

22-1-00441-31
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2022 APR 15 AM 11:32

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

22 1 00441 31

STATE OF WASHINGTON,
Plaintiff,

v.

ROTTER, RICHARD JAMES,
DOB: 01/17/1972,
Defendant.

No.

INFORMATION

Co-defendants:

Comes now ADAM CORNELL, Prosecuting Attorney for the County of Snohomish, State of Washington, and charges the above-named defendant(s) with the following crime(s) committed in the State of Washington.

Count 1: AGGRAVATED FIRST DEGREE MURDER - FIREARM ALLEGATION,
committed as follows:

That the defendant, on or about the 25th day of March, 2022, with a premeditated intent to cause the death of another person, did cause the death of another person, to-wit: Officer Daniel Rocha, who was a law enforcement officer, who was performing his official duties at the time of the act resulting in his death, and who was known, or reasonably should have been known by the defendant to be such at the time of the killing, said death occurring on or about the 25th day of March, 2022; proscribed by RCW 9A.32.030(1)(a) and RCW 10.95.020(1), a felony; and that at the time of the commission of the crime, the defendant or an accomplice was armed with a firearm, as provided and defined in RCW 9.94A.533(3), RCW 9.41.010, and RCW 9.94A.825.

Count 2: UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE,
committed as follows:

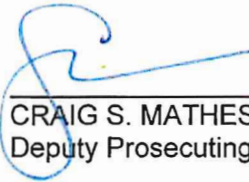
That the defendant, on or about the 25th day of March 2022, did knowingly and unlawfully own or possess and have in his control a firearm after having been previously convicted of a felony, to-wit: Attempting to Elude a Pursuing Police Vehicle; proscribed by RCW 9.41.040(2), a felony.

Count 3: POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO
MANUFACTURE OR DELIVER - FIREARM ALLEGATION, committed as
follows:

That the defendant, on or about the 25th day of March, 2022, did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: Fentanyl, Heroin, and Methamphetamine; proscribed by RCW 69.50.401, a felony; and that at the time of the commission of the crime, the defendant or an accomplice was armed with a firearm, as provided and defined in RCW 9.94A.533(3), RCW 9.41.010, and RCW 9.94A.825.

RCW 69.50.401 (CT3) not recognized as provided - AS

ADAM CORNELL
PROSECUTING ATTORNEY



CRAIG S. MATHESON, #18556
Deputy Prosecuting Attorney



WALLACE R. LANGBEHN, #37508
Deputy Prosecuting Attorney

DATED the 15 day of April, 2022.

Address(es):

LKA: 140 APPLE LANE BURBANK, WA 99301
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WASHINGTON CORRECTIONS CENTER SHELTON, WA
704 E 27TH AVE KENNEWICK, WA 99337

HT: 5'10" DOB: 01/17/1972 SID: WA14050586
WT: 160 SEX: Male FBI: 261114LA9
EYES: Blue RACE: White / Caucasian DOC: 943576

HAIR: Blond or DOL: ROTTERJ281BP DOL STATE: WA
Strawberry

DOL REPORT CODES:

ORIGINATING AGENCY: SMART

AGENCY CASE#: 22000002

FILED

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COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

STATE OF WASHINGTON,
Plaintiff,

v.

ROTTER, RICHARD JAMES,
Defendant.

No. 22-1-00441-31

AFFIDAVIT OF PROBABLE CAUSE

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and that I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances. This information is not based upon any independent or personal knowledge of these events, unless specifically noted.

ALLEGATIONS

On or about the 25th day of March, 2022, the defendant, with a premeditated intent to cause the death of another person, did cause the death of another person, to-wit: Officer Daniel Rocha, who was a law enforcement officer, who was performing his official duties at the time of the act resulting in his death, and who was known, or reasonably should have been known by the defendant to be such at the time of the killing, said death occurring on or about the 25th day of March, 2022; and that at the time of the commission of the crime, the defendant was armed with a firearm.

On or about the 25th day of March 2022, the defendant did knowingly and unlawfully own or possess and have in his control a firearm after having been previously convicted of a felony, to-wit: Attempting to Elude a Pursuing Police Vehicle.

On or about the 25th day of March, 2022, the defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: Fentanyl, Heroin, and Methamphetamine; and that at the time of the commission of the crime, the defendant was armed with a firearm.

