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

STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	No. 92-1-06556-4
)	
THORNTON B. HATTER,)	Testimony of
)	Thornton B. Hatter
Defendant.)	
)	

VERBATIM REPORT OF PROCEEDINGS

Heard before: The Honorable Jim Bates
April 1, 1993
9:55 AM

KING COUNTY COURTHOUSE
SEATTLE, WASHINGTON

APPEARANCES:

Bruce Miyake & Bayle Miller, Deputy Prosecuting
Attorneys, representing the State;

Michael Nance, Nance, Iaria & Gombiner,
representing the Defendant;

WHEREUPON, the following proceedings were had
and done, to wit:

COPY

1 Q. (By Mr. Nance) Thornton, I am going to move you
2 ahead, as I said, a little over six and-a-half years
3 to July of 1992. Were you still living in the same
4 place?

5 A. Yes.

6 Q. The same place as you live now?

7 A. Yes.

8 Q. The same place that you --

9 A. Lake Forest Park.

10 Q. Lake Forest Park. The same place you lived in in
11 1985 and that you have lived for the past 20 years,
12 roughly?

13 A. There was a period from 19 -- I lived in Port
14 Townsend for about four years in between.

15 Q. Okay. I missed that, I guess.

16 A. Okay.

17 Q. But at all relevant times in this case you were
18 living in Lake Forest Park at the address that we
19 have been talking about?

20 A. Right.

21 Q. Tell us about meeting Tim Wright.

22 A. This was a Thursday, and about ten o'clock at night I
23 was out getting gasoline in Lynnwood.

24 Q. Would this be July 30th, 1992?

25 A. Yes, July 30th, 1992. I had gotten gasoline, and I

1 had gotten on the 44th West on-ramp to I-5, and just
2 as I merged on the highway proper I saw a man walking
3 down the road, hitchhiking, and I pulled over, picked
4 him up. That turned out to be Tim Wright.

5 Q. Okay. What did you do?

6 A. Well, first I asked, "How far are you going?"

7 Q. Did you offer him a ride or did you talk to him first
8 about it?

9 A. Well, I pulled over and he opened the door and got in
10 the car, and my first words to him were, "How far are
11 you going?"

12 Q. Okay. Was it your intention when you pulled over to
13 offer this person a ride or to make that available to
14 the person?

15 A. Yeah, yeah.

16 Q. Why would you -- I mean, you didn't know this person
17 before you pulled over?

18 A. No.

19 Q. Why did you pull over? Why would you do this?

20 A. Well, he had on shorts, and I could I could see the
21 back of his head and his legs, and he was black. I
22 have hitchhiked a lot, and my experience not only
23 from hitchhiking but in this area is that black men
24 have difficulty hitchhiking, and it was late, and I
25 thought if I could help him down the road at least to

1 Aurora Village or somewhere where he could catch a
2 bus, then --

3 Q. Tell us a little bit about your hitchhiking
4 experience. Where have you hitchhiked?

5 MR. MIYAKE: Your Honor, I am going to object
6 on the grounds of relevancy.

7 THE COURT: Overruled.

8 MR. NANCE: I think it goes to --

9 THE COURT: I have overruled the objection.

10 A. Well, I started hitchhiking when I was in college,
11 and I hitchhiked across country several times,
12 through Canada. I also did some hitchhiking in the
13 Philippines.

14 Q. (By Mr. Nance) Did you hitchhike alone or with other
15 people?

16 A. Both.

17 Q. Of what race?

18 A. Well, it's always -- when I have had partners
19 hitchhiking, the other person has always been white.

20 Q. Is there a difference, in your experience, between
21 people's willingness to pick up a black and a white
22 hitchhiker?

