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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 09-1-05460-2 KNT

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	
v.)	No. 09-1-05460-2 KNT
)	
BOBBY WAYNE WELLS,)	INFORMATION
)	
)	
)	
)	
)	Defendant.

COUNT I

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse BOBBY WAYNE WELLS of the crime of **Attempting to Elude a Pursuing Police Vehicle**, committed as follows:

That the defendant BOBBY WAYNE WELLS in King County, Washington, on or about June 25, 2009, while driving a motor vehicle and having been given a visual and audible signal by a uniformed police officer to bring the vehicle to a stop, willfully failed and refused to immediately stop and drove the vehicle in a reckless manner while attempting to elude a pursuing police vehicle that was equipped with lights and sirens;

Contrary to RCW 46.61.024, and against the peace and dignity of the State of Washington.

COUNT II

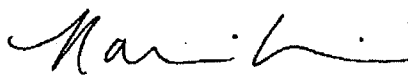
And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse BOBBY WAYNE WELLS of the crime of **Theft in the Third Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

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That the defendant BOBBY WAYNE WELLS in King County, Washington, on or about June 25, 2009, with intent to deprive another of property, to-wit: bird, did wrongfully obtain such property belonging to Midway Tropical Fish;

Contrary to RCW 9A.56.050 and 9A.56.020(1)(a), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

By: 
Nami Kim, WSBA #36633
Deputy Prosecuting Attorney

09 - 1 - 05460 - 2 KNT

CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Officer Brendan Wales is a Neighborhood Response Team Officer with the Kent Police Department and participated in the investigation documented in Kent Police Department Case Number: 09-6803 There is probable cause to believe that: Bobby Wayne Wells, date of birth 01-10-1975, committed the crime(s) of: RCW 46.61.024 Attempting to Elude Police Vehicle, RCW 9A.56.050 Theft Third (3) degree RCW 46.20.342.1C Driving While License Suspended or Revoked Third (3) degree within the City of Kent, County of King, State of Washington.

This belief is predicated on the following:

On June 25th 2009 at approximately 1857 hours, Officer P. Stewart, a Kent Patrol Officer, was dispatched to the Midway Tropical Fish, located at 24101 Pacific Hwy S, in the city of Kent, county of King, State of Washington, in reference to a theft complaint. He was advised that a shoplifter had stolen a bird and left the store in a green Ford van with Washington State License 897-UPY heading south on Pacific Hwy S. Officer P. Stewart was in a fully marked police vehicle, wearing a department issued Patrol uniform.

Officer P. Stewart spoke with witness/ reporting party Michael Krohn, who said saw a white male, in his 40's, heavy build, with brown hair, blue shirt, and blue jeans, enter the store. Krohn watched as the men went over to a bird cage and fiddled with the locked door. The man then opened the cage's door and grabbed the bird inside the cage. Krohn then saw the man stuff the bird down the front of his pants by pulling the waistband forward allowing the live bird to be inserted into the waist/ grown area of the suspects pants. The suspect stole young Cockatiel Bird, valued at approximately \$50 (fifty-dollars).

Krohn confronted the man, saying "You can't do that!" The man looked up and said, "Do what?" Krohn said, "Stick the bird down your pants." The man said, "What bird?" During this conversation, Krohn said he could very clearly hear the bird squawking inside the man's pants. The man then ran out of the front of the store and jumped in a van (no one else was inside the van). He drove south down Pacific Hwy S. The van was described as green with a tan strip along the bottom part of the van.

After contacting the Krohn, Officer P. Stewart was walking back to his fully marked patrol car, he saw a van matching the description of the suspect vehicle driving north on Pacific Hwy S, right by the store. Officer P. Stewart went to his patrol vehicle and was able to catch up to the suspect van, which was now waiting at the light at S 240 ST. When Officer P. Stewart caught up to it, he could see it was the same van Washington License plate 897-UPY, and there was one white male driver. He appeared to be in his 40's, had brown hair and unknown clothing.

When Officer P. Stewart got behind the van (it was in the middle lane of NB Pacific Hwy), Officer P. Stewart could see the driver glancing back at him a lot in his rearview mirror. The light changed green and they began moving north on Pacific Hwy S from S 240 ST. Officer P. Stewart activated the patrol vehicle's emergency lights and siren to try and get the vehicle off the road quickly. The driver looked back a few more times and began pulling over to the right,

slowing getting into the right hand lane. It appeared like the driver was yielding and he pulled over into the parking lot of Jiffy Lube, located at 23610 Pacific Hwy S.

