

1 grabbing the book.

2 JUDGE SIPPEL: Yes, get the exhibit  
3 in front of you please and turn to page 24.

4 THE WITNESS: 24, which exhibit was  
5 it?

6 MS. LANCASTER: It's an EB exhibit.  
7 You may have -- I don't know which one you  
8 have. It's EB 4 --

9 THE WITNESS: Okay.

10 MS. LANCASTER: -- page 24.

11 THE WITNESS: Okay, I've got it  
12 here.

13 BY MS. LANCASTER:

14 Q Okay, and the first treatment thing  
15 they wanted you to avoid would be in a  
16 environment where minor males are present. D  
17 you see that?

18 A Yes I do.

19 Q Okay, the second would be  
20 pornographic materials including videos,  
21 movies, magazines, books, and adult  
22 bookstores.

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1 In fact you had a violation of that  
2 didn't you?

3 A A probation violation?

4 Q Weren't you -- isn't it noted that  
5 you in fact were viewed pornographic  
6 materials. You had an infraction for that at  
7 some point. Is that correct, after you were  
8 out?

9 MR. LYON: Can we put a better time  
10 frame on that?

11 MS. LANCASTER: I'm trying to find  
12 my note.

13 JUDGE SIPPEL: All right, hold on  
14 let's get a time frame on this, you're right.

15 What was the date you were released  
16 or the year and the month?

17 MS. LANCASTER: I believe he was  
18 released in 1995, Your Honor. Is that correct  
19 Mr. Titus?

20 THE WITNESS: January 1, 1995 is  
21 what I see on the documentation.

22 JUDGE SIPPEL: Okay.

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1 MS. LANCASTER: Well I don't see my  
2 note. I know there is one. I'll have to find  
3 it.

4 BY MS. LANCASTER:

5 Q Do you not recall any infraction  
6 that you viewed pornographic materials when  
7 you were not supposed to. Do you recall that  
8 occurring at any time?

9 A Yes.

10 Q Okay, when did that occur?

11 A Some time during my probation.

12 Q This was after your release during  
13 your adult incarceration?

14 A That's correct.

15 Q Okay, so you knew you weren't  
16 supposed to view pornographic materials,  
17 correct?

18 A That's correct.

19 Q And you did it any way?

20 A That's correct.

21 Q Okay, the third thing listed is  
22 having a relationship with a parent of a minor

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1 male. The fourth is loitering around fast  
2 food places, malls, parks, play grounds, video  
3 arcades, or anywhere where minor males are  
4 known to congregate.

5 The next is being in any situation  
6 where he has authority over a minor male. The  
7 next is athletic clubs where minor males are  
8 allowed to attend. And the next is schools,  
9 etcetera.

10 In fact you got in trouble by being  
11 at a gym where you had some authority over the  
12 11-year-old. Is that not correct?

13 MR. LYON: Your Honor, I'm going to  
14 object to that because as I understand it that  
15 is what led to the conviction in the first  
16 place.

17 MS. LANCASTER: Yes, he got in  
18 trouble for doing what they're saying not to  
19 do. They're warning him not to do that.

20 MR. LYON: They warned him not to  
21 do it when he was being released after the  
22 matter.

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1 MS. LANCASTER: Because it had  
2 caused him trouble previously is my  
3 understanding.

4 BY MS. LANCASTER:

5 Q Is that your understanding Mr.  
6 Titus?

7 A The gym incident was before this  
8 report was written.

9 Q Right.

10 A And these are pretty generic  
11 statements that they write on treatment  
12 summaries and because of the gym incident they  
13 wrote that in here I suspect.

14 Q Okay, so you think that these are  
15 generic statements that they include on  
16 everyone's treatment summary?

17 A I think their pretty close to  
18 generic statements that they include on  
19 summaries, yes.

20 Q Okay.

21 JUDGE SIPPEL: Now, what you're  
22 referring to is all this relapsed prevention?

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1 MS. LANCASTER: Yes sir.

