

79lies Campaign & National Petition Presents

PROSECUTOR BRIAN DAVIDSON'S HISTORIC MISCONDUCT @THEMBA KELLEY'S TRIAL

"A corrupt district attorney, who would resort to [lying] for the purpose of fastening a crime upon an innocent man should and would be hurled from power by an aroused public conscience."

The Supreme Court of Oregon in Watts v. Gerking, 111 Or. 64 (1924)

Case #19CR53657, **STATE V. THEMBA HASAAN KELLEY**, began as an **11 COUNT INDICTMENT** alleging sexual assault at "gun point." **SIX COUNTS WERE DISMISSED** before trial, **TWO COUNTS WERE WON AT TRIAL** and **THREE COUNTS** remain (for appeal) because of the historic misconduct of Portland, Oregon prosecutor, **BRIAN SCOTT DAVIDSON** as follows:

August 14, 2019, WP, (a white female) alleged that Themba Kelley, (a black male) forced her to have sex at "gun-point." She further alleged that directly after the assault, that he forced her into a car and they drove up the street and met a Latina they both didn't know. According to Detective Anthony Cobb, it was as "[the Latina] got into the vehicle" and agreed to a "threesome," that WP began covertly texting someone to call the police.

Now back at the motel 2-3 minutes later, the video evidence display's Themba and the Latina leaving WP behind at the car as they walk to the motel room. WP then gets into her car, drives away and returns to the motel a couple of minutes later. It was then that the police surrounded the room with guns and she further alleged he was still inside the room holding the Latina hostage with "the gun."

However, when the Latina exited the room with guns in her face, she explicitly told the police she wasn't held hostage, she wasn't sexually violated and she **"didn't see any weapons that night at all."** Moreover, even though the proof that WP was lying was confirmed by the Latina (the last person in the room with Themba) and also by the police who concluded: **"THERE WAS NO GUN AND NEITHER WAS THERE ANY EVIDENCE A GUN EVER EXISTED;"** to secure the indictment, Prosecutor **NICOLE M. HERMANN**, nonetheless, fed the grand jury the gun-lie - 49 malicious times. With that said: **"Innocent Black men are almost 8 times more likely than White men to be falsely convicted of rape [and] most...had been convicted of raping White women."** *National Registry of Exonerations (2022)*

According to the state, Themba Kelley is holding WP at "gun-point," though he's 30 ft. away, doesn't have a gun and he's not even looking at her



DAVIDSON'S HISTORIC MISCONDUCT

April 4, 2023: In a last minute, desperate attempt to give credibility to WP's allegation, the Latina was brought into the DA's office two weeks before trial and asked **"if she saw any weapons in the room."** It was then in the intimidating presence of state representative's Robbie Thompson, Athena Herrera, Anthony Dundan and Brian Davidson, that her original statement "peculiarly" changed from not "seeing any weapons that night at all" to he was "flashing a gun right before the cops knocked."

- **Fact:** Brian Davidson had to know the Latina's changed testimony was false. Why? Because again, directly after she exited the room and Themba exited shortly after and was arrested; the police guarded the room, attained a search warrant, searched the room and concluded - *that there was no gun*. Still, the prosecutor knowingly deceived the jury as follows: **"[WP] says there's a gun. Well, I guess you could be like, "Yeah, that's just [WP] saying there's a gun." The problem...for Mr. Kelley is that [the Latina]] also says there's a gun. What reason does she have to make it up. She doesn't... And that's a real problem for Mr. Kelley."**
- **Fact:** It was actually Davidson who had the "real problem." Why? Because the police testimony that no gun was in the room, proved the Latina had testified falsely at trial, the same way the police investigation proved WP had lied about a gun on the day of the arrest. Thus, in a desperate attempt to fix the state's huge problem, Davidson deceived the jury *again* as follows: **"And what happened to the gun? I think [the Latina] walked it out the room...She was living on the streets...That's where these guns are circulated...[She] wasn't a suspect. If anything considered a hostage. They weren't going to frisk her...it's very likely she walked out with a gun."**
- **Fact:** Mr. Davidson, could not have really believed a person "living on the streets" who exited a motel room with police rifles in her face and "supposedly" hiding a gun on her person was going to (willingly) hang out at a crime scene for the next hour and then (willingly) get inside a police car to do a second interview, when she "wasn't [even] a suspect." Keeping in mind, she knew the police were looking for a gun this entire time. But according to Davidson, she took this outrageously stupid risk for a dude she didn't even know; or better yet just because "guns are circulated on the streets." How utterly absurd and also "far from ideal," according to (retired) Judge Thomas Ryan, who disturbingly, turned a blind eye to it all.

