



CL16338845

SUPERIOR COURT OF
WASHINGTON
FOR SNOHOMISH COUNTY

Filed in Open Court

April 4, 2014

SONYA KRASKI
COUNTY CLERK

By

N. Albert
Deputy Clerk

STATE OF WASHINGTON

vs.

ALAN JUSTIN SMITH
(DEFENDANT)

CAUSE NO.: 13-1-01546-8
JUDGE: LINDA C. KRESE
REPORTER: DENNIS ERICKSON
CLERK: ANDREW DESSERT
J. KORST-GATLIN
N. ALBERT
DATE: 4-4-14 @ 1:30 P.M.

THIS MATTER CAME ON FOR: MOTION TO SUPPRESS TESTIMONY OF WENDELL MORRIS

CONTINUED/CODE:

DEPARTMENT/TIME:

HEARING STRICKEN/CODE:

STATE REPRESENTED BY: CRAIG MATHESON / KATHERINE WETMORE

DEFENDANT APPEARED: YES IN CUSTODY: YES REPRESENTED BY: CAROLINE MANN / TIFFANY MECCA

FAILED TO APPEAR: WARRANT AUTHORIZED: BAIL AMOUNT:

REQUESTED COUNSEL: REFERRED TO OFFICE OF PUBLIC DEFENSE:

DEFENDANT ANSWERS TO TRUE NAME AS CHARGED:

SERVED WITH TRUE COPY OF INFORMATION: READ IN OPEN COURT: READING WAIVED:

MOTION FOR RELEASE: RELEASED ON PERSONAL RECOGNIZANCE:

ADVISED OF BASIC CIVIL AND CONSTITUTIONAL RIGHTS:

DEFENDANT ADVISED OF LOSS OF RIGHT TO BEAR FIREARMS:

HEARINGS SET/TRIAL CONTINUANCE	SENTENCING DATE:
OMNIBUS HEARING (10:30) (9):	SENTENCING DATE:
TRIAL DATE (1:00) (JT):	DEPT. NO./JUDGE:
SPEEDY TRIAL DATE:	PRESENTENCE REPORT REQUESTED:
OMNIBUS/PLEA CALENDAR:	RETURN DATE:
PLEA (3:00):	DOSA RISK ASSESSMENT/CHEMICAL DEPENDENCY
3.5 HEARING (9:00) (RM):	SCREENING REPORT REQUESTED:
ARRAIGNMENT ON AMENDED INFO (9:00) (RM):	RETURN DATE:
STATUS HEARING:	40 DAY RULE WAIVED:
VIOLATION HEARING (9:00) (SV):	

OTHER:

1:41 COLLOQUY OF COURT AND COUNSEL.

EXHIBIT NO. 1 OFFERED BY THE DEFENDANT: NOT OFFERED
EXHIBIT NO. 2 OFFERED BY THE DEFENDANT: ADMITTED 4/4/2014
EXHIBIT NO. 3 OFFERED BY THE DEFENDANT: ADMITTED 4/4/2014
EXHIBIT NO. 4 OFFERED BY THE DEFENDANT: ADMITTED 4/4/2014

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EXHIBIT NO. 5 OFFERED BY THE DEFENDANT: NOT OFFERED
EXHIBIT NO. 6 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 7 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 8 OFFERED BY THE DEFENDANT: NOT OFFERED
EXHIBIT NO. 9 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 10 OFFERED BY THE DEFENDANT: NOT OFFERED
EXHIBIT NO. 11 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 12 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 13 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 14 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**
EXHIBIT NO. 15 OFFERED BY THE DEFENDANT: **ADMITTED 4/4/2014**

EXHIBIT NO. 16 OFFERED BY THE STATE: **ADMITTED 4/4/2014**
EXHIBIT NO. 17 OFFERED BY THE STATE: **ADMITTED 4/4/2014**

1:46 STATE WAIVES OPENING STATEMENT.
DEFENDANT WAIVES OPENING STATEMENT.
PASTOR ARTHUR BANCKS, CALLED BY THE STATE (MATHESON), SWORN AND TESTIFIED.

1:59 CROSS EXAMINATION OF PASTOR ARTHUR BANCKS BY THE DEFENDANT (MECCA).
2:06 REDIRECT EXAMINATION OF PASTOR ARTHUR BANCKS BY THE STATE (MATHESON).
2:08 **PASTOR JASON RICHARD MICHALSKI**, CALLED BY THE STATE (MATHESON), SWORN AND TESTIFIED.

2:39 CROSS EXAMINATION OF PASTOR JASON RICHARD MICHALSKI BY THE DEFENDANT (MECCA).
2:56 COURT IN RECESS.

3:16 COURT RESUMES, DEFENDANT PRESENT, IN CUSTODY, AND ALL PARTIES PRESENT.
PASTOR TROY SCOTT ANDERSON, CALLED BY THE STATE (MATHESON), SWORN AND TESTIFIED.

3:25 CROSS EXAMINATION OF PASTOR TROY SCOTT ANDERSON BY THE DEFENDANT (MECCA).
3:47 REDIRECT EXAMINATION OF PASTOR TROY SCOTT ANDERSON BY THE STATE (MATHESON).
3:50 RECROSS EXAMINATION OF PASTOR TROY SCOTT ANDERSON BY THE DEFENDANT (MECCA).
WENDELL MORRIS JR., CALLED BY THE STATE (MATHESON), SWORN AND TESTIFIED.

