

EXHIBIT A

GILBERTSON INVESTIGATIONS, INC.

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February 15, 2021

Mr. Breean Beggs, J.D.
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RE: *James Faire and Angela Faire v. Okanogan County, WA et al., Complaint for Damages for Violation of Federal Civil Rights and Malicious Prosecution*

Dear Mr. Beggs:

You retained me on or about February 2, 2021 regarding the matter referenced above. Specifically, you asked me to provide my expert witness analysis, opinion, and testimony regarding the Federal Civil Rights and Malicious Prosecution action your office is bringing on behalf of James Faire and Angela Faire, a marital community, against Okanogan County, Washington, former Okanogan County Prosecuting Attorney Karl Sloan, Okanogan County Sheriff's Detective Kreg Sloan, former Okanogan County Interim Prosecuting Attorney Branden Platter, and former Okanogan County Sheriff Frank Rogers. My analysis, opinion, and testimony will focus on Detective Sloan and these policy makers and their investigation into the death of Debra L. Long at a residence owned by Richard Finegold, located at 36 Sourdough Road in unincorporated Okanogan County, on the afternoon of June 18, 2015. You will also see former Okanogan County Sheriff's Office Chief Criminal Deputy Steve Brown referenced in this report.

EXPERT WITNESS QUALIFICATIONS

I am qualified as an expert witness in police practices because I have the following education, experience, knowledge, skill, and training in my field.

Education: I hold a Master of Science degree in Justice Administration from Columbus State University (1983); a Bachelor of Arts degree in History from the University of Washington (1982); and thirty (30) credits of post-graduate coursework in Criminal Justice and Public Administration. I have also completed over 1,000 hours of law enforcement and tactical (SWAT) police training.

Experience: Currently, I am a tenured *Professor of Criminal Justice* at Centralia College (9/99-present). Prior to that I was a *Senior Lecturer* of criminal justice at Brandman University (8/10-12/16). I worked as an *International Police Trainer* in Kabul, Afghanistan (MPRI / Engility, Inc.) (11/08-12/09). I have been an *Expert Witness & Private Investigator* (Gilbertson Investigations, Inc.) since 2002 to present. I gave lectures as a *Senior Lecturer* on topics of criminal justice at Saint Martin's University (5/97-11/09). In Baghdad and Basra, Iraq, I was an *International Police Trainer* (05/05-06/06). I worked as a *Security Officer* for the Kent & White River School Districts (08/96-08/99). I served as a *Guardian ad Litem* for the Pierce County Superior Court, Tacoma WA (09/97-09/99). I was a *SWAT Officer, Superior Court Investigator, and Senior Patrolman* for the LaGrange Police Department, GA (02/91-04/96). I began my career as *Police Officer* for the Atlanta Police Department, GA (08/88-02/91).

I have testified as an *Expert Witness* in over one hundred (100) cases in twenty (20) states and the District of Columbia. My expert testimony has been in the superior courts of Washington, Oregon, Kansas, Connecticut, and Illinois; and the U.S. District Courts for the Western District of Washington and the District of Arizona.

Knowledge: The U.S. Department of Defense and the U.S. Department of Justice designated me a *Subject Matter Expert* in police practices and procedures. In this capacity, I served as an International Police Trainer in Iraq and Afghanistan. In Kabul, Afghanistan, I served as a *Police Policy & Doctrine Developer* to the Afghanistan Ministry of the Interior. My task was to design and develop the Policy and Procedure Manual for the Afghan National Police. I based the manual on model and best practices as outlined by the *International Association of Chiefs of Police*. Next, I worked as the *Senior Mentor and NATO Liaison to the Afghan National Police Academy*.

Skill: At Centralia College my academic duties include teaching and serving as *Senior Faculty of the Criminal Justice Program*. Recently, I provided leadership for an initiative called the Criminal Justice Crosswalk Degree. Centralia College now confers 45 of the 90 credits required for a criminal justice associates degree to all Washington State police officers, deputy sheriffs, and state troopers. The Centralia College *Crosswalk* degree is unique in the state.

I have been an *Expert Witness* since 2013. In *Alvarez v. King Cty.* the Court held

Mr. Gilbertson's qualifications demonstrate extensive experience in policing. Mr. Gilbertson's experience includes work as a police officer in Georgia, including assignments as a SWAT team officer, superior court investigator, school resource officer, squad officers, senior patrolman, and patrolman. After his law enforcement career, Mr. Gilbertson went on to become a college professor – where he taught courses on criminal justice – and a private investigator, conducting pretrial investigations for attorneys throughout Washington State in hundreds of criminal cases. The Court finds that, based on his experience, Mr. Gilbertson's testimony can be expected to have a reliable basis in knowledge and experience of police

practices. The Court further finds that [any] Defendants' concerns can be fully addressed through cross-examination.

Alvarez v. King Cty., No. C16-0721RAJ, 2017 WL 3189025, at *8 (W.D. Wash. July 27, 2017) (citations omitted) (emphasis added).

Training: The Washington State Board of Community and Technical Colleges requires tenured workforce education faculty members to maintain competency and currency in their respective career field. To meet this requirement, I became a licensed private investigator in 2002. Additional specialized training courses include: Georgia Public Safety Training Center SWAT Certification (1993); U.S. Army Military Police School SWAT Training Course (1993); Georgia Public Safety Training Center SWAT Submachine Gun Course (1993); Georgia Public Safety Training Center Police Tactical Rifle Course (1994); Georgia Public Safety Training Center Shotgun Skills Course (1993); Georgia Public Safety Training Center VIP Executive Protection Course (1993); Georgia Public Safety Training Center Criminal Procedures Course (1992); Advanced Interviews & Interrogations I, Columbus College (1992); Advanced Interviews & Interrogations II, Columbus College (1993); Pierce County Center for Dispute Resolution Mediation Training Course (1998).

List of previous cases: Please see my CV (attached) for a complete list of all other cases (including the previous four years) for which I have testified as an expert at trial or by deposition as required under Fed. R. Civ. P. 26(a)(2)(B)(v) and similar IL state statutes.

QUESTIONS PRESENTED (QP)

Mr. Beggs, you asked me to review the discovery materials for this matter and to offer my expert witness analysis, opinion, and testimony to the following questions:

1. Did the Okanogan County Sheriff's Office, Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, and Detective Kreg Sloan meet their duty of achieving *a reasonable standard of care* regarding James Faire and Angela Faire as the duties these law enforcement officers carried out during their investigation into the death of Debra L. Long?
2. Using the definition of probable cause from the 9th Circuit, did Okanogan County and/or Detective Kreg Sloan have probable cause to believe James and Angela Faire committed the crimes of murder, vehicular homicide, assault, vehicular assault, trespass, or any other crime after multiple witnesses provided the following testimony:
 - Debra Long, George Abrantes, Michael St. Pierre, and Ruth Brooks surrounded and ambushed the Faire's vehicle for the purpose of physically restraining them and preventing them from leaving the Finegold residence on Sourdough Road.
 - George Abrantes violently and repeatedly assaulted James and Angela Faire, placing them in fear for their lives, by striking their pick-up truck windshield, driver's side window, hood, and driver's side door numerous times with a

makeshift weapon comprised of approximately 30 inches of heavy chain with a 3-inch padlock affixed to one end, causing significant damage to the vehicle.

