

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of)

CONFIDENTIAL

THORNTON B. HATTER, Judge Pro Tem)
Jefferson County District Court)
1820 Jefferson Street)
P.O. Box 1220)
Port Townsend, Washington)
98368-9920)

Commission No.
93-1445

CONFIDENTIAL

COPY

Deposition Upon Oral Examination

of

THORNTON B. HATTER

Taken at 38th Floor, Key Tower
Seattle, Washington

APR 19 1994

DATE: April 12, 1994

REPORTED BY: Patrice E. Starkovich, RPR
CSR NO.: ST-AR-KP-E511MF

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1 Q. Let me rephrase it then. Have you had physical
2 contact with a boy or a girl who you knew or believed to be
3 age 16 or younger when there was no one else present?

4 A. Yeah.

5 Q. Tell me about that.

6 A. My good friend Kristin, K-r-i-s-t-i-n, has a
7 daughter that is 14. I think there have been times we have
8 hugged and greeted each other when her mom wasn't there, not
9 right there looking.

10 Q. Putting aside Kristin's daughter, any other such
11 occasions?

12 A. Any other such occasions?

13 Q. Yes.

14 A. My friend Lonnie has kids. They are a lot
15 younger. I think Amanda is two and Anthony is four or five.

16 Q. Putting that aside --

17 A. We hug.

18 Q. Putting that aside --

19 A. Not that I am recalling.

20 Q. Other than Mr. Bean and Mr. Wright, have you ever
21 had physical contact with any individual whom you originally
22 met by picking them up when they were hitchhiking?

23 A. Not that I am recalling, no.

24 Q. In 1991, did you go to Oregon to meet with an
25 individual named Green?

1 A. John F. Green.

2 Q. What were the circumstances?

3 A. Mr. Green had also been a renter. He is a friend,
4 erstwhile friend. I know his family. We go back a long
5 ways together. We have had, let's call it, a parting of the
6 ways. He owed me money which he refused to pay. I knew
7 there was a warrant for his arrest. So I went down to see
8 him, and I told him he would either go back to Washington
9 and face the music, or I would call the police and let them
10 know he had a warrant. It was strictly vengefulness on my
11 part at the time. So he came back to Washington.

12 Q. What was the falling-out that he and you had?

13 A. I am not quite sure. We haven't gotten to the
14 bottom of it yet. I think it is like trust issues mostly.
15 He is somebody that I still see. He came by and visited me
16 at my office last week. I wouldn't try to make much out of
17 that. I know that he was included in the --

18 Q. Sir, I am not --

19 A. I am still answering.

20 I wouldn't make too much out of it. I know he was
21 indicated as a basis for the affidavit of probable cause in
22 this criminal cause, and I know that affidavit was drafted
23 by the prostituting attorney without ever having contacted
24 him, and, when they did contact him, which was during the
25 week of the trial, he denied all of the allegations he

1 had made in some police report from who knows when, when he
2 was mad at me. So there is no truth to what he said. And
3 you can feel free to contact him even today.

4 Q. How old is Mr. Green?

5 A. Mr. Green was born in '64, '65. He was telling me
6 how it feels to be 28, 29. He is something like that now.
7 He had a birthday at the end of the year.

8 Q. Have you had any sort of sexual relationship with
9 Mr. Green?

10 A. No.

11 Q. Where is Mr. Green today?

12 A. He lives in the Port Townsend area.

13 Q. You met with him last week, you indicated?

14 A. He stopped by wanting to know -- just we are kind
15 of social friends. He had checked in. We were social
16 friends. And he had asked if I knew where he could make
17 some money working. It was during office hours. He is the
18 brother-in-law to my secretary. So he is a person that I
19 have contact with every now and then.

20 We had a very difficult time when our friendship,
21 relationship, in 1991 I believe it was -- he was making all
22 kinds of accusations to all kinds of people in a manner
23 that he knew would hurt me. That is what he threatened to
24 do. He threatened to destroy my reputation. He attributed
25 me for the fact that he was facing a year in jail for

1 driving without a license for umpteem times.