23 A. Yes. Not just in my experience, I have pretty good
24 rapport with people and, you know, that's my
25 understanding not only from my experience but from

- 1 talking to other black people and white people,
2 that -- I would say even black women would be
3 uncomfortable picking up a black man in the evening,
4 so it's not just racial.
- 5 Q. All right. So after you pulled over to talk to this
6 person that turned out to be Tim Wright and you spoke
7 to him, what happened?
- 8 A. Well, he gets in and I drive off, and I asked him,
9 "Where are you headed," and he says, "Spokane." And
10 I kind of look at him, I said, "Spokane?" And I
11 said, "Well, I am not going quite that far."
- 12 Q. How far were you from the -- to get to Spokane from
13 Seattle, you probably want to get I-90 and drive
14 east, wouldn't you?
- 15 A. Yeah, or go north and, I guess, Highway 2, but most
16 times I-90.
- 17 Q. How far were you from I-90, the exit there,
18 approximately?
- 19 A. I would estimate 22, 23 miles to the intersection of
20 I-90 and I-5.
- 21 Q. From where you were at that point?
- 22 A. Yeah.
- 23 Q. So describe the conversation.
- 24 A. I says, I said to him, "You don't look like you are
25 dressed to cross the pass, let alone go that far."

- 1 Q. Again, what time of day?
- 2 A. This is about 10:30 in the evening.
- 3 Q. Is it --
- 4 A. It's dark out.
- 5 Q. -- dark out?
- 6 A. It's dark on the freeway. We were, you know, beyond
7 the on-ramp and beyond the stores and things in
8 Lynnwood, it was dark, and I looked at him and said,
9 "How old are you," because it just seemed like an odd
10 thing for somebody to be doing that time of the
11 night, and he told me that he was 15, and so I
12 started to ask him, "Why are you hitchhiking to
13 Spokane at 10:30 at night and why are you even here
14 on the freeway, don't you know it's illegal to
15 hitchhike on the freeway?" And Tim Wright told me
16 that he had been living in Lynnwood for three months
17 with a brother that was 23 that was doing crack
18 cocaine and was being mean to him, those were his
19 words, and that he wanted to go back to Spokane where
20 he lived.
- 21 Q. Did he mention his parents?
- 22 A. I asked him where his parents were, he said his
23 mother was in Spokane and that he didn't know his
24 father. He also told me at some point that his
25 grandmother lived in Spokane.

1 Q. Okay. What was your response about if you were
2 willing to go to Spokane?

3 A. I told him it was out of the question, but he asked
4 me to do that more than once in that short distance.
5 I mean, it's like we -- I talked to him why he was
6 going, and he told me about his brother, and even
7 though I said it was out of the question, he asked
8 again.

9 Q. How far is Spokane from Seattle?

10 A. About three hundred miles, I would estimate.

11 Q. A six, seven hour car trip?

12 A. Yeah.

13 Q. One way?

14 A. Yeah.

15 Q. Okay. So what did you tell him after that?

16 A. Well, --

17 Q. Or what further conversation was there after that?

18 A. I said the best I could do is take you down to the
19 U-District, because there was a big on-ramp there and
20 people are used to seeing hitchhikers there, and you
21 might have better chances there, and then he says,
22 "Well, can't you take me at least past Bellevue?" I
23 said, "No, the U-District is the best I am willing to
24 do," and I said, "In fact, I don't even live that
25 far, but I am willing to take you that far." Then he

1 asked me, what do I do? He said it was a nice car
2 and asked me, what do I do. I told him I was a
3 lawyer.

4 Q. What were you driving at this time?

5 A. I have a 1990 Ford Probe, it's a two-door hatchback,
6 it's red with a light gray interior. That's what I
7 was driving.

8 Where was I? He asked me what I did, and I
9 told him I was a lawyer, and he kind of brightened up
10 and he asked me if I knew so and so, and I am going
11 to say "so and so" because I don't remember the name
12 he asked me, but --

13 Q. Is this the name of a lawyer?

14 A. I think it was a paralegal that worked in Seattle,
15 and I didn't know her.

16 Q. You didn't know that person?

17 A. And then he asked me, "Well, what do you have to do
18 to be a lawyer," and I said, "You have to go to
19 college for four years, usually, and go to law school
20 for three or four years, and you need pretty good
21 grades." And I asked him, "Well, how are your
22 grades," and he kind of hung his head down a little
23 bit and said, "Not too good." And I said, "Well, how
24 are you doing," and he said, "Well, C's and D's,"
25 something like that, and he told me that that's what

1 he wanted to be, that he wanted to be a lawyer, that
2 he had thought about that.

3 Now that Lynnwood on-ramp is only like maybe
4 four miles from my ramp for Lake Forest Park, there
5 is only one exit in between, so as we approached the
6 Lake Forest Park off-ramp I said, "Well, U-District,
7 or," I said, "you can come to my house, spend the
8 night, get an early start, whatever you want." He
9 said, "Let's go to your house."