With that said: Shortly after trial and under penalty of perjury, the Latina swore that she didn't see a gun after all. Tr. 2830-36. When asked if she told the above to the state, she said **"No because...[I] was just in shock...in that room...."** Tr. 2834. Mr. Davidson also lied about the following:

"[WP] wasn't able to provide for him over hours and hours of sexual assault. That's why he wanted another bitch and he got one, in his mind [the Latina]...another target, another object...to satisfy his object, his sexual objective [of rape]."

According to defense mogul, Ryan Scott's pleading to the court of appeals: **"It's impossible to overstate how egregious the prosecutors argument was...."**

Why? Because the Latina clearly told Davidson, (only two weeks before trial,) that **"the sexual contact that occurred between she and Mr. Kelley was consensual. She did not feel he forced himself on her and felt she could leave anytime she wanted."** A week later at grand jury, she even testified, that she was turned on "a little." She further testified, that the sex was limited to an interest in her feet, and when she asked him to stop he stopped and "we went to look at Facebook." A week later (at a 104 Hearing) out the presence of the jury at trial, she again told Davidson, that Themba wasn't "aggressive at all." But it's even more iniquitous. Why? Because before the prosecutor made his foul comments, he was ordered not to as follows: **"this is inadmissible...it's prejudicial impact...has a great risk of distracting the jury from the central task of the case. So this evidence about the sexual interactions between the defendant and [the Latina] is not admissible."**

Relevantly, Ryan Scott's pleading to Court of Appeals continued: "...The prosecutor was not only asserting something for which there were no facts in evidence, and that was shown to be untrue by the facts excluded from evidence, but he was doing so for the most inappropriate of reasons, to show [that Themba Kelley] purported propensity to rape...The prosecutor's arguments were plainly erroneous and harmful...."

Conclusion

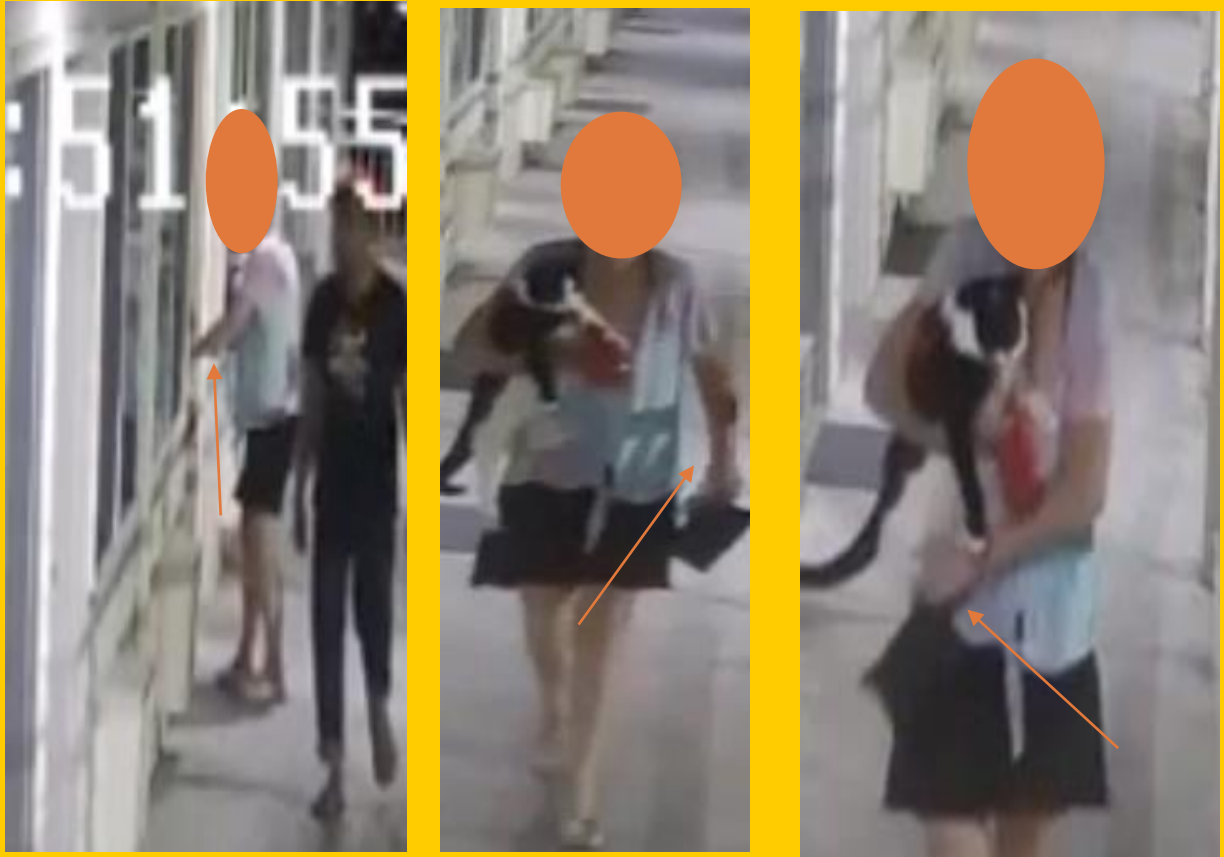
The Court ordered Brian Davidson not to even talk about an "interest in feet," and he responded by nefariously telling the jury the Latina was Themba Kelley's "next" sexual target, rape-victim and bitch! The prosecutor also exploited the Latina, by outrageously claiming she smuggled (a non-existent) gun out the room. Why? To cover up the lies of a White woman, wrongfully convict a Blackman and to our gratitude, provide the uncontroverted proof, that **BRIAN SCOTT DAVIDSON** must be held accountable.

