ultimately believe that a permanent restraining order was warranted and denied my parents' request for a permanent Order of Protection, based on the same evidence and court record, at least *three* Superior Court and District Court judges in Washington (i) entered restraining orders against Dr. Piepkorn, (ii) found "that the Respondent [Dr. Piepkorn] committed unlawful harassment as defined in RCW 10.14.080," and (iii) ordered Dr. Piepkorn to remain at least 1,000 feet away from my parents and to cease surveilling them. See *Jha et al v. Piepkorn*, KCDC, Cause No. 201-00188, Order of Protection, May 14, 2020; *Jha et al v. Piepkorn*, KCSC, Cause No. 20-2-08866-8, Dkt. #10-11, 18. Dr. Piepkorn even voluntarily consented to an Order of Protection. *Id.*

Ultimately, the fourth judge presiding over the matter did not find the claims of harassment or surveillance by Dr. Piepkorn to be credible as it related to a specific date (October 4-5, 2019). Merely because another judge did not ultimately enter a permanent restraining order based on her view of the events of October 4-5, does not negate three other judge's findings that Dr. Piepkorn committed unlawful harassment. While we disagreed with what evidence was allowed to be entered into the record and how the resulting decision focused only on two specific days, Dr. Piepkorn has been emboldened by the fact that a judge did not enter a final Order of Protection to increase his victimization of my family.

Over the years, including after my parents' request for an Order of Protection was denied, Dr. Piepkorn has sent *hundreds* of vehicles to our house to drive by and take photographs of us and our house. Dr. Piepkorn has *consistently* kept our family under surveillance by sending of hundreds of vehicles to drive by our house. It has been relentless. When Dr. Piepkorn himself could not be there, he sent others to carry out his harassment.

To be clear, we understand that Dr. Piepkorn needs to defend himself in the lawsuit my parents brought against him. But the conduct we take issue with was not his efforts to defend himself from the lawsuit, but his bizarre, "peeping tom" behavior that grew increasingly alarming over time.

Even though Dr. Piepkorn has been aware that my parents have attempted to obtain an Order of Protection against Dr. Piepkorn, Dr. Piepkorn has nevertheless continued to surveil our family. Dr. Piepkorn continues to engage in the same type of harassing conduct that necessitated us to ask for an Order of Protection in the first place. He simply cannot physically leave us alone. Sworn statements filed in court substantiate and detail the specific harassment Dr. Piepkorn has subjected my family and I and others to.

For example, here are photographs from a surveillance system in October 2022 showing Dr. Piepkorn hiding in bushes and photographing us. Dr. Piepkorn then crossed the street and walked away:



After Dr. Piepkorn left the bushes shown in the preceding photographs, Dr. Piepkorn then crossed the street and walked away. Here is a photograph from October 2022 that has been entered into evidence showing Dr. Piepkorn walking away with his binoculars:



As another example, here is another photograph from 2022 showing Dr. Piepkorn's car parked outside our driveway. When Dr. Piepkorn noticed that we saw him, he abandoned his car, and ran into the adjoining wooded area:



II. Countless Other Individuals and Neighbors Have Been Harassed by Dr. Piepkorn

It is not just my parents who have been the victim of Dr. Piepkorn's bizarre behavior. A number of other neighbors have testified in court that they too have been the victim of Dr. Piepkorn's alarming behavior over the years.

In my parents' situation, Dr. Piepkorn's conduct goes *well* beyond the acceptable bounds of a real property dispute and any bona fide attempt to document what he believes may be my parents' "trespass" on his property. But this is not the first time Dr. Piepkorn has kept a neighbor under constant surveillance over a perceived neighborly slight.

For example, in 2001, another neighbor, Mary Anne Adams, testified about the constant harassment she and her husband Dan Adams endured and why she needed to obtain a fence to keep Dr. Piepkorn from harassing them. Mrs. Adams also testified about the constant surveillance Dr. Piepkorn kept them under:

"I think it is important for the court to understand why this is such an issue. We want a fence because Mr. Piepkorn has continually subjected myself and my husband to numerous forms of harassment. He has kept our house under video surveillance for months at a time. When my husband is not around, Mr. Piepkorn has come up to me on my property and insulted me in the most personal and demeaning way, making creepy sexual references about my looks, my husband, etc. He makes continual hand gestures to us. On a number of occasions, he has attempted to provoke physical combat with my husband. We have caught him peeping into our windows and into the windows of two other neighbors. We are not the only ones Mr. Piepkorn does this to; our neighbors the Trujillos have seen it also. Despite my requests to him, Mr. Piepkorn repeatedly mowed our lawn. He used to put his lawn furniture on our property and ostentatiously sit down to enjoy it. When we had house guests, he would come over uninvited, sit down, and introduce himself. He continually intruded on our privacy. I feel I need a fence for security."

See Piepkorn v. Adams, KCSC Cause No. 98-2-38905-8, Dkt. #56, Declaration of Mary Anne Adams (emphasis added) (attached as **Exhibit A**).

On another occasion, another neighbor, Cindy Joe Trujillo, stated that she too witnessed Dr. Piepkorn's disconcerting behavior towards others:

"We know that both of our fences are also preventing our common neighbor, Mr. Piepkorn, from wandering onto our properties both during the day and at night with his flashlight which has been rather disconcerting."

See Dkt. #56, Letter from Cindy Trujillo (attached as **Exhibit A**).

In 2003, Dr. Piepkorn's then-wife, Shelly Desmond, testified that she was aware of several instances of deeply disturbing conduct involving Dr. Piepkorn, including a report involving Dr. Piepkorn threatening to kill another neighbor in 2002:

"The information I have provided to Dr. Olson includes my statements of my personal knowledge, Mike's admissions to me and other tangible evidence of the following:

- Allegations of indecent exposure in New Orleans during a medical conference.
- Instances of Mike's hiring prostitutes from a strip club to meet him at a Seattle Spa known as Tubbs.
- Allegations in sworn declarations in *Adams v. Desmond*, King County Case No. 98-2-28905-8 alleging that Mike was looking into the windows of our neighbor's homes (peeping tom) and about the nature of Mike's anger.
- King County Sherriff's Officer Eric Soderstrom, visit about a neighbor who alleged that Mike threatened to kill her.
- Evidence of photo sessions with a girlfriend at a New Orleans Hotel recorded on a CD that Mike kept by his desk in the bonus room of our house near where our children played.
- Instances of Mike's viewing the photos of his naked girlfriend in the bonus room with the children and their friends present."

See Piepkorn v. Desmond, KCSC Cause No. 02-3-04859-9, Dkt. #66, 3:24-26 (attached as **Exhibit B**).

Dr. Piepkorn has a history of threatening neighbors with serious violence. In 1998, a then-neighbor of Dr. Piepkorn's filed a police report alleging that Dr. Piepkorn had threatened to kill her over a neighborly dispute. *Id.* As explained (and shown) above, our experiences have been similar. As shown by photographs, Dr. Piepkorn has threatened to kill us on at least one occasion.

Another neighbor Joe Trujillo, who happened to be a reserve police officer, testified in 2001 that he too witnessed Dr. Piepkorn's disconcerting behavior on several occasions:

"I wish to inform the court concerning my direct observations and encounters with Mr. Piepkorn, and his conduct towards the Adams which I have observed.

Before the Adams put up their fence, I saw Mr. Piepkorn in the Adams' backyard on a number of occasions, usually in the middle of the night, shining a flashlight and looking into

windows. On several occasions, I have seen him doing the same thing at my house. I have had to explicitly warn him not to come onto my property again.

We decided to put up a new fence along our lot line. Mr. Piepkorn harassed my employees who were installing the fence, and yelled at me in a manner that was truly shocking. He twice challenged me to fist fights because of my fence.”

See Piepkorn v. Adams, KCSC Cause No. 98-2-38905-8, Dkt. #58, Declaration of Joe Trujillo (attached as **Exhibit A**).

As my parents testified against Dr. Piepkorn in recent proceedings, our experiences with Dr. Piepkorn have been remarkably similar to that of other neighbors:

“Mr. Piepkorn has no right to be on our property, yet he refuses to stop watching us and being a peeping tom. It’s creepy and it’s extremely unnerving for us.

While we were unfortunately unable to obtain an Order of Protection against Mr. Piepkorn, Mr. Piepkorn has consistently kept my family and I under constant surveillance. It’s creepy; it’s extremely disconcerting, and the fact that Mr. Piepkorn continues to do so despite our repeated attempts that he leave us alone is incredibly aggravating.”

See Jha at ano v. Piepkorn et al, KCSC Cause No. 19-2-31564-4, Dkt. #233, Declaration of Dr. Lakhan Jha.

For example, in his sworn testimony, my father, Dr. Lakhan Jha, testified that on at least one other occasion, he and his wife have caught Dr. Piepkorn wandering around at night with a flashlight. As an illustration, here is a photo of Mr. Piepkorn in his distinctive jacket with the reflective logo:



My father testified about this photograph showing Dr. Piepkorn wandering around our property at night with a flashlight in the same distinctive jacket shown above:



Our independent experiences with Dr. Piepkorn corroborate what other, disinterested neighbors have repeatedly described about Dr. Piepkorn's continued unwanted appearances and his disturbing conduct. My parents and I have incurred at least \$15,000 on security related costs to physically defend ourselves from Dr. Piepkorn's bizarre, obsessive behavior. Dr. Piepkorn has had one too many neighborly disputes to be a coincidence. Dr. Piepkorn has threatened to kill one too many neighbors to be a coincidence.

Dr. Piepkorn's misconduct towards his neighbors is extremely alarming. Dr. Piepkorn has consistently harassed and tormented my parents and I, both by hiring others to maintain visual and physical proximity to us and by maintaining visual and physical proximity himself. Dr. Piepkorn has been a peeping Tom because he continues to consistently watch us and monitor our activities—even after we have repeatedly asked him to stop and even after we have made efforts to obtain an Order of Protection against him. It is extremely unnerving to have gone through what Dr. Piepkorn made our family go through.

III. Dr. Piepkorn Unlawfully Hired and Sent Armed Individuals to Our House

Despite our requests he cease his bizarre conduct, Dr. Piepkorn's desire for maintaining visual and physical proximity to us reached a whole new level when Dr. Piepkorn unlawfully sent armed individuals to our property during the pendency of the dispute.

Quoting directly from statements made in court, Dr. Piepkorn paid an individual thousands of dollars to use that individual's badge and gun and authority as a Washington State Patrol Trooper to enter our property and to monitor us for over 25 hours:

“In their complaint, the Jhas have alleged that Piepkorn engaged in a persistent pattern of stalking and harassing conduct in which he enlisted others and went above and beyond the acceptable bounds of a real property to dispute. Certainly hiring armed law enforcement to spend over 25 hours investigating and restraining the activities of Piepkorn's neighbors—the Jhas—goes above and beyond reasonableness. More than reasonableness, however, is that the Jhas' experience is a pattern of conduct for Piepkorn in neighborly disputes.

Piepkorn's conduct goes well beyond the acceptable bounds of a real property dispute and any bona fide attempt to document what he believes is Plaintiff's “trespass” on his property. But this is not the first time Piepkorn has kept a neighbor under constant surveillance over a perceived neighborly slight. In 2001, Mary Anne Adams testified regarding the constant surveillance she and her husband endured[.]”

See Jha v. Piepkorn et al, KCSC Cause No. 19-2-31564-4, Dkt. #233.

To be clear, this is not a situation where Dr. Piepkorn made a bona fide attempt to call 911. That's not what happened. What happened here was that Dr. Piepkorn *paid* a specific WSP Trooper thousands of dollars to use that Trooper's authority to enter our property and to have that WSP Trooper photograph us for private purposes. Dr. Piepkorn instructed that WSP Trooper to use that individual's badge and gun and authority as a WSP Trooper to enter our property and to photograph us and monitor us for over 25 hours. Quoting directly from the lawsuit:

“To be clear, an individual cannot privately pay a State Trooper thousands of dollars to use their police powers to obtain access to areas they would not otherwise have access to, to examine things they would not otherwise have access to examine, or

photograph persons they would have no authority to photograph. But that's exactly what happened here. And that's an egregious abuse of power. RCW 9A.80.010; RCW 42.20.100. And until September 13, 2022, the Jhas were unaware that Seattle's Finest played a crucial role in facilitating that abuse of power because Seattle's Finest was the conduit for Piepkorn's unlawful request."

Id. at Dkt. #198.

Here is a photograph of the former Trooper Ashton Dr. Piepkorn hired and paid thousands of dollars to enter our property and to photograph us:



As part of the lawsuit, when Dr. Piepkorn was asked at his deposition whether he ever hired a security company of any kind, Dr. Piepkorn lied under oath:

Q. Are you aware of whether or not anyone acting on your behalf has ever hired a security company of any kind in connection with any of your properties?

A. You are asking if I have or anyone on my behalf?

Q. Either one. For any property that you own.

A. No, I have not, and no one has done it on my behalf.

See Piepkorn Dep., 184:6-13, Feb. 4, 2021 (emphasis added); *see also* Declaration of Todd Wyatt, Ex. B at 185:19-20 (“Okay. So to my recollection, I never hired security guards. Okay?”).

But that was not true. Dr. Piepkorn *had in fact* hired a security company and paid thousands of dollars to Seattle’s Finest to have former Trooper Ashton use his badge and authority to enter my parents’ property and to photograph them and their persons. When Dr. Piepkorn was confronted about his misconduct, he lied about it under oath and tried to cover it up.

In sworn testimony, Dr. Piepkorn admits that he paid former WSP Trooper Brent Ashton thousands of dollars to enter our property and Dr. Piepkorn admits that he expressly instructed former Trooper Ashton to use his badge and gun to enter our property and photograph us for Dr. Piepkorn’s private purposes. Dr. Piepkorn calls paying thousands of dollars to a WSP Trooper “civil standby.” *See generally Jha v. Piepkorn et al*, KCSC Cause No. 19-2-31564-4. A King County Superior Court Judge Lapin roundly rejected Dr. Piepkorn’s classification of his improper hiring of WSP Trooper Ashton “civil standby.” *Id.* at Dkt #207. Judge Lapin also found that Dr. Piepkorn was less than truthful in his deposition testimony. *Id.*

After being hired by Dr. Piepkorn, in late 2021, former Trooper Brent Ashton was fired by the Washington State Patrol. In 2009, Former Trooper Ashton was fired by the Quincy Police Department for misconduct. Former Trooper Ashton’s WSP personnel file reveals that Trooper Ashton was investigated for untruthfulness in connection with an unrelated incident.

This notion that someone could pay a State Patrol Trooper thousands of dollars to obtain access to private property to photograph private persons for a private purpose is unheard of. Yet, that is exactly what happened in this situation. And Dr. Piepkorn is the reason for that. It is Dr. Piepkorn’s obsession with keeping his neighbors under constant surveillance that resulted in him going over the top to effectively purchase the authority of the State Patrol for private gain.

To be clear, one state employee of the University of Washington (Dr. Piepkorn) paid another state employee (former Trooper Brent Ashton) thousands of dollars to misappropriate that Trooper’s authority to enter private property to further a personal spite. That’s an egregious abuse of power and a misappropriation of the public trust by an employee of the University of Washington. If accountability were to have any meaning, Dr. Piepkorn should be held accountable for that.

As a result of that misconduct, Dr. Piepkorn and Seattle's Finest and Traffic Control (the company Dr. Piepkorn hired Trooper Ashton through) were sued for violating my parents' Fourth Amendment rights to be free from unlawful searches, and for unlawfully summoning a law enforcement officer in contravention of RCW 4.24.345.

Even though we had done nothing wrong, my family and I were effectively held hostage on our own property because of Dr. Piepkorn's sick, twisted desire to consistently keep his neighbors under constant surveillance. Even after our efforts to obtain an Order of Protection against Dr. Piepkorn failed, Dr. Piepkorn increased his harassing conduct, ultimately culminating in paying an armed State Patrol Trooper thousands of dollars to physically enter our property out of spite. Dr. Piepkorn misused public resources of the State of Washington and he should be held accountable for that.

The individuals that Dr. Piepkorn sent to our house were not only State Troopers Dr. Piepkorn paid thousands of dollars to, they also included an individual named Thomas Mark Hansen. Although Mr. Hansen is an attorney with Oseran Hahn in Bellevue, Mr. Hansen has engaged in the same over-the-top behavior his client, Dr. Piepkorn has. For example, here is a photograph of Mr. Hansen walking through our yard unannounced and uninvited:



On at least one occasion, Mr. Hansen has used the prestige of Oseran Hahn to protect Dr. Piepkorn from facing culpability for seriously alarming conduct. While an attorney's advocacy is one thing, Mr. Hansen has gone above and beyond to misuse Oseran Hahn and the storied law firm it represents to harass others on behalf of Dr. Piepkorn. For example, on one occasion, an elderly neighbor, Terri Tourville, testified that Mr. Hansen had harassed her by issuing subpoenas even though she had "that I had an extremely ill family member and extenuating circumstances." *See*

Declaration of Terri Tourville, *Jha v. Piepkorn et al*, KCSC Cause No. 19-2-31564-4, Sept. 10, 2021. On another occasion, Ms. Tourville, another neighbor of Dr. Piepkorn, testified about the fear she felt from Dr. Piepkorn's actions, including "We should not be required to put our lives at risk because Mr. Piepkorn refuses to do anything about a situation of his own making." *See* Declaration of Terri Tourville, *Jha v. Piepkorn et al*, KCSC Cause No. 19-2-31564-4, Dec. 12, 2022.

IV. Dr. Piepkorn Sexually Abused His Children and Tried to Coverup the Sex Abuse of Other Children

As hurtful as it has been to be the victim of Dr. Piepkorn's misconduct, there is nothing more disheartening than learning that Dr. Piepkorn apparently sexually abused his own children. What is beyond incomprehensible is that the children Dr. Piepkorn sexually abused have now grown up and sexually abused *their own* children. Put differently, Dr. Piepkorn sexually abused his own child and that child grew up and sexually abused his own child (Dr. Piepkorn's grandchildren).

For example, in 2002, Dr. Piepkorn's ex-wife, Shelley Desmond, testified that Dr. Piepkorn kept pornographic material (photographs of Dr. Piepkorn's girlfriend) near an area where the children played. *See Piepkorn v. Desmond*, KCSC Cause No. 02-3-04859-9, Dkt. #66 at 4 (attached as **Exhibit B**). Ms. Desmond also testified that Dr. Piepkorn "viewed the photos of his naked girlfriend in the bonus room with the children and their friends present." *Id.* Ms. Desmond also testified that Dr. Piepkorn had provided inappropriate movies to his then 13-year-old son, Zachary Desmond, including movies that "contains graphic sex and violence" as well as "movies [that] present complex moral dilemmas completely unsuitable for a 13-year-old boy". *Id.*

Apparently, Dr. Piepkorn and his girlfriend, Thao Pham, had photographed themselves in New Orleans. Ms. Desmond had also testified that the "graphic nature of the [naked] photographs are disturbing." Those were apparently the same photographs that Dr. Piepkorn had shown his children and their friends, according to Ms. Desmond's testimony.

Ms. Desmond had requested a restraining order against Dr. Piepkorn, and in furtherance of that request, she minced no words when she outlined her fear of Dr. Piepkorn's sexual misconduct:

"I would never show Mike's pictures or anything like it to our children. If a restraining order is entered, I would be comforted to know that Mike would be restrained from giving any type of material like this directly, indirectly or inadvertently to our children. He should be restrained from having any pornographic material in his home and he should be required to install filters on his computer to restrict internet access to pornographic material."

See Piepkorn v. Desmond, KCSC Cause No. 02-3-04859-9, Dkt. #66 at 5 (emphasis in original) (attached as **Exhibit B**).

In 2021, Dr. Piepkorn's son, Tyler John Desmond, was charged with Child Molestation in the First Degree, Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the First Degree, and Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the Second Degree. *State of Washington v. Tyler John Desmond*, KCSC Cause No. 21-1-03062-1 SEA.

The charges stem from conduct that is both harrowing and outright despicable. Tyler Desmond was arrested and charged with sexually abusing his own biological 7-year old son and his 2-year old daughter and for possessing thousands of photographs and videos of child pornography, including disturbing depictions of young children being sexually abused. The following is an excerpt from the Probable Cause Affidavit filed by the King County Prosecuting Attorney's Office:

"I reviewed the report. The two SD cards that Toon located in Desmond's toiletry bag were submitted in one evidence package listing an evidence number of EV644-001. Detective Burditt examined both SD cards and listed them as KPD Evidence Items 644-001A and 644-001-B.

In item 644-001A, Detective Burditt observed hundreds of folders and subfolders that most, if not all the folders contained image and movie files. Detective Burditt stated that there are thousands of files within the device that depict the sexual exploitation of a minor.

In item 644-001-B, Detective Burditt observed hundreds of folders and subfolders that most of the folders contained image and movie files. Detective Burditt stated that there are at least hundreds of files within the device that depict the sexual exploitation of a minor.

I opened the flash drive using the Griffeye program. There were several thousand video and image files. The majority of the content contained images and videos of children engaged in sexually explicit conduct. I reviewed some of the content and will describe two as follows:

Filename: 0356D2B46A770A649607EF8AF432: The file is a 2 minute and 44 second mp4 video that depicts a young nude girl lying on her back. The child's legs are spread and raised which exposes her vagina. An adult male inserts his penis into the child's anus and sodomizes her. At one point the child puts her hands down to remove his penis and the male pushes her hands away and continues to sodomize her. Based upon my training and experience, I estimate the girl to be about 3-5 years old from her lack of development and no visible pubic hair.

Filename: A69D41EC8FB4941F62F0155649BE.jpg: The file image depicts a young nude boy lying on his back on a bed and his penis is erect. There are two other boys lying beside him. Both of the boys next to him have their shirts off and their pants are pulled down enough to expose their erect penises. The younger nude boy in the middle is holding the other two boys' penises. Based upon my training and experience, I estimate the boy in the middle to be about 5-7 years old from his lack of

development and no visible pubic hair. The other two boys I estimate to be about 10-14 years.”

See State of Washington v. Tyler John Desmond, KCSC Cause No. 21-1-03062-1 SEA, Probable Cause Affidavit (attached as **Exhibit C**).

In describing some of the sex abuse that Dr. Piepkorn’s grandchildren endured, the following is an excerpt from the Probable Cause Affidavit filed by the King County Prosecuting Attorney’s Office:

“Officer Huebner contacted Toon and she stated that Desmond had been staying in the house almost all the time since the no contact order was issued. Toon said she was afraid that Desmond might leave with her kids, so she invited him to stay in the home. Toon said she knows Desmond cross dresses, but she found a bag of his that contained “little girls’ clothes”, headbands, pacifiers and a child’s facemask. Toon said she did not recognize any of the clothes as belonging to her children. Toon stated that she noticed some changes to Desmond and in the last couple days he was being sexually aroused when their youngest daughter smacked him and touched him on his leg. Toon said she could tell he is aroused by his facial expression when the kids smack him.

Toon stated that her 7-year-old son MMD told her that he did not get any sleep because “Daddy” keeps him up all night touching him. Toon said that MMD told her that Desmond touches him on his “bum” and “winky.”

On 05/09/2021 at 1314 hours, Toon called the Kirkland Police Department to report additional information about the case. Officer Huebner contacted Toon. Toon stated that her two-year-old daughter KDD had a white discharge coming from her vagina and was constantly itching her vagina. Toon was concerned because she too was having itchiness from her vagina and believed that she may have received a sexually transmitted disease (STD) from Desmond. Toon said that she had consensual sexual intercourse with Desmond about three days ago, and believed that he had given her an STD.

When Toon realized that KDD was also having the same itchiness and white discharge from her vagina, she became concerned that Desmond had done something to KDD. While Toon was asking KDD some questions about it, KDD said that Desmond had taken her to a hotel and put his “winky” on her “tuppence.” Toon said that they use the word “winky” for penis and “tuppence” for vagina. KDD also stated that Desmond had been touching her vagina. Toon checked their bank account and

saw a transaction for \$140.74 to the Courtyard by Marriott in Kirkland, 12822 NE 124th St.”

Id. (attached as **Exhibit C**).