- Debra Long attempted to tie herself to the grill or front bumper of the Faire's pick-up truck while George Abrantes was feloniously striking the truck with his chain and lock weapon.
3. Did the Okanogan County Sheriff's Office, Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, and/or Detective Kreg Sloan meet their duty of achieving *a reasonable standard of care* while they carried out their duties investigating the death of Debra Long by securing George Abrantes' cellular phone and Debra Long's cellular phone at the Sourdough Road crime scene, and later extracting and preserving evidence contained within these devices?
 4. Did Okanogan County by its policies, practices, and procedures, and/or Detective Kreg Sloan by his actions, intentionally, recklessly, and/or with deliberate indifference violate James and Angela Faire's 6th Amendment *Brady v. Maryland* rights in failing to adequately secure and preserve the data contained within George Abrantes' cellular phone?
 5. Did Okanogan County by its policies, practices, and procedures, and/or Detective Kreg Sloan by his actions, intentionally, recklessly, and/or with deliberate indifference violate James and Angela Faire's 6th Amendment *Brady v. Maryland* rights by failing to timely notify James and Angela Faire that the data extracted from George Abrantes cell phone on or about June 23, 2015 was no longer available?
 6. Did Okanogan County by its policies, practices, and procedures, and/or Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, Prosecuting Attorney Karl Sloan, and Interim Prosecuting Attorney Branden Platter meet their duty of achieving *a reasonable standard of care* in the performance of their supervisory and oversight duties regarding Detective Kreg Sloan's investigation into the death of Debra Long by allowing or enabling him to negligently, recklessly, or with deliberate indifference withhold the fact from James and Angela Faire that potentially exculpatory evidence and/or data extracted from George Abrantes cellular phone on or about June 23, 2015 was no longer available for at least 2.5 years?
 7. Did Okanogan County by its policies, practices, and procedures, and/or Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, Prosecuting Attorney Karl Sloan, and Interim Prosecuting Attorney Branden Platter engage in or enable the negligent and/or reckless supervision of Detective Kreg Sloan while he was investigating the death of Debra L. Long.

BRIEF ANSWERS

QP #1. No. The Okanogan County Sheriff's Office, Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, and Detective Kreg Sloan failed to meet their duty of achieving *a reasonable standard of care* regarding James Faire and Angela Faire as the duties of these law enforcement officers related to their investigation into the death of Debra L. Long and was deliberately indifferent to the rights of James Faire and Angela Nobilis. Multiple investigative errors and

omissions of important facts and circumstances occurred between the date of the incident, June 18, 2015 and the date of Judge Christopher Culp's order dismissing all charges against James Faire with prejudice on July 12, 2018.

QP #2. No. The 9th Circuit Model Civil Jury Instructions 9.23 of Probable Cause states: "*Probable cause exists when, under all of the circumstances known to the officer[s] at the time, an objectively reasonable police officer would conclude there is a fair probability that the plaintiff has committed or was committing a crime.*" Detective Sloan knew or should have known, within the first several days of this investigation, that several inconsistent facts, circumstances, and witness statements impeached the theory James or Angela Faire committed any crime on June 18, 2015 at 36 Sourdough Road. These facts and circumstances are detailed in this report. However, one very compelling and irrefutable fact is that on June 29, 2015, Boyd K. McPherson presented himself at the Okanogan County Sheriff's Office and provided compelling and consistent eyewitness testimony that should have reasonably and objectively exonerated James and Angela Faire of the crimes of murder, vehicular homicide, assault, vehicular assault, and trespassing. After June 29 there was no longer continuing probable cause to incarcerate or criminally prosecute James Faire or Angela Nobilis.

QP #3. No. The Okanogan County Sheriff's Office, Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, and/or Detective Kreg Sloan failed to meet their duty of achieving *a reasonable standard of care* in performing their investigation into the death of Debra Long by securing George Abrantes' cellular phone and Debra Long's cellular phone at the Sourdough Road crime scene, and later extracting and preserving evidence contained within these devices, and was deliberately indifferent to the rights of James Faire and Angela Nobilis. Ms. Long's cell phone was not discovered at the crime scene, but later recovered from her husband. George Abrantes cell phone was mistakenly identified as belonging to Debra Long. Furthermore, the data purportedly extracted from the Abrantes cellular phone on June 23, 2015 was not backed-up on any other digital storage device and was later lost as result of a purported computer virus which reportedly infected Detective Sloan's computer. Lastly, Detective Sloan failed to disclose the loss of the Abrantes cell phone data for at least 987 days and made no attempt to recover it after he prematurely returned the cell phone to George Abrantes on June 24, 2015 – just six days after the incident.

QP #4. Yes. Okanogan County by its policies, practices, and procedures, and/or Detective Kreg Sloan did, by his actions, intentionally, recklessly, and/or with deliberate indifference violate James and Angela Faire's 6th Amendment *Brady v. Maryland* rights in that he failed to adequately secure and preserve the data contained within George Abrantes' cellular phone and inexplicably made no attempt to recover the last data for over 2.5 years until it was no longer available as George Abrantes digitally wiped his cell phone.

QP #5: Yes. Okanogan County by its policies, practices, and procedures, and/or Detective Kreg Sloan by his actions, intentionally, recklessly, and/or with deliberated indifference violate James and Angela Faire's 6th Amendment *Brady v. Maryland* rights by failing to notify the Faire's that the data extracted from George Abrantes cell phone on or

about June 23, 2015 was no longer available when he discovered this fact on or about August 12, 2015.

QP #6: Yes. Okanogan County by its policies, practices, and procedures, and/or Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, Prosecuting Attorney Karl Sloan, and Interim Prosecuting Attorney Branden Platter failed to achieve *a reasonable standard of care* in the performance of their supervisory and oversight duties regarding Detective Kreg Sloan's investigation into the death of Debra Long by allowing or enabling him to negligently, recklessly, or with deliberate indifference withhold the fact from the Faire's that potentially exculpatory evidence and/or data extracted from George Abrantes cellular phone on or about June 23, 2015 was no longer available for at least 2.5 years.

QP #7: Yes. Okanogan County by its policies, practices, and procedures, and/or Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, Prosecuting Attorney Karl Sloan, and Interim Prosecuting Attorney Branden Platter did engage in or enable the negligent and/or reckless supervision of Detective Kreg Sloan while he was investigating the death of Debra L. Long. I have seen no documentary or testimonial evidence Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, Prosecuting Attorney Karl Sloan, or Interim Prosecuting Attorney Branden Platter engaged in any reasonable standard of care pertaining to the ongoing supervision or oversight of Detective Kreg Sloan during his investigation into Debra Long's death, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

STATEMENT OF FACTS

Based upon my review of the before referenced discovery documents and personal observations in this matter, the following paragraphs reflect the testimony this writer is prepared to offer at trial:

1. Michele St. Pierre and James Faire, and Angela Nobilis Faire developed a friendship beginning in 2007. They initially met during their shared political activism with the Ron Paul presidential campaign. Their relationship expanded to include their spouses and/or paramours, Richard Finegold and Angelina Nobilis in 2009.
2. The relationship between Michele St. Pierre, Richard Finegold, James Faire, and Angela Nobilis evolved over the years to include jointly celebrating holidays, birthdays, and other intimate occasions and family activities.
3. Over the course of several years, Michele St. Pierre, Richard Finegold, James Faire, and Angela Nobilis developed a plan to relocate their homes to Okanogan County and establish an *Intentional Community* based upon collective farming and ranching on a parcel of mutually owned real estate.
4. In September 2012 James Faire and Angelina Nobilis relocated to a 279-acre real estate parcel at 222 Hubbard Road, Riverside in unincorporated Okanogan County, Washington. James and Angela planned to purchase this land for their *Intentional Community*.