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Her motive: September, 2021: WP told the police she didn't hang out with "colored people...Black people...these people." When confronted, state P.I Robbie Thompson reported: **"She said her father's words were a "hard no" regarding contact with Black males [and that] Black men were "bad news."** So why was she with Themba Kelley? Simple: **"I'm letting him follow me because he has money. And I want to get some. LOL."** WP sent the above text, (to her homeless girlfriend,) about two hours after meeting Themba. In other words, though she was raised to disdain Black men, Themba Kelley had "money" and WP wanted "to get some." And how did she "get some?" She invited him to her homeless camp across town, checked into a nearby motel (around 12:45 midnight which was also near her drug dealers) and finally upon exiting the motel room two hours later, she falsely accused him of rape to prevent from going to jail. Is there any proof? Yes! WP's court paperwork was found in the front seat of Themba Kelley's car, proving she was due in Court (and facing a 2 year sentence) on the same morning she called the police. **See Court Paperwork on car seat @ [BUSTEDINJUSTICE.US](https://www.bustedinjustice.us).** The text message evidence also confirms, that directly before she met Themba Kelley, she was "freaking out" about going to jail. But not just that! According to her statement to the police, she was warned by the judge the previous day, not to miss another court date. In fact, she concluded her interview with the police, by tellingly saying: **:"Oh I forgot...I needed some kind of written verification that I was really at the hospital and stuff...I was supposed to be...at my...court thing at 8:30 this morning."** Could all this be coincidence? Hell no! She didn't want to go to jail. She wanted to keep shooting up heroin. Thus, she conjured up, the perfect black male stereotype. **"He has a gun."** **"I was afraid because he had a gun."** **"He tricked me to come to the motel and then held me there with a gun."** **"Because he had a gun I let him rape me."** All negative profiles, approved by her racist father who taught his "little girl," that Black men were "bad news" anyway. **WP is currently serving a 100 month sentence in Coffee Creek prison all for offenses involving deception, fraud and lying.** See full criminal history @ [BUSTEDINJUSTICE.US](https://www.bustedinjustice.us)

There's more! Shortly after WP alleged, she was forced into a car at "gun-point," she also reported, that "**he just broke my arm.**" However, upon arrival to the ER, an x-ray revealed "significant callous" and an old break. When confronted, she admitted "**that the arm had been broken in a car crash that happened earlier that year.**" But even more. She was caught on film using the "broken arm" normally, directly before and after she made the allegation, and this was all known on the same day of the arrest.



Caught on film using the "broken arm" to close the heavy steel door, carry the black purse bag and also tightly grip the cat's paw, while supporting the huge cat, directly before covertly telling the police, "*He just broke my arm.*"