10 Q. Why did you offer to allow him to stay at your house?

11 A. Well, he seemed like a naive kid. I didn't ask him
12 directly, but it's obvious he knew nothing about
13 hitchhiking, I thought it was kind of dangerous, and
14 just a gesture.

15 Q. So who made the choice to go to your house?

16 A. He did. He said, "Let's go to your house."

17 Q. Okay.

18 A. Like I said, I live about three-quarters of a mile
19 from the freeway, and we drove to my house, pulled in
20 the driveway, went in the front door, and my house
21 has a little foyer area just as you come in.

22 Q. Did you drive directly to your house or did you take
23 some --

24 A. No, we went direct on -- the freeway dumps you off on
25 what's called Ballinger Road, which is Highway 104,

1 and you head kind of in a southeasterly direction on
2 104, and I just make a little jog down 19th Northeast
3 to my road, which is Forest Park Drive. My road runs
4 parallel to the highway, one block south, it's pretty
5 easy to find.

6 Q. Did you pull into the driveway in front of the house?

7 A. I pulled into the driveway.

8 Q. And what about the -

9 A. I said, "This is it, this is my little house."

10 Q. What about from there? What happened?

11 A. We went in the front door, and he got animated again.

12 I don't mean he was acting crazy or jumping up and

13 down, but his demeanor changed from time to time.

14 Sometimes he was quiet and other times he was what I

15 would call curious, for lack of a better word, so he

16 says, "Do you have any videos?" And I had videos,

17 but -- and we were --

18 Q. Was there anything visible from the foyer area of the
19 house that could have prompted that comment?

20 A. Well, if he couldn't see them, he would see my

21 entertainment center with videos within a second,

22 so --

23 Q. What else was included in there? Is there a TV?

24 A. It's a long, maybe five, six foot long teak console,

25 which has stereo components in it, a lot of record

1 albums, quite a few cassette tapes.

2 Q. Let me refer --

3 A. The TV sits on those. That's it at the bottom.

4 Q. Let me refer you to State's Exhibit 2. Is this a
5 fair depiction of the entertainment center?

6 A. That's how it actually looks, and fairly.

7 Q. So, obviously, this is your TV set?

8 A. Right.

9 Q. The VCR?

10 A. Let me see where it is. No, that's the tape deck,
11 this is the VCR.

12 Q. Okay. Where would the videos be?

13 A. The videos are right here.

14 Q. Okay.

15 A. Those are cassette tapes, record albums, record
16 player, junk.

17 Q. Okay.

18 A. The amplifier.

19 Q. Is this the way that appeared on the night you --

20 A. Well, it's at various levels of disarray, depending
21 on how much music and what type is being played.

22 Q. But that's the general appearance, though?

23 A. Yeah, yeah, and then typically the videos were stuck
24 in the side of the VCR.

25 Q. I am going to hand you Defendant's Exhibit No. 19,

1 just ask you if you can identify that.

2 A. This is a scale diagram of my home at 19231 Forest
3 Park Drive.

4 Q. Well, actually, it hasn't been introduced yet.

5 A. Sorry.

6 Q. That's okay.

7 MR. MIYAKE: No objection to the introduction.

8 THE COURT: What is it? 19?

9 MR. NANCE: 19.

10 THE COURT: Are you offering it?

11 MR. NANCE: Yes.

12 THE COURT: It's admitted.

13 MR. NANCE: Okay.

14 Q. (By Mr. Nance) Let me hold it now. Again, what is
15 it?

16 A. It's a scale diagram I made a couple nights ago of my
17 home --

18 Q. Okay.

19 A. -- on Forest Park Drive.

20 Q. You have had a chance to look at the diagram prepared
21 by the police, haven't you?

22 A. Yes.

23 Q. And the diagram prepared by Tim Wright?

24 A. Yes.

25 Q. What is the difference?

1 A. Well, the police diagram, I don't know why, but if I
2 can make it up --

3 Q. Sure.

4 A. Tim showed the doorway here where the bedroom is, and
5 it shows that it's a square house. That's
6 forgivable, I guess. And I guess the only major
7 difference with Tim Wright's diagram is that he had
8 switched these, the bath and, I think, the laundry
9 room, the utility room, but basically, he had -- it's
10 a small house, it's less than 950 square feet.