The sex abuse by Dr. Piepkorn’s family was simply horrific:

“I asked Caitlin if she ever heard KDD talking about things. She told me that just yesterday KDD walked up to her and her friend in the backyard and out of the blue she said, “Daddy took me to a hotel.” Caitlin said they did not want to ask her anything and KDD pulled her pants down and said, “He put white stuff on it.”

CPS Tyler Fultz informed me that he had talked to MMD privately while he was at the neighbor’s house. He stated that during that interview, MMD disclosed that his dad had touched his private parts. MMD told him that his dad slapped and smacked his private parts. MMD could not remember when the last time it happened. Fultz stated that he asked MMD if he felt safe with his dad and MMD stated no.

On 05/28/21, at about 1600 hours, CPS worker Tyler Fultz contacted MMD at his residence and spoke to him privately. Fultz stated that he previously had talked to MMD and MMD disclosed that his dad had touched him. Fultz asked MMD to tell him about that and MMD stated that the first time it happened was at LaQuinta. MMD stated that the second time it was at Embassy suites. He stated that the third time was at the Modera apartment in Redmond with KDD. MMD stated that the fourth time was at the Marriott with KDD.

Fultz asked MMD what happened the first time and MMD stated that they went to the store and then to the hotel room and then his dad started doing weird stuff. MMD described the weird stuff and that his dad touched his private parts, his winky and his butt. Fultz stated that he asked why they were at the hotel and MMD stated that his mom wasn’t there, and his dad wanted to give him special treatment but then his mom came back. Fultz asked how long they were at the hotel and MMD stated it was a really short time.

Fultz asked MMD if his dad’s hand touched him over or under his clothes. MMD stated under. Fultz asked MMD what the hand was doing. MMD stated smacking and touching. Fultz asked how it felt and MMD stated that it hurt, and he wanted his dad to be nice. Fultz asked how his dad was acting. He stated that his dad was acting really mad and eating pills.

Fultz asked MMD about the second time and MMD stated that it was the same thing as the first time. He stated that all the times were the same. Fultz asked MMD where he was in the room and MMD stated that he was lying on the bed, playing on his iPad and his dad dragged him to the other bed. He stated that he was on his back when his dad smacks his privates.

Fultz asked MMD about the 3rd time and MMD stated that it was the same as all the other times. Fultz asked how many times he has been to the apartment and MMD stated that he has been there lots of times. Fultz asked MMD what he does there and MMD stated that they just came back home. Fultz asked MMD who is with him at the apartment and MMD stated just dad and me. Fultz asked MMD what he saw his dad do to his sister at the apartment and MMD stated that Desmond smacked her privates the same way he does to him. Fultz asked MMD what the smacking looks like and MMD showed an open hand swinging toward his crotch with implied force. Fultz asked MMD about the 4th time and MMD stated that it was the same. He stated that his dad dragged him off the couch where he was on his iPad to the bed. Fultz stated that MMD started to complain about his mouth being sore and was no longer able to hold a conversation.”

Id. (attached as **Exhibit C**).

Some of the child sex abuse that Tyler inflicted on his own 7-year old son (MMD) and his own 2-year old daughter (KDD) (Dr. Piepkorn’s grandchildren), happened at properties owned by Dr. Piepkorn, including at a house in Port Angeles, Washington where Dr. Piepkorn maintains a residence. Dr. Piepkorn knew and/or should have reasonably known that his son was sexually abusing Dr. Piepkorn’s grandchildren at Dr. Piepkorn’s own residence. Instead, Dr. Piepkorn looked the other way and chose to do nothing about it. The sex abuse that Tyler inflicted on his own children lasted for years. There is simply no reasonable way that Dr. Piepkorn did not know about the child sex abuse that was going on in his own home under his own roof. Dr. Piepkorn either participated in that horrific sexual abuse of the 7-year old and 2-year old and/or looked the other way when his son, Tyler, was sexually abusing his own children in a house Dr. Piepkorn owned. Either way, Dr. Piepkorn’s complacency with children being sexually abused in Dr. Piepkorn’s own home is appalling as it is disturbing.

The University of Washington should be ashamed of itself for continuing to support and foster a culture of predatory sexual behavior amongst its staff, including Dr. Piepkorn. In general, medical doctors are held to a high standard in society. When child sex abuse allegations against doctors surface, people are generally quick to dismiss them because of the stature medical doctors hold in our society. But it is exactly that type of institutional dismissiveness that cultivates sexual predators like Dr. Piepkorn. How long do we have to wait until Dr. Piepkorn becomes the new Larry Nassar? Remember, Michigan State University leaders dismissed child sex abuse allegations against then Dr. Larry Nassar because they believed that the child sex abuse allegations against then-Dr. Nassar to be “unsubstantiated.” Let’s not make the same mistake with Dr. Piepkorn.

It is extremely disturbing to me that children were being sexually abused in a home owned by an employee of the University of Washington (Dr. Piepkorn) and Dr. Piepkorn did nothing about it. Those who stand by and do nothing to prevent the sexual abuse of children should be held accountable by the same standard as those who are coward enough to inflict the abuse on children in the first place. The fact that Dr. Piepkorn chose to take no action to stop the sex abuse during the times Tyler sexually molested children at homes owned by Dr. Piepkorn places Dr. Piepkorn at risk for civil and criminal liability.

To be clear, there is significant evidence to support the fact that Dr. Piepkorn knew his son, Tyler Desmond, was a sexual predator and did nothing about it. For example, when Tyler Desmond had initially started dating Lisa Desmond (formerly Lisa Toon), and when Dr. Piepkorn and his then wife, Shelley Desmond, found out that Lisa Desmond had young children from a prior marriage, Dr. Piepkorn and Shelley Desmond sent Tyler to live in Colorado out of concern for Lisa's young children from a prior marriage. That concern and action to initially move Tyler away stemmed from the fact that Dr. Piepkorn and Shelley Desmond knew their child was a sexual predator.

If there is anyone that is responsible for the sexual predator that Tyler is, it is Dr. Piepkorn. Dr. Piepkorn sexually abused Tyler as a child and the result was that Tyler grew up and sexually abused his own children (MMD and KDD, Dr. Piepkorn's grandchildren). That conclusion is all the more reasonable when one considers that Dr. Piepkorn's other son, Zachary Desmond, is *also* facing a number of charges for sex crimes, including against minors.

In 2022, Dr. Piepkorn's other son, Zachary Desmond, was charged with a litany of serious crimes, including assault causing serious bodily injury (class 4 felony), assault by strangulation (class 4 felony), and disturbing sex crimes such as sexual assault (class 5 felony) and indecent exposure stemming from public masturbation. *See State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 2022CR002704. Earlier in 2022, Zachary Desmond was also arrested and warrants for his arrest were issued for his failure to appear in court for two *other* indecent exposure cases stemming from lewd acts Zachary Desmond committed towards minors and adults in the Cherry Creek area of Denver, Colorado. *See State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. GO 22-242420; *State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. GO 22-242294 (attached as **Exhibit D**). In 2022, Zachary Desmond was also charged with *another* case of indecent exposure. *See State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 22CR02684.

In 2021, Zachary Desmond was also charged with four separate counts of trespass. *State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 21GS008178; *State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 21GS007469; *State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 21GS006325; *State of Colorado v. Zachary Desmond*, Denver County District Court, Cause No. 21GS005986.

It is simply inconceivable that both of Dr. Piepkorn's children have committed sex crimes against children and committed related crimes of stalking and/or disturbing behavior (trespass) and Dr. Piepkorn did not have anything to do with its root cause. Of course, Dr. Piepkorn is solely to blame for why *both* of Dr. Piepkorn's children have committed serious sex crimes against children. That's because Dr. Piepkorn sexually abused his children and those children have now grown up and engaged in a pattern of deeply disturbing behavior. Adding to that is the fact that Dr. Piepkorn

apparently looked away when one of his adult-children committed serious child sex abuse at properties owned by Dr. Piepkorn.

According to a study in the *International Journal of Epidemiology*, men whose brothers or fathers have engaged in sexual offenses are “five times more likely to commit sex crimes than the average male” and that this increased risk of committing sex abuse or molesting a child “may run in a family’s male genes.” The study concluded that genetics may account for roughly 40% of the likelihood of committing a sex crime. Niklas Långström, Kelly M Babchishin, Seena Fazel, Paul Lichtenstein, Thomas Frisell, Sexual offending runs in families: A 37-year nationwide study, *International Journal of Epidemiology*, Volume 44, Issue 2, April 2015, Pages 713-720.

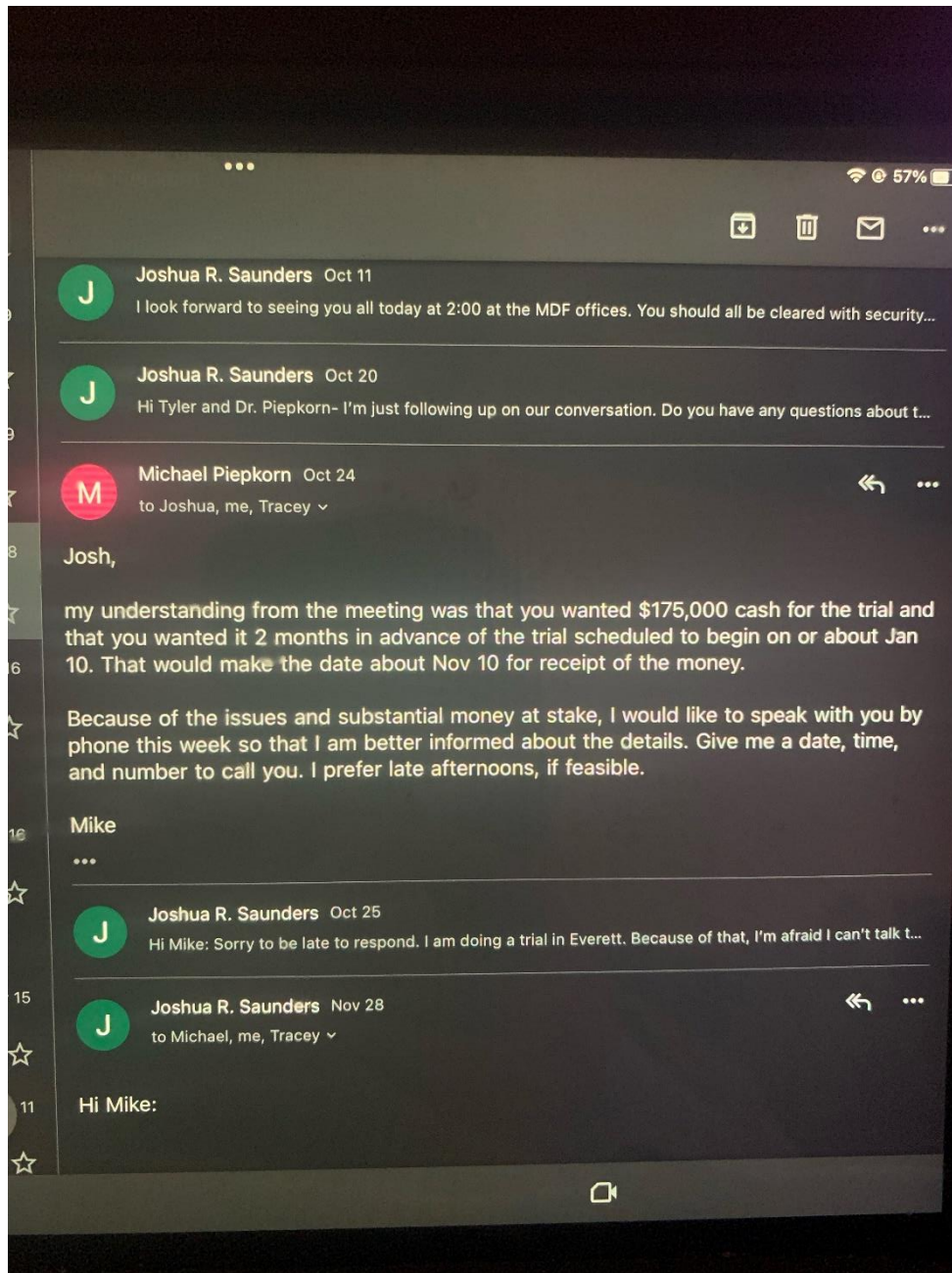
Even worse than turning a blind eye is that Dr. Piepkorn appears to have taken willful efforts to try to cover up his son’s child sex abuse. For example, in 2021 when certain child sex abuse allegations came to light, Dr. Piepkorn gave Lisa Toon a \$15,000 “gift”. See *Toon v. Desmond*, KCSC 21-3-03376-8, Parenting Plan Evaluation at 7 (“His dad [Dr. Piepkorn] decided to gift us \$15,000 to help with a deposit.”) (attached as **Exhibit E**). To be clear, Dr. Piepkorn thought his then daughter-in-law was beneath him—he regularly treated her with no respect nor did he believe that Ms. Toon occupied the same status as him.

Other than to attempt to buy silence from Ms. Toon, Dr. Piepkorn would have had no legitimate reason to give Ms. Toon a \$15,000 “gift”—especially not when Dr. Piepkorn’s son (Tyler) was in the process of getting divorced from Ms. Toon. It appears that Dr. Piepkorn gave Ms. Toon a \$15,000 “gift” because Dr. Piepkorn wanted to cover up child sex abuse—the very child sex abuse that took place in houses owned by Dr. Piepkorn.

V. Dr. Piepkorn Tried to Use His Position as a UW Professor To Coverup Child Sex Abuse and To Coverup Dr. Piepkorn’s Own Sexual Misconduct

After Dr. Piepkorn’s son, Tyler, was charged by the State of Washington with child molestation and possession of child pornography, Tyler’s bond was set at \$300,000. *State of Washington v. Tyler John Desmond*, KCSC Cause No. 21-1-03062-1 SEA (attached as **Exhibit F**). Dr. Piepkorn paid Tyler’s \$300,000 bond. *Id.* To be clear, Dr. Piepkorn paid the \$300,000 bond for his son who was accused of sexually abusing Dr. Piepkorn’s own grandchildren, which, in part, was due to Dr. Piepkorn’s own sexual abuse of his own son years earlier. That is sickening.

But Dr. Piepkorn’s role wasn’t just limited to posting bond for an accused sexual predator that Dr. Piepkorn helped create—Dr. Piepkorn actually played a meaningful role behind the scenes in helping Tyler try to escape from child sex abuse charges. In addition to the \$300,000 bond that Dr. Piepkorn posted for Tyler, Dr. Piepkorn *also* paid an additional \$175,000 to The Marshall Defense Firm for Tyler’s benefit. For example, here is a photograph of an email exchange Dr. Piepkorn had regarding the \$175,000 payment Dr. Piepkorn made:



Although Dr. Piepkorn posted the \$300,000 bond for Tyler and although Dr. Piepkorn also paid an *additional* \$175,000 to The Marshall Defense Firm for Tyler's benefit, neither Dr. Piepkorn nor Tyler paid any gift taxes on the amounts Dr. Piepkorn paid for Tyler's benefit, suggesting that Dr. Piepkorn was trying to evade tax compliance.

On or about October 11, 2022, and just days before Tyler was indicted by a federal grand jury on child pornography charges, Dr. Piepkorn personally met with attorneys representing Tyler in his federal child pornography case. In November 2022, Dr. Piepkorn's son, Tyler, was charged with possession of child pornography. *See United States of America v. Tyler John Desmond*, 22-CR-00188-TL, Indictment, Nov. 2, 2022 (attached as **Exhibit G**). The charges stem from Tyler's

possession of thousands of images and videos of child pornography. Some of the child pornography Tyler transmitted, received and/or processed were transmitted over networks owned or operated by Dr. Piepkorn, such as the network of Dr. Piepkorn's houses and the network of Dr. Piepkorn's medical practice, Dermatopathology Northwest. That makes Dr. Piepkorn just as liable.

Just like how Dr. Piepkorn participated in and/or was aware Tyler sexually abused his own children at properties owned by Dr. Piepkorn, Dr. Piepkorn facilitated, provided and/or looked the other way when Tyler was transmitting thousands of child pornography material over networks owned or operated by Dr. Piepkorn. Dr. Piepkorn isn't stupid. Tyler's child sex abuse happened over years and entailed of *thousands* of deeply disturbing photographs and videos. It is unreasonable to assume that Dr. Piepkorn did not play some kind of role in facilitating Tyler's sex abuse of children, either by serving as a conduit that allowed Tyler to sexually abuse children or as a facilitator that conveniently looked the other way as his son sexually tormented young children.

Before Tyler was indicted, Dr. Piepkorn was aware that his son, Tyler, would be indicted on federal charges of possession of child pornography. For example, in one email, Dr. Piepkorn asked attorneys if it would be helpful if Dr. Piepkorn personally appeared at Tyler's arraignment on federal charges of possession of child pornography considering he was a medical doctor and worked for UW, suggesting that Dr. Piepkorn was trying to use his stature and position as a medical doctor and role as a UW Clinical Professor for optics purposes in a case involving child pornography.

Part of the reason Dr. Piepkorn is playing such an active role in the details behind the scenes of the state and federal cases involving child molestation and possession of child pornography is because Dr. Piepkorn is likely aware of the information that would be publicly revealed regarding Dr. Piepkorn's own culpability and personal involvement in these despicable acts.

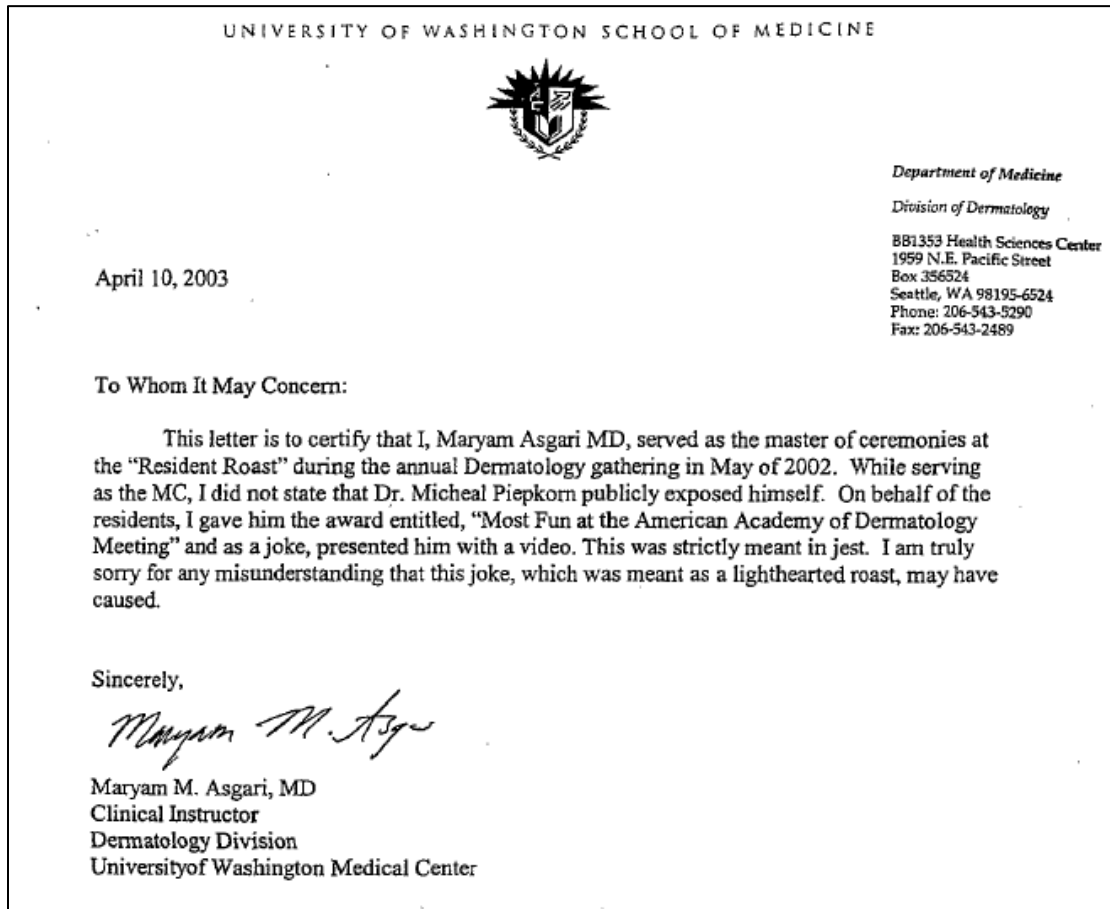
But this isn't the first time Dr. Piepkorn has tried to use his position and role as a UW professor and medical doctor to thwart allegations of sexual misconduct. For example, in 2003, Dr. Piepkorn's former wife, Shelly Desmond, testified that she was aware of several instances of deeply disturbing conduct involving Dr. Piepkorn that she had communicated to Dr. Bruce Olson, a forensic psychologist and Certified Sex Offender Treatment Provider:

"The information I have provided to Dr. Olson includes my statements of my personal knowledge, Mike's admissions to me and other tangible evidence of the following:

- Allegations of indecent exposure in New Orleans during a medical conference.
- Instances of Mike's hiring prostitutes from a strip club to meet him at a Seattle Spa known as Tubbs."

See Piepkorn v. Desmond, KCSC Cause No. 02-3-04859-9, Dkt. #66, 3:24 (attached as **Exhibit B**).

To rebut the allegation that Dr. Piepkorn had an issue with indecent exposure which included Dr. Piepkorn exposing himself at a medical conference in New Orleans, Dr. Piepkorn had a clinical instructor in the Division of Dermatology at the UW School of Medicine write a letter on UW School of Medicine letterhead "certifying" that he "did not state that Dr. Micheal Piepkorn publicly exposed himself":



See *Piepkorn v. Desmond*, KCSC Cause No. 02-3-04859-9, Dkt. #68, Ex. B (attached as **Exhibit H**)

Dr. Asgari then stated that she was "truly sorry for any misunderstanding that this joke, which was meant as a lighthearted roast, may have caused." *Id.* Regardless of whether Dr. Asgari actually said if Dr. Piepkorn publicly exposed himself, the fact remains that it is inappropriate for Dr. Piepkorn to be using the name of UW School of Medicine and taxpayer resources to rebut allegations of indecent exposure. By using UW School of Medicine's and Division of Dermatology's letterhead to rebut allegations of indecent exposure, Dr. Piepkorn is indirectly leveraging the name of the UW School of Medicine to combat allegations that Dr. Piepkorn publicly exposed himself. In doing so, Dr. Piepkorn lowers the prestige of the UW School of Medicine.

The fact that Dr. Piepkorn continues to use his position and his association with the UW School of Medicine and the Division of Dermatology to combat allegations of sexual misconduct (indecent exposure) is deeply disturbing. Taxpayer resources should not be used to rebut allegations that Dr. Piepkorn exposed himself at a medical conference—certainly not in a private dispute involving Dr. Piepkorn and Shelley Desmond.

VI. Conclusion

My primary purpose in writing to you today is to voice my concern for Dr. Piepkorn's alarming conduct, including giving a voice for the many victims of Dr. Piepkorn. Dr. Piepkorn's bizarre and deeply disturbing misconduct has adversely impacted a number of people and I aim to give a voice to all those who were wronged by Dr. Piepkorn. For many years, Dr. Piepkorn has continued to abuse and torment those around him, whether it is consistently keeping neighbors under surveillance, sexually abusing certain individuals, or helping both of his children escape culpability for child sex abuse crimes.

Of course, as taxpayers of this state, my family and I have every right to speak up regarding the misconduct we have witnessed and come to know about Dr. Piepkorn, a public servant. Dr. Piepkorn receives taxpayer funds and should be held to a higher standard. Instead, Dr. Piepkorn is bailing out child molesters—the very child molesters he helped create.

Dr. Piepkorn may try to dismiss this letter as one from a disgruntled neighbor. But I would remind you that this letter is not just from one neighbor involving one set of facts or an isolated incident. Instead, Dr. Piepkorn has had serious, alarming issues with multiple neighbors and multiple individuals over the years. Dr. Piepkorn has threatened to kill and stalked one too many neighbors for it to be a coincidence. Dr. Piepkorn's over-the-top misconduct involving the *personal* hiring of a State Patrol Trooper is over-the-top conduct that is both bizarre and a misappropriation of State resources. Dr. Piepkorn has been involved in one too many allegations of improper sexual conduct for it to be a coincidence.