BACKGROUND INFORMATION

At the time of his murder, Daniel Rocha was a fully commissioned police officer with the Everett Police Department and acting in his capacity as a law enforcement officer. The defendant's criminal history includes thirteen prior felonies. The last conviction was for Attempting to Elude a Pursuing Police Vehicle from 2019. Records from the Department of Corrections show that the defendant was released from prison on December 23, 2019. There is no indication in the reports or elsewhere that the defendant had regained his eligibility to possess firearms as a convicted felon.

BRIEF SYNOPSIS

During the early afternoon hours of March 25, 2022, Officer Dan Rocha of the Everett Police Department approached the defendant after noticing that he was transferring firearms from one vehicle to another in a public parking lot. After speaking with the defendant briefly, Officer Rocha checked the defendant's name through dispatch, and discovered that he had a warrant out for his arrest and was a convicted felon. Officer Rocha attempted to take the defendant into custody but the defendant, who was armed with a handgun, resisted these efforts and shot Officer Rocha a total of five times, resulting in Rocha's death. Immediately after shooting Officer Rocha, the defendant fled the scene. The defendant was apprehended a short distance from the location where he had shot Officer Rocha multiple times. This is the basis for the crime of Aggravated First Degree Murder.

The defendant had previously been convicted for multiple felonies with the latest being Attempting to Elude in 2019, rendering him ineligible to possess firearms on the date in question. This is the basis for the crime of Unlawful Possession of a Firearm in the Second Degree.

A search of the defendant's vehicle revealed nearly two thousand Fentanyl pills, a digital scale, small baggies for packaging, as well as large amounts of heroin and methamphetamine. The defendant's criminal history also includes prior convictions for Possession with Intent and Delivery of a Controlled Substance. Additionally, witnesses identified by law enforcement provided information that the defendant was involved in selling large amounts of Fentanyl over the last several years. This is the basis for the crime of Possession of a Controlled Substance with Intent to Manufacture or Deliver.

OFFICER ROCHA'S CONTACT WITH THE DEFENDANT

On March 25, 2022, Officer Daniel Rocha of the Everett Police Department was at Starbucks on 10th and Broadway in the City of Everett, Washington. While waiting for his coffee, Officer Rocha, who was on duty and wearing his uniform, noticed a man, later identified as the defendant, Richard Rotter, arrive in the parking lot driving a blue Mini Cooper. After parking, the defendant began transferring items from the Mini Cooper into a Silver Ford Fusion that was parked next to him. Among the property being handled by the defendant were what appeared to be firearms. The defendant also appeared to be making movements to hide what he was doing.

Officer Rocha, while still inside the lobby of Starbucks, then activated his Body Worn Camera before heading outside to make contact. The entirety of the contact between the defendant and Officer Rocha is then captured on video.

As Officer Rocha exited the Starbucks, he informed dispatch that he was making contact by stating "214, Suspicious" (214 was Officer Rocha's assigned badge number). As he made contact, the defendant can be seen with his body half inside the Mini Cooper with doors to both that vehicle and the Ford Fusion open. This exchange is then captured:

OFF ROCHA: Do me a favor, bud, leave the guns alone, Ok?

DEFENDANT: Excuse me?

OFF ROCHA: What's going on with the guns?

DEFENDANT: Uh, the, nothing.

The defendant then proceeded to explain that he had just bought the Silver Ford Fusion. When Officer Rocha asked again about the guns this exchange occurs:

OFF ROCHA: Looked like you were grabbing guns?

DEFENDANT: (Unintelligible)

OFF ROCHA: There's a gun right there. Can't tell me there's no gun. I see a gun

DEFENDANT: Maybe

Officer Rocha continued to engage the defendant in conversation and explained the reason for the contact. The defendant, when confronted with the fact that he was trying to conceal what he was doing, offered up the explanation that "I didn't want nobody freaking out."

Officer Rocha then asked the defendant if he had any weapons on him which the defendant denied. The defendant was asked for his ID which he freely gave over to the Officer. When dispatch ran the defendant's name, they discovered that he had a DV Assault Warrant from another County. Officer Rocha informed the defendant that he was not free to leave until it could be determined whether the requesting County still wanted the warrant served stating, "If they tell me they don't want you, you'll be able to leave once we figure out what's going on here with the gun."

Officer Rocha, still communicating with dispatch then had this exchange:

OFF ROCHA: 2-14. I just want to verify he's not a convicted felon, correct?

DEFENDANT: I am a convicted felon.

OFF ROCHA: You are?

DEFENDANT: Yeah.