2 Q. At the time you went to Oregon, he owed you money,
3 correct?

4 A. Right.

5 Q. Was it your purpose in going to Oregon to get that
6 money?

7 A. No. He told me he wasn't going to pay me.

8 Q. Why then did you go to Oregon?

9 A. I figured, if I wasn't going to get mine, he
10 wasn't going to run free.

11 Q. When you arrived in Oregon, did you discuss with
12 him the fact that he owed you money?

13 A. I don't think we did. I think we only discussed
14 whether he was going to remain free.

15 Q. Did he then get into your car?

16 A. Yes.

17 Q. Why?

18 A. Because I told him I would give him a ride to
19 Oregon, or I would call police or wherever that was. It was
20 somewhere outside of Beaverton, I believe, where he was
21 staying. I mean, there were still hard feelings between us.
22 I told him, I said, "Look, you come back to Port Townsend to
23 face the music or I will call the police here and it will be
24 a month before you get back to Washington but you will be in
25 custody all of that time being transferred from jail to

1 jail." I was being very mean.

2 Q. What was your purpose in going to Oregon?

3 A. Just to give him a hard time. You only get into
4 things that way with people you have been close personal
5 friends with. I am not proud of that or anything like that.
6 That is just where our relationship was at the time.

7 Q. How did you know there were existing warrants on
8 Mr. Green?

9 A. I was in court when they issued.

10 Q. When you say you were in court, what do you mean?

11 A. I was seated in the courtroom in Jefferson County
12 when one or more of the warrants issued. Jefferson County
13 is just a part-time court. It is one or two days a week;
14 everything happens.

15 Q. Were you sitting as a pro tem judge?

16 A. No, this is well before that time, well before
17 that time.

18 Q. This was approximately 1991, was it not?

19 A. Yeah. I think he went to jail before I was
20 offered the position as a pro tem judge. I know he made
21 some statements in 1991, but those were all after the fact.

22 Q. You were accompanied by someone going down to
23 Oregon?

24 A. Uh-huh.

25 Q. Who was that?

1 A. A friend named Jay, Jay who I haven't seen in a
2 while, Pearson, P-e-a-r-s-o-n.

3 Q. Where is Mr. Pearson today?

4 A. He is in the Seattle/North King County area
5 somewhere. I know his family and his extended family. He
6 is not a person that I see very frequently at all.

7 Q. What does he do for a living?

8 A. I think he is a cashier at a convenience store. I
9 don't know where. That is what he has done as long as I
10 have known him, since he has been out of the service.

11 Q. Did you discuss at the time you arrived in Oregon
12 with Mr. Green, if he didn't pay you the money, you were
13 going to see that he was arrested?

14 A. No. I didn't discuss the money. He had left me a
15 note before he left Washington that said he wasn't going to
16 pay. I believed him. I have known John a long time. He --
17 you know, no, there was no discussion about money or else.
18 I have -- I have other remedies for that which aren't
19 worthwhile. He had actually executed a note to me. I still
20 have the note. It is worthless.

21 Q. In any event, he got into your car along with
22 Mr. Pearson?

23 A. Right.

24 Q. How did you know where he was living in Oregon?

25 A. I asked his mother. I know his entire family. I

1 have known them for years and years and years.

2 Q. You had your stun gun with you on this trip to
3 Oregon?

4 A. Yes. It was in the car, yes.

5 Q. On the trip from Oregon back to Washington with
6 Mr. Green, did you fire the stun gun?

7 A. No.

8 Q. You deny that?

9 A. Yeah, I deny it.

10 Q. Did you display the stun gun to him?

11 A. Yes.

12 Q. In what purpose and for what reason?

13 A. Well, just to intimidate him.

14 Q. To threaten him?

15 A. No, not to threaten him. There were no words
16 associated with it. A lot of what we did was to just screw
17 with his head. We had very little conversation with John.
18 I would say, by the time we got back up to Kalama, he was
19 thoroughly convinced -- this is just kind of mind screwing.
20 He was thoroughly convinced we were going to do something to
21 him, and he, in fact, asked, "What are you guys going to do,
22 beat me up?"