Photographs document some of Dr. Piepkorn's bizarre, over-the-top behavior. Those photographs offer irrefutable evidence of Dr. Piepkorn's stalking and harassing conduct, the same conduct that both of his children have been accused of—conduct that Dr. Piepkorn helped foster.

But above all, I write on behalf of the then 7-year old and 2-year old victims that Dr. Piepkorn did nothing to protect against. Dr. Piepkorn's complacency, coupled with his own bizarre, over-the-top behavior, is a significant cause for concern that I believe the UW leadership should investigate. For far too long, Dr. Piepkorn has used his position to misappropriate the public trust and engaged in serious misconduct that warrants further investigation. I went to UW, and my mother, father, and sister all graduated from UW—we deeply care about the long-term success of the University of Washington.

The University should put an end to Dr. Piepkorn's misconduct and I believe it should investigate its relationship with Dr. Piepkorn. By conducting an investigation into the University's relationship with Dr. Piepkorn, the University would be sending a signal that it stands in solidarity with victims of child sex abuse. By continuing to standby Dr. Piepkorn, the University would further a culture of institutional indifference that has enabled Dr. Piepkorn to continue to abuse those around him for years on end.

Finally, I would be remiss if I did not state that the statements in this letter are based upon information and belief and that the statements in this letter primarily rely on court records and/or personal observations.

President Ana Mari Cauce, PhD
Office of the President
March 28, 2023
Page 27 of 27

Should you have any questions, I can be reached by mail, email or phone as first written above.

Thank you for considering my letter.

Very truly yours,

PIER 67 CAPITAL PARTNERS LP

By: 
Its: Managing Director

Enclosure: Exhibits A-G

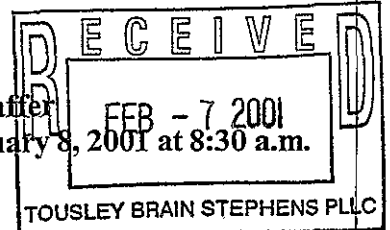
EXHIBIT A

ORIGINAL

Honorable Catherine Shaffer

Hearing Date/Time: February 8, 2001 at 8:30 a.m.

Oral Argument



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

MICHAEL PIEPKORN and SHELLEY
DESMOND, husband and wife

Plaintiffs,

vs.

DANIEL ADAMS and MARY ANNE
ADAMS, husband and wife,

Defendants.

No. 98-2-28905-8SEA

DECLARATION OF MARY ANNE
ADAMS

FILED
01 FEB - 7 PM 5:01
KING COUNTY CLERK
SUPERIOR COURT
SEATTLE, WA

Mary Anne Adams, under penalty of perjury hereby declares as follows:

I wish to show the court the history of our attempts to gain approval from the Bellevue Architectural Control Committee for our fence. I request that the court reserve its ruling until the ACC has decided on our fence application.

I think it is important for the court to understand why this is such an issue. We want a fence because Mr. Piepkorn has continually subjected myself and my husband to numerous forms of harassment. He has kept our house under video surveillance for months at a time. When my husband is not around, Mr. Piepkorn has come up to me on my property and insulted me in the most personal and demeaning way, making creepy sexual references about my looks, my husband etc. He makes continual hand gestures to us. On a number of occasions he has attempted to provoke physical combat with my husband. We have caught him peeping into our windows, and into the windows of two other neighbors. We are not the only ones Mr. Piepkorn does this to; our neighbors the Trujillos have seen it also. Despite our direct requests to him, Mr. Piepkorn repeatedly mowed our lawn. He used to put his lawn furniture on our property and ostentatiously

DECLARATION OF MARY ANNE ADAMS - 1

m:\adams-daniel\doc of mary anne

BROHIER & WOTIPKA

ATTORNEYS
1600 PACIFIC BUILDING
720 THIRD AVENUE
SEATTLE, WASHINGTON 98104-1825
(206) 623-2020
FAX (206) 682-6148

1 sit down to enjoy it. When we had house guests, he would come over uninvited, sit down and
2 introduce himself. He continually intruded on our privacy. I feel I need a fence for security.

3 We have been unable to get a decision from the ACC, despite numerous attempts to settle
4 the fence question. Their latest letter said that they would not call a neighborhood meeting unless
5 the Piepkorns agreed on the meeting and the agenda in advance. See Exhibit 1 to my Declaration.
6 But the Committee also said they would approve leaving most of our fence in the same location
7 it presently is located. The map they sent with their prior letter coincides with the present location
8 and height of our fence in most areas. See Exh. 2 to my declaration. So it makes no sense for
9 Piepkorns to ask the court to order the entire fence torn down, when the Committee has approved
10 the location, height and style of most of our fence. It also seems unfair that the Piepkorns control
11 the process of approval, and then complain to the court that we haven't done anything to obtain the
12 Committee's approval.
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14 Every time we have contacted the Committee about our fence, they have changed their
15 position about what they would approve. Originally, the Committee only wanted us to compromise
16 the portion of the fence extending forward from our house. The fence along Piepkorns' boundary
17 was not even an issue. See Exhibit 3 to my declaration. Then after Mr. Piepkorn somehow got onto
18 the Committee, the Committee mislocated the equestrian easement as if it were between our
19 properties, and moved the approved location so that 20 feet of our back yard was on Piepkorns'
20 side of the fence. See Exhibit 4 to my declaration. Under that arrangement, our fence would be
21 9 feet from our back door, but our side yard was still approved. The Committee's most recent map
22 (See Exh. 2) approves our back fence back in its present position, but eliminates the side yard,
23 while allowing a boundary fence along Piepkorn's driveway but changing the style.
24

25 We have asked the neighbors for their comments, and the other neighbors across the street
26 and adjoining us have no objection to our fence. See Exhibit 5. Then Piepkorns' attorney sent an
27

1 intimidating letter to everyone in the neighborhood. See Exhibit 6. Then the Committee basically
2 said it would wait for this court to speak. After numerous other contacts with the Committee, we
3 have had discussions which we believe may result in a final agreement. See Exhibit 7.

4 I am simply asking that the court let this process work out with the Committee. That is
5 where the Court of Appeals has said the authority for fence approval lies, and where we have
6 always sought a resolution. Since the Court of Appeals affirmed that the Piepkorns have suffered
7 no economic damage, there is no reason for a hasty wholesale destruction of our fence, which is
8 mostly approved by the Committee in its present location.
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10
11 Dated: _____

12 Mary Anne Adams
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intimidating letter to everyone in the neighborhood. See Exhibit 6. Then the Committee said it would wait for this court to speak. After numerous other contacts with the Committee, we have had discussions which we believe may result in a final agreement. See Exhibit 7.

I am simply asking that the court let this process work out with the Committee. That is where the Court of Appeals has said the authority for fence approval lies, and where we have always sought a resolution. Since the Court of Appeals affirmed that the Piepkorns have suffered no economic damage, there is no reason for a hasty wholesale destruction of our fence, which is mostly approved by the Committee in its present location.

Dated: 2-5-01



Mary Anne Adams

8/22/00

To Whom it May Concern;

My husband, Joe, and I live adjacent to the Adams and both agree that Dan and Mary Anne Adams should be able to keep their fence. They had an attractive fence built and have done a wonderful job of landscaping around its perimeter. It certainly does not detract from the beauty of the neighborhood.

We certainly see their need for a fence and have benefited from it as well. They have a dog and we do appreciate them keeping it inside their yard. We have done the same thing in order to keep our dog from bothering the neighbors. We know that both of our fences are also preventing our common neighbor, Mr. Piepkorn, from wandering onto our properties both during the day and at night with his flashlight which has been rather disconcerting.

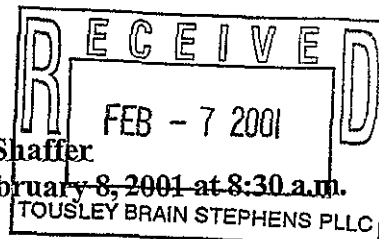
We hope that people will be reasonable in allowing people their own freedom on their own property as long as it is not interfering with others' rights and it seems that the Adam's fence is a help to their neighbors, not a hindrance.

Sincerely,



Cindi Trujillo

ORIGINAL



Honorable Catherine Shaffer

Hearing Date/Time: February 8, 2001 at 8:30 a.m.

Oral Argument

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

MICHAEL PIEPKORN and SHELLEY
DESMOND, husband and wife

Plaintiffs,

vs.

DANIEL ADAMS and MARY ANNE
ADAMS, husband and wife,

Defendants.

No. 98-2-28905-8SEA

DECLARATION OF
JOE TRUJILLO

Joe Trujillo, under penalty of perjury hereby declare as follows:

I live at 15032 NE 167th St., Woodinville, Washington, with my wife and children. My immediate neighbors are the Adams and the Piepkorns. I am a general contractor and formerly a reserve policeman for the city of Moses Lake, Washington. My wife is a teacher in the North Shore School District. I wish to inform the court concerning my observations and encounters with Mr. Piepkorn, and his conduct towards the Adams which I have observed.

Before the Adams put up their fence, I saw Mr. Piepkorn in the Adams' backyard on a number of occasions, usually in the middle of the night, shining a flashlight and looking in the windows. On several occasions I have seen him doing the same thing at my house. I have had to explicitly warn him not to come onto my property again.

We decided to put up a new fence along our lot line. Mr. Piepkorn harassed my employees who were installing the fence, and yelled at me in a manner that was truly shocking. He twice challenged me to fist fights because of my fence.

DECLARATION OF JOE TRUJILLO - 1

msl:jmw:daniel'dec of joe

BROIHIER & WOTIPKA

ATTORNEYS

1600 PACIFIC BUILDING

720 THIRD AVENUE

SEATTLE, WASHINGTON 98104-1825

(206) 623-2020

FAX (206) 682-6148

1 I have no objection whatsoever to the Adams fence. It looks good, and they keep their yard
2 and landscaping in good condition.

3 I would be happy to testify to these facts if called into court. I declare under penalty of
4 perjury according to the laws of the State of Washington that the foregoing is true and correct.
5

6 Dated: 02/05/2001
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9 Joe Trujillo
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DECLARATION OF JOE TRUJILLO - 2
not to be distributed outside of the

BROHMER & WOTIPKA
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1500 PACIFIC BUILDING
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SEATTLE, WASHINGTON 98104-1626
(206) 425-2020
FAX (206) 462-6146

EXHIBIT B

FILED

2003 MAY -6 PM 1:39

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In re the Marriage of:

SHELLEY K. DESMOND

Petitioner,

and

MICHAEL D. PIEPKORN

Respondent.

Hon. Terry Lukens

NO. 02-3-04859-9SEA

RESPONSIVE DECLARATION OF
SHELLEY DESMOND TO
RESPONDENT'S MOTION FOR
RETURN OF PROPERTY AND TO
LIMIT DISCOVERY

Shelley K. Desmond declares as follows:

I am Petitioner in this matter and I make this declaration in response to Respondent's Motion for Return of Property and to Limit Discovery and in response to the Declaration of Michael Piepkorn.

Background. Mike and I have been married for 28 years and have two children born of our marriage, Tyler, age 18 and Zachary, age 13. I teach kindergarten in the Lake Washington School District and Mike is a dermatologist.

Contested Parenting Plan. I have been the primary parent in our home working part-time in the mornings as a kindergarten teacher. I have seen our children off to school and have

RESPONSIVE DECLARATION OF SHELLEY
DESMOND - 1

OLSON & OLSON, PLLC
1601 FIFTH AVENUE, SUITE 2200
SEATTLE, WASHINGTON 98101-1651
TELEPHONE: (206) 625-0085
FACSIMILE: (206) 625-0176

ORIGINAL

1 been home when they return all of their lives. Mike and I agreed that I would be in the home
2 to care for my children and my husband. I was happy and content doing so. Throughout our
3 long marriage, Mike has furthered his career as a dermatologist. I would never do anything to
4 jeopardize his career or his earning capacity.

5 Mike is asking for an equal shared residential schedule for Zachary. I am requesting a
6 parenting plan that is consistent with the current temporary parenting plan of alternating
7 weekends and two midweek evening visits each week. Mike works long hours and travels
8 extensively to present at conferences in this country and internationally. He also appears as an
9 expert witness in trials throughout the United States. There is no question that I will be home
10 every day when the children go to school and when they come home as I have all of their lives.

11 Alienation of the Children's Affections. Mike has been unduly influencing Zachary
12 and Tyler in favor of his parenting plan. The court commissioner at our temporary hearing
13 restricted Mike's calls to the house because he was putting the children under such pressure to
14 live with him. Mike has been trying to alienate the children from me by manipulating them to
15 believe that the divorce is my fault that our family is no longer together; that he wanted to stay
16 together but that it was I who filed for dissolution of marriage. See EXHIBIT A. Zach will
17 return from his father's home and exclaim, "We are not mad at dad."

18 In spite of what he puts in his declaration, Mike still believes and has no difficulty
19 saying that he would reconcile now if I would only "forgive him." The boys know this and he
20 makes this clear to me. During my deposition, he mouthed the words "I love you" while his
21 attorney questioned me. His Declaration states "After 28 years of marriage, my wife filed for
22 dissolution of our marriage on June 17, 2002." He calls his conduct during our marriage a

1 “mistake” and implies that if only I’d forgive him our relationship would continue. Mike is
2 playing the fault issue as though he were the victim in this case. While, I was devastated at the
3 discovery of his “affairs” during our marriage, my concern over his conduct in this case has
4 nothing to do with fault and the end of our marriage and everything to do with Mike’s behavior
5 as it effects our children and our relationship in raising our children.
6

7 Mike’s conduct is disturbing and I am concerned that my children may be at risk.
8 Many things have come to light since our separation. Bruce Olson, PhD, is preparing a
9 parenting plan evaluation. Dr. Olson has asked me for information about Mike’s parenting and
10 his conduct that shed’s light on his character. He has asked me for information about our
11 relationship as well as Mike’s sexual conduct during the marriage.

12 The information I have provided to Dr. Olson includes my statements of my personal
13 knowledge, Mike’s admissions to me and other tangible evidence of the following:
14

- 15 ▪ Allegations of indecent exposure in New Orleans during a medical
16 conference.
- 17 ▪ Instances of Mike’s hiring prostitutes from a strip club to meet him at a
18 Seattle Spa known as Tubbs.
- 19 ▪ Allegations in sworn declarations in *Adams v. Desmond*, King County
20 Cause No. 98-2-28905-8 alleging that Mike was looking in the windows
21 of our neighbor’s homes (peeping tom) and about the nature of Mike’s
22 anger.
- 23 ▪ King County Sheriff’s Officer Eric Soderstrom, visit about a neighbor
24 who alleged that Mike threatened to kill her.
25

- 1 ▪ Evidence of photo sessions with a girlfriend at New Orleans hotel
- 2 recorded on a CD that Mike kept by his desk in the bonus room of our
- 3 house near where our children played.
- 4 ▪ Instances of Mike's viewing the photos of his naked girlfriend in the
- 5 bonus room with the children and their friends present.
- 6 ▪ Copy of the R-rated movie, *Unfaithful*, that Mike gave or otherwise
- 7 made available to our 13 year old son, Zach. (Zach returned from his
- 8 father's with the CD, which I removed from his possession.) The movie
- 9 is about a married man who kills another man who is having an affair
- 10 with his wife after which the couple reconciles and covers up the
- 11 murder. The movie plot is disturbing similar to Mike's conduct and
- 12 would appear to offer one scenario where the spouse "forgave" his
- 13 wife's infidelity. The movie contains graphic sex and violence. The
- 14 movie presents complex moral dilemmas completely unsuitable for a 13
- 15 year old boy whose parents are divorcing. Again, Dr. Olson has copy of
- 16 the CD and will be assessing Mike's inappropriate limit setting for Zach.
- 17
- 18

19 During my deposition, Janet George, asked many questions accusing me of alienation
20 of our children's affections due to my "anger" at Mike over his continuing affairs. After
21 asking me all of these questions and attacking my intentions in regards to the parenting issues,
22 Mike now seeks to limit my discovery of the same issues in relation to his actions. My
23 attorney needs to inquire of Mike about this for my defense as well as to probe Mike's attitudes
24 as they might affect the children.

26 RESPONSIVE DECLARATION OF SHELLEY
 DESMOND - 4

OLSON & OLSON, PLLC
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TELEPHONE: (206) 625-0085
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1 During my deposition, Janet George asked questions challenging my attitudes and
2 outlooks on life by characterizing Mike's pictures of he and his girlfriend naked together as
3 "art". The graphic nature of the photographs is disturbing. When told about their existence,
4 Dr. Olson indicated that I should bring everything to him. Mike's attitude about this type of
5 material is relevant particularly in relationship to his intentions to expose this type of material
6 to our children. I would never show Mike's pictures or anything like it to our children. If a
7 restraining order is entered, I would be comforted to know that Mike would be restrained from
8 giving any type of material like this directly, indirectly or inadvertently to our children. He
9 should be restrained from having any pornographic material in his home and he should be
10 required to install filters on his computer to restrict internet access to pornographic material.
11

12 Financial Issues. Mike has spent community funds on women with whom he has had
13 relationships. Mike's declaration states that he had an affair with only one woman. He claims
14 to have not made any gifts to her except a \$300 VCR player. I don't believe his statement.
15 He bought another woman with whom he claims he did not have a sexual relationship a pair of
16 \$2,700 earrings and he gave her \$2,000 to take her picture in a Seattle hotel room. He also
17 bought her a computer. He may have spent much more on her and discovery is continuing on
18 that subject. He hired prostitutes from a strip club on which he spent community funds. There
19 may be more women and more community funds spent entertaining them. He has served me
20 with a request for admission asking me to admit or deny that \$10,600 is the total sum of
21 community funds he spent on other women.
22

23
24 Mike's strategy is to come forward and admit that he spent \$10,600 on one woman and
25 given this admission the inquiry should end. In fact, the sums may be greater. Mike's

1 Declaration and Memorandum admit this to be a relevant issue and therefore I should have
2 access to the names of the women with whom Mike had contact and the amounts that he spent
3 on them. His answers should be under oath.

4 This information is relevant from a parenting plan perspective in that the extent to
5 which Mike's conduct may expose our children to numerous and unstable relationships in the
6 future is crucial to me. He is asking for a significant amount of time with the children. The
7 evidence at trial will show that Mike left his children, in my care, during the children's
8 vacations, during their illnesses and for a significant amount of time to pursue these
9 relationships. Mike is trying to limit discovery of this information thus depriving it from the
10 court. Dr. Olson has been advised of as much as I know about his subject.

11
12 Mike's timing of this motion is strategic. His deposition is set for May 8, 2003, the
13 same day as this motion. I served interrogatories on him 30 days ago requesting answers to
14 questions regarding his conduct; its effect on the children and the financial repercussion to the
15 community estate. By waiting until the 11th hour he effectively blocks his deposition and
16 delays the receipt of important information requested by Dr. Olson. Dr. Olson's report is due
17 in early June. My attorney is on vacation from May 10, 2003 to May 28, 2003. There will be
18 very little time to get this information to Dr. Olson after the court's ruling.

19
20 I ask that the court deny his motion and award \$2,000 in attorney fees for my expense
21 in responding to this motion.

22
23 I declare under the penalty of perjury under the laws of the State of Washington, that
24 the foregoing is true and accurate.

25 Dated at Seattle, Washington, this 5th day of May, 2003.

26 RESPONSIVE DECLARATION OF SHELLEY
DESMOND - 6

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Shelley K. Desmond
Shelley K. Desmond, Petitioner

RESPONSIVE DECLARATION OF SHELLEY
DESMOND - 7

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EXHIBIT C

FILED
2021 JUN 10 02:00 PM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 21-1-03062-1 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
)
Plaintiff,)
)
v.) No. 21-1-03062-1 SEA
)
TYLER JOHN DESMOND,) INFORMATION
)
)
Defendant.)
)
)
)

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse TYLER JOHN DESMOND of the following crimes, which are of the same or similar character, and which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Child Molestation in the First Degree - Domestic Violence, Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the First Degree, Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the Second Degree**, committed as follows:

Count 1 Child Molestation in the First Degree - Domestic Violence

That the defendant TYLER JOHN DESMOND in King County, Washington, on or about a time between May 1, 2020, and May 8, 2021, being at least 36 months older than MD, had sexual contact for the purpose of sexual gratification with MD, who was less than 12 years old;

Contrary to RCW 9A.44.083, and against the peace and dignity of the State of Washington.

And further do accuse the defendant, Tyler John Desmond, at said time of committing the above crime against a family or household member as defined in RCW 26.50.010(6), which is a crime of domestic violence as defined in RCW 10.99.020.

That the defendant TYLER JOHN DESMOND in King County, Washington, on or about a time between May 1, 2020, and May 8, 2021, did knowingly possess visual or printed matter depicting a minor engaged in sexually explicit conduct, to-wit: actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals; (b) penetration of the vagina or rectum by any object; (c) masturbation; (d) sadomasochistic abuse; and (e) defecation or urination for the purpose of sexual stimulation of the viewer;

Count 3 Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the Second Degree

Contrary to RCW 9.68A.070(2), 9.68A.011(4)(f), (g), and against the peace and dignity of the State of Washington.

By: CT

Christian P. Brown, WSBA #45280
Senior Deputy Prosecuting Attorney

1
2 CAUSE NO. 21-1-03062-1 SEA

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable Cause
6 prepared by Detective Allan O'Neill of the Kirkland Police Department for case number 21-
7 16772.

8
9 Given the sexual violence alleged against a child victim, possession of what appears to be
10 thousands of depictions of child sexual abuse, and the defendant's inability to abide by court
11 issued prohibitions, the State requests this Court set bail in the amount of \$300,000.00. CrR 2.2.

12
13 In this case, the defendant held the highest position of trust a person can have towards a child – a
14 parent. What is alleged in the Certification for Determination of Probable Cause illustrates that
15 the defendant violated that sacred trust by molesting a seven-year old child. The Certification
16 also illustrates the defendant's extreme proclivity for sexual violence by the multitude of
17 depictions of child sexual abuse found on his devices via a search warrant.

18
19 Further disturbing is that the defendant seemingly disregards lawful orders from our judicial
20 system as evidenced by the Kirkland Municipal Court finding probable cause that the defendant

1
2 violated a RCW 10.99 order issued by their court on May 8, 2021, under Case Number
3 1A0418707.¹
4

5 While the defendant has no criminal convictions, the State asserts that the defendant is highly
6 likely to commit future acts of sexual violence if released on less restrictive alternatives to
7 incarceration or a lesser bail amount. Further, the defendant's recent finding of probable cause
8 for violating a court order illustrates the defendant will not likely abide by orders issued by this
9 Court.
10

11 For these reasons, the State requests bail be set in the amount of \$300,000.00, and that this Court
12 also issue an RCW 10.99 order protecting the child victim, and an order prohibiting the
13 defendant from having any contact with minors throughout the duration of these proceedings.
14
15
16

17 Signed and dated by me this 10th day of June, 2021.
18
19

20 

21 Christian P. Brown, WSBA #45280
22 Senior Deputy Prosecuting Attorney

23
24 ¹ According to the Judicial Access Browser System Database, probable cause was determined by the Honorable Judge John Olson on May 10, 2021.



eLODI
PROSECUTING ATTORNEY'S OFFICE
Certification for Determination of Probable Cause

That Allan O'Neill 337 is a *Detective* with the *Kirkland Police Department* and is familiar with the investigation conducted in *Kirkland Police Department 21-16772*. There is probable cause to believe that *Desmond, Tyler John, 8/5/1984* committed the crime(s) of:

- *Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree*, in *Kirkland*; and
- *Child Molestation In The First Degree - Domestic Violence (DV)*, in *Kirkland*

County of King, in the State of Washington.

This belief is predicated on the following facts and circumstances:

On 05/08/21 at 1018 hours, Kirkland Officers were dispatched to 12729 NE 113th PI for a welfare check. Lisa Marie Toon, DOB 03/06/1980's ex-husband called the police after Toon texted him that she needed him to call 911. Toon's current husband, Tyler John Desmond, DOB 08/05/1984, was inside the house and Toon had an active no contact order against him. The no contact order was placed in effect on 02/04/21 (Kirkland No Contact Order #45284, Kirkland Case #21-4129) and served to Desmond.

