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7 **IN THE DISTRICT COURT OF THE STATE OF WASHINGTON**
IN AND FOR THE COUNTY OF KING – BURIEN DIVISION

8 **MATTHEW JOHN GRABOWSKY,**

9 Petitioner,

10 vs.

11 **NAIA SHIRO OKAMI,**

12 Respondent.

Case No.: 21CIV31760KCX

**RESPONDENT'S OPPOSITION TO
PETITION**

**Hearing Date: 8.24.21
Hearing Time: 8:45 a.m.**

13 Respondent **NAIA SHIRO OKAMI**, through counsel **ADAM P. KARP**, presents the
14 following memorandum in opposition to Petitioner **MATTHEW JOHN GRABOWSKY's**
15 petition for an antiharassment/antistalking protection order.
16

17 **FACTS**

18 On 4.4.19, Respondent pleaded guilty to Attempted Animal Cruelty in the First Degree
19 in *State v. Grabowsky*, King Cy. Sup. Ct. No. 17-1-07782-4KNT, wherein he admitted:

20 During a time intervening May 1, 2017 and May 31, 2017 I intentionally took a
21 substantial step toward the commission of Animal Cruelty in the First Degree when
22 Kevin Richards delivered a dog to my house, and, I undressed. I set up a camera to
23 film the dog, Diamond, penetrate me anally. This was for my sexual gratification.
24 This occurred in King County, Washington.
25

**MEMORANDUM IN OPPOSITION OF
PETITION AND SPECIAL MOTION
TO STRIKE - 1**

ANIMAL LAW OFFICES OF
ADAM P. KARP, ESQ.
114 W. Magnolia St., Ste. 400-104 • Bellingham, WA 98225
(888) 430-0001 • Facsimile: (833) 878-
adam@animal-lawyer.com

1 SPG, ¶ 11 (attached). That same day, Judge LeRoy McCullough entered a *Judgment and Sentence*,
2 *Non-Felony*, suspending 364 days in jail, imposing 24 months unsupervised probation, restitution
3 at \$23,793, a sexual deviancy evaluation, and no contact with dogs. *J&S* (attached).

4 Grabowsky asserts in his petition that Okami “contacted my previous employer to get
5 me fired by providing false information and false court documents about my previous
6 misdemeanor,” which “led to my termination with my employer.” *Pet.* 5A. He further claims that
7 Okami “show[ed] up at my residence in January 2020 and took pictures of my residence,”
8 contacted “several of my friends to provide the same libel and slander associated with my
9 misdemeanor,” and makes a conclusory assertion that Okami is “extremely dangerous” and should
10 not be “near public transportation, including the local airports.” *Pet.* 5B. The documents provided
11 in support of his petition reflect emails between Okami and Grabowsky’s manager with aircraft-
12 related screenshots posted on Telegram. Evidently, in so doing, Grabowski violated employment
13 protocols and arguably compromised public safety. The fact he was terminated bears out the
14 legitimacy of Okami’s notification. The sum total of Grabowski’s submission, it is no wonder his
15 temporary emergency order was denied, as should his present petition.
16

17 Naia Okami is a transgendered individual and legally female who did not enter the State
18 of Washington until four months ago, April 2021. Okami is involved as the Director of Cyber
19 Operations for the national organization Operation Wolf Eyes, which seeks to bring awareness to
20 human trafficking and domestic abuse. www.operationwolfeyes.org. Okami also devotes copious
21 time and energy to halting animal abuse. Okami learned of Grabowski’s bestiality and became
22 concerned by his involvement in Furry Fandom circles, where he might have access to canines and
23 other future victims.
24

25 **AUTHORITY – ANTISTALKING (Ch. 7.92 RCW)**

**MEMORANDUM IN OPPOSITION OF
PETITION AND SPECIAL MOTION
TO STRIKE - 2**

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1 RCW 7.92.100(1)(a) provides for issuance of a stalking protection order (“SPO”) where
2 the petitioner proves she is a victim of stalking conduct by evidentiary preponderance.

3 “**Stalking conduct**” means:

- 4 (a) Any act of **stalking** as defined by RCW 9A.46.110;
5 (b) Any act of **cyberstalking** as defined by RCW 9.61.260; or
6 (c) Any **course of conduct** involving repeated or continuing contacts,
7 attempts to contact, monitoring, tracking, keeping under observation, or following
8 of another that (i) would cause a **reasonable person** to feel intimidated, frightened,
9 or threatened and that actually causes such a feeling; (ii) **serves no lawful purpose**;
10 and (iii) the stalker **knows or reasonably should know** threatens, frightens, or
11 intimidates the person, even if the stalker did not intend to intimidate, frighten, or
12 threaten the person.