23 And we laughed at him and said, "Is that what you
24 want us to do?" We didn't do anything to him except kind of
25 mentally terrorize him. What happened with the stun gun is

1 I had it under my seat, and I picked it up making sure that
2 he could see it, and I gave it to Jay and told him to put
3 it in the glove box. I never threatened him with it.

4 Q. Did you have handcuffs present with you on this
5 trip to Oregon?

6 A. I didn't but I think Jay had a pair.

7 Q. Whose handcuffs were they?

8 A. They were Jay's or some that he had gotten. I am
9 pretty sure they were his.

10 Q. In any event, you knew he had those with him?

11 A. They are up on the -- I don't remember if they
12 came up when we got back to Washington or what. They were
13 there, though. See, a police officer came and did an
14 investigation, so we produced those.

15 Q. The reason the handcuffs were present, was that a
16 part of the non-verbal intimidation?

17 A. Yeah. Yeah. It was stupid and in a vengeful
18 sort of way that you can only get somebody that you know
19 really well. It was kind of fun at the time. It was the
20 only means of retaliation that I had at the time. It was
21 just to frighten him.

22 Q. Mr. Green, it sounds like, at least from your
23 perception, thought you were sincere?

24 A. Mr. Green surprised all of us because, when we got
25 to Washington, he ran to the telephone and called the Lake

1 Forest police and told them, "I have a warrant out for my
2 arrest; come and get me."

3 So I don't know what he believed. We just asked
4 him to talk. As I said, at one time, he had convinced
5 himself we were going to pull off the highway somewhere and
6 physically abuse him in some kind of way.

7 Q. Was it your goal to put him in that state of mind?

8 A. Yeah, I think so at the time. Not necessarily
9 that we were going to do physical harm, but that there would
10 be uncertainty and just to see what would happen. We were
11 just having fun with him.

12 The fact that he called and had himself arrested
13 was actually the most unanticipated and funniest thing that
14 happened. I know that made him feel the worst because we
15 laughed at him publicly. That was very embarrassing to him.
16 You know, things escalated farther -- further between us
17 after that.

18 Q. How so?

19 A. Well, he made allegations when he was in jail.

20 Q. What kind of allegations?

21 A. I didn't find out until -- and I have never seen
22 the reports. People were approaching me at work, and the
23 jailer, fellow attorneys and so forth, some clients that I
24 had were in jail telling me that "John Green was telling me
25 all of these awful things about you." No one would ever

1 give me details. They said it wasn't worth repeating.

2 At the time of the trial last year, my attorney
3 showed me a police report which I think it was dated some
4 time in late '91 where he was claiming that I was diddling
5 or having sex with young boys in Port Townsend. So that was
6 just a further thing.

7 Before he was jailed, ultimately, I mean, he would
8 stop by my office over there in Port Townsend and say, "I am
9 going to destroy your reputation." I am going to get people
10 to say this about you. I am going to get people to say
11 that. I think the reports, if you have a chance to look at
12 them, kind of speak for themselves. He makes these
13 allegations, and, when the police ask him for details, he
14 doesn't come up with anything. That is just part of my past
15 that happened.

16 Q. On the trip from Oregon back to Seattle, was
17 Mr. Green, in fact, handcuffed?

18 A. No.

19 Q. When you arrived in Seattle, you stopped and
20 picked up a gentleman named Scott Kelly?

21 A. He was a friend of Jay's, if we are thinking about
22 the same person, who I hadn't met before. I think that is
23 who we are talking about. But I think Scott Kelly, if that
24 is the gentleman, was there when the police officer came to
25 arrest John.

1 Q. Why is it that you stopped and picked up
2 Mr. Kelly?

3 A. I don't know. Just an idea we had, more
4 intimidation.

5 Q. You wanted to increase the non-verbal intimidation
6 factor with Mr. --

7 A. At some point, to give you an idea of how little
8 we talked about it, at some point John asked us where we
9 were going. We had never said anything. We were just going
10 to let it go. He had assumed we were going to Port
11 Townsend. I had no intention of going to Port Townsend
12 coming up from Oregon. I was just going to go home.