Officers Gallup and Stommel responded to the residence and located Desmond inside. He was placed under arrest for the order violation and booked into the Kirkland Jail. Desmond was in possession of a cellular phone that was booked into evidence at the Kirkland Police Department, pending a search warrant and given evidence number 2116611EV638 -001.

Officer Huebner contacted Toon and she stated that Desmond had been staying in the house almost all the time since the no contact order was issued. Toon said she was afraid that Desmond might leave with her kids, so she invited him to stay in the home. Toon said she knows Desmond cross dresses, but she found a bag of his that contained "little girls' clothes", headbands, pacifiers and a child's facemask. Toon said she did not recognize any of the clothes as belonging to her children. Toon stated that she noticed some changes to Desmond and in the last couple days he was being sexually aroused when their youngest daughter smacked him and touched him on his leg. Toon said she could tell he is aroused by his facial expression when the kids smack him.

Toon stated that her 7-year-old son MMD told her that he did not get any sleep because "Daddy" keeps him up all night touching him. Toon said that MMD told her that Desmond touches him on his "bum" and "winky." After Toon heard this from MMD, she texted her ex-husband to call the police.

Toon also stated that a few years ago, she found her daughter's underwear in Desmond's bag and she told Desmond she wanted to see his phone. As Toon was going through Desmond's phone, she came across an image of what appeared to be a 10-year-old female standing between two men and holding a penis in each hand. Desmond told Toon that he downloaded those images by accident and later deleted everything off his phone and sold the phone. Toon said that yesterday MMD's teacher had messaged Toon asking if there would be any reason why MMD was so anxious at school. This was odd to Toon that the teacher would reach out to her. She said MMD's teacher has been working with him for the last two years and knew MMD pretty well to know that he was acting different.

On 05/09/2021 at 1314 hours, Toon called the Kirkland Police Department to report additional information about the case. Officer Huebner contacted Toon. Toon stated that her two-year-old daughter KDD had a white discharge coming from her vagina and was constantly itching her vagina. Toon was concerned because she too was having itchiness from her vagina and believed that she may have received a sexually transmitted disease (STD) from Desmond. Toon said that she had consensual sexual intercourse with Desmond about three days ago, and believed that he had given her an STD.

When Toon realized that KDD was also having the same itchiness and white discharge from her vagina, she became concerned that Desmond had done something to KDD. While Toon was asking KDD some questions about it, KDD said that Desmond had taken her to a hotel and put his "winky" on her "tuppence." Toon said that they use the word "winky" for penis and "tuppence" for vagina. KDD also stated that Desmond had been touching her vagina. Toon checked their bank account and saw a transaction for \$140.74 to the Courtyard by Marriott in Kirkland, 12822 NE 124th St. Toon took



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PROSECUTING ATTORNEY'S OFFICE

Certification for Determination of Probable Cause

KDD to Children's Hospital for an examination.

On 05/09/2021, at about 1945 hours, Ashley Lizarraga, a social worker with the Seattle Children's hospital, called the Kirkland Police Department to report that Toon had brought KDD to the hospital to have her examined for the sexual assault. Officer Joslin was dispatched to the call and spoke to Lizarraga over the phone.

Officer Joslin responded to the Marriott Hotel and confirmed that Desmond had checked into the Marriott Hotel on 05/04/2021 at about 1313 hours in Room 241. Desmond checked out of the hotel on 05/05/2021 at about 1239 hours. Officer Joslin learned that Marriott housekeeper, Luis Cubellas had already cleaned the room to include removing the linens from the beds. Officer Joslin contacted Cubellas and he said the room was relatively clean and that the occupant (s) only used one bed and the sink. Cubellas informed Officer Joslin that he had taken the trash out and recalled the trash can contained beer bottles and some tissue. He said that no items were left in the room. Officer Joslin then took photos of room 241, post cleaning.

Detective Kaufman and I contacted Toon at her residence. Toon confirmed that 05/04/21, was the day that Desmond took KDD to the park. She said Desmond told her he was taking KDD to the park and then later taking KDD and MMD golfing. She said Desmond left with KDD around 1100 hours and picked up MMD at 1355 hours. As I was talking to Toon, MMD walked into the kitchen naked. Toon told MMD to get some clothes on and MMD returned to his room. Toon told me that she has a hard time getting MMD to wear clothes and also that he has started to frequently masturbate.

I went to the Kirkland Courtyard by Marriot and contacted the Operations Manager, William Rossman. Rossman provided me with security footage for 05/04/21. I reviewed the footage and saw Desmond and KDD checking into the hotel. The footage was in black and white, but KDD was wearing a dress and appeared to be wearing adult shoes. Rossman provided me with a list of all of the key card activations for Desmond's room (241). The card reader was off by 15 minutes and it was determined that Desmond entered his room twice at 1323 hours and 2015 hours. The footage showed Desmond and KDD leaving the hotel at about 1338 hours. In other words, Desmond checked into the hotel with KDD and they went to the room for approximately 15 minutes. Toon stated that she got home at 1600 hours, and Desmond was there with the children. She told me that Desmond left to go bowling with MMD, but the bowling alley did not have any available lanes, so they returned home. She stated that MMD was not feeling well and Desmond left to get some medicine and was gone for a long time.

Toon's neighbor has a surveillance camera that covers the front of Toon's residence. I reviewed the footage for 05/04/21 and saw Desmond leave with KDD at 1113 hours in a red car. KDD was wearing a red dress. At 1232 hours, they both returned home. At 1241 hours, Desmond exits the house and does something to the camera at the residence. At 1251 hours, Desmond leaves with KDD and returns home with both children at 1526 hours. At 1732 hours, Desmond leaves with MMD and they return home at 1843 hours. At 1957 hours, Desmond leaves without any kids and then returns home at 2052 hours. He is not seen leaving the rest of the night.

On 05/10/21, I received a secured email from Serralta Haley who was part of the Safe Child and Adolescent Network (SCAN) team at Children's Hospital. Haley provided me with the SANE Evaluation report for KDD. The report and SANE examination were completed by Julia Mitzel. In the report, Mitzel indicated that KDD had a white/clear discharge around her labia minora, vulvar redness and redness around her anus. Mitzel indicated that KDD was able to tolerate STI swabs, but not the remainder of the evidence swabs. Mitzel felt the STI swabs were more urgent. Mitzel also collected KDD's underwear that KDD had been wearing before and after her bath. Her report indicated that oral and perianal anal swabs were collected. Mitzel did not collect any perineal/vulvar or vaginal/cervix swabs.

I contacted Shana Macleod who is a child forensic interviewer with the King County Prosecutor's Office and briefed her on the case. Macleod agreed to conduct an interview with KDD and she provided me with her available interview times. I contacted Toon and she agreed to KDD being interviewed and we scheduled an interview time of 05/11/21 at 1100 hours. She also agreed for MMD to be interviewed, but she said at this time he was refusing.

On 5/10/2021 at 2342 hours, Toon called the Kirkland Police Department to report that she had found child pornography in her husband's items. Officer Carson responded to Toon's residence, 12729 NE 113th Pl, Kirkland, WA. On scene, Officer Carson reported that Toon answered the front door and was crying and extremely emotional while she spoke to him. He entered the residence and Toon pointed out a small red dress on the couch. Toon stated that her two-year-old daughter KDD was wearing that dress on the day she was sexually assaulted by Desmond.



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Certification for Determination of Probable Cause

Toon informed Officer Carson about the no contact order and that she had reported the sexual assault on her children. Prior to the sex assault, Toon stated that Desmond had taken two SD cards out of the surveillance cameras located in the front and back of the home. This disabled the cameras ability to record full video, and only clips could be recorded.

Toon stated that about 1600 hours, she was playing outside with KDD and KDD got a splinter. Toon went into the family's upstairs bathroom to find a pair of tweezers. In the far-right cabinet beneath the sink, Toon found Desmond's grey toiletry bag. Toon stated that the bag typically had tweezers inside. Toon opened the toiletry bag and found two SD cards.

Toon believed the SD cards belonged to the cameras and promptly placed both SD cards into the cameras. Toon grew suspicious of the SD cards and she and her daughter Caitlin Smith, DOB 04/13/01 reviewed them. Toon stated that they found 50-100 files of child pornography on both the SD cards. She had a hard time estimating the total number of files but said some files were from 2011. Toon stated that she saw dozens of photographs of nude young girls between the ages of 6-14, a video of a young pre-pubescent child (estimated to be 6 years old) moving her vagina towards the camera. Toon stated that she did not go through all the files and said Caitlin had reviewed more than she did.

Officer Carson went to the upstairs bathroom and located the grey toiletry bag inside the far-right cabinet of the vanity where Toon found the SD cards. He stated that there was also a room on the eastside of the 2nd floor that had wording on it, something to the effect of "Daddy's Room." Toon said that was Desmond's bedroom, where he had multiple computers and laptops. Toon stated that since the start of the investigation she had not been inside the room.

Officer Carson took possession of the SD cards, the red dress and booked them into evidence at the Kirkland Police Department.

Do to the above facts, I wrote a search warrant application to search the following:

- 1. Subject Person: Tyler John Desmond (DOB) 08/05/1984;*
- 2. Subject Premises: 12729 NE 113th PL, Kirkland WA 98033. A two story residence; and 3. Cellular Phone, currently stored as Evidence Item Number EV638-001, at the secured evidence unit of the Kirkland Police Department.*

On 05/11/21, at about 0926 hours, I received information that Toon had called and needed a ride and a car seat to take KDD to the Child Forensic Interview. While sorting out the transportation issue, Toon thought Desmond was in her house and had locked himself in his bedroom. I immediately called Toon and she was very upset and believed Desmond was in her house. She said she heard the children talking to someone and now Desmond's room was locked. I informed Toon to hang up and call 911 and stay on the line, until the police arrived. I then notified patrol and responded to Toon's residence. On scene, patrol officers setup a perimeter and then cleared the house. Desmond was not there. At about 1032 hours, dispatch advised that Desmond was at the Kirkland Police Department requesting his phone that was taken from a prior incident.

I contacted Toon, KDD and MMD in the back yard. They were all visibly upset. I told Toon that we should probably change the CFI with KDD for another time. Toon stated that she did not want to reschedule and wanted to get it done today. Toon and KDD took an Uber to Shana Macleod's office. Shana conducted the CFI with KDD, but with KDD's age it was difficult. KDD was very active and would scream, then laugh and climb around on the furniture in the room. In attempt to try and get KDD's attention Shana provided her with markers and paper to draw. Unfortunately, this did not work, and KDD became more focused on drawing then talking to her. Shana then ended the interview.

On 05/11/21 at 1422 hours, the search warrant application was electronically approved by King County Superior Court Judge Catherine Shaffer and assigned number SW 21-0-61364-0.

At about 1500 hours, the warrant was executed at Desmond's residence 12729 NE 113th PL, Kirkland WA 98033. I contacted Toon at the front door and informed her about the search warrant. She stated that she would take her children to a friend's house to allow us to search the residence. Toon then left with KDD and MMD. CPS worker Tyler Fultz arrived at the residence and went with Toon and the kids to the friend's house. The following items were seized from Desmond's room that had a sign labeled "Dads Room:"



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King County

Certification for Determination of Probable Cause

- Surface Tablet with case (Evidence Item 337-002)
- Surface with keyboard (Evidence Item 337-003)
- Lenovo Laptop (Evidence Item 337-004)
- Dell Laptop (Evidence Item 337-005)
- Surface & charger (Evidence Item 337-006)

Desmond's backpack that contained a DUI breathalyzer, his wallet and a bag full of pills was taken for safekeeping. Desmond's had requested these items. The pills were not in a prescription bottle, so they were entered into the property room for destruction.

2 SD cards (Evidence Item 337-007) were located on the half wall between the kitchen and living room of the residence and seized as evidence.

Toon advised me that they had viewed the SD cards using her chrome Laptop. The item was taken for comparison.

After we completed the search of the residence, I contacted Caitlin. Caitlin stated that Toon found the SD cards and at first, they were happy to get them back, because Desmond takes them out of the cameras. They put them back into the cameras and then Toon stated that they should look at them in case there was evidence on them. Caitlin put them in her Chromebook computer and viewed the contents of the SD cards. At first, she saw a bunch of files that had the names of girls. She remembered two of the names as Hannah and Svetlana but stated there were a lot more. Caitlin said that she clicked on the files and there was an option to look at videos or images of the girls. She said each of the files contained the same girl in different videos and images. Caitlin believed the youngest age of a girl that she saw to be nine. I asked her if she could describe one of the photos. She stated one was a man videotaping a little girl in a hotel and he was rubbing her. Caitlin believed that there were a couple hundred files and thousands of images and videos. She then called the police and told the police. Caitlin indicated that a lot of the photos looked like staged photos and some of them looked like they were from snapchat. Dates on some of the files dated back to 2015. She did not recognize any of the girls in the files.

I asked Caitlin if she ever heard KDD talking about things. She told me that just yesterday KDD walked up to her and her friend in the backyard and out of the blue she said, "Daddy took me to a hotel." Caitlin said they did not want to ask her anything and KDD pulled her pants down and said, "He put white stuff on it."

I asked Caitlin if she was home the day Desmond went to the hotel. She said she came home around 1500 hours and the door was locked, because he took the batteries out. She came into the house and he was in the living room with the kids. I asked her if she knew when he left. Caitlin stated that he was trying to leave, but Toon convinced him to stay. She said Desmond said he got a hotel, but they did not believe him because he lies a lot. Caitlin also remembered that he had taken MMD bowling and Desmond did not want to go and wanted to take KDD. Caitlin stated that on the same day they went to the hospital, they were sitting on the couch and KDD started putting her private area in Toon's face. She said KDD stated that she wanted new clothes like daddy got her. They then found out Desmond bought a new outfit for KDD.

CPS Tyler Fultz informed me that he had talked to MMD privately while he was at the neighbor's house. He stated that during that interview, MMD disclosed that his dad had touched his private parts. MMD told him that his dad slapped and smacked his private parts. MMD could not remember when the last time it happened. Fultz stated that he asked MMD if he felt safe with his dad and MMD stated no.

On 05/12/21, I took the 2 SD Cards, Evidence Item Number 2116611EV644-001, all of the above listed seized items from the residence and the Cellular Phone Evidence Item Number EV638-001 to the Seattle Police Department ICAC Unit to be forensically examined. Computer Forensic Detective Shane Burditt took possession of the items and I presented him with a copy of search warrant SW 21-0-61364-0. I later realized I inadvertently did not list the 2 SD Cards, Evidence Item Number 2116611EV644-001 in the search warrant. The SD cards were described in the application for search warrant but were not specifically listed as an item to be searched. I contacted Detective Burditt and told him to stop the search of the SD cards pending an addendum to the warrant. He informed me that he would end the search and delete any forensics that had already been conducted. I then wrote an addendum to the warrant to



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search the 2 SD Cards, Evidence Item Number 2116611EV644-001. The warrant was electronically approved by King County Superior Court Judge Regina Cahan. I sent a copy of the addendum to Detective Burditt.

On 05/13/21, I spoke to Toon and told her that I would like to setup a forensic interview for MMD and she agreed. I contacted Shana Macleod and made an appointment for 05/20/21 at 1130 hours. I was not available to attend so Detective Kaufman went in my place.

On 5/20/21, Shana conducted a Child Forensic Interview with MMD which was recorded. Detective Kaufman observed the interview from a different room. I viewed the interview and MMD disclosed that his dad had "smacked" and touched his private parts while they were at the Marriott hotel. He stated that he was wearing his clothes and his dad touched him with his hand. Shana told MMD that she wanted to understand what happened in the hotel and asked him to tell her about that. MMD stated, "He smacked my private parts and all that stuff". MMD would not expand on what he meant by smacking and said he wanted to go home. During the interview MMD, also stated that his dad takes pills that make him very mean.

On 05/24/21, I contacted Detective Burditt at the Seattle Police Department. Detective Burditt provided me with a flash drive that contained the forensic report and contents found on the two 2 SD Cards, Evidence Item Number 2116611EV644-001 and cellular phone.

I reviewed the report. The two SD cards that Toon located in Desmond's toiletry bag were submitted in one evidence package listing an evidence number of EV644-001. Detective Burditt examined both SD cards and listed them as KPD Evidence Items 644-001A and 644-001-B.

In item 644-001A, Detective Burditt observed hundreds of folders and subfolders that most, if not all the folders contained image and movie files. Detective Burditt stated that there are thousands of files within the device that depict the sexual exploitation of a minor.

In item 644-001-B, Detective Burditt observed hundreds of folders and subfolders that most of the folders contained image and movie files. Detective Burditt stated that there are at least hundreds of files within the device that depict the sexual exploitation of a minor. In addition to those files he located a folder for Tor Browser and associated files, a browser that connects to the "dark web."

Detective Burditt also stated that he located pieces of data on both devices (KPD Evidence Items 644-001A and 644-001-B) that are associated with Evidence Item 337-002.

Evidence Item 337-002 is a Surface Tablet that was located and seized from Desmond's bedroom. Another Surface Tablet (Evidence Item 337-006) was also located and seized from Desmond's bedroom, but it was encrypted, and Detective Burditt was unable to unlock and examine the device.

I opened the flashdrive using the Griffeye program. There were several thousand video and image files. The majority of the content contained images and videos of children engaged in sexually explicit conduct. I reviewed some of the content and will describe two as follows:

Filename: 0356D2B46A770A649607EF8AF432: The file is a 2 minute and 44 second mp4 video that depicts a young nude girl lying on her back. The child's legs are spread and raised which exposes her vagina. An adult male inserts his penis into the child's anus and sodomizes her. At one point the child puts her hands down to remove his penis and the male pushes her hands away and continues to sodomize her. Based upon my training and experience, I estimate the girl to be about 3-5 years old from her lack of development and no visible pubic hair.

Filename: A69D41EC8FB4941F62F0155649BE.jpg: The file image depicts a young nude boy lying on his back on a bed and his penis is erect. There are two other boys lying beside him. Both of the boys next to him have their shirts off and their pants are pulled down enough to expose their erect penises. The younger nude boy in the middle is holding the other two boys' penises. Based upon my training and experience, I estimate the boy in the middle to be about 5-7 years old from his lack of development and no visible pubic hair. The other two boys I estimate to be about 10-14 years



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old.

On 05/28/21, at about 1600 hours, CPS worker Tyler Fultz contacted MMD at his residence and spoke to him privately. Fultz stated that he previously had talked to MMD and MMD disclosed that his dad had touched him. Fultz asked MMD to tell him about that and MMD stated that the first time it happened was at LaQuinta. MMD stated that the second time it was at Embassy suites. He stated that the third time was at the Modera apartment in Redmond with KDD. MMD stated that the fourth time was at the Marriott with Kendall.

Fultz asked MMD what happened the first time and MMD stated that they went to the store and then to the hotel room and then his dad started doing weird stuff. MMD described the weird stuff and that his dad touched his private parts, his winkle and his butt. Fultz stated that he asked why they were at the hotel and MMD stated that his mom wasn't there, and his dad wanted to give him special treatment but then his mom came back. Fultz asked how long they were at the hotel and MMD stated it was a really short time.

Fultz asked MMD if his dad's hand touched him over or under his clothes. MMD stated under. Fultz asked MMD what the hand was doing. MMD stated smacking and touching. Fultz asked how it felt and MMD stated that it hurt, and he wanted his dad to be nice. Fultz asked how his dad was acting. He stated that his dad was acting really mad and eating pills.

Fultz asked MMD about the second time and MMD stated that it was the same thing as the first time. He stated that all the times were the same. Fultz asked MMD where he was in the room and MMD stated that he was lying on the bed, playing on his iPad and his dad dragged him to the other bed. He stated that he was on his back when his dad smacks his privates.

Fultz asked MMD about the 3rd time and MMD stated that it was the same as all the other times. Fultz asked how many times he has been to the apartment and MMD stated that he has been there lots of times. Fultz asked MMD what he does there and MMD stated that they just came back home. Fultz asked MMD who is with him at the apartment and MMD stated just dad and me. Fultz asked MMD what he saw his dad do to his sister at the apartment and MMD stated that Desmond smacked her privates the same way he does to him. Fultz asked MMD what the smacking looks like and MMD showed an open hand swinging toward his crotch with implied force. Fultz asked MMD about the 4th time and MMD stated that it was the same. He stated that his dad dragged him off the couch where he was on his iPad to the bed.

Fultz stated that MMD started to complain about his mouth being sore and was no longer able to hold a conversation. Toon told Fultz that she had to reschedule a dentist appointment because of a conflict with the forensic interview. MMD was supposed to have an appointment next week, but Toon called for an emergency appointment. Fultz had to end the interview.

On 05/31/21, I received an email from Toon advising me that she was just looking over her Joint back account with Desmond and came across some hotel payments. She stated that MMD had mentioned to her that the first time Desmond sexually assaulted him was when they stayed at "La Quinta Hotel" and claimed the second time was at "Embassy suites" and the third time at "Motel 6."

Toon attached the bank statement which showed Desmond charged a room at the Kirkland La Quinta, Bellevue Embassy Suites and the Kirkland Motel 6. I confirmed with the Kirkland La Quinta that Desmond stated in their motel February 5-7, 2021 and Motel 6 on February 8-11, 2021. Neither motels had video surveillance footage. The employee at the Bellevue Embassy Suites was not able search their prior registry. They did not have any surveillance cameras.

On 06/03/21, I received a call from WSP Forensic Scientist Jennifer Reid about KDD's SANE kit. Reid stated that she did not find any male DNA in the SANE Kit. She stated that the kit only included oral and anal swabs. However, Reid indicated that she did not find any DNA on the anal swabs and it appeared they had not been collected. She tested the underwear that the KDD was wearing the day of the exam. The underwear had low levels of male DNA from two male sources and negative results for semen. Reid stated that her report would be completed in a couple of weeks with further details.



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On 06/09/21, about 1416 hours, Desmond came to the Kirkland Police Department lobby requesting a civil standby to get his vehicle. I contacted Desmond and informed him that he would need some type of court order to obtain the vehicle. I then asked him if he wanted to talk to me about the things that were happening at his house. He told me that he only came here to talk about his car. I told him that I could not do anything about the car and again asked him if he wanted to talk about the things going on at his house. He stated that he should have an attorney present for that. At that point, I informed Desmond that he was under arrest for possession of child sex abuse material and child molestation. He tensed up his body and said, "no, no, no." Sgt. Quiggle then assisted me with restraining Desmond while I placed handcuffs on his wrists.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 10 day of June, 2021, at Kirkland, Washington.

This printout is from the King County Electronic Log of Detective Investigations (eLODI) system, where the above officer signed and transmitted this referral as permitted by GR 30 and LGR 30.