At this point, Officer Rocha informed the defendant that he was not free to leave as he was also now being investigated on suspicion of Unlawful Possession of a Firearm. The defendant became agitated and asked Officer Rocha to look at the tags on the firearm while he made movements towards the open car doors where the firearms were located despite numerous requests not to by Officer Rocha. Officer Rocha attempted to put the defendant into handcuffs, and while doing this requested multiple times for defendant to place his hands behind his back. Officer Rocha attempted to explain that he was doing so because the defendant would not listen to him about making movements towards the car and guns. The defendant continued to fight with Officer Rocha as he told the Officer to "knock it off."

The struggle continued until the two men go to the ground. Five distinct "pops" can be heard until Officer Rocha's body camera ends up facing upwards, motionless, and you can see the defendant stand up and go towards the Mini Cooper. The car starts, backs over Officer Rocha, obstructing the view momentarily, and then speeds off. The body camera stayed on as multiple bystanders, Officers, and then Fire Department personnel attempt to come to Officer Rocha's aid.

Despite all life saving efforts, Officer Rocha was pronounced dead at the scene, the result of multiple gunshot wounds. At Officer Rocha's feet was the firearm used by the defendant. It was identified as a Glock 19 with an after-market barrel. The gun was collected and swabbed for DNA. Detectives observed that the gun had a large amount of blood on the outside of the gun as well as running up the barrel and onto the unspent bullets. Officer Rocha's firearm and taser were still in their holsters, unused and undrawn during the entirety of the confrontation.

The medical examiner later performed an autopsy on Officer Daniel Rocha. Though the report is forthcoming, the preliminary findings are that Officer Rocha died as a result of several gunshot wounds to the head. Stipling was observed on Officer Rocha's head near the three wounds on his cheek and ear area. This indicates a close-range contact between the firearm and body. Two more bullets were found inside Officer Rocha's vest. It was determined that the defendant, during the struggle, had actually shot the victim twice before delivering the final fatal shots to Rocha's head. The medical examiner determined the manner of death was homicide.

STARBUCKS CELL PHONE VIDEO

XXXXX was inside the Starbucks at the time of the shooting. He was also there to purchase the Silver Ford Fusion and was surprised to see the defendant, who he did not know and was unaware of, manipulating the same car he was there to buy. He also observed Officer Rocha make contact with the defendant and began filming with his cell phone as soon as the struggle turned from verbal to physical.

As shown on the video, the defendant attempted several times to get away from Officer Rocha. Though defendant struggled, Officer Rocha was able, for a time, to control the defendant by placing him against the Mini Cooper. However, at a certain point the defendant spun away from Officer Rocha and fell to the ground. The defendant then grabbed onto Officer Rocha's Kevlar vest and pulled him closer. One can clearly see the defendant, now with a firearm in his right hand, place the firearm directly against Officer Rocha's head and fire three times. On the opposite side of Officer Rocha's head, in line

with the firearm, the video clearly shows what appears to be blood explode from the cheek and ear area. One can then hear either Mr. XXXX or his acquaintance say, "Dude, he just killed that cop!" before the camera faces the ground and stops.

APARTMENT CELL PHONE VIDEO

XXXXXXX was inside her apartment which overlooks the Starbucks parking lot. After hearing several loud pops that sounded like gunfire, she went to her window and began filming with her cell phone. As shown on the video, the Silver Ford Fusion is in the parking lot with the trunk still open. Officer Rocha is lying on his back, motionless, with a large amount of blood pooling near his head. Ms. XXXX can be heard screaming, "somebody just got fucking killed! What the fuck?!" At that point, the Mini Cooper then quickly backs up over the body of Officer Rocha before speeding out of the parking lot while Ms. XXXX can be heard screaming loudly until the video cuts out.

SERGEANT XXXX ARRIVAL AT THE SCENE

Sergeant XXXX was working his normal patrol and was the supervisor for the North Sector, which included Officer Rocha. At the time that Officer Rocha was calling out that he was going to make contact with a "suspicious" and asking for a backing Officer, Sergeant XXXX was at the North Precinct in downtown Everett and radioed that he would be on route shortly. As he drove, Sergeant XXXX noticed several calls were coming in that appeared to be coming from the same area as Officer Rocha. A call then came in that an Officer had been shot. Sergeant XXXX arrived on scene moments later. As he walked up, he could see someone lying on the ground with a blanket or coat placed over them. The people standing by made comments about him being "gone" and that it was "too late." Sergeant XXXX pulled back the cover and discovered Officer Rocha. He checked for a pulse but was unable to locate one. Sergeant XXXX noticed that it appeared Officer Rocha had been shot in the head. Though a second officer who had also arrived attempted CPR, it was apparent that Officer Rocha was deceased. Sergeant XXXX then put out a call that there was probable cause for murder. Sergeant XXXX noticed a handgun lying at the feet of Officer Rocha as well as a shell casing nearby.