The driver pulled into the south entrance lot and very slowly drove towards the back (east side) of the lot. Since the driver still hadn't stopped the vehicle, Officer P. Stewart chirped my sirens a few more times. The driver continued around the back of the Jiffy Lube, passing plenty of open parking spaces and clear areas to stop his van. Officer P. Stewart continued to use the vehicle's horn and siren to try and signal the driver to stop. The driver turned the van around back towards Pacific Hwy and started driving toward the north exit of the parking lot.

While still in the parking lot, Officer P. Stewart looked to see if there was a place he could block in the van, but there were too many people and other cars around. The PIT technique was also impossible due to the space and the very low speed we were driving at. The van turned north onto the highway and immediately speed up to get away. Officer P. Stewart advised dispatch he was in pursuit and followed directly behind the van.

The van stayed in the right lane and went through the Kent Des Moines RD intersection (the light was green). The suspect vehicle reached a speed of about 80 MPH, continuing northbound. There was light traffic for the time of day and the van weaved around a few cars to maintain its speed. Officer P. Stewart kept pretty close to the van and traffic was yielding for his lights and sirens.

As they approached S 216 ST, there was congested traffic slowing down for the light, which was yellow. The van had moved into the right lane because it was open. The traffic light for northbound traffic changed from yellow to red right as the van came up to the intersection. The van failed to stop for the red light and Officer P. Stewart slowed down to make sure the intersection was clear. Because the light had just changed to red, no other cars from any of the other directions had started to go, so the intersection was clear. Officer P. Stewart sped back up to catch back up with the van.

Traffic was still light and cars were yielding to Officer P. Stewart's lights and sirens, so Officer P. Stewart was able to quickly get behind the van again. As they approached S 200 ST, there were cars in both the left and center lanes. The van had to slow down to around 50 MPH until cars moved out of the way, then sped back up to around 70 MPH. Officer P. Stewart looked farther down the highway and could see that traffic was heavier up ahead, with cars in all the lanes. After they traveled past S 194 St, there was more traffic, causing the van to start swerving across different lanes to get around cars.

The traffic was heavier and Officer P. Stewart began slowing down. They reached the area north of S 176th ST, where there was a break or space in the curb-lined center median. The suspect van suddenly swerved left and began driving north in the southbound lanes of Pacific Hwy S. Officer P. Stewart immediately slowed down and moved towards the right lane, advising dispatch of the van's direction. There was very light traffic coming southbound, so Officer P. Stewart didn't see the van collide with any oncoming traffic. As soon as Officer P. Stewart advised dispatch, Sgt Hemmen directed Officer P. Stewart to terminate the pursuit due to safety conditions: heavy

traffic and the suspect vehicle traveling north in the southbound lanes of Pacific Hwy S. The van continued north in the southbound lanes, out of sight of Officer P. Stewart.

The posted speed limit for Pacific Hwy S is 45 miles per hour. The total distance of the pursuit, retraced by Officer P. Stewart in a Kent Patrol Vehicle, is 3.7 miles and length of time via CAD report: 2.54 minutes.

Follow-up investigation:

A DOL check of the suspect vehicle license showed a registered owner of BW W. Wells with an address of 14410 11th Av SW, Seattle WA 98146. A Law Enforcement Database/ contact history check of B Wells showed a Bobby Wayne Wells with a DOB of 01-10-75 and the same address noted above. A photomontage of WELLS was requested and presented to witness Krohn on 07-02-09. Krohn picked with 80% certainty WELLS from the montage as the suspect who stole the Cockatiel bird.

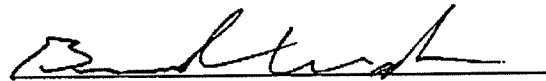
07-09-09

Officer T. Riener and Officer B. Wales contacted the resident of 14410 11th Ave SW, Zona Grondin, suspect WELLS' mother. Grondin showed Officer T. Riener and Wales where WELLS was currently living, blocks away at 14415 12 Ave SW, Seattle.

In a non-custodial interview, the driveway of 14415 12 Ave S, WELLS admitted to stealing the bird and fleeing from the Officer. He acknowledged seeing the Officer's emergency lights. WELLS further admitted to drinking a "pint of Bourbon" prior to stealing the bird and fleeing from the police. WELLS thought he traveled in the high 60's. He stated he traveled in the oncoming lane of Pacific Hwy S only to the intersection of "188th." WELLS agreed to return the bird, which he was still in possession of. The stolen bird was returned to the victim business by his mother this same day, 07-09-09.

A WA Department of Licensing Check showed WELLS with a suspended driving status, DWLS 3.

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 14 day of JULY 2009, at Kent, Washington.



Officer Brendan R. Wales

Certification for Determination
of Probable Cause

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CAUSE NO. 09-1-05460-2 KNT

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

The State incorporates by reference the Certification for Determination of Probable Cause written by Kent Police Det. B. Wales regarding incident number 09-6803.