AGENCY: Kirkland PD	WA0170800	CASE NUMBER 21-16772	FILE NUMBER	PCN NUMBER	SUPERFORM
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ARREST INFORMATION		
DATE & TIME OF VIOLATION 6/9/2021 2:49 PM	CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO	ACCOMPLICES
DATE OF ARREST/TIME 6/9/2021 2:49 PM	ARREST LOCATION 11750 NE 118th ST Kirkland, WA 98034	

SUSPECT INFORMATION							
NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd) Desmond, Tyler John	DOB 8/5/1984	ALIAS, NICKNAMES					
ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IDENTITY IN DOUBT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CITIZENSHIP N/A					
PHYSICAL DETAILS							
SEX M	HEIGHT 601	WEIGHT 189	SKIN TONE	RACE W	EYE HAZ	HAIR BRO	SCARS, MARKS, TATTOOS, DEFORMITIES
IDENTIFICATION DETAILS							
CCN	PRIOR BA # 0	AFIS #	FBI #	STATE ID #	DRIVER'S LICENSE #	STATE	SSN
RESIDENCE				EMPLOYMENT / SCHOOL			
LAST KNOWN ADDRESS 15008 NE 167th ST Woodinville, WA 98072				EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER :			
RESIDENCE PHONE 2067071431				BUSINESS PHONE		OCCUPATION	
EMERGENCY CONTACT							
PERSON TO BE CONTACTED IN CASE OF EMERGENCY			RELATIONSHIP	Address			PHONE

CHARGE INFORMATION			
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE F - Poss Of Depictions of Minor Engaged In Sexually Ex	RCW / ORD# 9.68A.070	COURT / CAUSE # Superior /	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE F - Child Molestation 1st Degree	RCW / ORD# 9A.44.083	COURT / CAUSE # Superior /	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	RCW / ORD#	COURT / CAUSE #	CITATION #

WARRANT / OTHER				
WARRANT DATE	WARRANT NUMBER	OFFENSE	AMOUNT OF BAIL	WARRANT TYPE
ORIGINATING POLICE AGENCY		ISSUING AGENCY	WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)	

PROPERTY INFORMATION	
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL	
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)	
LIST ITEMS ENTERED INTO SAFEKEEPING	
TOTAL CASH OF ARRESTEE \$0.00	WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT: \$0.00
SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #	

OFFICER INFORMATION		
ARRESTING OFFICER / SERIAL # O'Neill, Allan 337	TRANSPORTING OFFICER / SERIAL #	SUPERVISOR SIGNATURE / SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) O'Neill, Allan		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL#/PHONE)

COURT FILE		
SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND	COURT CAUSE (STAMP OR WRITE)	
COURT/DIST. CT.NO.	DIST. CT. BOND \$	SUP. CT. DATE

EXTRADITE				
PERSON APPROVING EXTRADITION	SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/>
E N T R Y	CCN _____ WAC _____ NCIC _____	DOE _____ TOE _____ OP _____	C L E A R A N C E	DOC _____ TOC _____ OP _____

PROBABLE CAUSE INFORMATION
STATEMENT OF PROBABLE CAUSE: NON-VUCSA

EXHIBIT D

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave Denver, CO 80204	DATE FILED: July 05, 2022 10:01 AM ▲ COURT USE ONLY ▲
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
Dustin R Heard, Reg. No. 49871 Deputy District Attorney For: Beth McCann, Reg No. 5834 District Attorney 201 W. Colfax Ave. Dept. 801 Denver, CO 80202 Phone Number: (720) 913-9000 Fax Number: (720) 913-9035	Case Number: D0162022CR002704 Div: Criminal Ctrm: 5H
CERTIFICATE OF SERVICE OF COLLATERAL MATERIALS	

BETH MCCANN, District Attorney, in and for the Second Judicial District, City and County of Denver, State of Colorado, by and through the undersigned Deputy District Attorney, hereby gives notice that the Office of the Denver District Attorney has complied with the Court's Order dated June 28, 2022 by transmitting collateral materials relevant to the court-ordered competency evaluation to the Colorado Mental Health Institute at Pueblo (CMHIP) on June 28, 2022.

Dated: July 5th, 2022

Respectfully submitted,
 BETH MCCANN
 District Attorney

By: /s/ Dustin Heard
 Dustin R Heard, Reg. No. 49871
 Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2022, a true and correct copy of the foregoing was:

- ☒ E-served through CCE to party of record listed below
- ☐ Placed in the United States mail to party of record listed below
- ☐ Filed with Denver County Court and emailed to party of record listed below
- ☐ Filed with Denver County Court and will be provided upon request for discovery

Taylor Critchell
Colorado State Public Defender
1560 Broadway, Suite 300
Denver, CO 80202

By: /s/ TANYA ROZALES

Referral for Court-Ordered Evaluations and Incompetent to Proceed (ITP) Commitments

Please Note: Evaluations (Competency, Sanity, Mental Condition) are to address specific questions as described in the statutes. For inpatient commitment ITP defendants, only complete if a CMHIP evaluator did not perform the competency evaluation. If treatment is the primary consideration then the defendant should be considered for civil commitment under CRS 27-65. Evaluations can be ordered to be performed in *jail, outpatient in custody of law enforcement, outpatient not in custody, inpatient at the Colorado Mental Health Institute at Pueblo (CMHIP)*. **First consideration should always be given to outpatient evaluations per statute.** If questions, please contact the Evaluations Coordinator at CMHIP by email at catrysse.gomez@state.co.us, do **NOT** mail this referral form or orders for evaluation directly to specific individuals at CMHIP for processing. All competency, sanity, and mental condition evaluation court orders, ITP orders, and referral forms **MUST** be e-mailed to courtservices@state.co.us. **Please print clearly.**

Defendant Name: Zachary E Desmond **DOB:** 7/14/97

County of Commitment/Crime: Denver **Next Court Date (if known):** 8/1/22

Judge/Division: 5H

Docket No./Charges: 22CR2704

Docket No./Charges: 1	18-3-203(1)(g) ASSAULT 2-CAUSE SERIOUS BODILY INJURY	Class 4 Felony
2	18-3-203(1)(i) ASSAULT 2-STRANGULATION	Class 4 Felony
3	18-3-404(1)(a),(2);18-3-402(4) SEXUAL CONTACT-NO CONSENT-FRC/THREAT-ATT	Class 5 Felony
4	18-7-302(1)(b) INDECENT EXPOSURE-MASTURBATION	Class 1 Misdemeanor

Docket No./Charges:

Type of Observation:

☒ Competency ☐ Sanity ☐ Mental Condition ☐ Other

Observation Initiated By:

☒ Defense Attorney ☐ Prosecuting Attorney ☐ Judge ☐ Other

Evaluation Location: (N/A if ITP)

☐ Inpatient-CMHIP ☒ Jail ☐ Outpatient: Defendant on Bond/Summons ☐ Pre-Arranged-Hold & Wait

If not in custody: Please list the defendant's address and phone number. Or, identify the designated contact person and their contact information. CMHIP will contact the defendant or designee to make arrangements for the evaluation appointment.

Prosecutor: Dustin Heard **Telephone No.:** 720-913-9000 **Email:** dustin.heard@denverda.org

Defense Attorney: Taylor Critchell **Telephone No.:** 720-337-0600 **Email:** taylor.critchell@coloradodefenders.us

Address for Defense Counsel (If Other than Public Defender)

GAL, parole/probation officer, or case manager (if applicable):

Their address and telephone number is:

- Does the individual speak English fluently? ☒ Yes ☐ No

If an interpreter is required, a jail or outpatient evaluation cannot be scheduled until an interpreter is arranged. If known, please **indicate what language, including dialect**, the individual speaks.

- Current medications, if known, or any other pertinent information:

Name of person completing this form: Anna Vial Date: 6/28/22

Phone: 303-606-2779 Email address: 02Courtroom5H@judicial.state.co.us

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> County Court Denver County, Colorado Court Address: 520 W Colfax, Denver, CO ,80204	DATE FILED: June 28, 2022 10:32 AM
People of the State of Colorado v. Defendant: Desmond, Zachary E	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> ▲ COURT USE ONLY ▲ </div> Case Number: 22CR2704 Division: Courtroom: 5H
ORDER FOR EVALUATION OF IN-CUSTODY DEFENDANT	

On 6/27/22 [date], defense counsel [party/court] raised the question of the above-named defendant's competency to proceed.

☐ This Court has made a preliminary finding of ☐ competency ☐ incompetency, and [party] objected on [date] to such finding.

--OR--

☒ This Court has insufficient information to make a preliminary finding concerning competency or incompetency.

Accordingly, **IT IS ORDERED THAT:**

1. The Colorado Department of Human Services (CDHS) will perform an evaluation of the defendant and to submit a report regarding competency to proceed. The Office of Behavior Health (OBH) Court Services Department will coordinate this evaluation.
2. The District Attorney's Office is ordered to provide the Colorado Mental Health Institute at Pueblo (CMHIP) with all "collateral materials" within 24 hours of this Order and shall file a Certificate of service of the materials provided..
3. The evaluation shall be performed as follows [check only one]:
 - ☒ **Jail-Custody Evaluation:** The evaluation is to be performed in the place where the defendant is now in custody. The defendant is presently in custody at Denver County Jail [name of jail].

☐ **CDHS-Custody Evaluation:** The defendant is ordered placed in the custody of the Colorado Mental Health Institute at Pueblo for the time necessary to conduct the evaluation, based on the following criteria found at section 16-8.5-105(1)(b) [check all that apply]:

☐ CDHS has recommended to the court, after consultation with the defendant and review of any clinical or collateral materials, that conducting the competency evaluation on an inpatient basis is clinically appropriate.

☐ The Court has found that an inpatient evaluation is necessary because an inadequate competency evaluation and report has been completed or two or more conflicting competency evaluations and reports have been completed.

☐ The Court has found that extraordinary circumstances relating to the case or the defendant make conducting the competency evaluation on an inpatient basis necessary and appropriate.

The Sheriff is ordered to transport the defendant to the facility identified by OBH within 3 of days of receiving notice from OBH that the facility is ready to admit the defendant . The Sheriff further ordered to return the defendant to the county jail where the defendant was being held promptly, but no later than 72 hours, after notification by OBH that the competency evaluation has been completed. OBH shall notify the court, and the court liaison if one is appointed, that OBH is returning the defendant to the custody of the jail.

☐ **“Hold and Wait” Evaluation:** The evaluation is to be performed by CDHS at CMHIP or a location identified by CDHS. The Sheriff is ordered to retain custody of the defendant and ordered to transport the defendant to the agreed upon location for the evaluation, and to provide copies of all jail and medical records requested by CMHIP/CDHS, at or before the time of the scheduled evaluation. The Sheriff will remain at the location of the evaluation until the evaluator has completed the evaluation, after which the Sheriff will return the defendant to the jail or other facility where the defendant is being held.

4. The Sheriff is ordered to provide CDHS and its competency evaluator access to and copies of the jail records, including medical and mental health records.
5. This matter is set for review on 8/1/22 [date]. CDHS is ordered to provide the Court with the evaluation report at least seven days before that date.



Date: June 28, 2022

Edward D. Bronfin, District Court Judge

CERTIFICATE OF SERVICE

I certify that on 6/28/22 (date), I provided copies of this *Order for Evaluation of In-Custody Defendant* to the following

☒ **County Sheriff:** ☐ Hand-Delivered, ☐ E-filed, or ☐ Mailed to: dsd_him@dhha.org

☐ **Colorado Mental Health Institute at Pueblo:** ☐ e-mailed to: courtservices@state.co.us

☒ **District Attorney:** ☐ Hand-Delivered, ☒ E-filed, or ☐ Mailed to:

☒ **Defense Counsel:** ☐ Hand-Delivered, ☒ E-filed, or ☐ Mailed to:

☐ **Bridges Program/Court Liaison:** ☐ Hand-Delivered, ☐ E-filed, or ☐ Mailed to:

☐ **County Attorney:** ☐ Hand-Delivered, ☐ E-filed, or ☐ Mailed to:

☐ **Other:** ____: ☐ Hand-Delivered, ☐ E-filed, or ☐ Mailed to:



Clerk

GO # 22-243572

AB #

DEFENDANT			
Last Name DESMOND	First Name ZACHARY	Middle EVERETT	DOB 7/14/97
Armed with N/A		DATE FILED: June 16, 2022	
Location of Arrest 490 W. Colfax Ave		Arrest Date 5/16/22	Arrest Time 1300

OFFICER MAKING STATEMENT			
Last Name POTTER	First Name WILLIAM	Middle	Serial No. 14023

COMPLETE THIS SECTION FOR ORIGINAL PROBABLE CAUSE STATEMENTS AND ALL AFFIDAVITS FOR ARREST WARRANT

I am a police officer for the City and County of Denver, Colorado, and have knowledge regarding the arrest/incident of the above named party for the below listed offense, which offense occurred on or about the date of 5/14/22 at 18:25 ☐ am ☒ pm at or near the location of 44 S. Adams Street in the City and County of Denver, State of Colorado.

VIOLATION(S)	DESCRIPTION
18-3-203(i)	Second Degree Assault

☒ Statement of Probable Cause ☐ Affidavit for Arrest Warrant

On May 14, 2022 at approximately 18:25 hours, the suspect was waiting outside of the rear entrance to the apartment complex at 44 S. Adams Street, Denver, CO when the victim Galina Shumaeva walked out to her vehicle. The suspect approached the victim and assaulted her by pushing her into the drivers seat, striking her in the mouth, and grabbing her throat with his right hand restricting her breathing. The victim sustained injuries to chin, right hand, left side of her throat and had two of her bottom teeth knocked out from the assault.

Detective Potter contacted Leasing and Admin Manager Olga Roush by email and requested any available video surveillance footage related to this case. Olga emailed Detective Potter still photos taken from the video surveillance and uploaded a three minute video showing the assault to Evidence.com via an Axon capture link provided by Detective Potter.

The video is approximately 3:11 minutes long, is in color, there is no audio. The video is labeled "South Back Door" and is time stamped 05-14-22 Sat 18:25:05. The video shows the suspect, a dark-skinned male with long black hair and a long black beard, wearing a green t-shirt with a dark green umbrella icon on the front, dark blue jeans, gray and black tennis shoes and yellow underwear standing near the rear entrance of the building as the victim walks out and to her vehicle. The suspect approaches the victim as the victim opens her car door. The victim swats at the suspect as he tries to come near her. The suspect walks by her and then returns to the victim and begins to grab her and push her. The victim attempts to push back and the suspect pins the victim between he car and the open driver's door. The victim is able to push the suspect's face and he walks away from the victim and her car. The victim enters her car and closes the door. The suspect returns to the victim's car and opens the car door, partially entering the vehicle. The glare on the windshield obstructs what the suspect is doing, but the car is rocking while he engages with the victim. When the suspect comes out of the vehicle the victim closes the doors. The suspect attempts to open the door again but is unable to. The suspect eventually walks away out of camera view.

Detective Potter located arrest records in RMS for the suspect Zachary Desmond dob 7/14/2022, showing that Desmond had been arrested on 5/14/2022 at approximately 20:12 hours. The suspect was arrested in relation to two Indecent Exposure reports in the Cherry Creek area (GO 22-242420 and GO 22-242294) that occurred at 200 S. Madison St. on approximately 18:19 hours and 3000 E.

1st Ave at approximately 18:45 hours. The suspect is arrested and identified by officers and is the same person wearing the same clothes (dark skinned male, long dark hair, long dark beard, green t-shirt with umbrella icon, blue jeans, yellow underwear) that appears in the video surveillance described above.

Detective Potter learned that the suspect is currently in custody at the DDC.

I affirm this information to be true and correct

Subscribed under oath before me on

Signature of Affiant

Date

Time

Judge or Notary Public

My commission expires

ARREST WARRANT

To all Sheriffs, Peace Officers and Police Officers with the said State:

☐ ADULT—You are hereby commanded to arrest the defendant named above and bring them without unnecessary delay before a Judge of the County Court to be dealt with according to law.

☐ JUVENILE—You are hereby commanded to arrest the defendant named above, summons into court, process and release said defendant to appear before the court.

Bail fixed at \$ _____

Signature of Judge

Date _____

Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) _____ by taking _____

_____ (name of person arrested) into custody and placing said person in the _____ Jail for safekeeping until further order of the court.

Signature of Arresting Officer _____

**IN THE COUNTY COURT
OF THE CITY AND COUNTY OF DENVER
AND THE STATE OF COLORADO**

The People of the State of Colorado
and the City and County of Denver

Plaintiff

vs.

DESMOND, ZACHARY E

Defendant

AKA: CO, ZACHARY

To the Manager of Safety and Ex-Officio Sheriff of the City
and County of Denver, or his duly authorized representative:

☐ RELEASE DEFENDANT ON THIS CASE ONLY.

☐ Defendant is sentenced to _____ days jail, with credit for any
days recently served.

☐ Credit the defendant with an additional _____ days for time
previously served on this case, prior to his present incarceration
for this offense.

☐ Sheriff Home Detention not authorized.

☐ This sentence is consecutive with any other sentence and may be
served at any place of lawful confinement.

☐ _____ days of the above sentence must be served flat time.

MITTIMUS

☐ AMENDED

DOB: 07/14/1997

AB Number: 202212765

GO Number: 2022243572

Related CD (DPD No): _____

Case Number: 22CR02704

Next Court Date: _____

Bond Set At: \$50,000.00

☐ Bond Not Req'd

☐ P.R. Bond Granted

☐ Bond Posted

OFFENSE(S):

18-3-203

☐ **DOMESTIC VIOLENCE**

SPECIAL PROVISIONS:

☐ Work release:

☐ Ordered Forthwith

☐ Authorized by Court, if Approved by Sheriff

☐ Treatment / Educational Release if approved
by Sheriff

☐ Sheriff Home Detention authorized only after
_____ actual days have been served

☐ Refer defendant:

☐ To Jail Nurse

☐ To Pre-Trial Service

☒ Release defendant to:

☒ Pre-Trial Service if Defendant bonds

☐ Probation

☐ Electronic Monitoring Program

OTHER: cash only bond

JUDGE: BECKMAN, ARNIE

COURTROOM: 2300

DATE ISSUED: 05/17/2022 10:43 AM

CLERK: RRV

DENVER COUNTY PRETRIAL SERVICES RELEASE ORDER

Case Number: 22CR02704

Defendant: DESMOND, ZACHARY

DPD#: _____ DOB: 7/14/1997

Charges: 18-3-203(INV HOLD-SECOND DEGREE ASSAULT),

() Personal Recognizance: \$ _____

(X) Cash, Property, Surety: **\$50000.00 CASH ONLY**

If you are transported from the Denver detention facilities directly to another county's facility or hospital/medical center, you must report immediately upon your release to the Pretrial Services Office located in the lobby of the Van Cise-Simonet Detention Center at 490 W. Colfax, Denver, CO. The office is open 7 days per week from 6:00am to 10:00pm.

Failure to do so may result in a warrant being issued for your arrest.

Upon your release, a Pretrial Services Officer will further explain the conditions of your supervision as described below:

X **1. STATUTORY CONDITIONS OF RELEASE ON BOND (Pursuant to 16-4-105):**

- Appear to answer the charge against you at a place and upon a date certain and at any place or upon any date to which the proceeding is transferred or continued.
- If you have been arrested for a felony, you shall execute a waiver of extradition consenting to extradition to Colorado and waive all formal procedures incidental to extradition proceedings in the event you are arrested in another state while at liberty on such bail bond and acknowledging you shall not be admitted to bail in any other state pending extradition to Colorado.
- Do not commit any felony offense.
- Comply with all Mandatory Protection Orders that were issued by the Court.
- If you are charged with driving under restraint and the restraint against your privilege to drive is based solely or in part because of a conviction for an alcohol driving offense, you shall not drive a motor vehicle while your license is under such restraint.

X **2. SUPERVISION LEVEL AND ADDITIONAL SUPERVISION CONDITIONS:**

_____ **Administrative**

X **Enhanced**

☐ Remove from supervision after **90 days** of compliance.

_____ **Intensive with electronic monitoring** ☐ Reduce to Enhanced after **60 days** of compliance.

☐ GPS Device

☐ Exclusion zones (Stay 1000 ft. of any location the alleged victim/s are likely to be found.)

☐ Curfew: _____ pm to _____ am (Curfew times may be modified by Pretrial Services.)

☐ Employment Leave Only

☐ Handheld Alcohol Device (Device modification to be determined by Pretrial.)

_____ **Maximum Home Confinement** (Includes GPS electronic monitoring)

- You shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.
- Do not leave the State of Colorado without first providing travel information to your Pretrial Services Officer. If you are on Intensive Supervision or Maximum Home Confinement, you must also obtain consent of the Court.
- Do not violate any Municipal, State or Federal laws. Any contact with law enforcement must be reported immediately to your Pretrial Services Officer.
- Provide your Pretrial Services Officer with your current home address and contact number/s and notify your Pretrial Services Officer within 24 hours if you have any changes to this information.
- Respond to phone calls and/or written correspondence from the Pretrial Services Program within 24 hours or as instructed.
- Report and/or contact your Pretrial Services Officer as directed.

ADDITIONAL ORDERED CONDITIONS:

_____ **3. Monitored Sobriety as determined by Pretrial.** Do not consume alcohol. Do not use any controlled substances except for medications prescribed for you by a physician ☐ Remove after **60 days** of compliance.

_____ **4.** Do not possess, attempt to possess or control a firearm or other weapon.

_____ **5.** Have no unsupervised visitation with children under the age of 18 years.

_____ **6.** No contact with children under the age of 18 years.

_____ **7.** Participate in mental health, domestic violence, substance misuse and/or any other treatment/counseling services.

_____ **8.** Register as a Sex Offender.

_____ **9.** Do not leave the State of Colorado without consent of the Court.

_____ **10. Other:** _____

ARNIE BECKMAN

JUDGE / MAGISTRATE

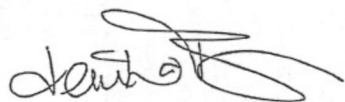
5/17/2022

DATE

County Court, City and County of Denver, Colorado 520 West Colfax Denver CO 80204	Filed in the County Court City & County of Denver, Colorado MAY 17 2022 CLERK OF COURT σ COURT USE ONLY σ
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. Defendant <i>Desmond, Zachary</i>	
MEGAN A. RING, State Public Defender Demetria Trujillo #34130 Deputy Public Defender Denver Regional Office 1560 Broadway #300, Denver, CO 80202 Phone: 303-620-4999 Fax: 303-620-4987 Email: denver.pubdef@coloradodefenders.us	Case No. <i>22 CR 2704</i> Division 2300
NOTICE OF AUTOMATIC ELECTION OF REPRESENTATION	

- ☒ Defendant is in custody and cannot post bond. Pursuant to Chief Justice Directive 04-04(III), the Public Defender's Office is automatically electing to represent defendant.
- ☐ The defendant is in custody and cannot post bond. The Public Defender's Office has a conflict of interest and cannot automatically represent defendant. Therefore, the Court will need to appoint Alternative Defense Counsel to represent the defendant.

The defendant has been/will be advised that if s/he is released from custody and charges are still pending, s/he must request court appointed counsel by filling out an application for Public Defender/Court Appointed Counsel JDF 208. Representation will continue only if the defendant is determined to be eligible based on current guidelines.



Demetria Trujillo #34130
Deputy State Public Defender

Certificate of Service

I certify that on _____, I served the foregoing document by delivering same to all opposing counsel.

/ _____

IN THE COUNTY COURT
OF THE CITY AND COUNTY OF DENVER
AND THE STATE OF COLORADO

The People of the State of Colorado
and the City and County of Denver

Plaintiff

vs.

DESMOND, ZACHARY E

Defendant

AKA: _____

To the Manager of Safety and Ex-Officio Sheriff of the City
and County of Denver, or his duly authorized representative:

MITTIMUS

☐ AMENDED

DOB: 07/14/1997

AB Number: **202212765**

GO Number: **2022243572**

Related CD (DPD No): **0922474**

Case Number: **22CR02704**

Next Court Date: **2ND ADVISEMENT**

05/24/2022 09:30

2300

Bond Set At: **\$50,000.00**

☐ Bond Not Req'd

☐ P.R. Bond Granted

☐ Bond Posted

OFFENSE(S):

18-3-203(1)(g)

18-3-203(1)(i)

☐ RELEASE DEFENDANT ON THIS CASE ONLY.

☐ Defendant is sentenced to _____ days jail, with credit for any
days recently served.

☐ Credit the defendant with an additional _____ days for time
previously served on this case, prior to his present incarceration
for this offense.

☐ Sheriff Home Detention not authorized.

☐ This sentence is consecutive with any other sentence and may be
served at any place of lawful confinement.

☐ _____ days of the above sentence must be served flat time.

☐ **DOMESTIC VIOLENCE**

SPECIAL PROVISIONS:

☐ Work release:

☐ Ordered Forthwith

☐ Authorized by Court, if Approved by Sheriff

☐ Treatment / Educational Release if approved
by Sheriff

☐ Sheriff Home Detention authorized only after
_____ actual days have been served

☐ Refer defendant:

☐ To Jail Nurse

☐ To Pre-Trial Service

☒ Release defendant to:

☒ Pre-Trial Service if Defendant bonds

☐ Probation

☐ Electronic Monitoring Program

OTHER: _____

JUDGE: BECKMAN, ARNIE

COURTROOM: 2300

DATE ISSUED: 05/23/2022 11:52 AM

CLERK: RRV

IN THE COUNTY COURT
OF THE CITY AND COUNTY OF DENVER
AND THE STATE OF COLORADO

The People of the State of Colorado
and the City and County of Denver

Plaintiff

vs.

