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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	
v.	)	No. 09-1-07045-4 SEA
	)	
ISMAEL GASTON GARCIA RAMIREZ,	)	INFORMATION
	)	
	)	
	)	
	)	
	)	Defendant.

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse ISMAEL GASTON GARCIA RAMIREZ of the crime of **Official Misconduct**, committed as follows:

That the defendant ISMAEL GASTON GARCIA RAMIREZ in King County, Washington, during a period of time intervening between November 23, 2008 through February 22, 2009, being a public servant, and with intent to obtain a benefit, did intentionally commit an unauthorized act under color of law, and intentionally refrained from performing a duty imposed upon him by law;

Contrary to RCW 9A.80.010, and against the peace and dignity of the State of Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant ISMAEL GASTON GARCIA RAMIREZ of commission of this crime with sexual motivation, that is: that one of the

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purposes for which the defendant committed this crime was for the purpose of his sexual gratification, under the authority of RCW 9.94A.835.

DANIEL T. SATTERBERG  
Prosecuting Attorney

By: Carol Spoor  
Carol D. Spoor, WSBA #15225  
Senior Deputy Prosecuting Attorney

09 - 1 - 07045 - 4 SEA

CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Bob Porter is a sergeant with the Issaquah Police Department and has reviewed the investigation conducted in Issaquah Police Department Case Number 09-02893.

There is probable cause to believe that ISMAEL GASTON GARCIA RAMIREZ (DOB 1-31-79) committed the crime(s) of Extortion 2<sup>nd</sup> Degree (RCW 9A.56.130) and Official Misconduct (RCW 9A.80.010). This belief is predicated on the following facts and circumstances:

On November 23, 2008 at 2001 hours Medina Police Officer Ramirez observed a vehicle traveling in the 2800 block of Hunt's Point Road. He checked the license plate with the Department of Licensing (DOL) in Olympia, WA. The check revealed that the registered owner of the vehicle was Driving with License Suspended or Revoked in the 3<sup>rd</sup> Degree for an unpaid parking ticket. Officer Ramirez activated his emergency lights and the vehicle immediately pulled over to the shoulder on SR 520 westbound. Officer Ramirez contacted the driver, an adult female, who stated her name as A.P. She said she was the registered owner of the vehicle. Officer Ramirez removed A.P. from her vehicle, handcuffed her, and placed her under arrest. She was placed in the rear seat of the officer's patrol car.

A.P. told the officer that she did not know that her license was suspended and that she had updated her address with DOL in August. She said she had never received any notice of suspension from the Department of Licensing.

Officer Ramirez then searched A.P.'s vehicle incident to arrest. Inside the vehicle he found a small amount of green vegetable matter, which appeared to be marijuana. Officer Ramirez completed citations for Driving While License Suspended 3<sup>rd</sup> Degree and for Possession of Marijuana less than 40 grams.

While in the patrol car, A.P. attempted to talk her way out of the tickets. She explained that there must be a mistake with the DOL computer regarding her address change. As they talked, A.P. recognized that the officer displayed an interest in her so she decided to flirt with him. He reciprocated. There was sexual banter between the two of them. He told her she was an "incredibly sexy woman." He told her he was sympathetic to her position on the suspended license because it did not appear to be her fault. He said that if the suspended license was not a legitimate reason to have stopped her in the first place, he would never have found the marijuana. He told her he had to write the tickets because he had already called them in and because he had detained her so long. However, he said he would take care of everything and the charges would "go away." He gave her

his card with his cell phone number on the back (his cell phone was department-issued but he was permitted personal use, as well) and said that he would like to see her again. She indicated she would like that. He had previously told her his work schedule and mentioned a pub that he likes to go to. He released her at 2050 hours, 49 minutes after he pulled her over.

The next day they text-messaged each other and spoke on the phone. They agreed to meet on December 5, 2008 at a pub in Issaquah.

Officer Ramirez filed the citations into Kirkland Municipal Court and A.P. was given an arraignment date of December 9, 2008.

On December 3, 2008, Officer Ramirez emailed Kirkland Prosecutor B. Warbinton and asked for the charges to be dismissed. He justified the dismissal, claiming that the amount of marijuana was too small to test to verify its chemical composition and that he did not think the suspended license charge was A.P.'s fault.