5. In November 2012 Richard Finegold purchased a 20-acre real estate parcel at 36 E. Sourdough Road, Tonasket, Washington in unincorporated Okanogan County. This parcel included an established residence and outbuildings. Shortly thereafter, Mr. Finegold and Michele St. Pierre, relocated to Tonasket which was 35 miles from the Faire-Nobilis home in Riverside.
6. From November 2012 to June 2014 Richard Finegold and Michele St. Pierre reportedly made their primary residence in unincorporated Okanogan County at 36 E. Sourdough Road. During this same time, James Faire and Angela Nobilis also resided in the community of Riverside, also in unincorporated Okanogan County. Both couples remained in frequent contact with one another during this time.
7. On or about June 1, 2014 Michele St. Pierre fell ill with Breast Cancer. Shortly thereafter, Michele St. Pierre and Richard Finegold moved back to Michele's home in Stanwood for medical purposes, leaving the E. Sourdough Road home outside of Tonasket unoccupied.
8. During the Summer of 2014, James Faire and Angela Nobilis were asked by a mutual acquaintance, Roberta Podbielancik, to perform additional maintenance work on the Finegold's Tonasket area home. James and Angela report they were glad to help.
9. On Labor Day Weekend 2014, Richard Finegold and Michele St. Pierre asked James Faire and Angela Nobilis to winterize their Tonasket area home. James and Angela accepted the job and completed this task.
10. During the late Fall and early Winter of 2014, Angela Nobilis and Michele St. Pierre remained in contact with one another via frequent Facebook messaging into January 2015.
11. On or about February 1, 2015 James Faire and Angela Nobilis abandoned their Riverside residence as their purchase agreement with the seller unexpectedly dissolved. Prior to leaving Okanogan County, both James Faire and Angela Nobilis report they acquired permission from Richard Finegold to store a dump truck, motorcycle, trailer, tools, and other miscellaneous belongings and equipment at Finegold's Tonasket area home.
12. James Faire and Angela Nobilis then traveled to Michele St. Pierre's Stanwood home to visit her and Richard Finegold. Upon arrival, James and Angela found a tenant, George Abrantes, and Michele St. Pierre's brother, Michael St. Pierre, also in residence at Michelle St. Pierre's Stanwood residence.
13. According to James Faire and Angela Nobilis, the Stanwood home was filthy, and Michele St. Pierre needed round-the-clock care for her Breast Cancer and an open wound on her torso.
14. James Faire and Angela Nobilis report they immediately moved into the Stanwood home at Michele's request and assumed the role of *house managers*. James Faire and Angela Nobilis report they were responsible for insuring Michele St. Pierre was cared for around-the-clock. In addition, they report performing general maintenance and housekeeping chores daily.
15. James Faire and Angela Nobilis acknowledge Richard Finegold and Michael St. Pierre were primarily responsible for transporting Michele St. Pierre to and from her medical appointments

but did little else to care for her. James Faire also reports he worked full-time as an electrician and donated substantial portions of his income to household expenses.

16. On or about March 1, 2015, Debra L. Long arrived at the Stanwood home. She was referred to Michele St. Pierre and Richard Finegold by their mutual acquaintance, Roberta Podbielancik. Michele St. Pierre's Stanwood home was reportedly in foreclosure proceedings during this time. According to James Faire and Angela Nobilis, Debra Long represented herself *as an attorney, but not a lawyer*. It was also James Faire and Angela Nobilis' understanding that Debra Long specialized in real estate law and was assisting Michele St. Pierre avoid foreclosure on her Stanwood home.
17. James and Angela Faire report Michele St. Pierre's health continued to decline throughout March and April 2015. Their workload at Michele's home became increasingly burdensome as George Abrantes, Michael St. Pierre, Richard Finegold, and Debra Long were all now residing at the Stanwood home. James Faire also reports he was increasingly fatigued by long daily commutes from Stanwood to Auburn where he worked as an electrician. On or about April 29, 2015 James Faire and Angela Nobilis moved out of Michele St. Pierre's home, but remained in regular and frequent contact with Debra Long.
18. Angela Nobilis reports the last time she saw Michele St. Pierre was May 1, 2015. On May 4, 2015 she reports being at the Stanwood home, but was not allowed to see Michele.
19. During May 2015 James Faire and Angela Nobilis report they were increasingly aware of mounting financial demands on Michele St. Pierre and Richard Finegold. Both James Faire and Angela Nobilis report they discussed purchasing Richard Feingold's Tonasket area home with Finegold and Debra Long. These conversations continued into June of 2015. On Monday, June 15, Debra Long agreed to meet with James Faire and Angela Nobilis at the Ram Restaurant on the Tulalip Reservation to discuss purchasing the Finegold property.
20. James Faire and Angela Nobilis report they met with Debra Long on June 15, 2015. She asked them for a substantial down-payment on Richard Finegold's Tonasket area home. James and Angela report they declined to pay Debra Long anything absent a written purchase and sale agreement. James and Angela report they informed Debra Long she had two days to produce a purchase and sale agreement or they would be removing their property from Finegold's Tonasket area home later the same week.
21. Furthermore, James Faire and Angela Nobilis report that Debra Long, for reasons unknown to them, failed to disclose during their June 15, 2015 meeting that their longtime friend, Michele St. Pierre, had died earlier the same day.
22. According to statements made to Okanogan County law enforcement by George Abrantes, Michael St. Pierre, Richard Finegold, and Ruth Brooks (Michele St. Pierre's childhood friend who was visiting Michele in her final days), Debra Long returned to the Stanwood home on the evening of June 15, 2015 after meeting with Faire and Nobilis. Debra Long reportedly told

them that Faire and Nobilis had made hurtful and disparaging remarks about Michele St. Pierre and Richard Finegold which angered them.

23. Over the course of the next 24 hours, Debra Long reportedly developed a plan whereby she insisted everyone drive to Richard Finegold's Tonasket home to prevent Faire and Nobilis from squatting on the property. Debra Long reportedly said it was important to ensure Faire and Nobilis did not establish a residence at Finegold's Tonasket area home, and that they remove their belongings from the residence. Debra Long, George Abrantes, Richard Finegold, Michael St. Pierre, and Ruth Brooks left Stanwood for Tonasket on the morning of Wednesday, June 17, 2015 and arrived 36 E. Sourdough Road sometime that afternoon.
24. Upon arrival on June 17, 2015 Richard Finegold, Michael St. Pierre, George Abrantes, and Ruth Brooks all report that Debra Long advised Finegold to make a trespassing and theft report, Incident Number S15-03735, to the Okanogan County Sheriff's Office. This false report accused James Faire and Angela Nobilis of breaking into the residence, of illegally squatting or trespassing on this property, and of theft.
25. On June 18, 2015 witnesses report Debra Long's plan for James Faire and Angela Nobilis began to change. Instead of requesting the Okanogan County Sheriff's Office conduct a civil standby while Faire and Nobilis collected their belonging, Debra Long advised George Abrantes to go into Tonasket and purchase a chain and padlock for securing the front gate to Finegold's property.
26. Upon Abrantes' return, Debra Long's plan changed again. She prepared two signs and affixed them to the front gate. One sign read *No Trespassing*, and the other sign read *Strat and Angel, Leave Now or Face the Consequences*. George Abrantes wrote on a sign a warning; *You both white trash scum – Fuck You*. However, no one locked the gate to Finegold's property.
27. Shortly thereafter, an acquaintance of James Faire, Jody Pries, arrived at approximately 1:00 pm to drop off some solar batteries he had previously borrowed from Faire. Jody Pries reportedly told someone, probably Debra Long or George Abrantes, that he had spoken to Faire via cell phone and they would arrive in about 30 minutes. Jody Pries then left the property. Upon learning of Faire and Nobilis' arrival, Debra Long's plan changed again.
28. Debra Long quickly assigned everyone specific duties and responsibilities prior to Faire and Nobilis' arrival, as follows:
 - Debra Long had the two cars that were parked in front of the house repositioned behind the home in a small gully which hid these vehicles from view.
 - Debra Long told everyone they were going to confront Faire and Nobilis once they arrived.
 - Debra Long said that once Faire and Nobilis arrived, she, George Abrantes, Michael St. Pierre, and Ruth Brooks would surround their vehicle and prevent them from leaving.