11 Q. Is this roughly to scale?

12 A. It's as to scale as I could do. I used graph paper
13 and I measured the house.

14 Q. All right.

15 THE COURT: Mr. Nance, would this be a good
16 time to take the morning recess?

17 MR. NANCE: Yes, it would.

18 THE COURT: All right with you? All right. We
19 will take the morning recess now.

20 (Recess.)

21 THE COURT: Good morning. Please be seated.

22 Q. (By Mr. Nance) Thornton, we were talking about just
23 having arrived at the house, and I think we had just
24 introduced the diagram of the floor plan of the
25 house. How old did Tim Wright appear to you to be?

- 1 A. Well, I asked, and when he said 15, it seemed --
- 2 Q. Did that seem about right?
- 3 A. About right, yeah.
- 4 Q. Did you discuss any further with him the idea of
- 5 calling his parents or calling someone?
- 6 A. Shortly after we got to the house, I did, and at
- 7 first he started asking about do I have any videos,
- 8 and I knew he would see them if I said no, so I said,
- 9 "Yeah, but I don't think you would be interested in
- 10 any of them." So we were marching into the house,
- 11 and he asked again, "Oh, let me see what you have, I
- 12 want to watch videos," and the ones I had I had
- 13 borrowed, and I knew they were gay pornographic
- 14 movies, so I was doing whatever I could to dissuade
- 15 him from them, so I picked up "Ghosts" and I picked
- 16 up -- I don't know, they have all the tapes, but I
- 17 have, you know, nonpornographic tapes, too, although
- 18 I didn't have many, I think I only had five or six
- 19 because I hadn't had my VCR that long, and I had only
- 20 watched one of the tapes myself and I knew it was
- 21 hard-core. I hadn't seen the other, but from the
- 22 name of it, I am pretty sure it was pretty hard-core,
- 23 so --
- 24 Q. What attempts did you make to dissuade Tim from the
- 25 movies?

1 A. I just kind of changed the subject. I turned on the
2 TV and then asked him if he was -- I said, "Let's see
3 the house," so that's the point at which I showed him
4 around the house.

5 Q. Why did you do that? Why show him through the house?

6 A. Oh, well, for a couple reasons, just so -- when we
7 were going from the freeway I was careful to explain
8 where he was, I just wanted him to feel comfortable
9 and not be disoriented. I explained, as an example,
10 when we pulled into the driveway that we were only a
11 block away from the highway that we got off of, so he
12 would know where he was. And my house, although it
13 uses a single key, has a double lock on each side,
14 you have to use the key on the inside and the
15 outside, and so I wanted to him to know where the
16 exits were, where the bathroom was, and I left the
17 keys out there.

18 Q. Let take a look at the diagram here, Defendant's
19 Exhibit 19. Maybe if you could just show us where
20 your bedroom was.

21 A. This is my bedroom. At the time that Tim Wright was
22 there, this was what was used as the spare bedroom.

23 This is my then housemate's Larry Wright's
24 room.

25 This is a hide-a-bed that folds out.

1 There is a door, a double French door here that
2 Larry uses often to go in and out.

3 The backyard, the driveway.

4 The house has about a 15, 16 foot setback from
5 the road, so it's pretty close to the road.

6 This is the living area.

7 This is like a seven foot couch, pretty
8 good-sized.

9 Glass top coffee table, a swivel chair, a high
10 back chair, TV, VCR, a bookcase that may have more
11 records in it, I am not sure, kitchen area, the
12 dining room table, a buffet, chairs around the table,
13 an extra chair, telephone, laundry, bath, another
14 telephone.

15 Q. How about the bedroom here, whose bedroom is that?

16 A. Well, now this is Jeff's room, but at the time it was
17 a spare bedroom.

18 Q. All right. With a bed in it?

19 A. Yes, it had a single bed, brass bed, and little
20 nightstands on each side, and a utility-type table.
21 Sometimes I bring work home on the weekends, and I
22 put my computer on there and work in that room.

23 Q. You have indicated in the diagram that there is a
24 telephone on the wall?

25 A. There is a wall-mounted phone there, it's white. I

1 believe it's visible in one of the photos or the
2 other diagrams.

