

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,

Plaintiff,

vs.

THEMBA HASAAN KELLEY,

Defendant.

Case No.: 19CR53657

BRIEF ON THE MERITS No. 5
IN SUPPORT OF DEFENDANT’S MOTION
TO DISMISS FOR PROSECUTORIAL
MISCONDUCT

The “Damsel In Distress” Narrative That
SDDA Presented At Grand Jury Is Absurd

At grand jury, the SDDA gave the false and racially biased impression *State v. Farokhrany*, 259 Or App 132, 137 (2013); that the defendant was a manipulative, cunning, deceitful, womanizing Black-male, that somehow tricked a well-known and well-seasoned career criminal con-artist, to come to a secret location where she could not be found. This secret-location, (according to the police report the SDDA swore she reviewed days before she called grand jury) “just happened” to be up the street from her homeless camp and preferred drug-dealers. Police Report Pg. 12; Affidavit Of Probable Cause To Support The Continued Detention. The Black-male deceives the “damsel in distress” White female narrative the SDDA knowingly presented to a more than likely all-white panel of grand jurors; was then and is now - absurd.

Besides the police reports and video footage; for the last 3 years, the SDDA has been in possession of the following text message evidence that unequivocally proved and proves, that Wendy Parris was the one doing the luring; not the other way around. Wendy Parris sent this extremely telling text message to one of her drug buddy girlfriends at around 9:30 pm. This

1 would have been only a couple hours before she and the defendant checked into the motel: “...
2 some guy picked me up and is kinda stalking me. LOL. I’m letting him follow me because
3 he has money. And I want to get some. LOL.” Again, the “damsel in distress” narrative the
4
5 SDDA presented at grand jury is and was absurd.

6 For these above reasons have *Pro Se* Defendant Themba Hasaan Kelley and Legal
7 Advisor Westbrook Johnson devoted a comprehensive brief to the false “damsel in distress”
8 narrative alone. With confidence in the truth-seeking function of the tribunal, and also with great
9 expectation that our (easily discernible) truthful position will be embraced; in excellent faith do
10 we beseech the court to dismiss this case eternally.

11 12 13 **EASILY DISCERNIBLE GRAND JURY LIE #1**

14 Parris claimed she “followed” Themba Hasaan Kelley to the motel as if to say she was
15 lured, deceived, tricked, manipulated etc. into coming to a secret location where she could not be
16 found and thereby kidnapped.

17
18 **Parris:** And he said, you know, “I have a motel room right up the street and they have a
19 laundry facility. You can come do all your laundry and take a shower while you try to get
20 ahold of your friends and figure out what you're doing.”

21 “Why I fell for that, I don't know. I don't know. At that time, it didn't seem like a big deal
22 you know? And so, I followed him up to Motel 6.”

23 Pg. 13 grand jury transcripts.

24 The above statement is demonstrably false; Parris didn't “fall” for anything. Moreover,
25 SDDA Hermann knew or should have known that at grand jury. It is undeniable that she knows
26 now.

27 **Detective Cobb:** Detective Turnage found video surveillance between 9:21 p.m. and

1 11:59 p.m. What you're looking at is Ms. Parris' car coming into the parking lot
2 FOLLOWED by Mr. Kelley

3 Pg. 62 grand jury transcripts.

4 As clearly revealed to SDDA Hermann at grand jury, it was Themba Hasaan Kelley who
5 *followed* the complaining witness to Motel 6, not the other way around as Parris lied and said.

6 The SDDA intentionally included the false "followed" narrative in the affidavit of probable cause
7 to keep the defendant detained. This was the day after the defendant's arrest when multiple
8 material lies were known by the State. Those lies were also included in the affidavit of probable
9 cause to keep the defendant detained: the gun, the arm, etc. The SDDA wrote: "Miss Parris
10 'FOLLOWED' Kelley to his Motel... in order to take a shower and do laundry as Kelley had
11 offered." There is no evidence in the Police report, or interviews that substantiate a *followed*
12 narrative. This means the SDDA fabricated that evidence days before Parris perjured herself by
13 testifying to the false *followed* narrative. Moreover, Parris' internet phone searches for "hotels by
14 181st and Stark" or "hotels near me", began as early as 11:05 pm and conclude at 11:50 pm. This
15 would have been 45 minutes before and up to the time they checked into Motel 6 which is
16 located on 183rd and Stark. Pages 482-490 of the Gresham's police report include nothing except
17 Parris' very extensive "motel near me" internet searches. Wendy Parris found a motel on the
18 same street as her homeless camp (Ventura Park) and her favorite drug dealers. She then had
19 Themba Kelley "*follow*" her to that motel.