- Once the Faire and Nobilis arrived, Debra Long directed Richard Finegold to go out the back door and proceed to a neighbor's house to call the Sheriff's Office and report a Trespassing while they confronted Faire and Nobilis.
 - While waiting for Faire and Nobilis to arrive, everyone reports seeing George Abrantes affix the large padlock to the end of the logging chain he had purchased earlier that morning.
29. Shortly thereafter, James Faire and Angela Nobilis arrived on scene in a pick-up truck with a day laborer they had hired to help them, Boyd K. McPherson, who was also driving a pick-up truck. All three individuals report they saw no one as they entered the property through an open gate and approached the home via a circular driveway. All three believed no one was present on the property.
30. As soon as James Faire got out of the truck, they were ambushed by George Abrantes, Debra Long, Michael St. Pierre, and Ruth Brooks. According to both Faire and Nobilis, George Abrantes was swinging the chain and lock he had configured like a medieval weapon as he ran towards Faire. James Faire reports he immediately drew his handgun when he saw the group rushing towards him and pointed it at the ground in a low-ready position believing he might have to fire in self-defense.
31. Michael St. Pierre approached Angela Nobilis who was seated on the passenger side of the pickup truck and began screaming at her. Debra Long positioned herself at the front of the pickup near the grill and front bumper. Ruth Brooks went to the rear of the truck. Ruth Brooks also reports that just before they ambushed Faire and Nobilis, George Abrantes gave her his cell phone and told her to make a video. Boyd McPherson, who witnessed the entire event from the cab of his pick-up about 35-50 feet away, reports seeing Ruth Brooks holding a cell phone in a manner that appeared she was video recording the incident.
32. James Faire reports he recognized George Abrantes just before he fired his weapon in self-defense. Even though Faire was in immediate fear for his life and Nobilis' life as well, he told me he just couldn't bring himself to shoot someone he knew. Fortunately, Abrantes stopped a few feet short of Faire and paused momentarily when he saw James had a pistol in his hand. In the meantime, Nobilis had locked herself inside the pickup truck. Seeing an opportunity to retreat, Faire holstered his pistol, jumped back inside the truck and locked his door too.
33. Angela Nobilis reports she then saw Debra Long stretched out across the hood of the truck. Long was screaming at Angela as well. In addition, Michael St. Pierre was immediately outside Angela's passenger side window and screaming profanities at her too. James Faire reports he was completely distracted and preoccupied with George Abrantes who, at approximately 300 pounds, began violently and repeatedly striking the hood of the truck, windshield, truck cab, driver's side window, and rearview mirror with his makeshift weapon comprised of a large padlock affixed to the end of a length of logging chain.

34. Upon examining James Faire's pick-up truck on March 28, 2018, myself and attorney Stephen Pidgeon found one approximately 2 ½ inch long, ¾ inch wide, and approximately ¾ inch deep dent in the driver's side cab steel pillar. The driver's side exterior rearview mirror was also shattered. There were also several scratches and scuffs to the driver's side door, hood, cab, roof, and side window. This evidence supports Faire and Nobilis' testimony that George Abrantes repeatedly struck their pick-up truck with enough force to dent steel and break glass.
35. I will testify that, based upon my education, training, and experience, it is remarkable George Abrantes did not shatter the driver's side window during his assault on Faire and Nobilis. From the evidence I have examined, including Abrantes' weapon and the damage inflicted upon the pickup truck, it is my opinion that had Abrantes succeeded in breaking out the driver's side window, he would have likely struck James Faire in the head, face, or neck and inflicted death or bodily harm upon him and possibly Angela Nobilis as well.
36. As James Faire and Angela Nobilis were being victimized by a violent and felonious assault of four adults, at least one of which was armed with a deadly weapon, they both report being distracted and traumatized by these events. They also report their only thought was to somehow escape this life-threatening assault. As George Abrantes continued striking the truck, Faire states he turned around and looked out his rear window. He realized to escape he had to back the truck up so he could gain the clearance he needed to turn his wheels in a manner that would allow him to drive away.
37. James Faire and Angela Nobilis both report a combination of their truck's physical positioning in the driveway, exacerbated by nearby rocks, trees, and Debra Long's positioning of herself at the front of the truck prevented them from escaping the ambush.
38. James Faire reports he was looking out his rear window and back at George Abrantes, while also ducking down to avoid any potential broken glass, as he attempted backing up 2-3 times while Abrantes continued striking the truck's side window with his makeshift lock and chain weapon. In addition, Michael St. Pierre continued screaming profanities at Nobilis through her window. Boyd McPherson confirms these facts and circumstances in his witness interview dated June 29, 2015. He also states that during all this chaos he observed Debra Long inexplicably attempting tie her blouse to the grille of Faire's pickup truck.
39. Finally, James Faire reports he had enough room to maneuver out of the driveway and escape this ambush. When Faire reports he looked forward again, Debra Long was no longer in his field of view - which is consistent with Boyd McPherson's testimony of her crouching down and attempting to tie her blouse to the grille. According to McPherson, Debra Long had crouched down below the hood and James Faire's line of sight.
40. As George Abrantes continued his violent, armed assault upon them, Faire fled the scene. In those moments Faire and Nobilis report they were distracted and traumatized by the events they had just experienced. Furthermore, Debra Long's exact whereabouts was completely unknown to either of them. Once Faire had the room to turn his wheels and drive out, all they report knowing is that Debra Long had disappeared from sight.

41. There is no denying the fact that James Faire ran over Debra Long with his pickup truck. However, James Faire reports he had no intent to harm Debra Long. According to both Faire and Nobilis, Debra Long had disappeared from their view and her whereabouts was unknown as they fled the scene. The exigent circumstances which confronted Faire and Nobilis necessitated their immediate and emergent flight.
42. James Faire and Angela Nobilis report they were in fear for their very lives when they fled the Finegold property. Fleeing the scene was the most reasonable means of avoiding George Abrantes inflicting death or bodily harm upon them. In my analysis and opinion, Debra Long's death was not the result of any crime committed by James Faire, but rather the result of an accident precipitated by a felonious assault and attempted kidnapping committed by George Abrantes, Debra Long, Michael St. Pierre, and Ruth Brooks.
43. It is also my analysis and opinion that the premeditated actions of Debra Long, George Abrantes, Michael St. Pierre, Ruth Brooks, and Richard Finegold constitute probable cause to arrest the four surviving members of this group with premeditated Kidnapping in the first degree, in violation of RCW 9A.40.020, as follows:

Kidnapping in the first degree.

(1) A person is guilty of kidnapping in the first degree if he or she intentionally abducts another person with intent:

- (a) To hold him or her for ransom or reward, or as a shield or hostage; or
- (b) To facilitate commission of any felony or flight thereafter; or
- (c) To inflict bodily injury on him or her; or
- (d) To inflict extreme mental distress on him, her, or a third person; or
- (e) To interfere with the performance of any governmental function.

(2) Kidnapping in the first degree is a class A felony.

44. It should be noted that Under RCW 9A.40.010, Definitions, the word Abduct is defined as follows:

(1) "Abduct" means to restrain a person by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly force.