DESMOND, ZACHARY E

Defendant

AKA: _____

To the Manager of Safety and Ex-Officio Sheriff of the City
and County of Denver, or his duly authorized representative:

MITTIMUS

☐ AMENDED

DOB: 07/14/1997

AB Number: **202212765**

GO Number: **2022243572**

Related CD (DPD No): **0922474**

Case Number: **22CR02704**

Next Court Date: **PRELIMINARY / DISPO HEARING**

06/15/2022 08:30

3G

Bond Set At: **\$50,000.00**

☐ Bond Not Req'd

☐ P.R. Bond Granted

☐ Bond Posted

OFFENSE(S):

18-3-203(1)(g)

18-3-203(1)(i)

☐ RELEASE DEFENDANT ON THIS CASE ONLY.

☐ Defendant is sentenced to _____ days jail, with credit for any
days recently served.

☐ Credit the defendant with an additional _____ days for time
previously served on this case, prior to his present incarceration
for this offense.

☐ Sheriff Home Detention not authorized.

☐ This sentence is consecutive with any other sentence and may be
served at any place of lawful confinement.

☐ _____ days of the above sentence must be served flat time.

☐ **DOMESTIC VIOLENCE**

SPECIAL PROVISIONS:

☐ Work release:

☐ Ordered Forthwith

☐ Authorized by Court, if Approved by Sheriff

☐ Treatment / Educational Release if approved
by Sheriff

☐ Sheriff Home Detention authorized only after
_____ actual days have been served

☐ Refer defendant:

☐ To Jail Nurse

☐ To Pre-Trial Service

☒ Release defendant to:

☒ Pre-Trial Service if Defendant bonds

☐ Probation

☐ Electronic Monitoring Program

OTHER: **cash only bond**

JUDGE: **BECKMAN, ARNIE**

COURTROOM: **2300**

DATE ISSUED: **05/24/2022 09:41 AM**

CLERK: **MAD**

District Court, Denver County, Colorado Court Address: 520 West Colfax , Denver, CO 80204	Filed in the County Court City & County of Denver, Colorado MAY 26 2022 CLERK OF COURT ▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ZACHARY DESMOND, Defendant	
Taylor Critchell Deputy State Public Defender 1560 Broadway #300 Denver, CO 80202 Phone Number: 303-620-4999 FAX Number: 303-620-4987 E-mail address: Taylor.Critchell@coloradodefenders.us Attorney Registration Number: 42575	Case Number: 22CR2704 Courtroom 5H
<p align="center">CONSOLIDATED ENTRY OF APPEARANCE, NOTICE OF INTENT TO ADDRESS BOND, INVOCATION OF RIGHTS, AND MOTION FOR PRESERVATION OF EVIDENCE</p>	

The Denver Regional Trial Office hereby enters its appearance on behalf of the above-named Defendant, effective upon Defendant's application to this Court for appointment of court-appointed counsel.

Further, the Defendant, through counsel, herein provides notice to the Denver District Attorney's Office, pursuant to sec. 16-4-107, C.R.S., of the Defendant's intention to address the issue of bond type, amount and/or conditions at the Defendant's next court appearance.

Further, the Defendant asserts his right to counsel and to silence and to have counsel present during any interrogation by police, agents, or prosecutors about this case or any other case. U.S. Const., Amend. V & VI; Colo. Const. Art. II, sec. 16 & 18. The defendant hereby revokes and rescinds all purported releases, waivers and authorizations of any Constitutional and/or statutory rights and/or privileges.

Further, the Defendant moves this Court to order the prosecution, including law enforcement agencies involved in the investigation or prosecution of this case, to preserve for the inspection of defense counsel all physical evidence in this case, including body fluids, any recordings of radio, telephone or other communications between law enforcement officers and any other person(s) pertaining to this case, including without limitation photographs, video media, "911" calls, and police dispatch tapes, and herein objects to the destruction, release, alteration, changing, testing, or modification of any evidence observed, collected and/or held in connection with this case by the District Attorney or law enforcement, or their agents.

Further, the Defendant requests that the prosecution immediately comply with all provisions of Crim. P. 16 and produce to the defense copies of all discovery materials within

their possession or within the possession of law enforcement to include but not be limited to: defendant's and co-defendant's statements, signed waivers or releases. The Defendant also requests an order be entered mandating discretionary expert discovery pursuant to Crim.P. 16(I)(d)(3). Defendant further requests the preservation of photographs and 911 tapes (including dispatch tapes and HALO videotapes/stills).

Further, the Defendant requests that the prosecution provide to defense counsel all other evidence and information material to this case whether in its actual possession or in the possession of its agents or any other person who regularly reports to the prosecution or has reported to the prosecution with respect to this case; and, pursuant to Crim.P. 16(c)(1), all discoverable material and information in the possession of other governmental personnel. This request extends to exculpatory information, impeachment information and all other information relevant to guilt or punishment. U.S. Const. amends. VI, XIV; Colo. Const. art. II, section 16; *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Bagley*, 473 U.S. 667 (1985); *United States v. Agurs*, 427 U.S. 97 (1976).

Further, to the extent required by statute, the Defendant requests a jury trial to a jury of twelve pursuant to C.R.S.A. § 16-10-109(2). The Defendant additionally requests a waiver of the \$25 jury trial fee due to his or her indigence as supported by the documents authorizing the appointment of the Office of the Public Defender.

May 25, 2022
MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER
Taylor Critchell#42575
Deputy State Public Defender

Certificate of Service

I certify that on May 25, 2022 I, Martha Hernandez served the foregoing document by emailing the same to all opposing counsel at discovery@denverda.org.

County Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 160 520 W. Colfax Ave. Denver, CO 80204	
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
Dustin R Heard, Reg. No. 49871 Deputy District Attorney For: Beth McCann, Reg No. 5834 District Attorney 201 W. Colfax Ave. Dept. 801 Denver, CO 80202 Phone Number: (720) 913-9000 Fax Number: (720) 913-9035	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number: 22CR002704</p> <p>Div: Criminal</p> <p>Ctrm: 5H/3G</p>
ENDORSED LIST OF WITNESSES	

Beth McCann, District Attorney, in and for the Second Judicial District, City and County of Denver, State of Colorado, by and through the undersigned, and pursuant to C.R.S., 1973 16-5-203, as amended, submits and tenders this List of Witnesses in the above-captioned case:

████████████████████
████████████████████
████████
████████████████████

OLGA ROUSH
9265 E NASSAU AVE
DENVER, CO 80237

LEONID REZNIKOV
4098 S SABLE CIR
Aurora, CO 80014

WILLIAM C DANOS
Denver Police Department
1331 Cherokee St
Denver, CO 80204

WILLIAM O POTTER
Denver Police Department
1331 Cherokee St
Denver, CO 80204

ANGELO A MARTINELLI III
Denver Police Department
1331 Cherokee St
Denver, CO 80204

Custodian Of Records - Dpd Property
Denver Police Department
1331 Cherokee St
Denver, CO 80204

Nicole Brick
Denver District Attorney
201 West Colfax Ave Dept 801
DENVER, CO 80202

Dated: May 27th, 2022

Respectfully submitted,
BETH MCCANN
District Attorney

By: /s/ Dustin Heard
Dustin R Heard, Reg. No. 49871
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that on May 27, 2022, a true and correct copy of the foregoing Endorsed List of Witnesses was:

- ☒ Filed with Denver County Court and will be provided upon request for discovery
- ☐ E-served through CCE to party of record listed below
- ☐ Filed with Denver County Court and provided to party of record listed below

By: /s/TANYA ROZALES

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave Denver, CO 80204	<div style="text-align: center;">▲ COURT USE ONLY ▲</div>
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
Dustin R Heard, Reg. No. 49871 Deputy District Attorney For: Beth McCann, Reg No. 5834 District Attorney 201 W. Colfax Ave. Dept. 801 Denver, CO 80202 Phone Number: (720) 913-9000 Fax Number: (720) 913-9035	Case Number: 22CR002704 Div: Criminal Ctrm: 5H/3G
MOTION TO ADD COUNTS	

BETH MCCANN, District Attorney in and for the Second Judicial District, City and County of Denver, State of Colorado, by and through the undersigned Deputy District Attorney respectfully moves this Honorable Court to amend the above numbered Complaint and Information as follows: ADD COUNT THREE, FOUR,

Count 3: CRIMINAL ATTEMPT TO COMMIT UNLAWFUL SEXUAL CONTACT - Section 18-3-404(1)(a),(2);18-3-402(4);18-2-101, C.R.S. (F5) [04122A]

On May 14, 2022, by engaging in conduct constituting a substantial step toward the commission of unlawful sexual contact, ZACHARY E DESMOND unlawfully, feloniously, and knowingly attempted to subject [REDACTED] to sexual contact, and the defendant knew the victim did not consent.

Further, the defendant attempted to cause submission of the victim through the actual application of physical force or physical violence; in violation of sections 18-3-404(1)(a),(2), 18-3-402(4)(a), and 18-2-101, C.R.S.

Count 4: INDECENT EXPOSURE - Section 18-7-302(1)(b), C.R.S. (M1) [2103E]

On May 14, 2022, ZACHARY E DESMOND unlawfully and knowingly performed an act of masturbation in a manner which exposed the act to the view of [REDACTED] under circumstances in which such conduct was likely to cause affront or alarm to the other person; in violation of section 18-7-302(1)(b), C.R.S.

AS GROUNDS THEREFORE the People state that a Complaint and Information may be amended as to substance at any time prior to trial under Crim.P.7(e).

WHEREFORE, the People respectfully move this Honorable Court to amend the above numbered Complaint and Information as follows: to ADD COUNT THREE, FOUR,

Dated: June 9th, 2022

Respectfully submitted,
BETH MCCANN
District Attorney

By: /s/ Dustin Heard
Dustin R Heard, Reg. No. 49871
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that on June 09, 2022, a true and correct copy of the foregoing Endorsed List of Witnesses was:

- ☒ Filed with Denver County Court and will be provided upon request for discovery
- ☐ E-served through CCE to party of record listed below
- ☐ Filed with Denver County Court and provided to party of record listed below

By: /s/TANYA ROZALES

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave Denver, CO 80204	▲ COURT USE ONLY ▲
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
	Case Number: 22CR002704 Div: Criminal Ctrm: 5H/3G
ORDER	

The Court, having read the People's Motion and being fully advised therein:

☐ Hereby Grants the People's Motion

☐ Hereby Denies the People's Motion

Done at Denver, Colorado this date: _____, 2022

BY THE COURT:

JUDGE

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave Denver, CO 80204	<div style="text-align: center;">▲ COURT USE ONLY ▲</div>
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
Dustin R Heard, Reg. No. 49871 Deputy District Attorney For: Beth McCann, Reg No. 5834 District Attorney 201 W. Colfax Ave. Dept. 801 Denver, CO 80202 Phone Number: (720) 913-9000 Fax Number: (720) 913-9035	Case Number: 22CR002704 Div: Criminal Ctrm: 5H/3G
MOTION TO ADD COUNTS	

BETH MCCANN, District Attorney in and for the Second Judicial District, City and County of Denver, State of Colorado, by and through the undersigned Deputy District Attorney respectfully moves this Honorable Court to amend the above numbered Complaint and Information as follows: ADD COUNT THREE, FOUR,

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Further, the defendant attempted to cause submission of the victim through the actual application of physical force or physical violence; in violation of sections 18-3-404(1)(a),(2), 18-3-402(4)(a), and 18-2-101, C.R.S.

Count 4: INDECENT EXPOSURE - Section 18-7-302(1)(b), C.R.S. (M1) [2103E]

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AS GROUNDS THEREFORE the People state that a Complaint and Information may be amended as to substance at any time prior to trial under Crim.P.7(e).

WHEREFORE, the People respectfully move this Honorable Court to amend the above numbered Complaint and Information as follows: to ADD COUNT THREE, FOUR,

Dated: June 9th, 2022

Respectfully submitted,
BETH MCCANN
District Attorney

By: /s/ Dustin Heard
Dustin R Heard, Reg. No. 49871
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that on June 09, 2022, a true and correct copy of the foregoing Endorsed List of Witnesses was:

- ☒ Filed with Denver County Court and will be provided upon request for discovery
- ☐ E-served through CCE to party of record listed below
- ☐ Filed with Denver County Court and provided to party of record listed below

By: /s/TANYA ROZALES

District Court, City and County of Denver, Colorado Lindsey-Flanigan Courthouse, Room 135 520 W. Colfax Ave Denver, CO 80204	▲ COURT USE ONLY ▲
Plaintiff: The People of the State of Colorado Defendant: ZACHARY E DESMOND (DOB 07/14/1997)	
	Case Number: 22CR002704 Div: Criminal Ctrm: 5H/3G
ORDER	

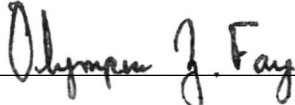
The Court, having read the People's Motion and being fully advised therein:

☒ Hereby Grants the People's Motion

☐ Hereby Denies the People's Motion

Done at Denver, Colorado this date: June 9, 2022

BY THE COURT:


 JUDGE

IN THE COUNTY COURT
OF THE CITY AND COUNTY OF DENVER
AND THE STATE OF COLORADO

The People of the State of Colorado
and the City and County of Denver

Plaintiff

vs.

DESMOND, ZACHARY E

Defendant

AKA:

To the Manager of Safety and Ex-Officio Sheriff of the City
and County of Denver, or his duly authorized representative:

☐ RELEASE DEFENDANT ON THIS CASE ONLY.

☐ Defendant is sentenced to _____ days jail, with credit for any
days recently served.

☐ Credit the defendant with an additional _____ days for time
previously served on this case, prior to his present incarceration
for this offense.

☐ Sheriff Home Detention not authorized.

☐ This sentence is consecutive with any other sentence and may be
served at any place of lawful confinement.

☐ _____ days of the above sentence must be served flat time.

MITTIMUS

☐ AMENDED

DOB: 07/14/1997

AB Number: **202212765**

GO Number: **2022243572**

Related CD (DPD No): **0922474**

Case Number: **22CR02704**

Next Court Date: **ARRAIGNMENT**

06/27/2022 08:30

5H

Bond Set At: **\$50,000.00**

☐ Bond Not Req'd

☐ P.R. Bond Granted

☐ Bond Posted

OFFENSE(S):

18-3-203(1)(g)

18-3-203(1)(i)

18-3-404(1)(a),(2);18-3-402(4);18-2-101

18-7-302(1)(b)

☐ **DOMESTIC VIOLENCE**

SPECIAL PROVISIONS:

☐ Work release:

☐ Ordered Forthwith

☐ Authorized by Court, if Approved by Sheriff

☐ Treatment / Educational Release if approved
by Sheriff

☐ Sheriff Home Detention authorized only after
_____ actual days have been served

☐ Refer defendant:

☐ To Jail Nurse

☐ To Pre-Trial Service

☒ Release defendant to:

☒ Pre-Trial Service if Defendant bonds

☐ Probation

☐ Electronic Monitoring Program

OTHER: **Cash Only Bond**

JUDGE: FAY, OLYMPIA

COURTROOM: 3G

DATE ISSUED: 06/15/2022 09:00 AM

CLERK: AJA



DENVER COUNTY COURT - CRIMINAL DIVISION
520 W. COLFAX AVE
DENVER, CO 80204
(720) 337-0410
www.denvercountycourt.org

SETTING SLIP

CASE NO.: 22CR02704 **DEFENDANT:** DESMOND, ZACHARY E

Your Case is set for **ARRAIGNMENT on JUNE 27, 2022 at 8:30 AM in Courtroom 5H.**

You must appear and be ready for court on the above date. Failure to appear may result in the issuance of a warrant.

I understand that my case has been set at the above date and time, and I must be present. I must keep the court informed of my current address until the case is closed. If I am a minor, a parent or guardian must appear with me at all hearings.

6/15/2022

Date

Defendant InCustody

Defendant or Parent/Guardian or Attorney

AJA

Clerk's Initials

Denver Pretrial Services Bond Advisement Report

Defendant: ZACHARY DESMOND	DPD No.: 922474	Arrested: 5/14/2022
First Advisement: 5/17/2022	In District/County Court Room: 2300	
Birth Date: 7/14/1997	Age: 24	

DATE FILED: June 16, 2022

Risk Analysis Profile

CPAT Category 3

Raw Score: 39

The Defendant has a CPAT risk score consistent with defendants with a 58% pretrial success rate and whose average public safety rate is 69% and whose average court appearance rate is 77%. CPAT Category 3 range is 38-50.

The CPAT and/or ODARA assessments should solely be used for the purpose of predicting pretrial misconduct.

Arrest/Charge Information

Case ID	Offense	Flag	Counts	Class	Status
22CR02704	Assault 2nd Degree	VRA	1	F4	Original Offense

Pretrial Services Recommendations

The Pretrial Services Program recommends a secured, financial bond.

Supervision

RECOMMENDED SUPERVISION LEVEL: 90 Days Compliant Enhanced

90 Days Enhanced Supervision Restrictions consists of...

- Court Reminder Calls
- Check-in Physically after court appearances
- Case Management meetings 1 to 2x per month (30 days)
- Pretrial supervision removed if compliant for 90 days
- Notification of New Arrest
- Telephone check ins 1 to 4x per month (30 days)
- Substance Testing if Ordered

Criminal History

FTA's in past 5 years: 10

Currently Under Supervision: Yes

DJ: 20M1626

Offense	Case ID	Class	Flag	Ofnc. Date	ST	Jurisdiction	Disposition	Next Crt
Assault 3rd Degree	20M1626	M1	VRA	5/14/2020	CO	Arapahoe	Warrant/Revoc	
Trespass	21GS005986	GS		9/10/2021	CO	Denver	Active Warrant	
Trespass	21GS006325	GS		9/27/2021	CO	Denver	Active Warrant	
Trespass	21GS007469	GS		11/12/2021	CO	Denver	Active Warrant	
Trespass	21GS008178	GS		12/9/2021	CO	Denver	Active Warrant	
Indecent Exposure	22CR02684	F6	VRA	5/14/2022	CO	Denver	Pending	5/17/2022

The prior criminal history includes entire adult felony conviction history and misdemeanor conviction history for the previous five years. Cases involving domestic violence for the previous 5 years are the only municipal convictions contained in this history.

Community Ties

Address:	TRANSIENT
City, State, Zip:	
Phone:	720-394-9238
Years in Colorado:	24

Comments

20M1626: FTC WARRANT ISSUED ON 05/13/2022. C/S \$1,000 BOND SET.
 21GS005986: FTA WARRANT ISSUED ON 12/29/2021. PR \$100 BOND SET.
 21GS006325: FTA WARRANT ISSUED ON 12/29/2021. PR \$100 BOND SET.
 21GS007469: FTA WARRANT ISSUED ON 12/13/2021. PR \$100 BOND SET.

21GS008178: FTA WARRANT ISSUED ON 01/10/2022. PR \$100 BOND SET.
22CR02684: C/S/P \$2,000 BOND SET. DEF HAS NOT BEEN RELEASED FROM CUSTODY ON 05/14/2022.
THEREFORE DEF IS NOT CURRENTLY ON PTS ENH 90 SUP.

This information was compiled from relevant sources for convenience of review by applicable Judicial Officials. Pretrial Services makes no representations or warranties regarding the completeness or accuracy of this information.

Case Information		DCC Case No: 22CR02704		State Case No:	
Status	Case Type	Violation Date	Date Filed	Trial Ctrm	DV
CLOSED	ASSAULT	05/14/2022	5/19/2022	5H	N
Location: DENVER CO					

DATE FILED: June 16, 2022

Party Information		DCC Case No: 22CR02704			1 Party
DEFENDANT		Attorney No: 99999 (PUBLIC DEFENDERS OFFICE)			
<u>Last Name</u>	<u>First Name</u>	<u>MI</u>	<u>Suffix</u>	<u>DOB</u>	<u>Party Status</u>
DESMOND	ZACHARY	E		7/14/1997	
Address: 3882 S QUEMOY CT				Phone: (720) 344-9238	
AURORA ARAPAHOE, CO 80018				Language:	

Violations		DCC Case No: 22CR02704			
	<u>Disposition</u>	<u>CRS</u>	<u>Class</u>	<u>Description</u>	<u>Point</u>
1		18-3-203(1)(g)	F4	ASSAULT 2-CAUSE SERIOUS BODILY INJURY	0
2		18-3-203(1)(i)	F4	ASSAULT 2-STRANGULATION	0
3		18-3-404(1)(a),(2);18-3-402(4);18-2-101	F5	SEXUAL CONTACT-NO CONSENT-FRC/THREAT-ATT	0
4		18-7-302(1)(b)	M1	INDECENT EXPOSURE-MASTURBATION	0

Sentence Information		DCC Case No: 22CR02704			
<u>Date/Description</u>	<u>value</u>	<u>units</u>	<u>soe date</u>	<u>due date</u>	<u>Sent Status</u>
5/17/2022					
PTS ENHANCED SUPERVISION					
1	RELEASE TO PRETRIAL SERVICE				
SHERIFF SPECIAL INSTRUCTIONS					
1	COMMENT - cash only bond				
5/24/2022					
SHERIFF SPECIAL INSTRUCTIONS					
1	COMMENT - cash only bond				
6/15/2022					
SHERIFF SPECIAL INSTRUCTIONS					
1	COMMENT - Cash Only Bond				

Action Information		DCC Case No: 22CR02704			
Date	Action	Judicial Officer	Ctrm	Dispo	Amount
6/27/2022 8:30 AM	ARRAIGNMENT		5H		
6/15/2022 8:30 AM	PRELIMINARY / DISPO HEARING	JUDGE OLYMPIA FAY	3G	BOUND OVER TO DISTRICT COURT	
Minute #1. JUDGE OZF: [BOOV], Set STATUS REVIEW, Def w/Atty (by: AQN)					
Minute #2. PD Critchell, DA Winter. Def preserves right to PH. Bound over for competency. (by: AQN)					
Minute #3. Def I/C with Attorney, PH reserved, case bound over for status on 6/27. (by: AQN)					
6/9/2022 12:51 PM	MOTION GRANTED		3G		
6/9/2022 12:48 PM	AMEND MOTION		3G		
5/27/2022 9:45 AM	ENDORSED LIST OF WITNESSES		3G		
5/26/2022 10:40 AM	PD CONSOLIDATED MOTION		2300		
5/24/2022 9:30 AM	2ND ADVISEMENT	MAGISTRATE ARNIE BECKMAN	2300	DEFENDANT ADVISED	
Minute #1. PH/DISPO WED 06/15 830AM 3G PD TAYLOR CRITCHELL ARRG MON 06/27 AT 830 IN 5H					
Minute #2. JUDGE AAB: [DEFADV], Set PLDSP, PD Appointed (by: ACT)					
Minute #3. Def p IC w/ PD; reading and Rule 5 advisement waived; Def in receipt of charging docs; advised to apply for PD if bond is posted; next court PH/DISPO WED 06/15 830AM 3G PD TAYLOR CRITCHELL (by: ACT)					
5/24/2022 9:30 AM	PUBLIC DEFENDER APPOINTED		2300		

5/23/2022 9:30 AM 2ND ADVISEMENT

MAGISTRATE ARNIE BECKMAN

2300 CONTINUE BY COURT

Minute #1. PH/DISPO WED 06/15 830AM 3G PD TAYLOR CRITCHELL

ARRG MON 06/27 AT 830 IN 5H

Minute #2. JUDGE AAB: [CONT/C], Set ADVS2 (by: ACT)

Minute #3. Def is unfit. Set to tomorrow 5.24 (by: ACT)

5/19/2022 8:13 AM CASE ENTERED

5/17/2022 12:56 PM IN CUSTODY AUTO REPRESENTATION

2300

5/17/2022 10:30 AM 1ST ADVISEMENT

MAGISTRATE ARNIE BECKMAN

2300 DEFENDANT ADVISED

Minute #1. JUDGE AAB: [DEFADV], Set ADVS2, BOND SET-\$50000.00, Issue PO, Military-No (by: MAD)

Minute #2. Def p IC w/ PD; reading and Rule 5 advisement waived; advised under 18-1-1001 CRS; advised to if bond apply/ provided instructions for PD; PC existed at time of arrest; bond argued. (by: MAD)

Minute #3. PC found. PD Welton req PR bnd. DA Kazerooni obj; req bnd at sched. Bnd set at \$50k cash only. PTS enh. (by: MAD)

Minute #4. Def advised of WOE. Def acknowledges waiver on record. (by: MAD)

Minute #5. Def advised of MPO and possible penalties. Def acknowledges MPO on record. (by: MAD)

5/17/2022 10:30 AM BOND SET

2300

\$50000.00

5/17/2022 10:30 AM PROTECTION ORDER

2300

POISSD

5/17/2022 10:30 AM WAIVER OF EXTRADITION

2300

5/16/2022 2:33 PM PRE-CASE ENTERED

ELE

5/16/2022 2:24 PM DENVER CITY JAIL IN CUSTODY

ELE

Jail Information

DCC Case No: 22CR02704

DateLocationArrest No

5/16/2022

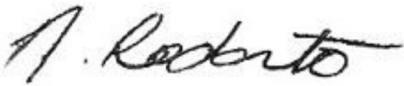
DENVER CITY JAIL IN CUSTODY

County Court, Denver County, Colorado Lindsey-Flanigan Courthouse Room 160 520 W. Colfax Ave Denver, CO 80204	<p style="text-align: right;">DATE FILED: June 16, 2022</p> <p>Filed in the County Court City & County of Denver, Colorado</p> <p style="text-align: center;">MAY 19 2022</p> <p style="text-align: center;">CLERK OF COURT</p> <p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
THE PEOPLE OF THE STATE OF COLORADO vs. ZACHARY E DESMOND 7/14/1997, Defendant	
Beth McCann Second Judicial District District Attorney, #5834 By the Undersigned Deputy District Attorney 201 W. Colfax Ave. Dept. 801 Denver, CO 80202 Phone Number: 720-913-9000 Fax: 720-913-9035	Case No: 22CR02704 Div: Criminal Courtroom 5H
COMPLAINT AND INFORMATION	

CHARGES: 2

COUNT 1: ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203(1)(g) (F4){02021}

COUNT 2: ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203(1)(i) (F4){02A2T}

Bond set at: \$ 50,000 Judge:  Date 5/19/2022

Signature

Beth McCann, District Attorney for the Second Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of Denver:

COUNT 1-ASSAULT IN THE SECOND DEGREE (F4)

On or about May 14, 2022, ZACHARY E DESMOND, with intent to cause bodily injury to another, unlawfully and feloniously caused serious bodily injury to [REDACTED] in violation of section 18-3-203(1)(g), C.R.S.