13 RCW 7.92.020(4).

14 **A. RCW 7.92.020(3)(a) [“Stalking”]**

15 RCW 9A.46.110(1) defines stalking conduct as that which, “without lawful authority,”
16 meets three conditions:

17 (a) He or she intentionally
18 and repeatedly harasses or repeatedly follows another person; and

19 (b) The person being harassed or followed is placed in fear that the stalker
20 intends to injure the person, another person, or property of the person or of another
21 person. The feeling of fear must be one that a reasonable person in the same
22 situation would experience under all the circumstances; and

23 (c) The stalker either (i) intends to frighten, intimidate, or harass the person; or
24 (ii) knows or reasonably should know that the person is afraid, intimidated, or
25 harassed even if the stalker did not intend to place the person in fear or intimidate
or harass the person.

“**Follows**” means “deliberately maintaining visual or physical proximity to a specific
person over a period of time.” RCW 9A.46.110(6)(b). “**Repeatedly**” means “on two or more
separate occasions.” RCW 9A.46.110(6)(e). “**Harasses**” means unlawful harassment as defined in
RCW 10.14.020. RCW 9A.46.110(6)(c). “**Unlawful harassment**” is defined as a “knowing and

1 willful course of conduct directed at a specific person which seriously alarms, annoys, harasses,
2 or is detrimental to such person, and which serves no legitimate or lawful purpose.” RCW
3 10.14.020(2) (emphasis added). “**Course of conduct**” specifically excludes “constitutionally
4 protected free speech” and notes that “[c]onstitutionally protected activity is not included within
5 the meaning of ‘course of conduct.’” RCW 10.14.020(1); *see also* RCW 10.14.190 (“Nothing in
6 this chapter shall be construed to infringe upon any constitutionally protected rights including, but
7 not limited to, freedom of speech and freedom of assembly.”)

8 Other than claiming that Okami appeared at his residence and took pictures *twenty months*
9 *ago*, at a time when Okami was not even in the State of Washington, even if it were Okami, such
10 activity was perfectly legal if done from public property or an implied easement on private
11 property. Grabowski presents no further evidence of stalking. Contact with his employer does not
12 constitute “follow[ing]” nor is a single occurrence “repeatedly.” Taking pictures of one’s premises,
13 which may be viewed lawfully from the position where the images were ostensibly taken, does not
14 constitute “harass[ment]” and involves no contact whatsoever with Grabowsky. Nor does allegedly
15 defaming him to his “friends” constitute harassment for the subject matter may *concern* him but is
16 not *directed at* him.

17
18 **B. RCW 7.92.020(3)(b) [Cyberstalking]**

19 Cyberstalking is not applicable on this petition.

20 **C. RCW 7.92.020(3)(c) [Repeated Contacts]**

21 This prong more or less duplicates the elements for unlawful harassment and are a reprise
22 of RCW 7.92.020(3)(a)/RCW 9A.46.110(1), above, indicating a complete failure of proof.

23 **AUTHORITY – ANTIHARASSMENT (Ch. 10.14 RCW)**

At the RCW 10.14.070 hearing, if the petitioner proves unlawful harassment by evidentiary preponderance, the court shall issue an AHPO. RCW 10.14.080(3). “**Unlawful harassment**” is:

A knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses or is detrimental to such person and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress and shall actually cause substantial emotional distress to the petitioner, or, when the course of conduct would cause a reasonable parent to fear for the well-being of their child.

RCW 10.14.020(2). Further, “**course of conduct**” requires proof of “a series of acts over a period of time, however short, evidencing a continuity of purpose.” RCW 10.14.020(2). Constitutionally protected speech cannot form the basis of a “course of conduct” finding, per the amendment to RCW 10.14.020(2), adding the phrase “but does not include constitutionally protected free speech” RCW 10.14.190 (titled Constitutional rights) amplifies this holding by stating that “Nothing in this chapter shall be construed to infringe upon any constitutionally protected rights including, but not limited to, freedom of speech and freedom of assembly.”

A. Constitutionally Protected Speech.

The email thread between Okami and Cline is clearly constitutionally protected speech (which also touches a matter of public concern), and Okami further showed restraint (not that Okami had to) by stating:

If you want the relevant court documents, I can provide them upon request, but as they’re not relevant to the operational security of ATI, I won’t include them unless requested.

Okami-Cline Email 6.17.21 (“Re: ATI Concern”). As noted in the antistalking section above, no unlawful harassment remotely exists on these facts. Nor is there any defamation in truly stating that Grabowski was involved – by his own admission – in an incident with Kevin Richards to

1 commit felony animal cruelty (sexual assault of an animal) upon Diamond, a dog who happened
2 to be owned by Richards's former partner.

3 **B. No Knowing and Willful Course of Conduct Directed at Grabowsky.**

4 As noted above, Okami was not in Washington in January 2020 and did nothing as claimed.
5 But even if so, it was not directed at Grabowsky but, instead, alleges noninjurious, noninvasive
6 photodocumentation of his residence. The emails were also not directed at Grabowsky, but to his
7 employer, alerting it of security breaches by Grabowsky. There is not a single allegation of Okami
8 making any direct contact with Grabowsky, nor Grabowsky informing Okami to cease contact.