45. The freedom and liberty of James Faire and Angela Nobilis was undeniably restrained by George Abrantes use of deadly force as well as the actions of Debra Long, Michael St. Pierre, and Ruth Brooks who all surrounded the Faire's pickup truck.
46. Furthermore, it is my opinion that George Abrantes Debra Long, Michael St. Pierre, Ruth Brooks, and Richard Finegold conspired together in the planning and execution of the crime of Kidnapping in the first degree under RCW 9A.08.020, Liability for conduct of another – Complicity, as follows, and should be arrested and charged accordingly:

(2) A person is legally accountable for the conduct of another person when:

(c) He or she is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

(a) With knowledge that it will promote or facilitate the commission of the crime, he or she:

(ii) Aids or agrees to aid such other person in planning or committing it;

47. It is also my analysis and opinion that Ruth Brooks, Michael St. Pierre, Richard Finegold, Debra Long, and George Abrantes were all complicit in the planning and execution of Kidnapping in the first degree of James Faire and Angela Nobilis on June 18, 2015 at 36 E. Sourdough Road. In my analysis and opinion that all four surviving members of this criminal conspiracy should have been arrested and charged under RCW 9A.40.020.

48. It is also my opinion and analysis that probable cause exists to arrest and charge George Abrantes with Assault 1st Degree, in violation of RCW 9A.36.011 upon James Faire and Angela Nobilis, defined as follows:

RCW 9A.36.011, Assault in the first degree.

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(2) Assault in the first degree is a class A felony.

49. Any reasonable person would view the heavy logging chain and attached pad lock George Abrantes created and used to repeatedly strike and damage James Faire's pickup truck as a deadly weapon intended or likely to inflict bodily harm or death.

50. Finally, it is my analysis and opinion that the attempted kidnapping and assault committed by Abrantes, St. Pierre, Finegold, and Brooks were the cause of Debra Long's death. Specifically, Debra Long died as a result of George Abrantes committing Murder in the first degree under RCW 9A.32.030, as follows:

(1) A person is guilty of murder in the first degree when:

- (a) With a premeditated intent to cause the death of another person (in this case James Faire and Angela Nobilis), he or she causes the death of such person or of a third person; or
- (b) Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
- (c) He or she commits or attempts to commit the crime of either:
 - (b) Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
 - (c) He or she commits or attempts to commit the crime of either:
 - (1) robbery in the first or second degree,
 - (2) rape in the first or second degree,
 - (3) burglary in the first degree,
 - (4) arson in the first or second degree, or
 - (5) kidnapping in the first or second degree, and in the furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants:

51. It is my opinion that Debra Long died because George Abrantes, Michael St. Pierre, Richard Finegold, Ruth Brooks, and Debra Long conspired together to kidnap and assault James Faire and Angela Nobilis. As previously noted, Abrantes repeatedly and viciously attempted to strike James Faire with an improvised weapon comprised of a heavy chain and padlock. Abrantes' assault upon James Faire so thoroughly traumatized, distracted, and disoriented him that in his overwhelming fear of death or bodily harm to himself and Angela Nobilis he accidentally ran over Debra Long while fleeing for his life from George Abrantes.

52. Finally, it is my analysis and opinion that while Detective Kreg Sloan was carrying out his law enforcement duties, he fell below the reasonable standard of care one would expect of an experienced police detective, was reckless, and deliberately indifferent to the rights of James Faire and Angela Nobilis.

Analysis of Detective Sloan's Investigation

53. Okanogan County Sheriff's Detective Kreg Sloan began his homicide investigation regarding Debra Long on June 18, 2015. Upon arrival at 36 East Sourdough Road, Detective Sloan (sometimes referred to as Sloan) failed to immediately detain, segregate, and transport the

following witnesses to the Okanogan county Sheriff's Office for written statements and recorded interviews:

- Richard Finegold
- Michael St. Pierre
- Ruth Brooks

54. The detention of witnesses to felony crimes for reasonable periods necessary to acquire written statements and recorded interviews is an integral and essential component of felony investigations. Investigative detention of witnesses is entirely lawful, appropriate, and commonplace. Detective Sloan's failure to detain, segregate, and interview these witnesses regarding a homicide that had just occurred and fell below the reasonable duty of care for an officer and caused foreseeable harm to James Faire and Angela Nobilis. This failure was deliberately indifferent to their rights.

55. On March 28, 2018 Detective Sloan admitted to me and James Faire's defense attorney Stephen Pidgeon that Okanogan County typically investigates about two or three homicides per year. As homicide investigations are frequently complex, one would have reasonably expected Sloan request the assistance and support of the Washington State Patrol Crime Scene Response Team (WSP CRST) to create a computer-generated crime scene diagram and assist with evidence collection, crime scene photography, and perhaps even witness interviews. Inexplicably, Detective Sloan did not request the WSP CRST assistance at the East Sourdough Road crime scene. Sloan's decision is inconsistent with a reasonable standard of care one would expect from an experienced police detective and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

56. On June 18, 2015 Sloan or another officer discovered a Samsung S5 cell phone found on or near Debra Long's body at the crime scene. This Samsung cell phone was placed into evidence the same day. Sloan presumed the phone belonged to Debra Long and took no action to forensically extract or preserve its data for five days. As cell phones often contain photos, videos, text messages, emails, and call histories relevant to criminal investigations, Detective Sloan's decision delay in processing the cell phone found on or near the body of Debra Long is inconsistent with a reasonable standard of care one would expect from an experienced police detective and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

57. George Abrantes was injured during events of June 18, 2015. He was transported to Sacred Heart Hospital in Spokane for surgery and treatment. On June 19, 2015 Sloan requested Detective Jerry Hensley of the Spokane Police Department interview George Abrantes at Sacred Heart Hospital. Detective Sloan was not present for this interview. I have seen no evidence Detective Sloan ever personally interviewed George Abrantes regarding this case. If it is true Detective Sloan failed to personally re-interview Abrantes, his delegation of eyewitness interviews to outside agency personnel is inconsistent with a reasonable standard of care one would expect from an experienced police detective investigating a homicide and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

58. On June 19, 2015 Detective Sloan received copies of two emails (Pages 32-33 of Investigative Report S15-03749) which represent James Faire and Angela Nobilis were previously caretakers and residents of Richard Finegold's property at 36 E. Sourdough Road and had previously enjoyed permission to be there. At this point, Detective Sloan's probable cause to believe Richard Finegold's previous testimony that Faire and Nobilis were trespassing or attempting to unlawfully remain on Finegold's property on June 18, 2015 was impeached.

59. Detective Sloan knew, or should have known from these emails the earlier statements made by Richard Finegold regarding James Faire and Angela Nobilis were false and his testimony was unreliable. Sloan states as much in his report, as follows: *"At about 14:11 (2:11 pm) I received an email from Richard Finegold that contained two forwarded emails. See attached. In the email Richard said they definitely had some permission to be on the property."*

60. Even though Sloan now had documentary evidence contradicting Finegold's claim that Faire and Nobilis were squatters and trespassing at the E. Sourdough Road property, he continues his investigation based upon Finegold's false reporting. There is no evidence Sloan ever challenged Richard Finegold regarding his false and/or inconsistent statements. Sloan's negligent investigation as evidenced by his failure to confront Finegold's false or inconsistent statements in the days immediately following Debra Long's death is inconsistent with a reasonable standard of care one would expect from an experienced police detective conducting a homicide investigation and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

61. On June 23, 2015 at approximately 11:47 am Detective Sloan reports he received a phone call from Jane Abrantes Carruth, sister of George Abrantes. Jane Abrantes Carruth told Sloan her brother George Abrantes, who was still hospitalized in Spokane, wanted his cell phone back. Upon further investigation and after speaking with George Abrantes, Sloan discovered the Samsung Galaxy S5 cell phone found on or near Long's body on June 18 did in fact belong to Abrantes.

62. At approximately 4:08 pm on June 23, 2015 Sloan reports on Page 38 of 81 of Incident Report S15-03749 that he *"...completed a logical extraction of the cell phone data...In reviewing the extraction data from the Samsung Galaxy S5 it was apparent that it was George's cell phone."* As previously stated, Sloan's failure to examine this cell phone for five days is inconsistent with a Reasonable Standard of Care one would expect from an experienced police detective investigating a homicide.