3 Q. Let me show you briefly State's Exhibit 1. Point to
4 the --

5 A. Yes.

6 Q. Is this the telephone?

7 A. That's the telephone. As you can see, there is a
8 cord hanging down that's obscured by the dining
9 table. At the time the police took the photo, they
10 had pulled the table away from the wall, so that's
11 why it looks closer to the wall than it is normally.

12 Q. Was that a working telephone?

13 A. It's a working telephone. It has a 25 foot cord on
14 it.

15 Q. Are there any other phones in the house?

16 A. There is one back in Larry's room that's on the same
17 line, right by those double French doors.

18 Q. Do you know if Tim was aware of the telephone?

19 A. I don't see -- well, yes, I know for sure he was
20 aware of the phone, because -- I don't want to break
21 this up too much, but we took the tour of the house,
22 and when I did that, I offered him the back room or
23 he could sleep in the living room, and he said he
24 wanted to sleep out in the living room and watch TV,
25 and so I grabbed a comforter and a pillow off of that

- 1 single bed in the guest room and gave that to him
2 when we went back out.
- 3 Q. Now this was a Thursday night?
- 4 A. Yeah, Thursday night.
- 5 Q. Was the next day a workday for you?
- 6 A. Yes. Not a full day, but I had to go to Port
7 Townsend.
- 8 Q. What was your bedtime? What was your typical bedtime
9 on a work night, or on a night prior to a workday?
- 10 A. Early. I mean, even at the time I was getting gas,
11 it was getting late for me. It's not unusual for me
12 to go to bed as early as 9:30, ten, 11 at the latest.
13 I catch either the first or the second ferry at
14 Edmonds, which is either 5:50 or 6:30 in the morning,
15 normally.
- 16 Q. And again, about approximately what time was it when
17 you arrived at the home with Tim?
- 18 A. Maybe 20 to 11, quarter to 11.
- 19 Q. All right. So after showing him through the house.
20 and after discussing possible sleeping arrangements,
21 what happened next?
- 22 A. Well, he took a liking to my blue sheets, I might
23 mention that, he took a fascination to those. He
24 went, "Oh, wow, blue sheets," and he actually touched
25 them.

1 Q. Was there anything special about the blue sheets?

2 A. To him, maybe, he seems to wear a lot of blue, but
3 there is regular -- they are a nice color, they are
4 like a teal, deep teal color. They are a nice color
5 of sheets. Maybe he likes blue, I don't know.

6 Q. Okay.

7 A. But I got the impression he had never seen anything
8 like that before. The bed in the guest room had like
9 a light green sheet on it, you don't see the sheets
10 on Larry's hide-a-bed.

11 Q. After returning to the living room area, was there
12 any other, anything else, any further discussion or
13 any other events of significance?

14 A. Well, I am still trying to divert the issue of the
15 videos.

16 Q. Well, had he spoken about the issue again?

17 A. Yeah. So I asked him if he is hungry, and he says,
18 "Yeah, what have you got?" And I had to think for a
19 minute because I didn't know if there was anything
20 there, and actually, as it turned out, the only thing
21 in the refrigerator I could make real quick was, you
22 know, an open pack of smoked salmon, so I broke up
23 some of that and some mayonnaise and made him a
24 sandwich. He said he wanted some milk, so at that
25 point he sat down at the table and ate the sandwich.

1 It was just towards the end of the time he was eating
2 that I asked him, "Did you leave a note for your
3 brother," and he said, "No."

4 Q. "Your brother"?

5 A. Well, he told me that he had left his brother's in
6 Lynnwood.

7 Q. All right.

8 A. So I says, "Does your brother know you are gone? Did
9 you leave him a note?" He said, "No." And I am
10 still trying to think of alternatives to hitchhiking,
11 because I am definitely not going to give him a ride
12 to Spokane, so I suggested that he call his mother
13 and/or his grandmother and maybe they could wire some
14 money to the bus station, or something like that. At
15 that point he said, "My mother and I don't get along
16 very well," and so I said, "Well, what about your
17 grandmother, maybe she could send some money," and he
18 said, "No, I don't want to do that." And I had my
19 hand on the phone when I am having this discussion
20 with him and he is still at the dining room table,
21 and it's, you know, only three to four and-a-half
22 feet distance, so I am standing right next to him
23 asking about using the phone, and it's just something
24 he didn't want to do.

25 Q. Did you consider any other alternatives, anyone else

1 that you could have called?