REQUEST FOR BAIL

Pursuant to CrR 2.2(b)(2)(i), the State requests bail in the amount of \$10,000 because the defendant is unlikely to appear in response to a summons. The defendant has 5 prior Eluding convictions. A 2004 court services report indicates the defendant has had 29 warrants since 1993. As of July 25, 2009, the defendant's criminal history includes convictions for: T2 & PSP1 (2004); UPFA 2 (2006); PSP1 (2004); Hit/Run Attended Vehicle & Elude x2 & Reckless Driving & UPFA 2 x2 & Harassment & TMV2 (2001); Forgery (2001); Elude & TMV2 (1999); UPFA2 & MM1 (1997); Elude (1995); Elude & TMV2 (1995); VUCSA (1995); Obstruct (2004); Attempted VP2 (2000); VUCSA <40g (1997); Reckless Driving (2003); Weapon Without Permit (1993); DUI (1993); Pending Assault 4 & Harassment (2008).

Signed this ____ day of July, 2009.



Nami Kim, WSBA #36633

SUPERFORM

CCN/JCN NUMBER	B/A NUMBER	PCN NUMBER
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AGENCY: UNINCORPORATED KING COUNTY
 CITY OF KENT

09-6803
CASE NUMBER

FILE NUMBER

SUSPECT DATA	DATE OF ARREST/TIME	BOOKING DATE/TIME	ARREST LOCATION						
	NAME (LAST, FIRST, MIDDLE/JR., SR., 1 ST , 2 ND) WELLS, BOBBY WAYNE					ALIAS, NICKNAMES			
	IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 01-10-75	SEX M	RACE W	HGT 5-09	WGT 165	EYES BLUE	HAIR BROWN	SKIN TONE
	SCARS, MARKS, TATTOOS, DEFORMITIES TATOOS--ARMS/NECK							ARMED/DANGEROUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
	LAST KNOWN ADDRESS 14415 12 Ave S, SEATTLE WA 98146			CITY	STATE	ZIP	RESIDENCE PHONE	BUSINESS PHONE	CITIZENSHIP
	OCCUPATION	EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)				SOCIAL SECURITY NUMBER			
	DRIVER LICENSE #	STATE	AFIS #	FBI # 644427TA2	STATE ID #				
	VEHICLE LICENSE # 897-UPY	STATE WA	YEAR 96	MAKE FORD	MODEL AERO	VEHICLE LOCATION		TOW COMPANY	
	PERSON TO BE CONTACTED IN CASE OF EMERGENCY			RELATIONSHIP	ADDRESS		CITY	STATE	PHONE
	1) OFFENSE <input type="checkbox"/> DV ATTEMPTING TO ELUDE	RCW/ORD# RCW46.61.024		COURT/CAL# KC SUP		CITATION #			
2) OFFENSE <input type="checkbox"/> DV THEFT 3	RCW/ORD# RCW9A.56.050		COURT/CAL# KC SUP		CITATION #				
3) OFFENSE <input type="checkbox"/> DV DWLS 3	RCW/ORD# RCW46.20.342.1C		COURT/CAL# KC SUP		CITATION #				
4) OFFENSE <input type="checkbox"/> DV	RCW/ORD#		COURT/CAL#		CITATION #				
ANY OTHER ADDITIONAL CHARGES			CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input type="checkbox"/>	ACCOMPLICES					
PROPERTY	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 type="checkbox"/> NO <input type="checkbox"/> AMOUNT: \$			SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #				
	ARRESTING OFFICER/SERIAL # KENT POLICE/WALES, BR 45445			TRANSPORTING OFFICER/SERIAL #		SUPERVISOR SIGNATURE/SERIAL #			
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) <i>[Signature]</i>					CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE) BRENDAN WALES 253-856-5893				
MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides. OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.									
COURT FILE	SUPERIOR COURT <input type="checkbox"/>	IN CUSTODY		COURT CAUSE (STAMP OR WRITE)					
	FILING INFO. <input type="checkbox"/>	AT LARGE		09-1-05460-2KNT					
	<input type="checkbox"/>	OUT ON BOND							
COURT/DIST.	DIST. CT.	SUP. CT. DATE		WARRANT NUMBER					
CT.NO.	BOND \$								
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"/>	NCIC-WILL EXTRADITE FROM ALL 50 STATES <input type="checkbox"/>				
CCN# 1638246	DOE _____	CLE _____		DOC _____					
WAC# _____	TOE _____	ARR _____		TOC _____					
NIC# _____	OP# _____	ANC _____		OP# _____					