PURSUIT AND APPREHENSION OF THE DEFENDANT

Lieutenant Collings of the Everett Police Department was in his office when he heard a call on the radio for "shots fired" on Broadway Avenue. The call continued that there was a person down in the parking lot, possibly a police officer. Lt. Collings left the North Precinct and proceeded towards the location. Along his way, he was told by dispatch that the suspect had fled the area in a dark blue Mini Cooper. As he was about to cross Hewitt Avenue, Lt. Collings saw a vehicle matching the description which flew past him at a high rate of speed. He also noticed that part of the bumper appeared to be hanging off and there was smoke coming from the vehicle. Lieutenant Collings then turned to get behind the Mini Cooper and noticed that the license plate was obscured because of a heavily tinted license plate cover.

Lieutenant Collings activated his vehicle's emergency lights but the vehicle did not slow and instead ran a stop light. The pursuit continued down several streets with the defendant nearly hitting a police SUV that was heading towards him. As he swerved, the defendant drove onto the sidewalk, then ran through another red light and collided with two vehicles. The Mini Cooper then "spun out" and the defendant quickly exited and advanced towards Lt. Collings. The defendant was yelling "They're chasing me" or "They're after me" and would repeat this several times until he was taken into custody.

When the defendant was finally secured, Lt. Collings could see that the defendant's hands were empty, but that he was wearing an empty brown shoulder holster used for carrying a firearm. The defendant had blood on the front of his body.

The defendant was transported to the hospital in order to be cleared for booking as he was in a series of car accidents prior to his apprehension. The defendant did not appear to have any injuries whatsoever and it was determined that the blood covering the defendant's body likely came from Officer Rocha. The defendant was swabbed across his entire body and biological material to include blood and apparent brain matter were collected. These have been sent to the Washington State Patrol Crime Lab for further testing.

SEARCH OF THE BLUE MINI COOPER

A search warrant was obtained for the Blue Mini Cooper being driven by the defendant. Of note were:

- Blood smear on the passenger outside door handle
- Blood on the undercarriage of the vehicle
- Blood on the right, rear wheel
- Blood on the lower plastic portion of the rear bumper
- Blood found on the gear shift and emergency brake handle
- Blood found on the key and key fob from the ignition
- A counterfeit United States Marshal badge and belt clip badge holder

SEARCH OF THE SILVER FORD FUSION

A search warrant was also obtained for the Silver Ford Fusion which was impounded following the defendant's arrest. Of note were:

- Blood on the rear trunk and bumper
- The trunk had a small, black backpack which contained:
 - A straight edged knife in sheath
 - Hard plastic, empty pistol holster for a belt
 - Four firearm magazines
 - Three Glock magazines with 17 rounds of ammunition
 - One Glock magazine with 31 rounds of ammunition
 - An unfired 9 mm Luger caliber cartridge
- .22 caliber Rifle with a scope found on the rear seat
- A black camera bag, found on the front passenger seat, which contained:

- A hard plastic box containing a black in color, sticky substance consistent with heroin approximately the size of a golf ball, weighing approximately 21 grams
- One sandwich bag with a crystalized substance consistent with methamphetamine that was the approximate size of a golf ball, weighing 10.18 grams
- Five sandwich baggies of round pills, consistent with Fentanyl, totaling 1,950 pills (Detectives, based on their training and experience, believed that the amount of pills for someone using only for personal use was 3 or 4 pills at a time)
- A small, electronic digital scale
- Multiple 1" by 1" Ziploc baggies which the Detectives recognized as commonly used for packaging of controlled substances.
- Two boxes of .22 caliber ammunition
- A bag of assorted unfired ammunition

Forensic testing on the blood evidence, ballistics, and suspected drugs has been requested and is still pending. Based on the lack of injuries to the defendant, all of the blood collected from the scene and the vehicles is believed by detectives to belong to Officer Rocha.

XXXX AND XXXX – “THEY’RE NOT GONNA TAKE ME ALIVE”

Detectives spent a large part of the investigation trying to determine why the defendant, whose previous criminal history and familial ties were all in Eastern Washington, had come to be in Everett on the day of the murder. One avenue of investigation lead Detectives to a woman named XXXX, who has known the defendant for nearly twelve years and considers him a friend. XXXX first met the defendant when she dated a friend and cell mate of the defendant one of the times he had been in prison. Ms. XXXX is well familiar with the defendant’s criminal past and has even been in the car with him when he has fled from police.