63. Detective Sloan reports the data he extracted from George Abrantes cell phone on June 23, 2015 was stored on his lap top computer. It was later learned Sloan never backed-up this cell phone data to the Okanogan County Sheriff's Office server, an external hard drive, or any other storage device. Sloan's failure to back-up the Abrantes cell phone data is inconsistent with a reasonable standard of care one would expect from an experienced police detective investigating a homicide, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

64. Detective Sloan reports on June 24, 2015 he told his brother, Okanogan County Prosecuting Attorney Karl Sloan, that Abrantes wanted his cellphone returned immediately. According to Sloan, his brother told him he could return the Abrantes phone one he was finished with it.

Detective Sloan returned the Abrantes phone via FedEx on June 24, 2015 – only six days into his homicide investigation. It should also be noted the Abrantes phone was returned by Sloan prior to confirming the data extraction was successful, and prior to backing up this data on other storage devices. Sloan's failure to examine the phone data, back-up the phone data, and retain the Abrantes cell phone as evidence in a homicide investigation are all actions inconsistent with a reasonable standard of care one would expect from a police detective conducting a homicide investigation, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

65. Furthermore, Prosecuting Attorney Karl Sloan's purported approval to return the Abrantes cell phone on June 24, 2015 is also inconsistent with a reasonable standard of care one would expect from a prosecuting attorney overseeing a homicide investigation, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

66. In addition, there is no reference in any of Detective Sloan's reports, nor in any testimony before Superior Court Judge Christopher Culp, that he ever sought the guidance or approval of his immediate supervisor, Chief Criminal Deputy Steve Brown or of Sheriff Frank Rogers before returning the Abrantes cell phone. Detective Sloan's decision to return critical evidence in a homicide investigation without consulting his chain of command is inconsistent with a reasonable standard of care one would expect from an experienced police detective conducting a homicide investigation, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

67. On June 29, 2015 Boyd K. McPherson presented himself to Okanogan County Detective Rob Heyen at the Sheriff's Office. McPherson identified himself to Detective Heyen as the driver of the white pickup truck that accompanied James Faire and Angela Nobilis to 36 E. Sourdough Road on June 18, 2015 (as described by Ruth Brooks). McPherson told Heyen he witnessed the events which resulted in Debra Long's death. Detective Heyen reports he recorded his June 29, 2015 interview with McPherson and shared the same with Detective Sloan on June 30, 2015.

68. On Page 9, Paragraph 2 of his report dated 07/09/2015, Detective Heyen writes: *"On 06/30/2015 I told Detective Sloan about my interview with McPherson and after he listened to the interview we discussed his statement. Detective Sloan looked into the information about the incident being video recorded on a phone by a woman Sloan believed to be Ruth Brooks. Detective Sloan went to work downloading phones and checking data for the video of the incident. Detective Behymer talked to Ruth Brooks and Brooks said that she tried to make a video of the incident but that it didn't work, there was no video found."*

69. Detective Heyen's report dated July 9, 2015 contradicts Detective Sloan's June 28, 2018 sworn testimony. Detective Heyen reports Sloan looked for the video purportedly on the Abrantes phone which Sloan downloaded to his lap top computer on June 23, 2015 on June 30, 2015. However, Sloan claims in his sworn testimony before Judge Culp on June 28, 2018 he did not review the Abrantes cell phone data and discover it had been corrupted until August 12, 2015. These contradictions of important facts between Detectives Heyen and Sloan are inconsistent with a reasonable standard of care one would expect from experienced police detectives investigating a homicide, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

70. Furthermore, Detective Heyen documented a summary of his interview with McPherson in his 9-page Investigative Report for Incident S15-03749 dated July 9, 2015. Detective Sloan makes no such notations in any his reports I have seen to date. Sloan's omission of important facts in his investigative report is inconsistent with a reasonable standard of care one would expect from experienced police detectives investigating a homicide, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

71. In my analysis and opinion, the McPherson interview notes (and interview transcript) Detective Heyen references in his report include exculpatory statements regarding James Faire's involvement in Debra Long's death, and incriminating statements regarding the conduct of George Abrantes, Michael St. Pierre, Debra Long, and Ruth Brooks. It should also be noted Boyd McPherson's interview statements made on June 29, 2015 are consistent with his Declaration dated February 9, 2021.

72. There is no evidence Sloan ever conducted a follow-up interview with Boyd McPherson after Detective Heyen interviewed him on June 30, 2015. I have also seen no evidence the exculpatory statements made by McPherson on June 29, 2015 regarding James Faire were ever brought to the attention of Chief Criminal Deputy Steve Brown, Sheriff Frank Rogers, Prosecuting Attorney Karl Sloan, or Interim Prosecuting Attorney Branden Platter. Detective Sloan's failure to disclose McPherson's potentially exculpatory statements is inconsistent with a reasonable standard of care one would expect from an experienced police detective investigating a homicide, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

73. On Pages 100-115 of his June 28, 2018 testimony before Judge Christopher Culp, Detective Sloan states he did not attempt to examine the Abrantes cell phone data he originally extracted on June 23, 2015 until August 12, 2015. Sloan inexplicably delayed his examination of potentially exculpatory evidence by 50 calendar days. Detective Sloan's failure to examine and disclose the existence of potentially exculpatory evidence for nearly two months is inexplicable and inconsistent with a reasonable standard of care one would expect from an experienced police detective investigating a homicide, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

74. Furthermore, on pages 100-115 of his testimony dated June 28, 2018 Detective Sloan also discloses he first discovered the Abrantes cell phone data he purportedly extracted on June 23, 2015 had been corrupted by "Russian Ransom-Ware" or another virus on or about August 12, 2015. However, even though defense attorney Stephen Pidgeon had filed numerous discovery motions for the Abrantes cell phone data which were known or should have been known to Sloan through former Prosecuting Attorney Karl Sloan and Interim Prosecuting Attorney Branden Platter, Sloan admits he never disclosed the loss of this potentially exculpatory evidence until April 25, 2018 when he finally told Interim Prosecuting Attorney Branden Platter.

75. The period of August 12, 2015 to April 25, 2018 is 987 days, totaling 2 years, 8 months, and 13 days. Detective Sloan's failure to disclose the loss of Abrantes cell phone data, or make a good faith attempt to recover the Abrantes cell phone data is entirely inconsistent with a reasonable

standard of care one would expect from an experienced police detective conducting a homicide investigation, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

76. Once Sloan discovered the purported corruption of the Abrantes cell phone data on his lap top computer, he reports he *took his computer to the I.T. guys in Central Services*, or words to that effect. Sloan testified before Judge Culp that Okanogan County Central Services personnel were unable to recover the Abrantes files and wiped the computer clean the next day. However, Sloan never identifies by name or employee number the I.T. technicians who purportedly examined his lap top computer, discovered the ransomware virus, and wiped his computer clean on August 13.

77. As previously stated above, Sloan admits under oath he made no attempt to recover the Abrantes cell phone data by simply asking George Abrantes to temporarily return his cell phone for data extraction and processing. Sloan's actions and failures to act are not only inconsistent with a reasonable standard of care one would expect from an experienced police detective investigating a homicide, but also represent an ongoing pattern of negligent and reckless conduct by him.