20 Per her allowance, Themba Hasaan Kelley followed Parris to Fred Meyer, the Shell gas
21 station and to Parris' homeless camp Ventura Park (to meet her friends) and finally, contrary to
22 what she lied and said at Grand Jury, also to Motel 6. Again, Themba "followed" Parris into her
23 nest, not the other way around.

1
2 **EASILY DISCERNIBLE GRAND JURY LIE #2**

3 **Parris:** He – yeah- He didn't even have that room. It wasn't even really his room. Like,
4 he said that he was staying there and he wasn't. It was a brand-new check-in.

5 **Hermann:** Okay.

6 **Parris:** But I didn't know that from—from-- I didn't go up to the window--

7 **Hermann:** Right

8 **Parris:** With him

9
10 Pg. 35 grand jury transcripts.

11 The above statement is demonstrably false; Parris did indeed go up to the “window” with
12 him. Moreover, she also did not believe in the least bit that it was a “brand new check-in.” SDDA
13 Hermann knew or should have known that at grand jury. It is undeniable that she knows now.

14
15 Perhaps Parris forgot about the below statement she gave minutes earlier at grand jury:

16 **Parris:** We park and he goes up to check in and then he---I'm still at the car trying to get
17 my stuff together and my cat. And he comes back and said that there's some issue or
18 something about a visitor and his debit card or whatever and WOULD I COME UP TO
19 THE FRONT DESK AND I DON'T HAVE I.D and so, I thought that's kind of what was
20 happening, you know, that they'd have me-- I don't know. And SO, I WENT UP TO THE
21 FRONT [DESK WINDOW] AND IT WAS SOMETHING WITH HIS DEBIT CARD

22 Not only did Parris go to the “front desk window” with Themba Hasaan Kelley as Parris's
23 testimony above (as well as the motel 6 video footage confirms), she also “drove” his vehicle to
24 the ATM to get cash so they could pay for the room.

25 **Parris:** “And so the guy at the motel was telling him that he could go to the ATM and get
26 cash.” “He asked me to drive cause he was too upset to drive.” “And so, we went back to
27 his car in the parking lot and I drove.”

28 Detective Joel Walden wrote this in the police report 5 days before Grand Jury:

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1 “Parris said she had been led to believe that Kelley was already staying in the room, but
2 when they entered there was nothing in the room and it was obvious it was a brand-new
3 check in.”

4 On the day of the arrest, Parris claimed that it was not until she “entered” the room that it
5 was obvious to her that it was a brand-new check in. Yet, at grand jury only days later, she
6 admittedly went to the front desk window to check in with Themba Hasaan Kelley and actually
7 drove his vehicle to the ATM to get money to pay for the room. This is all consistent with Parris's
8 text message “I'm letting him follow me because I think he has money. And I'm trying to get
9 some.”

10 And how does Parris “try to get some?” She invites Themba all the way across town to her
11 “hood”; she then has Themba “follow” her to Motel 6; she then *drives* his car to the ATM to *get*
12 *cash*; and shortly thereafter, she cries rape in order to provide an alibi for choosing to miss a
13 court-mandated color line appointment that promised a 2-year jail sentence if she failed to
14 appear. Parris was due at that court-mandated appointment at 8:30 AM, August 14, 2019. This
15 was only mere hours before Dawn Johnson, at the behest of Wendy Parris, falsely reported to 911
16 dispatch, “He's gotten her in a car and he won't let her leave.”

17 Parris's court papers were found in the front seat of Themba's vehicle. This means she had
18 to be looking at the court papers at the same time she was telling Dawn Johnson to call the
19 police. The text message evidence also proves that Parris was (according to her own words),
20 “freaking out” due to being fearful of “going to jail”. What's even more disturbing is that the
21 DDA was aware of all the above, days before grand jury. Interestingly, Parris testified about the
22 court-mandated appointment at grand jury.

23 **Wendy Parris:** “And so we're [Themba and Parris] just kinda hanging out, just waiting
24 for them. And then it was getting late. And I had an appointment for an assessment the
25 next morning in Vancouver.”

1
2 With all these prior inconsistent statements, material contradictions, lies and other
3 evidentiary facts at her disposal (prior to and during grand jury), SDDA Hermann knew, or
4 should have known that Wendy Christine Parris was lying about *being lured into coming to a*
5 *secret location where she could not be found.*

6 Moreover, it was redundant at Grand Jury for SDDA Hermann to ask, “And had she
7 [Parris] gone to the office with him and they both walked back to the car?” Pg. 64 grand jury
8 transcripts. Hermann's above redundant question to detective Cobb two days later at grand jury,
9 proves she noticed inconsistencies in Parris's statements and had doubts. Nonetheless, instead of
10 dealing with those lies, she intentionally over-looked them and thereby condoned Parris's
11 perjured testimonial.
12

13 **EASILY DISCERNIBLE GRAND JURY LIE #3**

14
15 **Hermann:** And what was your plan at that point in going up to the room?