The last time that Ms. XXXX saw the defendant was approximately four weeks prior to this incident. The defendant came to her house after having just recently been released from prison. He was driving a new truck but Ms. XXXX knew that it was not unusual for the defendant to have as many as thirteen vehicles at one time placed in several locations. The defendant also had two guns with him. One appeared to be a black 9 mm pistol and the other was a .45 caliber pistol. Ms. XXXX was fairly confident in her ability to identify the types of weapons as her father was a former police officer. The defendant was carrying one of the weapons in a holster on his side and the other inside a backpack that he carried with him. The defendant told XXXX that he was now carrying weapons because he had been robbed quite a few times recently and needed protection. XXXX also believed that the defendant was in Everett in order buy more guns as well as sell or trade drugs.

Also inside the backpack, which XXXX could see, were “blues” a street term for Fentanyl and methamphetamine. XXXX could see that he had at least a thousand Fentanyl pills and a couple pounds of meth. Ms. XXXX was aware that the defendant was selling the drugs and estimated that he was one of the main suppliers of Fentanyl in the Tri-Cities.

When told by Detectives that the defendant had run over Officer Rocha after shooting him, Ms. XXXX stated, "I could see him doing that. When he is being pursued by police officers, he will run and not stop for nothing. He will run over anything and anyone. He will, anybody that's in the car, he won't let us out. He's got one thing on his mind and that's getting the frick away from you guys."

XXXX then spoke about how the defendant, who was aware he had warrants for his arrest and knew he was not supposed to have firearms in his possession, was worried about going back to prison if he got caught.

DET. BILYEU: But did he indicate what he would do to ensure he was not taken back into custody?

XXXX: No sir, he just said, I'm not going back there. They're not gonna take me alive.

This statement by the defendant was made to Ms. XXXX on the day she last saw him, a mere three to four weeks prior to Officer Rocha's murder.

This view was later confirmed when Detectives spoke with the defendant's nephew, XXXX. The nephew believed that the defendant was over in Everett in order to buy a car, though others in the defendant's family whom spoke with Detectives believed he was there to buy and sell guns or drugs. XXXX had recently seen the defendant carrying a gun, which he had not been doing previously. The last time XXXX saw his uncle, which was about a week before the murder, the defendant told him he was "not going back to prison".

STATE'S REQUEST FOR THE DEFENDANT TO BE HELD WITHOUT BAIL

The State is requesting that the defendant be held without bail pending trial. The basis for this motion is laid out in a separate motion for the Court's consideration. The previous bail set in District Court was \$5,000,000.

Based upon a review of databases maintained by state and federal agencies, the Prosecutor's understanding of the defendant's criminal history is set forth in Appendix A attached hereto and incorporated herein by reference.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

ADAM CORNELL
PROSECUTING ATTORNEY



CRAIG S MATHESON, WSBA #: 18556
Deputy Prosecuting Attorney

DATED the 15 day of April, 2022 at the Snohomish County
Prosecuting Attorney's Office in Snohomish County, Washington.

APPENDIX A TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)

DATE: March 31, 2022 (alc)
 DEFENDANT: **ROTTER, RICHARD JAMES**
 ALIAS(ES):
 SID: WA14050586 FBI: 261114LA9 DOC: 943576
 DNA taken: YES