COUNT 2-ASSAULT IN THE SECOND DEGREE (F4)

On or about May 14, 2022, ZACHARY E DESMOND, with intent to cause bodily injury to another person, unlawfully and feloniously applied sufficient pressure to impede or restrict the breathing or circulation of the blood of [REDACTED] by applying such pressure to the neck or by blocking the nose or mouth and thereby caused bodily injury; in violation of section 18-3-203(1)(i), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

Beth McCann #:5834
District Attorney

By: *Victoria Sharp*
Deputy District Attorney, Reg No. 35289
Filed on: May 19, 2022

DEFENDANT INFORMATIONDOB: 7/14/1997DPD #: 922474Race: WGender: MHeight: 5'09"Weight: 145Hair: BROEye: BROBirthplace: COTattoo: N/AAddress: TRANSIENTHome Phone #: 720-344-9238Work Phone #: N/AAKA: ZACHARY CODAID: 0222051628

CCIC#: _____

NCIC #: NXDE2XCPNSID#: XXXXXXXXXX

CASE INFORMATIONArresting Agency: Denver Police DepartmentArresting ORI: CODPD0000

Other Number:

Offense Agency: Denver Police DepartmentOffense ORI: CODPD0000Arrest #: 202212765Agency Case #: 2022243572

Booking #:

Date of Arrest: New hold 05/16/2022

BAC: _____

LJB

<input type="checkbox"/> Municipal Court Denver	<input checked="" type="checkbox"/> County Court	<input type="checkbox"/> District Court
County: Colorado		
Court Address:		
The People of the State of Colorado v. Defendant: ZACHARY DESMOND Address:		

DATE FILED: May 17, 2022
▲ Court Use Only ▲
Case Number: 22CR02704
16 Character #:
Division: CR Courtroom: 2300

▲ Court Use Only ▲

16 Character #:

Division: CR Courtroom: 2300

MANDATORY PROTECTION ORDER PURSUANT TO §18-1-1001, C.R.S.

I certify that this is a true and complete copy of the original order.

Date: _____

Clerk

*"Until final disposition of the action" means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his or her sentence. Any Defendant sentenced to probation is deemed to have completed his or her sentence upon discharge from probation. A Defendant sentenced to incarceration is deemed to have completed his or her sentence upon release from incarceration and discharge from parole supervision. (§18-1-1001(8)(b), C.R.S.)

Important Information About Protection Orders

THIS ORDER IS IN EFFECT UNTIL THE DISPOSITION OF THIS ACTION, OR, IN THE CASE OF AN APPEAL, UNTIL THE DISPOSITION OF THE APPEAL.

This Order is accorded full faith and credit and shall be enforced in every civil or criminal court of the United States, an Indian tribe, or a United States territory pursuant to 18 U.S.C. Sec. 2265. The issuing court has jurisdiction over the parties and subject matter. The Defendant has been given reasonable notice and opportunity to be heard.

Notice to Defendant

- ✓ **A knowing violation of a Protection Order is a crime under §18-6-803.5, C.R.S.** A violation may subject you to fines of up to \$1,000.00 and up to 364 days in jail. A violation will also constitute contempt of court.
- ✓ **You may be arrested** without notice if a law enforcement officer has probable cause to believe that you have knowingly violated this Order.
- ✓ If you violate this Order thinking that a victim or witness has given you permission, **you are wrong**, and can be arrested and prosecuted.
- ✓ The terms of this Order cannot be changed by agreement of the victim(s) or witness(es). **Only the Court can change this Order.**
- ✓ You may apply at any time for the modification or dismissal of this Protection Order.
- ✓ Possession of a firearm while this Protection Order is in effect or following a conviction for a misdemeanor crime of Domestic Violence, may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8) and (g)(9).
- ✓ Firearm and ammunition relinquishment must be in accordance with §18-1-1001(9)(b), C.R.S. Failure to comply with the order to relinquish may result in an arrest warrant.

Notice to Law Enforcement Officers

- ✓ You shall use every reasonable means to enforce this Protection Order.
- ✓ You shall arrest, or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Defendant when you have information amounting to probable cause that the Defendant has violated or attempted to violate any provisions of this Order and the Defendant has been properly served with a copy of this Order or has received actual notice of the existence of this Order.
- ✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- ✓ You shall take the Defendant to the nearest jail or detention facility utilized by your agency.
- ✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.
- ✓ You may transport, or arrange transportation to a shelter for the Protected Parties.

Notice to Protected Person

- ✓ You may request the prosecuting attorney to initiate contempt proceedings against the Defendant.

EXHIBIT E

SEALED

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

Lisa Toon,)	S.C. No. 21-3-03376-8 SEA
)	
)	
Petitioner,)	F.C.S. No. 202130336
)	
and)	
)	PARENTING PLAN EVALUATION
Tyler Desmond,)	Trial Date: January 30, 2023
)	
)	
Respondent.)	
)	
)	

RE: The Welfare of the
Minor Child(ren):

Mason Desmond, DOB: 8/22/2013
Kendall Desmond, DOB: 5/29/2018

I. NATURE OF CASE

This is a dissolution case involving two minor children, Mason (age 8) and Kendall (age 4). The matter was referred to FCS for mediation on October 28, 2021, upon the filing of the Confirmation of Issues. The case was administratively transferred for a parenting plan evaluation and assigned to the FCS Evaluator on February 7, 2022.

II. BACKGROUND AND CURRENT INFORMATION

The parents completed the required parent seminar and the mother returned the required FCS parent questionnaire and signed client financial responsibility statement. The father failed to return the required parent questionnaire and client financial responsibility statement. On February 4, 2022, the father's attorney notified FCS that the father "is not able to be involved in such an investigation while his criminal charges are pending" and declined to participate in the evaluation. As a result, the parenting plan evaluation proceeded with the mother's input only. As a result, background and current information are based on information from the mother only.

Lisa Toon (age 42) and Desmond Toon (age 37) began dating in 2009, residing together in 2010,

and they were married on March 7, 2019. They separated on May 8, 2021. They have two children, Mason (age 8) and Kendall (age 4). The mother was previously married to Nicolas Toon from 2001 to 2011. She has three adult children, Haydan Smith (age 24), Caitlin Smith (age 21), and Lleyton Toon (age 19).

On May 18, 2021, the mother filed a Petition for a Domestic Violence Protection Order under King County Superior Court Cause Number 21-2-06590-9 SEA and the Court granted a Temporary Order. On November 1, 2021, the Court granted a full Order for Protection, prohibiting visitation with the father, subject to any subsequent orders in a dissolution or paternity proceeding. The Court also ordered the father to surrender his weapons on November 1, 2021. At a review hearing on December 13, 2021, the Court found the father in compliance with the Order to Surrender Weapons.

On July 6, 2021, the mother filed a Petition for Dissolution under the current cause number. No substantive orders impacting parenting have been entered in the dissolution matter.

Currently, the mother and the children at issue reside in a three-bedroom apartment at a confidential location. The mother is unemployed. Mason is enrolled in 2nd grade at Mark Twain Elementary School. Kendall attends the Head Start Preschool Program through the Lake Washington School District.

III. INFORMATION FOR THE REPORT

This report is based upon the following information:

1. Zoom interview with the mother on March 17, 2022.
2. Follow up email correspondence with the mother on various dates.
3. Review of the mother's FCS parent questionnaire.
4. Review of references submitted: no references were returned for the mother.
5. Observation of the mother with the children on April 8, 2022.
6. Consultation with the FCS program manager and the FCS evaluator team case consultation.
7. Review of JABS on both parties. JABS is limited to Washington State.
8. Review of the legal file.
9. Review of all written materials and documents provided by the parents.
10. Review of the following:
 - **Kirkland Police Department Records.**
 - **Incident Report dated March 27, 2020, Case Number 2020-00010544.** A neighbor called regarding a noise complaint.
 - **Incident Report dated May 9, 2021, Case Number 2021-00016772.** On May 8, 2021, the mother's ex-husband contacted law enforcement after the mother texted him and asked him to call 911. Law enforcement responded to the mother's residence and arrested the father for violating an active criminal no contact order prohibiting the father from having contact with the mother. The mother reported to law enforcement that the father had been residing with her since the no contact order was issued because she was afraid the father might "leave with her kids." The mother explained to law enforcement that she found a bag with children's clothing, headbands, pacifiers, and a face mask. She reported that she noticed the father was becoming sexually aroused when the children would "smack him," based on his

facial expressions. The mother stated that Mason and Kendall both disclosed being sexually abused by the father. When Mason disclosed to the mother, she texted her ex-husband to call law enforcement. The mother told law enforcement that she also found her daughter's underwear in the father's "bag" and that she "came across an image of what appeared to be a 10-year-old female standing between two men and holding a penis in each hand." The father told the mother that he accidentally downloaded the image and subsequently deleted it and everything else off his phone and sold his phone. The mother subsequently brought Kendall to Children's Hospital after she noticed redness and a white discharge around Kendall's vagina. Swabs were taken, which indicated "low levels of male DNA from two male sources and negative results for semen." Mason was interviewed by forensic interviewer Shana Macleod and disclosed that the father had "smacked [his] private parts," but would not offer additional details. Mason was also interviewed by CPS worker Tyler Fultz and disclosed that the father had "smacked" and touched his "private parts, his winkie and his butt" on four separate occasions, once at a La Quinta, once at an Embassy Suites, once at the Modera apartment in Redmond, and once at a Marriot. Kendall was also interviewed by Shana Macleod but did not make any disclosures. The mother's older daughter, Caitlin, reported to law enforcement that Kendall disclosed to her that the father took Kendall to a hotel. Kendall also pulled down her pants in front of Caitlin and told her that the father "put white stuff on it." The mother notified law enforcement that she discovered child pornography on some SD cards she found in the father's toiletry bag. Law enforcement executed a search warrant on multiple devices found in the father's bedroom, including a Surface tablet, Surface with keyboard, Lenovo laptop, Dell laptop, and another Surface, in addition to the two SD cards the mother provided. Law enforcement observed "several thousand video and image files . . . contain[ing] images and videos of children engaged in sexually explicit conduct." In one video, an adult male was depicted inserting his penis into a three to five-year-old female child's anus and sodomizing her. Law enforcement obtained surveillance footage from the Marriot's hotel lobby and confirmed that the father brought Kendall to the Marriot for approximately fifteen minutes. The mother also provided copies of bank statements showing that the father charged for a room at La Quinta in Kirkland, an Embassy Suites in Bellevue, and a Motel 6 in Kirkland. Both La Quinta and Motel 6 confirmed that the father stayed at their hotels for two and three nights respectively in early February of 2021.

- **Incident Report dated May 10, 2021, Case Number 2021-00016842.** CPS reached out to law enforcement to obtain the status of their investigation related to case number 2021-00016772.
- **Incident Report dated June 24, 2021, Case Number 2021-00022919.** The father requested a civil standby to collect some belongings from the residence. The mother declined to leave the residence and instead packed the parties' shared van with the father's belongings. The mother's eldest son drove the van to a nearby Jack in the Box and received a "courtesy transport" back to the mother's residence by law enforcement.
- **DCYF CPS Status Report received June 7, 2022.** The most recent referral was received on May 18, 2021, after the mother contacted Mason's school to report that he would be out

of school for a week while she obtained a protection order against the father for suspected sexual molesting of the children. The mother also reported that the father had engaged in domestic violence and a criminal No Contact Order was entered related to the father's domestic violence. The mother reported that she permitted the father to act as Mason's primary caregiver after the No Contact Order was entered. The referral was screened out as a third party referral to law enforcement.

- **DCYF CPS Investigative Assessment dated July 16, 2021.** The assessment indicated that the father was receiving a founded finding for sexual abuse of Kendall. The basis of the finding included Kendall's statements to the mother about the father touching her vagina with his penis and Mason's disclosure that he witnessed the father touch Kendall's vagina with his hand under her clothing at hotels. The assessment indicated that the father was also receiving a founded finding for sexual abuse of Mason based on Mason's disclosures that the father touched his penis and buttocks under his clothing at a hotel and an apartment. An intake was also received that the mother was giving Mason Adderall, which the mother denied. The department identified moderately high risk "reflecting the current concern, prior history, developmental and behavioral concern with Mason, and Lisa's mental health diagnosis." The case was closed and concluded that the mother was "protective" and would benefit from "community support."
- **Court Records, King County Superior Court Cause Number 21-1-03062-1 SEA.** On June 10, 2021, the father was charged with Child Molestation in the First Degree – Domestic Violence, Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the First Degree, and Possession of Depictions of Minor Engaged in Sexually Explicit Conduct in the Second Degree. On June 24, 2021, a Criminal No Contact Order was entered prohibiting the father from having contact with Mason. Trial is set for July 26, 2022.
- **Docket Information, Kirkland Municipal Court Case Number 45284 KIR CN.** On February 4, 2021, the father was charged with Assault 4th Degree DV and Malicious Mischief-3 DV and a criminal no contact order was entered. The father filed proof of enrollment in domestic violence treatment and a substance use assessment, as well as a declaration of non-surrender of weapons. At a review hearing on February 11, 2021, the court noted that the father had positive Soberlink results in the prior week. On May 10, 2021, the father was arraigned on a new charge of violating the no contact order. The father had positive Soberlink tests in May and June of 2022. The case is awaiting trial.
- **Department of Children, Youth, & Families Prior Involvement.** Records indicated the following CPS history for the family:
 - **May 12, 2021:** A referral was received reporting that Mason disclosed during an interview with CPS that the father had "touched his private parts." The referral was Founded for sexual abuse of Mason by the father.
 - **May 9, 2021:** A referral was received from Children's Hospital reporting that Kendall disclosed to the mother that the father "kisses" her vagina with his penis when he took her to a hotel. The mother reported that she found charges for the Marriot hotel on their joint account as well as a bag with children's clothing and "sex toys." The referral was Founded for sexual abuse of Kendall by the father.
 - **March 29, 2021:** A referral was received from the father's domestic violence assessment provider reporting that the father alleged the mother gave Adderall to

Mason without a prescription and purchased Adderall “on the street.” The referral was Unfounded for negligent treatment or maltreatment of Mason by the mother.

- **September 24, 2013:** A referral was receiving reporting that the mother’s older daughter, Caitlin, disclosed being touched on her vagina by her older brother, Hayden. The referral was Unfounded for negligent treatment or maltreatment of Caitlin and Hayden by the mother.
- **May 6, 2008:** A referral was received reporting that the mother’s older daughter, Caitlin, came to school with “finger-marks” on both sides of her upper arms and was complaining of pain. The referral screened in for investigation, but CPS was unable to complete the investigation without explanation.
- **Mason’s School Records, Mark Twain Elementary School.** Mason’s most recent IEP completed in October of 2021 indicated social/emotional impacts related to his Autism diagnosis. He was noted as engaging in typical behaviors related to externalizing and internalizing problems. However, he was noted as in the “At-Risk” range for behaviors related to anxiety, including appearing “more worried, nervous, tense, and/or fearful than average for his age.” Both his general education and special education teachers noted that Mason “often does strange things, acts strangely, and picks at things like hair, nails, or clothing.” The IEP concluded, “Overall, Mason appears to be doing relatively well at school socially and emotionally with the support of his special education teacher and weekly social skills group instruction. Mason still appears impacted by social challenges, and given his Autism diagnosis and the difficult circumstances in his life at this time, it is recommended the team continue Mason’s eligibility for specially designed instruction so that he can continue to build necessary skills to cope when stressed or frustrated, advocate for his needs, and navigate relationships and conflict with others. As Mason continues to make progress, the IEP team can fade support and reassess his need for specially designed instruction.”
- **Correspondence dated June 9, 2022, from Dr. Annapoorna Murthy, M.D., Overlake Medical Clinics.** Dr. Murthy reported that Mason was up to date on vaccines and well-child checks. The mother accompanied him to all appointments. He has been diagnosed with Autism, ADHD, child sexual abuse, sleep disturbance, and PTSD. Dr. Murthy reported that the child had a history of sexual abuse by the father, “likely for many years.” She reported no concerns regarding the mother’s care of Mason. She had not met the father.
- **Correspondence dated June 7, 2022, from Loan Nguyen, PA-C, PICACS Clinic.** Ms. Nguyen reported that the mother initially presented to the clinic on June 18, 2019, for “psychiatric evaluation, diagnosis, assessment and treatment for her continuation of care.” Ms. Nguyen reported that she has provided medication management care for the mother since that time. She stated that the mother was diagnosed with anxiety disorder and attention-deficit hyperactivity disorder, combined type. Her medications included “Amphetamine-Dextroamphetamine, Bupropion HCL, [and] Hydroxyzine HCL.” Ms. Nguyen reported that the mother “has been stable, med compliance [sic] and is benefited from her care and treatment.” She was last seen at the clinic on March 4, 2022. Her prognosis was “good provided that she has the continuation of medication, psychological and social treatments and supports she needs.”

IV. RE: MOTHER (this section is self-reported)

The mother reported that after she moved in with the father, he “blind-sided” her by getting an apartment in Colorado. He moved to Colorado and resided there for two years, while the mother remained residing in Washington. She visited him on the weeks when her older children were with their father. She reported that she became pregnant with Mason when the father was residing in Colorado. The father moved back to Washington in 2013 and they began residing together again. She recalled, “Everything was great.” She described the father as a “doting dad.” She reported that he “stepped up” and helped with caring for Mason after his birth, including getting up in the night and diaper changes.

The mother reported, however, that in 2015 or 2016, two significant changes occurred. The first was when the father took out a credit card without her permission. And the second was when he “convinced” a doctor that he had ADD and was prescribed Adderall. She recalled that when the father began taking the medication, he lost “a bunch” of weight and “looked terrible . . . like a meth head.” She recalled that for the first two weeks after receiving his prescription, he would stay up until 4 or 5 a.m., but the last two weeks of his prescription, he would become moody and could not stay awake beyond 9 p.m. She stated that she realized he was abusing his prescription. The mother reported that she also discovered an assortment of sex toys and women’s clothing during this time. She stated that she realized he had a “sex addiction.” She reported that she found a bag containing her teenage daughter’s thongs. She also found “butt plugs” in the bag. She thought he was masturbating to her daughter, Caitlin. She recalled that she “felt sorry” for the father and encouraged him to seek therapy. However, she began sleeping in a separate bedroom because she did not feel she could continue in the relationship or “be sexual” with the father when he was a “man identifying as a woman.” The mother recalled that the father ultimately convinced her that it was a “fetish” to wear women’s clothing or a “porn addiction gone wrong.” She recalled that he was fired for bringing “sex toys” to work. She believed that the father’s behavior would “go away when he got his Adderall use under control.”

The mother reported that she was hospitalized after giving birth to Kendall and Kendall was also admitted to the NICU. The father stayed home to care for Mason and the mother “trusted everything was fine.” Instead, the father “ran up” a \$3,000 credit card bill and purchased “sex toys” and was “doing stuff.” The mother recalled that the father was not involved in caring for Kendall when she was released from the hospital. She recalled, “He had no interest in her.” She recalled that Kendall would “scream” when she was left with the father, didn’t want him to pick her up, and “feared” him. The mother reported that “just before” the father was arrested in May of 2021, his behavior toward Kendall began to change. She recalled that he began “taking Kendall out every day” and “wanted to be with her all the time.” She thought that the father was being a “doting dad.” The mother reported that she began noticing the father having “orgasmic reactions” when she touched him. She recalled that twice Kendall “smacked” the father on the “bum” and he had an “orgasmic reaction.” She stated, “He was very high on something; he was tweaking all over the place.” She told her older daughter, Caitlin, to watch over Kendall when the mother was not home. The mother reported that law enforcement began investigating after Kendall reported that her vagina was itching and told the mother that, “Daddy kissed it better.” Kendall told the mother that it occurred at a hotel. The mother reviewed bank statements and discovered that the father made a payment to Marriot on a day when he was supposed to be taking the child to the park.

The mother reported that domestic violence occurred throughout her relationship with the father. She recalled that the first incident occurred in 2015 or 2016 when her sister was visiting from England. She had just gotten out of the shower and wrapped a towel around her hair. They began arguing about the father getting a job and the \$10,000 credit card bill he “racked up.” The father “ripped” the towel off her head, ripping some of her hair out. She reported that a month later, the father kicked her in the back. She reported that he also kicked the walls and hit Mason during other “violent outbursts.” She reported another incident occurred when she was trying to leave the house and had her car keys in her hand. She reported that the father “tackled” the mother from behind, “choked” her neck, and pulled her back into the house. She recalled she was able to “wiggle out pretty quick.” She could not recall if her breathing was impacted or if her neck was injured. The mother reported that the next incident occurred when the mother told the father she was “going to leave.” She was standing at the bottom of the stairs and putting on her boots. She was trying to get the children dressed. The father told her, “You’re not going. You’re not taking the kids.” He kicked her in the knee and her “whole leg was black for a week after.” She described her leg as “severely bruised” and she could “barely walk.” The mother reported that the worst argument in their relationship occurred in February of 2021. She recalled that the father was looking for his Adderall. She stated, “I used to manage it.” She refused to give it to him. He went into her bedroom, put her dresser up against the door, and began “destroying” her bedroom looking for the medication. The mother pushed the door open and screamed for her daughter, Caitlin, who saw the father grab the mother’s wrists and tried to push the mother down the stairs. The mother ran downstairs into the children’s play room and told the father she was calling 911. The father grabbed her phone and threw it, “smashing” it. Law enforcement arrived and arrested the father.

The mother reported that the parents reconciled after the February of 2021 incident. After the father was released from jail, he came to the house. The mother arranged for him to stay elsewhere, and he was “gone for six weeks.” She recalled, “He watched the kids for an hour or so for [my] birthday. His dad decided to gift us \$15,000 to help with a deposit. We thought, we have a history, let’s give it a go, come off the substances, come off the alcohol. He did. For that month, it was an amazing month.” She reported that when he began taking Adderall again, he “completely disappeared” and began using “street drugs.” The mother reported that, at times during their relationship, she slept with “things up against” her bedroom door because she was afraid the father would “stab” her in her sleep. She recalled that he broke an electric mop, held it up as though he was going to hit the mother with it, then “smashed” it on the table. She recalled that he also broke a piece of wood one day and “chased” her with a metal pole in their back garden. She recalled that her neighbor heard her screaming and encouraged her to call law enforcement. The mother reported that the father threatened suicide twice during the relationship. Once was in 2010, just before he moved to Colorado when he told the mother he “took pills” and was lying on the bathroom floor after an argument. The second time occurred just before the father was arrested for a second time in May of 2021, when the father showed the mother pictures of a bridge and told her he was going to jump off.