16 **Parris:** I was going to drop the cat off and then go back down to my car to try to find my
17 laundry and my clothes and –yeah.

18 **Hermann:** Okay. And do laundry and take a shower?

19 **Parris:** Right, yeah.

20 **Hermann:** Okay. And were you planning on staying the night there or were you JUST
21 going to do that.

22 **Parris:** No.

23 **Hermann:** Stuff and leave?

24 **Parris:** JUST going to get--do that stuff and leave.
25

26 The above statement is demonstrably false; Parris was not en route at 12 midnight to
27 motel 6 to “just” do laundry as SDDA Hermann said. SDDA Hermann knew or should have

1 known that at grand jury. It is undeniable that she now knows.

2 Detective Nathan Hibbs documented the below statement in the police report 5 days
3 before Grand Jury:

4 “She [Parris] contacted a person she knew who sold methamphetamine
5 who stayed nearby 169th and Stark. The Motel was near that location at 181st and stark.”
6

7 The police report also documents the following from Nathan Hibbs: “Ms. Parris said they
8 smoked meth shortly after they arrived at the motel.” The above statements were released to the
9 Multnomah County DA's office days before Grand Jury. SDDA Hermann was well aware that
10 Parris was not en route to Motel 6 to “just” do laundry. Moreover, it was SDDA Hermann who
11 inserted the deceitful adverb “just” into the conversation, leading Parris to agree with the lie and
12 furthermore paint Parris as an innocent manipulated White Woman being victimized by the
13 deceitfully cunning Black Man. SDDA Hermann did not want the Grand Jurors to know, that as
14 Parris was en route to Motel 6; she was of her own free will facilitating a drug deal to purchase
15 meth and heroin, not trying to purchase laundry *detergent*. In supporting, presenting, soliciting,
16 and condoning the laundry lie, SDDA Hermann was attempting to protect Parris's witness
17 credibility; knowing that if the Grand Jurors knew drugs were involved, they likely would have
18 looked at Parris's over-all testimony with much more skepticism and scrutiny.
19

20 A review of Parris's phone records documents no less than “fourteen” drug deal related
21 text messages. This was the same time Parris was searching for *hotels near me*. These messages
22 occurred between 9:28 pm and 12 midnight which would have been just before they arrived at
23 Motel 6. The *damsel in distress* narrative is absurd. The evidence clearly confirms that the “stuff”
24 that Parris was on her way to the Motel to do was heroin and meth, not laundry. Moreover,
25

26 according to Parris's own words, she was *also* trying to “get some.” At grand jury, when SDDA
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1 Hermann used the word “just,” she was intentionally deceiving the jurors as well as feeding the
2 lie to Parris that she also condoned.

3 The narrative the DDA presented at grand jury echoes the following: The Black Man
4 lures the poor innocent homeless White Woman to the motel. How does he deceive her? By
5 somehow tricking her into believing that he is checked into a motel in “her hood” in Gresham.
6 He is able to do this, even though he already told her that he was staying at the Edgefield
7 McMenamins all the way on the other side of town. At grand jury Wendy Parris testified the
8 following:
9

10 “But he was staying at the Edgefield McMenamins.”
11

12 The State confirmed that Themba Hasaan Kelley had indeed been staying at the Edgefield
13 hostel during the 30 days leading up to the incident. The State definitely contacted the Edgefield
14 hoping Themba was lying or that someone had possibly made a complaint against him during his
15 stay there. There were no complaints.
16

17 At any event, the DDA deceived the grand jurors into believing that Wendy Parris was
18 just an innocent, homeless, naive, cat-loving White woman who simply needed a place to
19 shower and do laundry. This same poor vulnerable woman “just happened” to be facing 2 years
20 jail, only mere hours before she had the police called on Themba. This *poor manipulated* woman
21 just happens to be currently serving a 100-month prison sentence for convictions all involving
22 dishonesty, deceit, fraud, manipulation, and thievery.
23

24 Nevertheless, it appears none of that matters to the State. The prosecutorial racism is
25 evident. Themba Hasaan Kelley’s Black Life did not matter to the state.
26
27

1 This case must be terminated eternally. Ameena.

2
3 Dated this 20th day of July 2022.

4
5
6 

7 _____
8 Themba Hasaan Kelley
9 *Pro se* defendant

10
11 

12 _____
13 Westbrook Johnson, OSB# 076967
14 Legal advisor to defendant

1 PROOF OF SERVICE

2 The UNDERSIGNED CERTIFIES that an accurate and true copy of the attached
3 document was served upon the Multnomah County District Attorney's Office by email to DDA
4 Nicole Hermann's email listed in the bar directory and/or via eFile and Serve (if service
5 contacts were entered).
6

7
8 Dated this 20 July 2022
9

10 

11
12 By: _____
13 Westbrook Johnson