DOB: 01/17/1972
 RACE: White / Caucasian
 GENDER: Male

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
ADULT FELONIES:			
Second Degree Burglary (B)	09/20/88	Franklin County 88-1-50184-9	6 Mos. Confinement 24 Mos Comm Supervision
Bail Jumping (C)	07/03/89	Franklin County 89-1-50175-8	120 Days Confinement 12 Mos Comm Supervision
Third Degree Assault (C)	01/23/90	Franklin County 89-1-50386-6	9 Mos. Confinement 12 Mos Comm Supervision
VUCSA - Possession with Intent (C) (Marijuana)	10/26/92	Snohomish County 91-1-01315-7	12 Mos+1Day Confinement
Forgery (C)	07/11/95	Franklin County 95-1-50215-5	3 Mos Confinement 12 Mos Comm Supervision
Attempting to Elude Pursuing Police (C)	12/19/95	Franklin County 95-1-50390-9	4 Mos Confinement
Forgery (C)	06/18/97	Benton County 97-1-00134-3	3 Mos Confinement 12 Mos Comm Supervision
**VUCSA – Possession (C) (Heroin)	12/16/97	Franklin County 97-1-50171-6	22 Mos Confinement
VUCSA – Delivery (B) (Cocaine) (DOSA)	11/03/00	Benton County 00-1-00331-9	63 Mos Confinement 63 Mos Comm Custody
Second Degree Escape (C) (DOSA)	11/03/00	Benton County 00-1-00664-4	27.75 Mos Confinement 27.75 Mos Comm Custody
**VUCSA – Possession (C) (Heroin)	11/07/00	Franklin County 00-1-50116-1	22 Mos Confinement
**VUCSA – Possession (C)	05/21/13	Franklin County 12-1-50598-4	12 Mo+1 Day Confinement 12 Mos Comm Custody
Attempting to Elude Pursuing Police (C)	05/21/13	Franklin County 13-1-50192-8	22 Mos Confinement
Attempting to Elude Pursuing Police (C)	05/21/13	Franklin County 13-1-50193-6	22 Mos Confinement

Appendix A to Plea Agreement - Page 2 of 4

ROTTER, RICHARD JAMES

ADULT FELONIES, CONTINUED:

**VUCSA – Possession (C) (DOSA)	05/29/13	Benton County 10-1-01210-2	12 Mos Confinement 9 Mos Comm Custody
**VUCSA – Possession (C) (DOSA)	05/29/13	Benton County 13-1-00072-9	27 Mos Confinement 27 Mos Comm Custody 8/7/13 J&S Amended 27.75 Mos Confinement 27-75 Mos Comm Custody

**NOT FACTORED INTO OFFENDER SCORE PURSUANT TO STATE V. BLAKE, NO 96873-0 (2/25/21)

Attempting to Elude Pursuing Police (C)	12/28/16	Benton County 16-1-00269-6	22 Mos Confinement
Attempting to Elude Pursuing Police (C)	09/03/19	Franklin County 19-1-50161-11	12 Mo+ 1 Day Confinement

ADULT MISDEMEANORS:	<u>DATE OF VIOLATION</u>		<u>COURT CASE #</u>
1. Fail to Comply	06/30/88	Franklin County	
2. Criminal Trespass 2	06/03/89	Benton County	
3. Willful Non-Appearance	01/17/92	King County	
4. Failure to Respond	03/11/92	King County	
5. Driving Under the Influence	12/04/92	Benton County	
6. Refuse to Give Info/Cooperate	04/15/94	Franklin County	
7. Driving While Suspend/Revoked 3	04/15/94	Franklin County	
8. Refuse to Give Info/Cooperate	06/01/94	Franklin County	
9. Driving While Suspend/Revoked 3	06/01/94	Franklin County	
10. Assault	09/04/94	Benton County	
11. Possession Drug Paraphernalia	10/09/94	Franklin County	
12. Driving While Suspend/Revoked 3	11/29/94	Benton County	
13. Driving While Suspend/Revoked 3	12/18/94	Benton County	
14. Driving While Suspend/Revoked 3	01/31/95	King County	
15. Negligent Driving	01/31/95	King County	
16. Driving While Suspend/Revoked 3	05/06/95	Franklin County	
17. Driving While Suspend/Revoked 3	05/06/95	Franklin County	
18. Driving While Suspend/Revoked 3	04/09/97	Franklin County	
19. Possession Drug Paraphernalia	08/01/97	Benton County	
20. False Reporting 1	08/01/97	Benton County	
21. Driving While Suspend/Revoked 3	09/04/97	Benton County	
22. Driving While Suspend/Revoked 3	11/10/98	Benton County	
23. Driving While Suspend/Revoked 3	11/20/98	Benton County	
24. Theft	02/28/99	Benton County	
25. Driving While Suspend/Revoked 3	03/22/99	Franklin County	
26. Possession of Marijuana	08/27/04	Adams County	
27. Make False Statement to Public Servant	11/03/04	Benton County	
28. No Valid Driver's License	11/03/04	Benton County	
29. Malicious Mischief 3	08/05/08	Benton County	08-1-01102-3
30. Violation of Court Order	04/01/09	Benton County	
31. Violation Court Order (DV)	05/21/09	Benton County	
32. Assault 4 (DV)	05/21/09	Benton County	

Appendix A to Plea Agreement - Page 3 of 4

ROTTER, RICHARD JAMES

ADULT MISDEMEANORS, CONTINUED:

33. Bail Jumping	07/01/09	Benton County
34. Reckless Driving	09/13/09	Benton County
35. Driving Under the Influence	02/21/10	Benton County
36. Resisting Arrest	02/21/10	Benton County
37. False Reporting 2	02/21/10	Benton County
38. Driving While Suspend/Revoked 3	09/03/10	Benton County
39. Reckless Driving	09/03/10	Benton County
40. Obstructing Public Servant	09/03/10	Benton County
41. Driving While Suspend/Revoked 1	12/07/12	Benton County
42. Hit and Run (Attended)	03/21/19	Benton County
43. Driving While Suspend/Revoked 1	03/21/19	Benton County

JUVENILE FELONIES:	<u>DATE OF CONVICTION</u>		
Second Degree Burglary (B)	01/30/85	Franklin County 84-8-50132-9	Detention/Supervision
Second Degree Burglary (B) (2 counts)	02/28/86	Benton County 85-8-00432-8	Detention/Supervision
Second Degree Burglary (B)	02/28/86	Benton County 86-8-00122-0	Detention
Incest (C)	05/30/86	Benton County 86-8-00157-2	Institution
Attempted Second Degree Burglary (C)	04/13/88	Benton County 88-8-00115-3	Institution
Second Degree Escape (C)	05/18/88	Benton County 88-8-00167-6	Institution

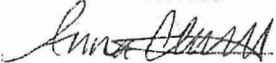
JUVENILE MISDEMEANORS:	<u>DATE OF VIOLATION</u>
NONE	

ROTTER, RICHARD JAMES

AFFIDAVIT BY CERTIFICATION

I am a paralegal employed by the Snohomish County Prosecutor's Office and make this affidavit in that capacity. I have reviewed the following databases maintained by federal and state agencies to determine the above-named defendant's criminal history: NCIC (maintained by the FBI), WWCIC (Washington State Patrol Criminal History Section), JIS (Judicial Information System). I may have reviewed the following databases or other sources, including but not limited to: DOL (Washington State Department of Licensing) and DOC (Washington State Department of Corrections). A review of those sources indicates the defendant's criminal history is as listed above.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



PARALEGAL

DATED this 28th day of March 2022, at the Snohomish County Prosecutor's Office

FILED

APR 15 2022

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

The State of Washington,

Plaintiff,

vs.

RICHARD JAMES ROTTER
Defendant.

No. 22-1-00441-31
STATE'S MOTION FOR NO-BAIL
DETENTION ORDER

COMES NOW the State of Washington, by and through the undersigned Deputy Prosecuting Attorney, and respectfully moves this court for an order detaining the Defendant in custody without bail.

Relief Requested. The State is requesting a hearing pursuant to RCW 10.21 and the Washington State Constitution Article I, section 20, and an order detaining the defendant in custody without bail.

Statement of Grounds. The State submits that clear and convincing evidence supports a judicial conclusion that defendant shows a propensity for violence that creates a substantial likelihood of danger to persons and the community, and that no condition or combination of conditions will reasonably assure the safety of persons and the community.

Article I, section 20 of the State Constitution states that bail may be denied a defendant if charged with offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any person.

1 Statement of Issues. Defendant is charged with First-Degree Murder with Aggravating
2 Circumstances. If convicted as charged, the only possible sentence allowed is life in prison
3 without the possibility of parole. Thus, defendant meets the baseline requirements for
4 consideration of being denied bail under Article I, section 20.

5 The next issue is whether the defendant shows a propensity for violence that creates a
6 substantial likelihood of danger to the community or any person. And, if so, is there any
7 condition or combination of conditions that can reasonably assure the safety of persons and the
8 community.

9 Answer. All evidence indicates beyond a clear and convincing standard that the
10 defendant is a clear danger to the community and any person that comes into contact with him,
11 and an extreme risk to not appear for future court hearings. Further, under the facts of the
12 instant case there is no condition nor combination of conditions that would reasonably assure
13 the safety of the community nor defendant's appearance in court. The entirety of the
14 defendant's encounter with victim in this matter, Everett Police Officer Daniel Rocha, is captured
15 on video and clearly demonstrates that defendant will commit murder to avoid being
16 incarcerated. Defendant is a thirteen-time convicted felon, with five of those convictions being
17 for Attempting to Elude a Pursuing Police Officer. It is alleged that defendant made comments
18 to his associates prior to the murder of Officer Rocha that he will not go back to prison, and that
19 "they're (law enforcement) not going to take me alive."