2 A. Well, I wasn't overly concerned except for his
3 hitchhiking, because after all, I was under the
4 impression, from what he told me, that he was trying
5 to get home; I didn't know at that time that he was
6 actually running away.

7 Q. Now was there any reason in your mind to call the
8 police or call CPS or call Child Welfare?

9 A. No, especially not from my experience. Sometimes --

10 Q. Were you concerned at all about any appearance of
11 impropriety or anything of that sort?

12 A. No, not at that time, not at that point.

13 Q. All right. What happened next?

14 A. Well, when he finished eating, he went back and sat
15 on the sofa, and the comforter was still folded up
16 with the pillow there, and he was sitting at about
17 the middle of the sofa, watching TV, and I told him I
18 needed to get ready to go to bed, and that's what I
19 did, I used the bathroom and went to bed. About ten
20 minutes into being in the bed, the noise from the TV
21 was a little loud for me.

22 Q. Approximately what time was it that you went to bed,
23 actually?

24 A. I would say it was probably about five after 11 or
25 so.

1 Q. Okay.

2 A. That's all we did, all we had done is walk through
3 the house and I made him a sandwich.

4 Q. All right.

5 A. I told him I was planning on getting up at six.
6 Actually, I told him that before we even got to the
7 house, so I needed to get to bed.

8 And anyway, about ten minutes in bed I could
9 hear the noise of the TV, so I put my clothes back on
10 and went back out to turn down the TV. At that time
11 I noticed he had a pillow on his lap and he was
12 watching the porno movies.

13 Actually, as soon as I opened the door, I knew
14 he was watching the porno movies from the boring
15 music that they play on the porno movies, it's like a
16 routine music, just like you heard the other day, so
17 I knew he was playing one of them, and when I went
18 out he was sitting on the sofa, watching. I made the
19 comment, I said, "Oh, you decided to watch them,
20 anyway." I turned it down, turned around and walked
21 out.

22 Q. Did you allow him to continue watching the movies?

23 A. One would say that. One would say that. I didn't --
24 that wasn't my intention exactly, but yes, I
25 didn't -- well, I never told him he could watch them

1 to begin with, but I guess to the extent that I
2 didn't take the initiative at that point to pull them
3 out and turn it off, for what good that would have
4 done, I allowed him to continue watching them.

5 Q. All right.

6 A. Also, it appeared he had his hands down under the
7 pillow and might have been masturbating. I just
8 didn't want to interfere with what he might be doing.

9 Q. How were you dressed?

10 A. I either would have -- all I did, I got out of bed,
11 and I either pulled on what I had just taken off, or
12 often I usually sleep with a shirt on, a tee-shirt,
13 so I am pretty sure I had the tee-shirt on, so I
14 either would have put on the pants I took off -- but
15 I also keep a pair of black cotton shorts, long
16 shorts near my bed so we can get up at night.

17 Q. How were you sleeping? What were you in bed with,
18 essentially?

19 A. What do you mean, in bed with?

20 Q. Well, what did you wear to bed to go to sleep that
21 night?

22 A. Underwear and a tee-shirt.

23 Q. Okay. And when you went into the living room the
24 first time, did you put on the shorts in addition to
25 that?

- 1 A. Either the shorts or the pants I had taken off, I
2 just don't remember.
- 3 Q. Okay. When did you go back to your room?
- 4 A. Almost immediately.
- 5 Q. Okay. And when you got there, what happened? What
6 did you do?
- 7 A. I went to sleep.
- 8 Q. Did you remove your shorts before getting back into
9 bed?
- 10 A. Probably.
- 11 Q. Did you keep your underwear and tee-shirt on?
- 12 A. I would have kept the tee-shirt on. I don't know if
13 I kept my underwear on or not, it would depend on
14 what tee-shirt it was.
- 15 Q. Why is that?
- 16 A. Huh?
- 17 Q. Why is that?
- 18 A. Well, if I had on one of my long tee-shirts,
19 sometimes I don't wear underwear.
- 20 Q. Okay. Did you go to sleep?
- 21 A. Yes.
- 22 Q. What happened next that you remember?
- 23 A. The next thing I recall, someone is in my bed,
24 rocking and caressing me, I wake up to arms around
25 me.