78. When asked by defense counsel Stephen Pidgeon and Judge Christopher Culp on June 28, 2018 if he ever attempted to contact George Abrantes in the days, months, and years which elapsed after August 12, 2015 to reacquire his cell phone for purposes of recovering the lost data, Sloan inexplicably replied, *"I didn't. I made no attempt."*

79. It is my analysis and opinion that Sloan's failure to back-up the Abrantes cell phone data, coupled with his failure to attempt a recovery of the Abrantes cell phone for data extraction represents a negligent and reckless disregard of his duties and responsibilities to conduct an unbiased performance of duties regarding the death of Debra Long. Detective Sloan's actions and failure to disclose the loss of potentially exculpatory evidence for over two years is inconsistent with a reasonable standard of care one would expect from an experienced police detective conducting a homicide investigation, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

80. Finally, I was present with attorney Stephen Pidgeon on March 28, 2018 at the Okanogan County Sheriff's Office for purposes of examining the physical evidence related to this case. Also present for this meeting were Detective Kreg Sloan and Interim Prosecuting Attorney Branden Platter. I clearly recall Mr. Pidgeon asking Sloan and Platter when he might expect to receive the Abrantes cell phone data. While I cannot recall Platter's exact words, I do independently recall Platter telling Mr. Pidgeon he would receive the data soon. Detective Sloan made no attempt to correct the record or share the fact that the potentially exculpatory cell phone data from the Abrantes phone had been lost for over two years.

CONCLUSION

81. It is my analysis and opinion that Detective Kreg Sloan's performance of duties regarding his investigation into the death of Debra Long was reckless, disingenuous, and lacking a reasonable standard of care one would expect from an experienced police detective. Detective Sloan clearly withheld or failed to disclose important exculpatory facts and circumstances regarding his

homicide investigation for more than two years to both the Sheriff's Office, Prosecuting Attorney's Office, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

82. It is also my opinion that Okanogan County Sheriff Frank Rogers, Chief Criminal Deputy Steve Brown, former Prosecuting Attorney Karl Sloan, and Interim Prosecuting Attorney Branden Platter engaged in a pattern and practice of negligent and reckless supervision of their subordinate, Detective Kreg Sloan over the course of his two-year investigation into the death of Debra Long. These individuals knew, or should have known, Sloan's investigation was highly suspect and flawed. Their failure to properly supervise and oversee Sloan's investigation is inconsistent with a reasonable standard of care one would expect of executive and senior supervisory law enforcement officers and prosecuting attorney, and was deliberately indifferent to the rights of James Faire and Angela Nobilis.

83. As there are witness depositions I have not yet reviewed, and/or other reports or evidence which may have not yet been disclosed, I reserve the right to amend, edit, retract, or modify this report in part or its entirety should new and relevant information or evidence come to my attention.

ENCLOSURES

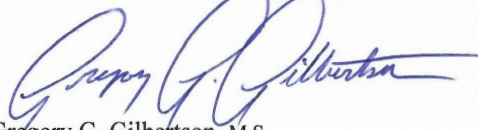
84. The Discovery I reviewed for this case is found in Enclosure 1 to this report.

85. My updated CV and Table of Cases is found in Enclosure 2 to this report.

FEES

86. My fee to review the discovery for this case, to draft this report, and for trial testimony is \$225.00 per hour.

Respectfully submitted on February 15, 2021



Gregory G. Gilbertson, M.S.
Professor of Criminal Justice
Expert Witness & Private Investigator
Gilbertson Investigations, Inc.
Olympia, WA 98516-6258

Cc: File

GILBERTSON INVESTIGATIONS, INC.
PROFESSOR GREGORY G. GILBERTSON, M.S.

Enclosure 1

GILBERTSON INVESTIGATIONS, INC.

GREGORY G. GILBERTSON, M.S.

PROFESSOR OF CRIMINAL JUSTICE

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RE: *James Faire and Angela Faire, a marital community, Plaintiffs, v. Okanogan County, Washington; Karl Sloan, Kreg Sloan, Branden Platter, and Frank Rogers, Defendants, Case No. 2:20-cv-00946, Discovery File Contents – Expert Report Enclosure 1, as of 02/15/2021*

1. Okanogan County Sheriff's Office Investigative Report for Incident S15-03749, Homicide, pages 1-81, dated 07/19/2015, Responsible Officer: Sloan K
2. Okanogan County Sheriff's Office Investigative Report for Incident S15-03749, Supplemental, Homicide, pages 1-9, dated 07/09/2015, Reporting Officer R. Heyen
3. Verbatim Report of Proceedings for 05/15/2018 Motions Hearing & 06/28/2018 Hearing, State of Washington vs. James John Faire, Court of Appeals No. 36249-3-III, Okanogan County No. 15-1-00202-1, Pages 1-139
4. Ruth Brooks Interview Transcript, pages 1-68, dated March 16, 2016
5. Transcript of Interview, Boyd K. McPherson conducted by Detective Rob Heyen, Okanogan County Sheriff's Office, date of statement 06/29/2015, pages 1-41
6. State of Washington vs. James Faire, Superior Court of Washington, County of Okanogan, Findings of Fact, Conclusions of Law and Memorandum Opinion Granting Defendants Motion to Dismiss, Pages 1-17, dated July 12, 2018, Christopher E. Culp, Judge
7. Declaration of Boyd K. McPherson dated February 9, 2021, Pages 1-7
8. Mancini V. City of Tacoma, et al., Supreme Court of the State of Washington, No. 97583-3, Filed: January 28, 2021, Pages 1-39
9. Transcript of Videotaped Deposition of Boyd K. McPherson, 02/23/2018, Pages 1-51, Case No. 17-2-10710-7 SEA
10. Transcript of Video Conference Deposition of George Abrantes, 06/12/2018, Pages 1-72, Case No. 15-1-00202-1
11. Okanogan County Coroner's Office Autopsy Report, Debra L. Long, 08/19/2015, Case No. OK2015-04, Pages 1-7

12. Complaint, Okanogan County Sheriff's Office, Attention Sheriff Frank Rogers, Re: State v. James Faire, Okanogan County Superior Court Cause No. 15-1-00202-1, 08/08/2018, Pages 1-4
13. Complaint for Damages for Violation of Federal Civil Rights, and Malicious Prosecution, James Faire and Angela Faire, a marital community v. Okanogan County, Washington et al., Defendants, Case No. 2:20-cv-00946, 06/019/2020, Pages 1-26
14. Stephen Pidgeon Letter to U.S. Attorney Joseph Harrington, State of Washington v. James Jonathan Faire, Okanogan County Superior Court No. 15-1-00202-1, 08/02/2018, Pages 1-3

Enclosure 2

GREGORY G. GILBERTSON, M.S.

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Professor Gregory Gilbertson has been teaching Criminal Justice for 25 years. He's also been a licensed private investigator for 19 years. In 2013 he began consulting as an expert witness in police practices, use of force, false arrest, and criminal and self-defense cases with attorneys nationwide. To date he has consulted on over 100 cases in 20 states. He has also testified in nearly 40 depositions and on numerous occasions in the U.S. District Court for the Western District of Washington, the District of Arizona, and in the state courts of Washington, Oregon, Illinois, Kansas, and Connecticut.

EDUCATION

- Columbus College, Columbus, GA – Master's degree, Justice Administration (1993)
- University of Washington, WA – Bachelor's degree, History (1982)

SPECIALIZED TRAINING COURSES

- Georgia Public Safety Training Center SWAT Certification Course, 02/05/1993
- U.S. Army Military Police School SWAT Training Course, 02/26/1993
- Georgia Public Safety Training Center SWAT Submachine Gun Course, 05/12/1993
- Georgia Public Safety Training Center Police Tactical Rifle Course, 03/11/1994
- Georgia Public Safety Training Center Shotgun Skills Course, 08/03/1994
- Georgia Public Safety Training Center VIP Executive Protection Course, 06/30/1993
- Georgia Public Safety Training Center Criminal Procedures Course, 04/10/1992
- Advanced Interviews & Interrogations I, Columbus College, 12/11/1992
- Advanced Interviews & Interrogations II, Columbus College, 09/03/1993
- Pierce County Center for Dispute Resolution Mediation Training Course, 07/24/1998

PROFESSIONAL EXPERIENCE

Professor (tenured), Criminal Justice Program, Centralia College, Centralia, WA 09/99–present

- Designs, develops, and instructs undergraduate courses to students seeking an Associate of Applied Science degree in Criminal Justice.