20
21 Evidence Relied Upon. The State relies upon the facts submitted in the Snohomish
22 County Prosecutor's Office Affidavit of Probable Cause in this case and supplemented as
23 necessary by the testimony of Detective Kendra Conley of the Snohomish County Sheriff's
24 Office-Major Crimes Unit.


25 Legal Authority. RCW 10.21, and Washington Const. Art. I, Section 20. See also, State
26 v Sargent, 20 Wash. App.2nd 186 (2021).

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DATED this 15 day of April, 2022.

Respectfully submitted,

ADAM CORNELL
Prosecuting Attorney



Craig Matheson, #18556
Deputy Prosecuting Attorney

FILED

APR 15 2022

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

STATE OF WASHINGTON,
Plaintiff,

v.

ROTTER, RICHARD JAMES
Defendant

No. 22-1-00441-31

NO BAIL DETENTION ORDER

[] (Clerk's Action Required)

Sex: Male
Ht: 5'10"

Race: White / Caucasian
Wt: 160

DOB: 01/17/1972

Hair: Blond or Strawberry
Eyes: Blue

The above-named defendant having come before the court for preliminary appearance or reappearance, and it appearing to the Court that probable cause exists for the offense(s) charged in the Information filed herein based upon the Affidavit of Probable Cause, and the Court having considered the evidence presented, arguments of counsel, and records and files herein;

THE COURT HEREBY FINDS that:

- 1.1 The defendant is charged with a felony crime, and if convicted, faces the possibility of life in prison;
- 1.2 The offense charged is a crime of violence;
- 1.3 The nature and circumstances of the offense charged are as set forth in the Information and Affidavit of Probable Cause;
- 1.4 Substantial evidence exists which if believed would implicate the defendant in the charged crime;
- 1.5 The defendant has convictions for 13 prior felonies and 43 prior misdemeanor/gross misdemeanors. The defendant's prior criminal history does not include crimes of violence. The defendant's criminal history includes alcohol or drug related offenses. The defendant [] has [] has not received treatment for alcohol or drug abuse;
- 1.6 The defendant was not on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law;
- 1.7 The defendant has a record of failing to appear for court hearings when directed to do so;
- 1.8 [] There is reason to believe the defendant [] suffers from a mental defect or disorder [] may not be competent to stand trial [] has a physical disability (specify) _____
[] other facts relevant to the defendant's physical or mental condition: _____
- 1.9 The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release: Defendant has allegedly told acquaintance's that law enforcement would not take him alive, and that he was not going back to prison.
- 1.10 The defendant's character, family/community ties, employment, financial resources, length of residence in the community, past conduct, and any other relevant characteristics: _____

Based on the above findings, THE COURT HEREBY CONCLUDES that:

2.1 By clear and convincing evidence, the defendant has a propensity for violence that creates a substantial likelihood of danger to the community or any persons, such that no condition or combination of conditions of release will reasonably assure the safety of the community or any persons.

IT IS HEREBY ORDERED that:

3.1 Pursuant to RCW 10.21.040, the defendant shall be detained in custody with no bail;

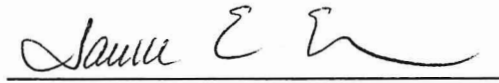
3.2 Pursuant to RCW 10.21.030, the defendant shall also comply with the following conditions:

- No contact with: with the State's witnesses, except through counsel;
- The defendant shall not commit any crimes; and
- The defendant shall have no contact, direct or indirect, with children under the age of 18, except with the supervision of a responsible adult who is aware of these charges.

The defendant shall appear for trial and all scheduled court hearings and comply with the conditions indicated above. Violation of any of these conditions may result in additional charges. A warrant for the arrest of the defendant may be issued upon a showing of probable cause that the defendant has failed to comply with any of the above conditions of release.

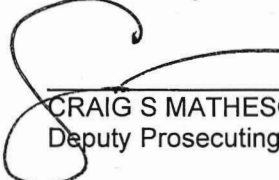
The Department of Corrections holding the defendant in custody shall, to the extent practicable, maintain the defendant in confinement separate from persons awaiting or serving sentences or being held in custody pending appeal. The Department of Corrections holding the defendant in custody shall afford the defendant reasonable opportunity for private consultation with defense counsel.

DATED this 15 day of April, 2022.



 Judge

Presented by:



 CRAIG S MATHESON, WSBA #: 18556
 Deputy Prosecuting Attorney

Approved for entry; copy received:

 NATALIE A. TARANTINO, WSBA #: 24867
 Attorney for Defendant

 RICHARD JAMES ROTTER
 Defendant

Address: _____