On December 5, 2008, as arranged, A.P. met Officer Ramirez at the Joker Pub in Issaquah and then they went to his residence. Officer Ramirez had previously told A.P. that he would give her a letter to take to the court in her defense. She expected to get the letter on this night but she did not. At the residence, A.P. reports that Officer Ramirez had sexual intercourse with her over her objection. She told him she did not want to have sex but he pushed her down on the bed and proceeded anyway. She felt she had no choice and acquiesced because she thought she had a lot to lose. A.P. did not get the letter.

On December 8, 2008 the Medina Police Department Evidence Custodian emailed Officer Ramirez asking if the marijuana in A.P.'s case needed to be tested. On December 9, 2008 at 0511 hours, despite the fact that dismissal had not been confirmed, Ramirez responded: "I talked to the prosecutor and they're going to drop the marijuana part of the case, so it doesn't need to get tested."

A few hours later, on December 9, 2008 A.P. went to court and was arraigned on the charges. She spoke with Kirkland Prosecutor S. Parent in court, who knew nothing about Officer Ramirez asking for the charges to be dismissed. The prosecutor told A.P. to get a lawyer. A.P. was upset. She felt like Officer Ramirez did not follow through with his end of the bargain. She called him and told him the charges did not go away. He assured her they would.

On December 16, 2008 Officer Ramirez emailed Prosecutor B. Warbinton again, asking her to dismiss both charges. He said that the marijuana was an insufficient quantity to test; and referring to the license suspension, he said he believed DOL "messed up on that, and didn't update her address. . . ." The prosecutor put these emails in the file but did not discuss the case with the officer. The prosecutor's paralegal subsequently

contacted Officer Ramirez and asked him for the lab report on the marijuana. He responded, "There wasn't enough to test so there is not (sic) lab report."

A.P. and Officer Ramirez continued to exchange text messages and phone calls. He said he wanted to see her again. She said she did not think that would be a good idea. She said that she clearly told him she did not want to have sex but he took sex anyway. She continued to talk to him, however. He told her that he did not get the marijuana tested and that he had talked to the prosecutor about dismissing the charges.

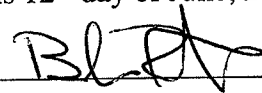
On February 9, 2009 A.P. was in court again. She approached Prosecutor S. Parent, who again had no information about dismissing the charges. A.P. asked the prosecutor to look in the file to see if there were letters from Officer Ramirez stating that the charges should be dismissed. The prosecutor found the emails from Ramirez and dismissed both charges.

Phone records were obtained through investigation from both A.P. and Officer Ramirez. The records show they made 10 phone calls and exchanged 38 text messages between the day after they met, November 24, 2008 and February 22, 2009.

The green vegetable matter that was seized from A.P.'s car, which Officer Ramirez said was too small to be tested, was weighed and field tested by Issaquah Police. Using an ODV brand #9 Narcotest KN reagent, the field test resulted in a presumptive positive color change reaction (dark red) for the presence of marijuana. The marijuana weighed 0.25 grams.

A.P. discussed these events with her husband, from whom she was separated, in November and December 2008. She asked for his advice on contacting the authorities. Her husband advised against it, since it was the just her word against the officer's. A.P. ultimately did report these events to the police on March 18, 2009.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 12<sup>th</sup> day of June, 2009, at Issaquah, King County, Washington.



1 CAUSE NO. 09-1-07045-4 SEA

2 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR  
3 CONDITIONS OF RELEASE

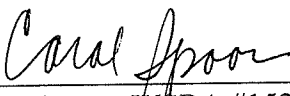
4 The State incorporates by reference the Certification for Determination of Probable  
5 Cause written by Detective Bob Porter in Issaquah Police Department Incident Number 09-  
6 02893 and signed on June 12, 2009.

7 REQUEST FOR BAIL

8 Pursuant to CrR 2.2, the State requests the Court to issue a summons directing the  
9 defendant to appear in court. The defendant has no criminal history.

10 The State also requests a no contact order be issued for the protection of A.P.

11  
12 Signed this 20<sup>th</sup> day of October, 2009.