13 As we said nothing and after we made this stop, I
14 think Mr. Scott -- Mr. Kelly lived in Lake City. He just
15 had less and less a clue of what was happening, and we
16 really had no plan.

17 Q. Where is Mr. Kelly today?

18 A. I don't know. He is not a person I really knew
19 before or since then. At that time I believe he was a
20 housemate of Jay Pearson's. But Jay has since married and
21 has kids.

22 Q. How is it that you chose Mr. Pearson to accompany
23 you down to Oregon?

24 A. Oh, because Mr. Pearson is like a Baby Huey. He
25 is like six-five, 230 pounds; he just looks intimidating.

1 He is a big guy.

2 Q. And he is intimidating by his physical presence?

3 A. By his physical presence, not anything about his
4 behavior or what he does. He is the kind of person that you
5 would hire -- he is actually mild-mannered. He has and I
6 think he told me in the past that people have been willing
7 to hire him as a bouncer in taverns.

8 Q. Not the kind of guy you would want to run into in
9 a dark alley?

10 A. Well, no, not by his appearance. No.

11 Q. So it was based on his physical appearance?

12 A. John didn't know Jay. John didn't know Jay at
13 all.

14 Q. That was another reason why you decided
15 Mr. Pearson would be a good one to take along?

16 A. Yeah. That is not all of it. I have done some
17 things I am kind of embarrassed about. I mean, my initial
18 ploy to get John to come back was to tell him his boy was
19 sick and had been in a car accident. I am not proud of that
20 stuff. This is just a way to get him back here so he would
21 end up in jail basically.

22 Q. Did you tell him his boy was sick and had been
23 involved in an accident?

24 A. Yeah. Yeah.

25 Q. And that wasn't true?

1 A. That wasn't true.

2 Q. If you knew where Mr. Green was, why didn't you
3 simply call the police and say this man is at such and such
4 a location in Oregon and he has warrants out for his arrest?
5 Why did you not contact the police and tell them that?

6 A. Because, with friends that are angry at each
7 other, it is more important to see what happens to them.
8 That is all I can say to explain it. I mean, that way he
9 wouldn't have known who did it or instigated it.

10 Q. So you mean if you had called the police?

11 A. I could have had the same effect by calling even
12 the Lake Forest Park police if they had time to relay the
13 message down. I forget the name of the town, somewhere near
14 Beaverton. It would have had the same effect.

15 Q. That wouldn't have been as much fun as having him
16 know?

17 A. Right. Right.

18 Q. The four of you arrived at your house?

19 A. Right.

20 Q. And you left Mr. Green unaccompanied for a moment?

21 A. Well, even before then. We had stopped to use the
22 restrooms along the way. We stopped at the public things
23 along I-5. The little rest stations. We stopped at those.

24 No, but as soon as I opened the door, John bolted
25 for the phone and called the police. He had had it to his

1 wit's end at that point.

2 Q. Did he call 911, in fact?

3 A. Right. Right.

4 Q. What did he say? Were you listening?

5 A. He said they are trying to kidnap me. They are
6 going to do this to me. They are going to do that to me.
7 He was fantasizing.

8 Q. That is the state of mind that you had hoped to
9 induce with Mr. Green?

10 A. I don't know. We really didn't know what would
11 happen. Yeah, that is obviously what had developed. We
12 were willing to go with that. It was more teasing. That is
13 what really made him angry. He can't stand to be teased.
14 There has been a lot of teasing.

15 Q. There is teasing where you kid someone, and then
16 there is escalating levels of teasing. This probably would
17 be at the top end of the scale, would it not?

18 A. Yeah. Yeah. I mean, you know, something you
19 probably wouldn't do with someone you didn't know or
20 probably you wouldn't do with someone that you knew even
21 because it was kind of like over the line. I mean, with
22 your close friends and acquaintances, one aspect of them
23 being close is you know intimate things about them and you
24 know how they respond to things and what they are sensitive
25 to and you have tacit agreements with these people that you

1 don't cross those lines.

2 Well, we had both crossed those lines with each
3 other before then, before that time, and this was more
4 escalation of the same. It continued for quite a while
5 until we finally made amends last year.