4:33 COLLOQUY OF COURT AND COUNSEL.
4:41 COURT IN RECESS UNTIL A DATE TO BE DETERMINED.

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THURSDAY, APRIL 24, 2014

CLERK: J. KORST-GATLIN
REPORTER: DENNIS ERICKSON

COURT OPENED AT 10:00 A.M., LINDA C. KRESE, JUDGE.
THE FOLLOWING PROCEEDINGS WERE HELD:

THIS MATTER CONTINUED FROM FRIDAY, APRIL 4, 2014.
STATE OF WASHINGTON REPRESENTED THROUGH DEPUTY PROSECUTING ATTORNEYS
CRAIG MATHESON AND KATHERINE WETMORE.
DEFENDANT PRESENT, IN CUSTODY, REPRESENTED BY CO-COUNSEL CAROLINE MANN
AND TIFFANY MECCA.
COLLOQUY OF COURT AND COUNSEL.
DEFENDANT'S MOTION FOR ORDER THAT THE PROCEEDINGS NOT BE RECORDED:
DENIED, BUT WITHOUT PREJUDICE TO RENEW MOTION.

10:08 CONTINUATION OF TESTIMONY OF WENDELL MORRIS, JR. ON DIRECT EXAMINATION
BY THE STATE (MATHESON).

10:35 CROSS EXAMINATION OF WENDELL MORRIS, JR., BY THE DEFENDANT (MECCA).

EXHIBIT NO. 18 OFFERED BY THE DEFENDANT: NOT OFFERED

11:28 REDIRECT EXAMINATION OF WENDELL MORRIS, JR., BY THE STATE (MATHESON).
COLLOQUY OF COURT AND COUNSEL.

11:30 COURT IN RECESS.

11:38 COURT RESUMES, DEFENDANT PRESENT, IN CUSTODY, AND ALL PARTIES PRESENT.
STATE OPENS CLOSING ARGUMENTS.

11:48 DEFENDANT MAKES CLOSING ARGUMENT.
COLLOQUY OF COURT AND COUNSEL.

12:07 COURT IN RECESS UNTIL TUESDAY, APRIL 29, 2014, AT 2:00 P.M. FOR
COURT'S ORAL DECISION.

THURSDAY, MAY 01, 2014

CLERK: N. ALBERT
REPORTER: DENNIS ERICKSON

COURT OPENED 4:10 P.M., LINDA C. KRESE, JUDGE.
THE FOLLOWING PROCEEDINGS WERE HELD:

THIS MATTER CONTINUED FROM FRIDAY, APRIL 24, 2014.
STATE OF WASHINGTON REPRESENTED THROUGH DEPUTY PROSECUTING ATTORNEYS
CRAIG MATHESON AND KATHERINE WETMORE.
DEFENDANT PRESENT, IN CUSTODY, REPRESENTED BY CO-COUNSEL CAROLINE MANN
AND TIFFANY MECCA.

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COURT'S DECISION:

MR. MORRIS WAS A LICENSED ASSOCIATE PASTOR AT EASTSIDE BAPTIST CHURCH, WHICH HE LEFT IN 2010. HIS LICENSE WAS NEVER REVOKED, HOWEVER, HE DID NOT CONSIDER HIMSELF AN ASSOCIATE MINISTER THERE, AS HE WAS NO LONGER A MEMBER, AND HE DID NOT HOLD HIMSELF OUT TO BE A MINISTER OF THE CHURCH. THE COURT FINDS THAT MR. MORRIS WAS NOT ACTING AS A MEMBER OF THE CLERGY FOR EASTSIDE BAPTIST CHURCH AT THE TIME HE SPOKE WITH THE DEFENDANT ON JUNE 23, 2013.

THE COURT ALSO FINDS THAT MR. MORRIS WAS NOT ACTING AS A MEMBER OF THE CLERGY AT CITY CHURCH AT THE TIME OF HIS MEETING WITH THE DEFENDANT ON JUNE 23, 2013. MR. MORRIS WAS A GROUP LEADER AND NOT A LICENSED OR ORDAINED PASTOR OF CITY CHURCH. NEITHER MR. MORRIS NOR CITY CHURCH REGARDED THE COMMUNITY GROUP LEADERS AS PASTORS. HE DID NOT HAVE ANY AUTHORITY CONFERRED ON HIM TO COUNSEL OR BAPTIZE THE DEFENDANT; HE DID IT ON HIS OWN AS A MAN OF GOD. EVEN IF MR. MORRIS WERE A MEMBER OF THE CLERGY OF CITY CHURCH, NEITHER CITY CHURCH, NOR EASTSIDE BAPTIST, HAS A DOCTRINE OF PRESERVING THE CONFIDENTIALITY OF CONFESSIONS IF ONE IS MADE IN THE COURSE OF COUNSELING BY A PASTOR. THE DEFENDANT ALSO STATED TO MR. MORRIS, "I RESPECT WHAT YOU DO WITH THE INFORMATION", WHICH IS NOT CONSISTENT WITH A BELIEF THAT MR. MORRIS COULD NOT OR WOULD NOT REVEAL THE INFORMATION TO ANYONE ELSE.

THE COURT FINDS THE DEFENDANT HAS NOT MET HIS BURDEN THAT THE CLERGY-PENITENT PRIVILEGE APPLIES; AND THE MOTION TO SUPPRESS THE STATEMENTS TO WENDELL MORRIS IS DENIED.

4:10 COURT ADJOURNED.