Senior Lecturer, Brandman University, Lacey, WA

08/10–12/16

- Instructs criminal justice courses to undergraduate students at Brandman University, (Chapman University System, CA).

PROFESSOR GREGORY G. GILBERTSON

International Police Trainer, MPRI / Engility, Inc., Kabul, Afghanistan 11/08–12/09

- NATO Liaison and Senior Mentor to Afghan National Police Academy commanding general. Advises commander on all aspects of academy operations. Directly responsible for 50 million-dollar academy budget. Collaborates with NATO and the Ministry of Interior to develop Afghan National Police policy and procedure manual.

International Police Trainer, MPRI/ Engility, Inc., Baghdad & Basra, Iraq 05/05–06/06

- Supervises instruction of 500 Iraqi police cadets as the United Kingdom's Deputy Director at Basrah Training College. Designs and develops Baghdad Police College curriculum.

Expert Witness & Private Investigator, Gilbertson Investigations, Olympia, WA 08/02–present

- Private investigation agency specializing in expert witness testimony: police use of excessive force, false arrest, and self-defense casework.

Senior Lecturer, Saint Martin's University, Lacey, WA 05/97–11/08

- Senior instructor, Criminal Justice Department, Joint Base Lewis-McChord extension campus.

Guardian ad Litem, Pierce County Superior Court, Tacoma, WA 09/97–09/99

- Conducts investigations into allegations of misconduct and child abuse made during dissolution and child custody proceedings for the Pierce County Superior Court.

Security Officer, Kent & White River School District(s), Kent & Buckley, WA 08/96–08/99

- Develops and manages a school district security program. Investigates criminal acts committed on district property. Investigates student complaints against faculty and staff.

Corporal / Tactical Police Officer, LaGrange Police Department, LaGrange, GA 02/91–04/96

- Completed approximately 1,000 hours of police and SWAT tactical training and operational experience. Also served as Juvenile Court Investigator, Senior Patrolman, School Resource Officer, and Stakeout Squad Officer.

Police Officer, Atlanta Police Department, Atlanta, GA 08/88–02/91

- Primary law enforcement on street-level crime, narcotics enforcement, and domestic violence intervention with major metropolitan law enforcement agency.

Infantry Soldier & Commissioned Officer, United States Army 05/83–06/88

- Distinguished Military Graduate; U.S. Army Officer Candidate School, Class 501-86
- U.S. Army Infantry Officer Basic Course; U.S. Army Airborne School; Platoon Leader

EXPERT WITNESS CASEWORK

Police Practices | Use of Force | Self Defense | False Arrest | Criminal Defense

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EXPERT WITNESS TESTIMONY

TABLE OF CASES

1. *State v. Hanson*, (New London Super. Ct. 2013), *acquitted*, Nov. 15, 2013 (Attempted murder; First-degree Assault with an Illegal Weapon in a Vehicle; First-degree Robbery; Sixth-degree Larceny; Second-degree Criminal Mischief).
2. *Black v. United States*, No. C13-5415 RBL, 2014 WL 3337466 (W.D. Wash. July 8, 2014) (42 U.S.C. § 1983 Fourth Amendment Rights, Excessive Force; Wrongful Death, Survival, Negligence).
3. *Culver v. Armstrong*, No. 14-CV-012-J, 2015 WL 12916994 (D. Wyo. May 1, 2015), *aff'd*, 832 F.3d 1213 (10th Cir. 2016) (42 U.S.C. § 1983 and 28 U.S.C. § 1367 – Unlawful seizure by excessive force; Unlawful Seizure by Arrest Without Probable Cause; Retaliatory Inducement to Prosecute for Exercise of First, Fourth, and Fifth Amendment Rights; Failure to Train; Failure to Supervise/Investigate/Discipline; Assault; Battery; IIED; False Arrest; False Imprisonment; Malicious Prosecution).
4. *Mendenhall v. Pierce Cty.*, (2014) (42 U.S.C. § 1983 Excessive Use of Force; False Arrest, False Imprisonment.)
5. *Patel v. Hall*, No. 14-CV-69-F, 2015 WL 13343281 (D. Wyo. Oct. 7, 2015), *aff'd*, 849 F.3d 970 (10th Cir. 2017) (42 U.S.C. § 1983 – Unlawful Seizure of Real Property; Unlawful Seizure of Personal Property; Unlawful Search and Seizure by Reasons of Defective Search Warrant; Unlawful Seizure of Personal Property; Unlawful Search; Unlawful Seizure of the Person; Violation of Federally Protected Civil Rights by Policy, Custom, and Usage; Trespass to Land; Trespass to Chattels; Conversion; False Arrest/Imprisonment; Malicious Prosecution; Civil Conspiracy; False Light; Defamation).
6. *State of Washington v. Julius George Waldkirch*, 14-1-00355-7, 2014 WL (Criminal Assault/Battery).
7. *Soule v. City of Edmonds*, No. C14-1221 TSZ, 2015 WL 5022771 (W.D. Wash. Aug. 24, 2015) (42 U.S.C. 1983 Excessive Use of Force; Assault; IIED (outrage); Negligence).
8. *Martinez v. Mares*, No. 1:14-CV-00041 WJ-KBM, 2014 WL 12650970 (D.N.M. Sept. 22, 2014) (42 U.S.C. 1983 Excessive Use of Force; Police Misconduct).

GREGORY G. GILBERTSON, M.S.

EXPERT WITNESS TESTIMONY

TABLE OF CASES

9. *State of Washington v. Daniel Gene Goodwin*, 15-1-00067-5, 2015 WL. Court and date needed.
10. *Gravelle v. Kiander*, No. C13-1911JLR, 2016 WL 194741 (W.D. Wash. Jan. 15, 2016) (Claims of Negligence Against the United States under the FTCA; Negligent Arrest; Negligent Failure to Transport Insulin; Negligent in Requiring Plaintiff to Walk; Negligent Training and Supervision).
11. *Alvarado-Young v. Washington*, No. C15-5883-RBL, 2016 WL 7243753 (W.D. Wash. Dec. 15, 2016) (42 U.S.C. 1983 claims).
12. *Davis v. State*, 321 P.3d 37 (Kan. Ct. App. 2014) (Police Misconduct).
13. *Lawrence Green v. City of Bremerton*, No. 15-2-02140-2, 2015 WL (Wrongful Termination).
14. *Speed v. City of Renton*, No. 2:14-CV-01655 (W.D. Wash. Oct. 23, 2015) (42 U.S.C. § 1983 Excessive Use of Force; Assault, Wrongful Arrest).
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17. *State of Oregon v. Carol Jean Humphreys*, No. 12T41341, 2012 WL (False Arrest).
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22. *Knight Estate of Graham v. City of Fayetteville*, 234 F. Supp. 3d 669 (E.D.N.C. 2017) (42 U.S.C. § 1983 Excessive Use of Force; Negligence, Deliberate Indifference; Wrongful Death, Unconstitutional and Improper Policies and Practices).
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27. *State of Washington v. Anthony Salanoa Ili*, No. 15-1-05244-2 (King Cty. Super. Ct., filed Aug. 13, 2015) (Assault – 3rd Degree).
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63. *Saade v. Dep't of Health*, No. C19-470 TSZ, 2019 WL 4464401 (W.D. Wash. Sept. 18, 2019) (U.S. CONST. Amend. IV; 42 U.S.C. § 1983).
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