2 JUDGE SIPPEL: Okay, on page 24?

3 MS. LANCASTER: Yes sir.

4 BY MS. LANCASTER:

5 Q You were made aware of these prior  
6 to your release weren't you?

7 A That's correct.

8 Q Okay, your parole summary, the  
9 documentation for your parole summary which is  
10 Exhibit 4 32 through 34, page 32 through 34.

11 A Okay, okay.

12 Q This report was done by Sheila  
13 Davidson. Do you know her?

14 A Yes I do.

15 Q And was she your parole counselor?

16 A She was one of them.

17 Q Okay, did you report to her at any  
18 time?

19 A Yes I did.

20 Q Okay, paragraph two of the parole  
21 summary on page 32 indicates that when you  
22 were released back into the community you were

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1 actually a Level 3 High Risk Sex Offender.

2 MR. LYON: I'm going to object  
3 because again we don't have a time frame here  
4 and I believe this is referring to the release  
5 from juvenile confinement.

6 MS. LANCASTER: Okay, may be.

7 THE WITNESS: That's correct.

8 BY MS. LANCASTER:

9 Q Okay, it's dated 2/13/93. And  
10 Sheila Davidson was your parole counselor  
11 after juvenile?

12 A Yes, after the juvenile offense.

13 Q When you were a 15-year-old?

14 A Yes, I believe that is correct.

15 Q Okay, so she rated you a Level 3  
16 High Risk offender at that time. Were you  
17 aware of that?

18 MR. LYON: Objection, there's no  
19 indication of who rated him.

20 BY MS. LANCASTER:

21 Q All right, you were rated a high  
22 risk Level 3 Sex Offender. You were

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1 classified as a Level 3 at that time. Do you  
2 recall that?

3 A I see that here in the  
4 documentation.

5 Q Okay.

6 JUDGE SIPPEL: Well it says it was  
7 done by the Sexual Offender Review Committee.  
8 That's who made the assessment.

9 MS. LANCASTER: Yes sir.

10 JUDGE SIPPEL: Now this parole date  
11 is July 1, '91 it says up here at the top of  
12 the discharge report.

13 But what is the date and why am I  
14 finding that that '91 and then '93 he was  
15 arrested. What is the date of this document,  
16 the discharge report itself?

17 MS. LANCASTER: I show this date  
18 was signed on February 13, 1993, Your Honor.  
19 If you look at the last page.

20 JUDGE SIPPEL: I got it.

21 MS. LANCASTER: That's when the  
22 report was done.

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1 JUDGE SIPPEL: I got it.

2 MR. LYON: So it appears to me that  
3 the parole report following juvenile  
4 confinement.

5 THE WITNESS: That's correct  
6 George.

7 BY MS. LANCASTER:

8 Q In March of '94, back to your  
9 subsequent arrest, in March of '94 do you  
10 recall getting a serious infraction for oral  
11 and anal sex with a developed mentally  
12 disabled male?

13 A Where at, I don't specifically  
14 recall what you're talking about.

15 Q I believe this was when -- this was  
16 following your incarceration for -- when you  
17 were 18.

18 A I did have an infraction for a  
19 sexual contact with another male. That's  
20 correct.

21 Q You were living in some kind of  
22 half-way house at that point. Is that

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1 correct, some therapy home or where were you?

2 A I was in prison.

3 Q Okay, in the prison, all right.

4 Did you have sex with other inmates while you  
5 were in prison also?

6 A Yes.

7 Q How often did that occur?

8 A I have no way to define that. I'm  
9 sorry, I don't know.

10 Q Daily, weekly, monthly, just give  
11 me your best approximation?

12 A My best approximation would be less  
13 than 20 times in two years.

14 Q Okay, you knew it was against the  
15 rules to do that, right?

16 A Yes I did.

17 Q But you did it anyway?

18 A Yes I did.

19 Q Okay, were you getting sex therapy  
20 at that time, sex offender therapy?

21 A I believe so.

22 Q The record indicates you were not

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1 getting any group therapy and that you  
2 resisted individual therapy. So do you  
3 specifically recall getting any therapy during  
4 that time?

5 A During the two years of  
6 incarceration I had therapy for one of the  
7 years. When the sex events took place it was  
8 missed over the two year period. Does that  
9 help clear it up?