- 1 Q. How long was this after you went to sleep, do you
2 have some idea?
- 3 A. That would only be a guess, I am a sound sleeper once
4 I go, but I would think it was maybe a couple, three
5 hours later, two, three in the morning, I don't know.
- 6 Q. All right. Just a guess?
- 7 A. A guess.
- 8 Q. Okay. Tell us what you felt, what you experienced.
- 9 A. Well, like I said, there is a person in my bed,
10 rocking and caressing me, and nothing painful or
11 anything like that, and I --
- 12 Q. Were you on your front or --
- 13 A. I am on my side, and the person is on my side, closer
14 to the window, with his arms around me.
- 15 Q. Is he facing you?
- 16 A. Facing me. It's Tim Wright.
- 17 Q. How did you figure that out? Was it pretty easy?
- 18 A. I said, "What's the deal?"
- 19 Q. Well, were you awake when that happened?
- 20 A. I woke up. That's what woke me up.
- 21 Q. What were your immediate thoughts?
- 22 A. Actually, grabbing for thoughts immediately, what's
23 going on, what do I do, why is he here?
- 24 Q. How was he dressed?
- 25 A. He was naked, so I kind of pushed off and stood up,

1 or not stood up but sat up in the bed, and I said,
2 "What's the deal?" And he said something like,
3 "Don't you want to," in that tone, and I probably
4 stuttered a little bit. I got out of the bed, and I
5 didn't really know what to do. I was in a
6 compromising situation then, I thought. I didn't
7 want to offend him, I know kids make accusations when
8 they are denied things from my own experience as a
9 lawyer. I had already known at that point that he
10 was watching the porno movies, maybe he thought it
11 was okay to take liberties. I just didn't want to
12 create a scene, but I wanted him out of the room, so
13 after I got out of bed, after he said, "Don't you
14 want to," he got into a kneeling position with his
15 butt in the air and said, "Don't you want to fuck
16 me?"

17 Q. He was in the bed, you said?

18 A. He was in the bed. He turned around and got into a
19 kneeling position.

20 Q. Was he on top of the covers or under the covers?

21 A. I don't think he was ever under the covers.

22 Q. How did you respond to that?

23 A. I just backed away, and I made a comment like, "I
24 don't have any rubbers," and I just stood there by my
25 desk.

1 Q. Why did you tell him that, that you didn't have any
2 rubbers?

3 A. That's more from where I am coming from than
4 anything. First of all, I don't have unsafe sex with
5 anyone, and that's not to imply I would have had sex
6 with him, because in fact I did have a rubber, which
7 the police found, but it was just the first thing
8 that came to mind, and I just stood there, and I
9 don't believe I even said anything, but I just made
10 it clear that he should leave without saying
11 anything, insulting him or anything.

12 Q. Did he leave?

13 A. Yeah, he walked out.

14 Q. Did he say anything?

15 A. No.

16 Q. Did he go back to the living room?

17 A. As far as I know, he did, yeah.

18 Q. What did you do?

19 A. I got back into bed, thought about it for a little
20 bit.

21 Q. What were you thinking about this situation?

22 A. Close call.

23 Q. What do you mean, close call?

24 A. Well, I mean, I knew from what he told me that he was
25 15, so that's a little too close for comfort for me.

- 1 Q. What is the significance of his being 15?
- 2 A. Well, I mean it's illegal to have any type of sexual
3 activity or even suggest it orally with a minor.
- 4 Q. What is the age of legal consent in this state by
5 your understanding?
- 6 A. Sixteen.
- 7 Q. Sixteen?
- 8 A. Yeah, for certain things.
- 9 Q. Okay. For consensual sex between people?
- 10 A. I believe so, yes.
- 11 Q. Sixteen?
- 12 A. I always look it up, but I believe so.
- 13 Q. Were you sexually attracted to Tim Wright?
- 14 A. No. He is a good-looking boy, but I wasn't sexually
15 attracted to him. Besides, I was tired.
- 16 Q. How did you feel about having essentially a strange
17 kid who had just sexually propositioned you in your
18 own bed continue to have free rein of the house
19 afterwards?
- 20 A. Well, I had taken some precautions. I mean, like I
21 said, I made him familiar with the house. I left my
22 keys out there so he wouldn't feel like he was
23 restrained in any kind of way. I think I left my
24 glasses on the table; that's my normal habit, anyway,
25 I am --