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15 \_\_\_\_\_  
16 Carol D. Spoor, WSBA #15225

CCN/JCN NUMBER	B/A NUMBER	PCN NUMBER
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AGENCY: <input type="checkbox"/> UNINCORPORATED KING COUNTY <input checked="" type="checkbox"/> CITY OF ISSAQUAH	09-02893 CASE NUMBER	FILE NUMBER
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DATE OF ARREST/TIME	BOOKING DATE/TIME	ARREST LOCATION
NAME (LAST, FIRST, MIDDLE/JR., SR., 1 <sup>ST</sup> , 2 <sup>ND</sup> ) RAMIREZ, ISMAEL GASTON GARCIA		ALIAS, NICKNAMES
IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 01/31/79	SEX H
RACE M	HGT 511	WGT 200
EYES BRO	HAIR BRO	SKIN TONE DRK
SCARS, MARKS, TATTOOS, DEFORMITIES		ARMED/DANGEROUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
LAST KNOWN ADDRESS ISSAQUAH, WA 98027		CITY STATE ZIP
RESIDENCE PHONE	BUSINESS PHONE	CITIZENSHIP US
OCCUPATION POLICE OFFICER	EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER) MEDINA POLICE DEPARTMENT	SOCIAL SECURITY NUMBER
DRIVER'S LICENSE #	STATE WA	AFIS #
FBI #	STATE ID # WA23000141	
VEHICLE LICENSE # LEM2971	STATE WA	YEAR 2004
MAKE FORD	MODEL F1PU	VEHICLE LOCATION
TOW COMPANY ---		
PERSON TO BE CONTACTED IN CASE OF EMERGENCY	RELATIONSHIP	ADDRESS
CITY	STATE	PHONE

1) OFFENSE <input type="checkbox"/> DV EXTORTION 2 <sup>ND</sup> DEGREE	RCW/ORD# RCW 9A.56.130	COURT/CAU# KC SUPERIOR	CITATION #
2) OFFENSE <input type="checkbox"/> DV OFFICIAL MISCONDUCT	RCW/ORD# RCW 9A.80.010	COURT/CAU# KC SUPERIOR	CITATION #
3) OFFENSE <input type="checkbox"/> DV	RCW/ORD#	COURT/CAU#	CITATION #
4) OFFENSE <input type="checkbox"/> DV	RCW/ORD#	COURT/CAU#	CITATION #
ANY OTHER ADDITIONAL CHARGES NO	CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	ACCOMPLICES	

LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL		
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES DESCRIBE: (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)		
TOTAL CASH OF ARRESTEE \$	WAS CASH TAKEN INTO EVIDENCE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> AMOUNT: \$ 0	SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #

ARRESTING OFFICER/SERIAL #	TRANSPORTING OFFICER/SERIAL #	SUPERVISOR SIGNATURE/SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) <i>RL [Signature]</i> #118		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE) SGT. BOB PORTER #118 425-837-3215

MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides.  
OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.

C O U R T  F I L E	SUPERIOR COURT <input type="checkbox"/>	IN CUSTODY	COURT CAUSE (STAMP OR WRITE) <b>09 - 1 - 07045 - 4 SEA</b>	
	FILING INFO. <input type="checkbox"/>	AT LARGE		
	<input type="checkbox"/>	OUT ON BOND		
W A R R A N T  I N F O / E X T R A D I T E	COURT/DIST. CT.NO.	DIST. CT. BOND \$	SUP. CT. DATE	WARRANT NUMBER
	WARRANT DATE	OFF CODE OFFENSE	AMOUNT OF BAIL \$	FELONY <input type="checkbox"/> BENCH <input type="checkbox"/> MISD <input type="checkbox"/> ARREST <input type="checkbox"/>
	POLICE AGENCY ISSUING	COURT	WARRANT RELEASED TO: SERIAL UNIT DATE TIME	
PERSON APPROVING EXTRADITION		SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>
CCN# _____	DOE _____	C L E A R A N C E		DOC _____
WAC# _____	TOE _____			TOC _____
NIC# _____	OP# _____			OP# _____