10 Q No, say that again please.

11 A So, during the two year period one  
12 of those years in incarceration during the two  
13 year period I was in treatment. The less than  
14 20 sexual episodes happened over the course of  
15 that two years.

16 Q Do you recall -- I'm sorry, do you  
17 recall who your counselor or psychologist was  
18 during that time?

19 A Yes.

20 Q Who?

21 A My main counselor was Mary Floyd  
22 and Mike Morris.

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1 Q Okay, Exhibit 4 page 2, bulletin of  
2 notification of release. I think I put the  
3 wrote cite on. Hold on for a second.

4 JUDGE SIPPEL: One and two.

5 MS. LANCASTER: It's one and two.  
6 One and two, okay.

7 BY MS. LANCASTER:

8 Q Have you ever seen Exhibit 4 page  
9 one and two before?

10 A Is page one - just to make sure  
11 I'm looking at the same one, is that the  
12 release of Sex Offender notification bulletin?

13 Q Yes.

14 A Yes, I've seen that and the second  
15 page. Hold on - yes, I have seen this but  
16 it's been a long time ago.

17 Q Okay, were you given a copy of it  
18 at any point in time?

19 A Well at the time of the proceedings  
20 I was --

21 MR. LYON: Counsel could you  
22 clarify --

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1 JUDGE SIPPEL: Hold it just a  
2 second. We have a --

3 MR. LYON: Could you clarify prior  
4 to this proceeding?

5 MS. LANCASTER: Yes.

6 BY MS. LANCASTER:

7 Q Were you ever given a copy of it  
8 prior to this proceeding?

9 A I don't recall that. I don't know  
10 for sure. I can't say for certain, I'm sorry.

11 Q Have you read it all the way  
12 through?

13 A I have at some point.

14 Q Okay, could you look at the first  
15 section that just has name, release date,  
16 release address, and corrections officer.

17 A Right.

18 Q Is there any inaccurate information  
19 in that section?

20 A I don't believe so. Everything  
21 looks okay to me there.

22 Q Okay, in the next section where it

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1 just basically gives -- it has your picture on  
2 the left and on the right it gives verbal  
3 description is there anything inaccurate in  
4 that section?

5 A Not that I am aware of.

6 Q Right under your picture it talks  
7 about current offense being in communication  
8 with a minor for immoral purposes. County and  
9 cause it gives Benton and the 93-100035-2  
10 sentenced to 25 months.

11 As far as you know is that correct?

12 A As far as I know it is.

13 Q Okay, please read the first  
14 paragraph which goes onto the second page  
15 following that where it says current offense.  
16 And let me know if there's anything in that  
17 that's incorrect.

18 A Even though I don't clearly  
19 remember everything in here there's nothing  
20 that I can deny.

21 Q Okay, read the next section please  
22 where it says other sex offenses juvenile.

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1           A     Okay.

2           Q     And let me know if there's anything  
3 that's incorrect in that section.

4           A     In the first line that's underlined  
5 the sentence 65 weeks. I believe the sentence  
6 was 52 to 65 weeks. It was a range.

7           Q     Okay, I believe if the sentencing  
8 documents -- if whatever language that's in  
9 the sentencing documents would you agree that  
10 it will rule, it would be the most, more  
11 accurate.

12                     Do you agree to that. Do you agree  
13 with that statement?

14           A     Can you ask it again please?

15           Q     Would the sentencing documents be  
16 -- if they indicate 65 weeks would you agree  
17 that they are the more accurate?

18           A     Based on how the adult one is  
19 labeled I couldn't say that for certain.

20           Q     Okay, so you think that that should  
21 be 52 to 65?

22           A     I believe so.

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1 Q Okay, anything else?

2 A Still reading. There are a couple  
3 of things that I don't recall happen as they  
4 are stated here.

5 Q Okay, tell me specifically what  
6 couple of things?

7 A It says he threatened bodily harm  
8 if the boy refused to touch Titus' penis.

9 Q All right, that's a sentence that  
10 begins on line 14 and continues to line 15.  
11 Is that the correct sentence?