The mother reported additional concerns regarding the father’s use of substances. She recalled that he drank a minimum of a six-pack of beer daily and also hid “a lot” of alcohol. She recalled that he would go to the bus stop to get Mason after school and she could smell the alcohol on his breath. She recalled that his use was consistent and when he did not drink, he would “shake really

bad.” He would also do activities with Mason, such as bowling, and come home drunk, causing the parents to argue. She described the father as “overly happy [and] overly involved with the kids” when he drank. She reported that he also had “angry outbursts.” She reported that no one expressed concerns about the father’s use of alcohol and misuse of his Adderall, but she opined that no one else was aware of it. She recalled that, after she filed for the DVPO, the father agreed to stop using Adderall and drinking and they “had a good month.” The mother reported, “[A]s soon as his prescription was ready, he went and got it and he went downhill again after taking seven in one day again.” She reported that the father was arrested in Boulder, Colorado for a DUI in 2011 or 2012. She noted that the father’s use impacted his parenting because he was unable to focus on the children appropriately. He also drove under the influence with the children in the car.

Regarding mental health, the mother reported that the father was diagnosed with ADD, but she was not sure if he had any other mental health diagnoses. She believed he may have seen a psychiatrist when he was younger. She noted that the father identified as a “transvestite woman.” She felt that it impacted his parenting, stating, “It becomes an obsession. That would take over his life to the point where he couldn’t work. He wants to be in his own room with his door locked using sex toys on himself having sex with men, off of gay men web chat rooms. I don’t know what kind of men he’s bringing around the kids.”

Regarding her own use of substances, the mother reported that she drinks “occasionally.” She described her recent alcohol use as two to three drinks, with her last use two to three glasses of wine a couple of weeks prior for her birthday, and her last use prior to that as “a couple” of drinks on New Year’s Eve. She reported that she typically drinks once every couple of months. She reported that her peak use was before the father left, when she was drinking “a couple” of glasses of wine “a few” times per week. She reported that no one has expressed concerns about her use. She has had no prior substance use disorder treatment. Regarding mental health, the mother reported diagnoses of ADD and Bulimia. She reported that her Bulimia has not been “active” for three or four years. She takes Adderall to address both diagnoses, which she began five years ago, though she took a break during her pregnancies and after Kendall was born. She did not feel either diagnosis had impacted her parenting.

V. RE: FATHER (this section is self-reported)

The father failed to return the required parent questionnaire and client financial responsibility statement. He also declined to be interviewed by FCS.

VI. RE: MINOR CHILD

An observation of the mother with the children was conducted on April 8, 2022, via Zoom. The observation began with the mother and the children at the dining table mixing together ingredients for a funfetti cake. The mother guided Kendall through adding ingredients to her cake mix while Mason worked on stirring his mix. The mother advised Kendall on how to add ingredients. She told her to add four eggs to the batter and Kendall dropped the eggs in the batter whole. The mother laughed and showed Kendall how to crack the eggs on the edge of the bowl while Mason watched. Mason requested the mother’s help with mixing his batter and she assisted him. Both children whined when the mother gave her attention to the other child and the mother offered encouragement to both children. The mother reminded the children to wash their hands after mixing the batter and praised both children, stating, “Good girl!” and “Good boy!” At one point

Kendall picked up a pair of scissors and the mother held out her hand and the child gave them to her promptly. Once the baking mixes were put in the oven, all moved to the living area to engage in activities. Mason refused to participate and asks the mother to find the charger for his electronic device. He whines when the charge cannot be immediately found. The mother encouraged Mason to join them in an activity on the floor in the living room, but he refused. The mother and Kendall began setting up building blocks together on the living room floor. All discussed the weather. Mason requested apple juice and the mother promptly brought him some. Throughout the observation the mother offered guidance and encouragement to the children as they engaged in activities. Both children appeared comfortable with the mother and sought out her help when needed.

VII. COLLATERAL CONTACTS

Lauren Hayes, Mason's Special Education Case Manager, Mark Twain Elementary School.

Ms. Hayes reported that she has managed Mason's IEP and provided special education services to him since Kindergarten. She noted that he is repeating 2nd grade this year, which she felt was the right choice. She reported that he qualifies for an IEP in social emotional areas. She recalled that the mother provided documented diagnoses of ADHD and autism spectrum disorder. She reported that he receives general education instruction the majority of the time except for twice per week when he attends a social group. Ms. Hayes reported that, overall, Mason is "doing okay considering the circumstances" and appears "pretty well-adjusted." She reported that the father was arrested related to sexual abuse or child pornography and the mother informed the school. Ms. Hayes noted that Mason "does really well with adults." With other students, he is "doing pretty good" and has made friends. She reported that Mason began chewing on his clothing last year "to the point the whole thing was soaking." She reported that he has gum or "chewies" he uses in lieu of chewing on his clothing. She reported that he also engages in some repetitive behaviors, such as stomping, clapping, and repeating songs. He also has "a lot of fears of alarms and stuff going off." Ms. Hayes reported that the child made comments to some of his friends at recess that made the other children feel uncomfortable, including "something around his dad touched him and dressing up like a girl." She reported that the school counselor met with him to discuss his comments and has been keeping "an extra eye" on him. Mason has also made comments about the mother calling him names and "pushing [him] into the couch," but Ms. Hayes has not observed any concerning marks or injuries. Ms. Hayes stated that she has interacted with both parents historically. In Kindergarten, the mother was more communicative and engaged. In 1st grade, the father "stepped in" more. Last year, the father also began taking Mason to school and communicating more with the school. Both parents attended the child's Kindergarten and 1st grade IEP meetings either in person or by phone. When "everything was going on" last year, the mother was communicating with the school "a lot." This year, however, the mother has been a "little less responsive" and did not attend Mason's IEP meeting. Ms. Hayes reported that currently the school has no contact with the father due to an active no contact order.

Cindy Neils, Mason's 2nd Grade Teacher, Mark Twain Elementary School. Ms. Neils reported that Mason is "doing great." She reported that he is repeating second grade. Last year, he was "not focused, not engaged, [and] tired." She stated, "This year he's more engaged and doing better academically and socially." She reported that he is "right at grade level across the board." She noted that he has "a few" friends from 3rd grade that moved up that he plays with, as well as some friends he made in class this year. Ms. Neils reported that he "has a habit of chewing on his sleeves

or a chew toy” and opined that “some kiddos are noticing that, and I’m thinking that’s going to be more of a problem as he gets older.” She described his attendance as consistent with other students due to COVID, but noted that he had 13 tardies, which was “kind of high.” She reported that Mason comes to school prepared and appropriately groomed, though sometimes he will complain of being tired. She described him as having a “good attitude.” She reported “not very much” interaction with the mother. They have exchanged some emails and met for a conference. She had no concerns based on her interactions. She has had no interactions with the father.

Trish Russell and Molly Gras-Usry, Children’s Crisis Outreach Response System (“CCORS”) Team, YMCA. Ms. Russell and Ms. Gras-Usry reported that the CCORS team began working with the mother and children last year. The CCORS team initially became involved with the family after CPS referred the mother to the team. CPS became involved after a report was made that the father was sexually abusing the children. In addition, the mother had separated from the father and the father had left the family home. Ms. Gras-Usry explained that the CCORS team works with the families in crisis to “stabilize them and get them connected to longer term providers.” The team offers behavioral and mental health support by connecting the family with sources, such as therapists, community mental health support, offering school and housing advocacy, and supporting the family through the CPS process. Ms. Russell worked with them as their case manager and helped connect the family with resources and housing. Ms. Gras-Usry acted as the family’s parent partner and provided support to the mother and the children. Ms. Russell and Ms. Gras-Usry noted that Mason has developmental challenges, including an autism diagnosis and sensory processing issues, that make transitions more difficult for him. They recalled that, during interactions with the mother, she was “very stressed out” and “in shock” and “blind-sided” by the abuse. They assisted the mother with organization and making contact with resources, including HopeLink for housing and the Harborview Abuse and Trauma Center for trauma-informed therapy. Ms. Russell and Ms. Gras-Usry had no concerns regarding the mother and noted that she appeared to “really care” about the children and was “distracted” about what happened. The family was ultimately transferred to the developmental disabilities (“DD”) team at the YMCA to assist with longer term care and management of Mason’s developmental challenges. Through the DD team, both children received referrals to Harborview Abuse and Trauma Center for assessment and “long term supports.” Neither Ms. Russell or Ms. Gras-Usry had any contact with the father.

Emma Jennings, Mason’s Former Therapist, YMCA. FCS attempted to speak with Ms. Jennings, however she had left the YMCA as of the writing of this report.

VIII. ANALYSIS OF INFORMATION

The purpose of this report is to recommend a residential schedule that will support the minor children in their physical, emotional, and social development, and in addition, to assure that they will maintain a safe and healthy relationship with each parent. This is a case which was referred to FCS upon the filing of the Confirmation of Issues. The father declined to participate in the FCS evaluation. As a result, FCS is lacking information that it otherwise would have obtained through the father’s participation. FCS is unable, therefore, to make specific recommendations regarding a Final Parenting Plan. FCS does, however, provide an analysis of the information obtained through the mother’s participation and third-party sources.

With respect to the allegations of sexual abuse of the children, the father has Founded findings

from CPS for sexual abuse of both children. Mason made disclosures of sexual abuse to forensic interviewer Shana Macleod and to CPS worker Tyler Fultz. Probable cause was found to arrest and charge the father with sexual abuse of Mason and possession of child pornography, for which he is awaiting trial. Given the above information, it appears more likely than not that the father engaged in sexual abuse of the children and possessed child pornography and it appears that an RCW 26.09.191 restriction for sexual abuse of a child should apply to the father in the final parenting plan.

Regarding allegations of domestic violence, for the purpose of this report, domestic violence is defined as a pattern of assaultive and coercive behaviors, including physical, sexual and psychological attacks as well as reproductive and economic coercion, that adults or adolescents use against their intimate partners. The statutory definition of domestic violence defines domestic violence as, “Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking . . . of one intimate partner by another intimate partner.” The mother alleges that the father ripped a towel off her head, “choked” her from behind, kicked her, destroyed property, kicked walls, and “smashed” her phone. The father was criminally charged for Assault 4-DV and Malicious Mischief-3 DV in early February of 2021 and is awaiting trial. He subsequently was charged with violating the criminal no contact order entered in the assault case, after he was arrested in the mother’s home. While the mother admitted that the parents reconciled after the father’s February 2021 arrest, the father was responsible for abiding by the terms of the no contact order and it is not uncommon for victims to reconcile with perpetrators of domestic violence. The mother filed a petition for a DVPO in May of 2021 and a full order was granted in November of 2021. Without the father’s involvement, FCS lacks his response to the mother’s allegations. However, given the father’s criminal charges and the full DVPO entered by the Court, it appears more likely than not that the father assaulted the mother on more than one occasion. In addition, the mother alleges that the father engaged in physical assaults against Mason. FCS was unable to corroborate these allegations, however the father’s criminal charges for sexual abuse of Mason also contain a domestic violence definition. The above information suggests that an RCW 26.09.191 restriction for a history of acts of domestic violence should apply to the father in the final parenting plan. Docket information for the father’s Assault 4 and Malicious Mischief case indicates that the father provided proof of enrollment in domestic violence treatment. Because the father elected not to participate in the evaluation, FCS was unable to obtain information from any treatment provider he may have been enrolled with. The father should complete a domestic violence assessment with a state-certified treatment provider and enroll in and complete any recommended treatment. He should provide a copy of this report (sealed version, 12 pages) to the provider at intake.

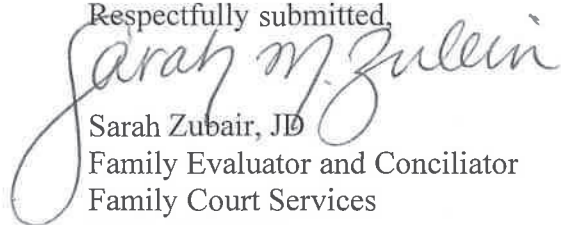
Regarding allegations of substance abuse by the father, the mother alleges that the father engaged in a pattern of alcohol and Adderall abuse throughout their relationship beginning 2015 or 2016. The father was ordered to engage in Soberlink testing during the pendency of his Assault 4 and Malicious Mischief matter. The father repeatedly had several late tests each month and recently had positive results. This suggests that the father is having difficulty abstaining from alcohol use as court-ordered. One diagnostic criteria for substance use disorder is unsuccessful attempts to moderate or discontinue use and another diagnostic criteria is continued use despite negative consequences. Because the father declined to participate in this evaluation, FCS is unable to verify his enrollment in or completion of a chemical dependency assessment. While the mother’s

allegations are concerning, FCS is unable to confirm the father's pattern of use and whether it impacted the children and FCS is unable to determine whether a limitation for a long-term impairment related to use of substance should apply to the final parenting plan. The father should, however, engage in a substance use disorder assessment with a state-certified agency, including review of this report (sealed version, 12 pages), and at least four random, observed UAs, and follow any treatment recommendations.

Regarding a residential schedule and decision-making, given that FCS suggests mandatory restrictions for sexual abuse and domestic violence, the father's residential time should be restricted. Similarly, the father should have no participation in decision-making and the mother should have sole decision-making authority. As to the father's specific residential time, the allegations against the father are deeply disturbing. According to the law enforcement investigation, thousands of files and videos depicting sexual exploitation of minors were found in the father's possession. In addition, Mason disclosed multiple incidents when the father took him to a hotel and sexually abused him. While it does not appear that either child was depicted in the child pornography found in the father's possession, FCS is extremely concerned about the possibility that the father, in the future, might have graduated to involving the children in the production of child pornography and may have, in future, included other adults in the sexual abuse of the children. Given the seriousness of the allegations and the father's refusal to participate in the evaluation, FCS is unable to opine as to when or whether it would be safe for these children to have contact with the father.

Regarding other issues related to the family, the children were referred to the Harborview Abuse and Trauma Center for trauma therapy, however it does not appear that these services have commenced. The mother should engage with Harborview and ensure that the children engage in an intake at the earliest available opportunity. In addition, FCS has concerns about the mother's disclosures that she found her daughter, Caitlin's underwear in the father's possession as early as 2014 or 2015, as well as at least one image of child pornography. It is troubling that the mother found evidence that the father may have engaged in sexually inappropriate behavior related to Caitlin and failed to take action. It is also troubling that she did not report to law enforcement the child pornography she discovered on the father's phone. It is not uncommon for a parent to be in denial about sexual abuse occurring in the home, particularly when that parent is also a victim of domestic violence. However, this minimization presents a risk to the children. It is important that the mother acknowledge the warning signs she ignored or minimized so that she is able to act in a protective manner. Support groups for nonoffending parents as well as trauma-informed counseling can assist the mother in processing her own trauma while learning tools to ensure she acts in a protective manner in future. The family has been involved with the King County Sexual Assault Resource Center ("KCSARC") legal advocacy services. KCSARC offers an educational course, Sexual Abuse-Focused Education ("SAFE") for non-offending parents to assist them in understanding the impacts of the sexual abuse and how to support their children. The mother would benefit from engaging in this service and should contact KCSARC to determine how to enroll.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah M. Zubair". The signature is written in dark ink and is positioned over the printed name and title.

Sarah Zubair, JD

Family Evaluator and Conciliator

Family Court Services

(206) 263-0165

Date: 6/27/2022

EXHIBIT F

FILED
2021 JUN 23
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 21-1-03062-1 SEA

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

State of Washington
Plaintiff
vs.

Tyler Desmond
Defendant

NO. 21-1-03062-1 SEA

Desmond Bond

is attached.



LACEY O'MALLEY Bail Bond Agency
411 Jefferson St. Suite #101 Seattle, WA 98104
(206) 622-2668

SURETY BOND NO.
ASIM-1992
 With Exhibit "A" Attached

The State of Washington
 County of KING

No. 21-1-03062-1 SEA
 Recognizance

Known All Men By These Presents:

That we, TYLER DESMOND as Principal and Allegheny Casualty Insurance Company, a Pennsylvania Corporation, as Surety, are held and firmly bound unto the KING COUNTY SUPERIOR Court in the penal sum of THREE HUNDRED THOUSAND Dollars (\$ 300,000.00), for the payment of which well and truly to be made we bind ourselves, and our heirs and each of our heirs, executors and administrators firmly by these presents.

Signed this 11TH day of JUNE, 2021.
 Now, the conditions of the above obligation are such, that if the above bounder TYLER DESMOND shall be and appear before the KING COUNTY SUPERIOR Court, for the County of KING State of Washington, on the _____ day of CALL, _____, at _____ m., to answer to the charge of CHILD MOLEST / DV and from day to day thereafter as ordered, and not depart the jurisdiction without permission of said Court, then this obligation is void; otherwise to remain in full force and effect. Pursuant to RCW 70.48.100 (2)(d), Jail register open to the public-Records confidential- Exception by signing this, I, as the defendant, hereby agree to release personal information and booking photos to LACEY O'MALLEY Bail Bond Agency.

LACEY O'MALLEY Bail Bond Agency
 Allegheny Casualty Insurance Company

APPROVED AS TO FORM BY Tyler Desmond
 KC PROS. ATTORNEY

DATE _____

Defendant

Address

Gayle Behrend, Attorney-in-fact

15008 NE 167TH S
Woodinville WA 98072

NOTE: THIS BOND IS VOID IF WRITTEN FOR AN AMOUNT GREATER THAN THE POWER OF ATTORNEY ATTACHED HERETO, IF MORE THAN ONE SUCH POWER IS ATTACHED OR IF WRITTEN AFTER THE EXPIRATION DATE SPECIFIED ON THE ATTACHED POWER OF ATTORNEY, MARKED EXHIBIT "A".

NOTE: THIS IS AN APPEARANCE BOND AND CANNOT BE CONSTRUED AS A GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS, BACK ALIMONY PAYMENTS, FINES OR WAGE LAW CLAIMS, NOR CAN IT BE USED AS A BOND ON APPEAL.



LACEY O'MALLEY Bail Bond Agency
411 Jefferson St. Suite #101 Seattle, WA 98104
(206) 622-2668

Allegheny Casualty Insurance Company
A Pennsylvania Corporation

EXHIBIT "A"

Exhibit A

Surety Bond No. ASIM-1992

VERIFY FIRST - THIS DOCUMENT IS PRINTED IN RED & BLACK INKS.

Only the original Power of Attorney
will bind this Surety.

POWER OF ATTORNEY
ALLEGHENY CASUALTY COMPANY
P.O. BOX 9810, CALABASAS, CA. 91372-9810
(800) 935-2245 INFO@AIASURETY.COM

POWER
NUMBER **ASIM-1992**

THIS POWER VOID IF NOT USED BY: December 31, 2021

POWER AMOUNT \$ 1,000,000

KNOW ALL MEN BY THESE PRESENTS, that ALLEGHENY CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of New Jersey, has constituted and appointed, and does hereby constitute and appoint, its true and lawful Attorney-in-Fact, with full power and authority to sign the company's name and affix its corporate seal to, and deliver on its behalf as surety, any and all obligations as herein provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the company as fully and to all intents and purposes as if done by the regularly elected officers of said company at its home office in their own proper person; and the said company hereby ratifies and confirms all and whatsoever its said Attorney-in-Fact may lawfully do and perform in the premises by virtue of these presents.

**THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED, THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF
ONE MILLION*******

AND MAY BE EXECUTED FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS ONLY.

Authority of such Attorney-in-Fact is limited to the execution of appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearances. A separate Power of Attorney must be attached to each bond executed. Powers of Attorney must not be returned to Attorney-in-Fact, but should remain a permanent part of the court records.

Bond Amt \$ 300,000.00 Date Executed 06/11/2021

Defendant TYLER DESMOND DOB 08/05/1984

Case # 21-1-03062-1 SEA Appearance Date _____

Offense CHILD MOLEST 1 DV

Court County KING Total Premium Charged _____

Court City SEATTLE Court State WA Div./Dept. SUPERIOR

If rewrite, give orig. power # _____ ☐ Increase ☐ Decrease

Executing Agent [Signature] License Number 1930

Form# ACC.0100 (01/19) **NOT VALID FOR IMMIGRATION**

ORIGINAL

NOTICE: Stacking of Powers is strictly prohibited. No more than one power from this Surety may be used to post any one bail amount.

IN WITNESS WHEREOF, said ALLEGHENY CASUALTY COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, corporate seal, signed by its Vice Presidents, this 5th day of November, 2018.

[Signature]
Robert Kersnick, Vice President

[Signature]
James D. Portman, Vice President



1203391570

EXHIBIT G

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington.

November 2, 2022
By Ravi Subramanian, Clerk
Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

TYLER JOHN DESMOND,
Defendant.

NO. **CR22-188 TL**

INDICTMENT

The Grand Jury charges that:

COUNT 1

(Possession of Child Pornography)

Beginning on a date unknown and continuing until on or about June 9, 2021, in King County, within the Western District of Washington, and elsewhere, TYLER JOHN DESMOND knowingly possessed, accessed with intent to view, and attempted to do so, matter that contained any visual depiction—the production of which involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct—that was mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and

1 that was produced using materials that had been so mailed and shipped and transported
2 by any means, including by computer, and any visual depiction involved in the offense
3 involved a prepubescent minor and a minor who had not attained 12 years of age.

4 All in violation of Title 18, United State Code, Sections 2252(a)(4)(B) and
5 2252(b)(2).

6
7 **FORFEITURE ALLEGATION**

8 The allegations contained in Count 1 hereby re-alleged and incorporated by
9 reference for the purpose of alleging forfeiture. Upon conviction of either of the offenses
10 charged in Count 1, TYLER JOHN DESMOND shall forfeit to the United States,
11 pursuant to Title 18, United States Code, Section 2253(a), any property he used to
12 commit or to facilitate commission of the offense, any proceeds of the offense, and any
13 data files consisting of or containing visual depictions within the meaning of Title 18,
14 United States Code, Section 2253(a)(1).

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1 **Substitute Assets.** If any of the above-described forfeitable property, as a result of
2 any act or omission of the defendant,

- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to, or deposited with, a third party;
5 c. has been placed beyond the jurisdiction of the Court;
6 d. has been substantially diminished in value; or,
7 e. has been commingled with other property which cannot be divided
8 without difficulty,

9 it is the intent of the United States to seek the forfeiture of any other property of the
10 defendant, up to the value of the above-described forfeitable property, pursuant to
11 Title 21, United States Code, Section 853(p).

12
13 A TRUE BILL:

14 DATED: 11/2/22

15 *Signature of Foreperson redacted pursuant*
16 *to the policy of the Judicial Conference of*
17 *the United States.*

18 _____
19 FOREPERSON

18 
19 _____
20 NICHOLAS W. BROWN
21 United States Attorney

21 
22 _____
23 GRADY J. LEUPOLD
24 Assistant United States Attorney

24 
25 _____
26 LAURA HARMON
27 Special Assistant United States Attorney

EXHIBIT H

UNIVERSITY OF WASHINGTON SCHOOL OF MEDICINE



Department of Medicine

Division of Dermatology

BB1353 Health Sciences Center
1959 N.E. Pacific Street
Box 356524
Seattle, WA 98195-6524
Phone: 206-543-5290
Fax: 206-543-2489

April 10, 2003

To Whom It May Concern:

This letter is to certify that I, Maryam Asgari MD, served as the master of ceremonies at the "Resident Roast" during the annual Dermatology gathering in May of 2002. While serving as the MC, I did not state that Dr. Micheal Piepkorn publicly exposed himself. On behalf of the residents, I gave him the award entitled, "Most Fun at the American Academy of Dermatology Meeting" and as a joke, presented him with a video. This was strictly meant in jest. I am truly sorry for any misunderstanding that this joke, which was meant as a lighthearted roast, may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Maryam M. Asgari".

Maryam M. Asgari, MD
Clinical Instructor
Dermatology Division
University of Washington Medical Center