6 Q. One of the things that happened, to my
7 understanding, is, when you got to the house, you asked
8 Mr. Kelly if, quote, "the room was ready"?

9 A. Yeah.

10 Q. What did you mean by that?

11 A. I don't know. It was just, you know -- the room
12 -- I don't know. There was nothing.

13 Q. It was just one more step in the --

14 A. Right.

15 Q. -- intimidation campaign?

16 A. Right.

17 Q. What did Mr. Kelly say in response?

18 A. I don't know. I mean, John went right for the
19 phone. That was it.

20 Q. He went for the phone after you said, "Is the room
21 ready"?

22 A. Yeah. We had already discussed this, what we were
23 going to say and what we were going to do when we got to my
24 house. Our intent was to send him off howling and nuts. We
25 never expected that he would call the police to have himself

1 arrested.

2 Q. When was this discussion?

3 A. When we picked up Mr. Kelly. Because Jay and I
4 had talked about -- I mean, Jay and I had talked like when
5 we stopped at the rest area; I want to say Battleground --
6 somewhere on I-5 between Portland. We had stopped to use
7 the restroom and we were having cigarettes. At this point,
8 John had already asked if we were going to beat him up. So
9 Jay and I kind of made an agreement we would keep teasing
10 him.

11 Q. You came up with the idea of asking Mr. Kelly, "Is
12 the room ready"?

13 A. Yeah, let's stop and get Scott, his roommate, and
14 figure out something.

15 Q. How was it that Mr. Kelly learned what was
16 happening?

17 A. As I remember, we went in -- well, I don't know
18 exactly what Jay told him. Jay went into his house. We
19 stopped there briefly and went in, and, I mean, I think he
20 was probably approached, "Do you want to just have some fun
21 screwing with a guy's head?"

22 Q. Was it your perception that Mr. Green was in fact
23 intimidated by what was happening?

24 A. It is possible. I don't know.

25 Q. That was your goal?

1 A. Our goal was to tease him. I mean, after all, he
2 asked were we going to physically harm him, and we told him
3 no. We answered the question with a question. We said,
4 "That is not what we were planning to do, but is that what
5 you want us to do?" So it was just kind of left open.

6 Q. Just kind of --

7 A. I never laid a hand on him and never intended to.

8 Q. You were just trying to --

9 A. I mean, physically, he could take care of me, but
10 our relation -- that is something that I always actually
11 teased him about. You know, just nothing physical ever
12 happened between us.

13 Q. You were trying --

14 A. I figured it was okay to push it.

15 Q. You were trying to raise his uncertainty level?

16 A. Yeah, and to make him angry, tease him.

17 Q. And his anxiety level?

18 A. I don't know. I don't know. It happened.

19 Q. Are you sure, Mr. Hatter, that you didn't shoot
20 the stun gun at him?

21 A. I am positive. You can ask him. Is that
22 something that he told the police in the report? I didn't
23 hear all of their conversation.

24 Q. It appears in the police report, and, in fact,
25 according to the police report, you might have actually shot

1 yourself by accident with the stun gun?

2 A. One would know that. I mean, I never have in
3 fact, but, from what I understand happens, it will burn you
4 or something.

5 MR. TAYLOR: Mr. Hatter, I don't have any
6 more questions. Thank you for your time.

7 MR. HATTER: I have some questions of me.

8 MR. TAYLOR: Certainly.

9

10 E X A M I N A T I O N

11 BY MR. HATTER:

12 Q. Did you give Tim Wright permission to watch the
13 video?

14 A. No, not at any time did I give him permission,
15 tell him he could watch it.

16 Q. Did you give Tim Wright permission to masturbate?

17 A. No, I didn't give him permission or allow him or
18 say anything to indicate that I would approve of his doing
19 that.

20 Q. Do you know in fact whether or not Tim Wright was
21 masturbating?

22 A. No, I have no reason to know. He wasn't
23 unclothed. He wasn't exposing himself. I only speculated
24 as to what he might be doing in response to a question at
25 the criminal trial.