12 A Well I don't have the lines  
13 numbered here, but it's right underneath where  
14 it says 12/15/89.

15 Q Okay, "he threatened bodily harm if  
16 the boy refused to touch Titus' penis."  
17 That's the sentence that you don't recall?

18 A Yes, I don't believe I did that,  
19 but I can't dispute it. I mean I -- we would  
20 be retrying my cases if that was the case.  
21 But I don't believe that I threatened him  
22 bodily harm.

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1                   Also down a couple of lines it says  
2 he was reported to assaulted the victim on the  
3 floor of the restroom. I never had a kid on  
4 the floor of the restroom. That's not  
5 accurate either.

6                   Q     Okay, you're not disputing that it  
7 was reported that you assaulted him on the  
8 floor of the restroom. You're saying that you  
9 didn't do it on the floor of the restroom?

10                  A     That's right, I can't dispute  
11 anything that's in here because I would be  
12 retrying my cases. But I do dispute some  
13 events and some inaccuracies of some things  
14 that were written.

15                  Q     Okay, all right.

16                  A     But it was so long ago I can't  
17 remember.

18                  Q     Okay, what else?

19                         MR. LYON: Counsel could you let  
20 the witness finish. He in a couple of  
21 instances has been continuing an answer and  
22 you stated okay, and his voice drops down and

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1 I can't hear the rest of the answer.

2 MS. LANCASTER: Sorry I didn't hear  
3 him continuing until after I had already  
4 spoken.

5 JUDGE SIPPEL: Well there is a  
6 little bit of a disconnect here between the --  
7 it takes a matter of seconds before his voice  
8 picks up and I'm sure he's experiencing the  
9 same thing as his end. So you just have to  
10 try to hold off.

11 MS. LANCASTER: I'll try to pause,  
12 Your Honor.

13 JUDGE SIPPEL: Thank you.

14 THE WITNESS: You now I can't  
15 dispute anything else in here and I really  
16 don't want to go through and retry all of  
17 these.

18 MS. LANCASTER: Okay.

19 THE WITNESS: I mean I have to take  
20 them for what their written for and to the  
21 best of my recollection some of these things  
22 didn't happen they way they're written. But

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1 I don't want to refute them.

2 BY MS. LANCASTER:

3 Q Would you read the next section in  
4 the comments section and tell me what if  
5 anything in there is not true?

6 JUDGE SIPPEL: Beginning with what  
7 sentence. Either the first part of the  
8 sentence you're talking about?

9 MS. LANCASTER: It says comments:  
10 while incarcerated as a juvenile --

11 JUDGE SIPPEL: Right, that whole  
12 paragraph?

13 MS. LANCASTER: Yes sir.

14 JUDGE SIPPEL: We'll go off the  
15 record while he reads it to himself.

16 (Whereupon, off the record from  
17 2:02 p.m. until 2:03 p.m.)

18 JUDGE SIPPEL: Yes, thank you we're  
19 back on the record.

20 BY MS. LANCASTER:

21 Q Would you repeat that?

22 A Okay, there seems to be quite a bit

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1 wrong with that paragraph. Whoever wrote that  
2 did a very inaccurate job of gathering the  
3 facts.

4           The comment says "while  
5 incarcerated as a juvenile Titus continued to  
6 involve himself sexually with other youths at  
7 Echo Glenn in spite of staffs attempts to  
8 intervene. During this incarceration Titus  
9 received a serious infraction on March of  
10 1994."

11           Well that's totally wrong because  
12 I wasn't even at Echo Glenn in 1994. 1994 I  
13 was in Twin Rivers, I was an adult. So that's  
14 all screwed up.

15           Q     Okay, so I'm sorry --

16           A     That whole paragraph is pretty  
17 messed up.

18           Q     Is the paragraph true if you change  
19 Echo Glenn to Twin Rivers and take out the  
20 juvenile?

21           A     Take out the juvenile. Well that  
22 first sentence where it says Echo Glenn,

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1 "youth at Echo Glenn in spite of attempts to  
2 intervene." That's correct. I know they did  
3 try to intervene at Echo Glenn. But that did  
4 not happen in the adult facility. I think  
5 whoever wrote this intermixed different things  
6 together here.

7 "During the incarceration Titus  
8 received an infraction in March of 1994  
9 involving oral and anal intercourse with an  
10 adult developmentally disabled defendant."

11 "That's true in the adult facility.  
12 I don't know that I was necessarily aware that  
13 he was developmentally disabled. He lives in  
14 Seattle not too far from me and has been with  
15 the same lover for about 10 or 11 years now.

16 There were two infractions for  
17 fighting as an adult. That is correct.  
18 There's opinions here that I might disagree  
19 with. But I mean I don't want to argue  
20 whoever wrote this. I mean it's written the  
21 way it's written. Again nothing else is  
22 jumping out at me.

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1 Q Okay, would you turn to -- well let  
2 me ask you about -- turn to page 36 of this  
3 same exhibit please.

4 JUDGE SIPPEL: We're on Exhibit 4?

5 MS. LANCASTER: Yes sir. Well  
6 let's see which one is -- which is the first  
7 one.

8 THE WITNESS: What is that document  
9 that you have?

10 MS. LANCASTER: It's an incident  
11 report regarding a automobile collision.

12 THE WITNESS: That's correct, I've  
13 got that here.

14 MS. LANCASTER: Okay.

15 BY MS. LANCASTER:

16 Q Do you recall this incident?

17 A Yes I do.

18 Q What do you --

19 A Every single --

20 MR. LYON: Answer her question.

21 THE WITNESS: Yes, I recall the  
22 incident.

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1 MS. LANCASTER: Okay.

2 BY MS. LANCASTER:

3 Q What do you recall about the  
4 incident?

5 A How am I supposed to answer that.  
6 You want a narrative like my version?

7 Q Yes, tell me your version.

8 A I dropped a friend off at an  
9 apartment in Seattle and I was heading  
10 southbound on -- I believe it's Yale Street  
11 and a lady was heading northbound on Yale  
12 Street towards me. She pulled left and pulled  
13 into a driveway and immediately backed right  
14 out and ran into my vehicle. My vehicle was  
15 very new at that time.

16 I stopped, got out of the vehicle.  
17 We got in a shouting confrontation. We ended  
18 up close to each others face. She was  
19 pointing her finger in my face like that and  
20 I told her to get her finger out of my face.  
21 She didn't. I at that time I grabbed her hand  
22 and twisted it down and moved away from her.

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1 I believe about that time we kind  
2 of started separating and there was some more  
3 shouting back and forth. I don't remember the  
4 specific words exchanged. And then I went  
5 home and some time after being home I got a  
6 call from the police asking me about the  
7 incident. And that's -- it ended at that  
8 point as far as I'm aware.

9 I know the police officer wrote up  
10 a report on it. But I was never charged, she  
11 was never charged. There was no accident  
12 report filed. We just went our merry way.

13 Q How old was this woman?

14 A I don't know that for sure.

15 Q Well how old did she look to you?

16 A I would say early to mid-20's.

17 Q About how tall was she?

18 A Probably about my height.

19 Q How tall are you?

20 A 5'9" maybe, barely 5'9".

21 Q Approximately how much did she  
22 weigh?

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1           A       You don't guess a woman's weight.  
2           I don't know.

3           Q       Did she weight as much as you?

4           A       Definitely not.

5           JUDGE SIPPEL:   Is there a reason  
6           for this line of questioning?

7           MS. LANCASTER:   Yes sir there is.  
8           If you look at Mr. Titus' treatment summary  
9           which has been admitted he has a history of  
10          aggression and violence and this was -- this  
11          occurred after he had been released from  
12          incarceration. And if you look at his direct  
13          testimony he talks about how, you know all  
14          those problems have gone away. And yet he  
15          basically attacked a woman.

16          MR. LYON:       Your Honor, I don't  
17          think this is --

18          JUDGE SIPPEL:   Well she's not  
19          testifying. That's your argument. You're  
20          saying this is what you would conclude from  
21          all of this?

22          MS. LANCASTER:   Well without her

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