9 **C. No Legitimate or Lawful Purpose.**

10 No aspect of Okami's behavior is illegitimate or unlawful, and Grabowsky has the burden
11 of proving that *no part* of Okami's actions was. See also RCW 10.14.030 (concerning
12 determination of purpose). If anything, informing potential victims of the presence of a sexual
13 predator who was convicted of attempted felony animal cruelty and ordered to have no contact
14 with dogs for a period of two years is a public service.

15 **D. Substantial Emotional Distress Absent.**

16 Even if Grabowsky's claim of suicidal ideation is true, his paranoid schizophrenia has
17 nothing to do with Okami and any distress is likely due to his admitted criminal history being
18 honestly conveyed to third parties. That said, he has produced no medical evidence of distress nor
19 that he ever sought treatment in the last *twenty months*.

20 **CONCLUSION**

21 Given the foregoing, the court should dismiss Grabowski's hybrid petition with prejudice.

22 Dated this 8.20.21

23 ANIMAL LAW OFFICES

24 **MEMORANDUM IN OPPOSITION OF**
25 **PETITION AND SPECIAL MOTION**
TO STRIKE - 6

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Adam P. Karp, WSBA No. 28622
Attorney for Respondent Okami

CERTIFICATE OF SERVICE

I certify that I served the foregoing on the following person in this manner:

On 8.20.21 by email to:
Matthew Grabowsky
12327 SE 204th St.
Kent, WA 98031
Grabowskym1@me.com

ANIMAL LAW OFFICES

Adam P. Karp, WSBA No. 28622
Attorney for Respondent Okami

**MEMORANDUM IN OPPOSITION OF
PETITION AND SPECIAL MOTION
TO STRIKE - 7**

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FILED
KING COUNTY, WASHINGTON

APR 04 2019

SUPERIOR COURT CLERK
BY LaTanya Smith
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

MATTHEW GRABOWSKY

Defendant.

No. 17-1-07782-4 KNT

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY (Nonfelony)
(STTDFG)

1. My true name is MATTHEW JOHN GRABOWSKY

2. My date of birth is June 18, 1991

3. I went through college

4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer; if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is TIMOTHY LEARY

(b) I am charged with the crime(s) of Attempted Animal Cruelty in the First Degree

The elements of this (these) crime(s) are set forth in the information 2nd amended information, which is incorporated by reference and which I have reviewed with my lawyer.

1 5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE
2 FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY
3 PLEADING GUILTY:

4 (a) The right to a speedy and public trial by an impartial jury in the county where the crime
5 is alleged to have been committed;

6 (b) The right to remain silent before and during trial, and the right to refuse to testify against
7 myself;

8 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

9 (d) The right at trial to have witnesses testify for me. These witnesses can be made to
10 appear at no expense to me;

11 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt
12 or I enter a plea of guilty;

13 (f) The right to appeal a determination of guilt after a trial.

14 6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I
15 UNDERSTAND THAT:

16 (a) The crime(s) with which I am charged each carry a maximum sentence(s) of

17 364 (maximum 364) days in jail and a \$ 5000 fine.

18 (b) The crime of _____ has a mandatory minimum sentence
19 of _____. The law does not allow any reduction of this sentence. [If not
20 applicable, this paragraph should be stricken and initialed by the defendant and the judge M39.]

21 (c) The prosecuting attorney will make the following recommendation to the judge: _____

22 364 days suspended on condition: credit for time served, surrender
ownership of the two dogs in the possession of the City of Renton,
reimburse the City of Renton for the boarding costs (\$23,293.00),

1 agree to not own, or have direct ^{contact with} dogs for 24 months, sexual
2 denarius evaluation \$500 VPA, and no criminal law violations.
3 no further changes from Benton PD investigation #2017-11549 or 17-C-07102-Y 1CNI

4 ☒ The prosecutor will make the recommendation stated in the Plea Agreement and State's
Sentence Recommendation, which are incorporated by reference.

5 (d) The judge does not have to follow anyone's recommendation as to sentence. The judge
6 can give me any sentence up to the maximum authorized by law no matter what the prosecuting
7 attorney or anyone else recommends.

8 (e) The judge may place me on probation for up to ~~five years if I am sentenced under RCW~~ ^{MS4}
9 ~~46.61.5055 or up to~~ two years for all other offenses, and impose conditions of probation.

10 (f) The judge will order me to pay a victim's compensation fund assessment. The judge
11 may order that I pay a fine, attorney fees, and other costs, fees and assessments authorized by law.
12 The judge may also order me to make restitution to any victims who lost money or property as a
13 result of crimes I committed. The maximum amount of restitution is double the amount of the loss
14 to all victims or double the amount of my gain.

15 (g) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a
16 crime under state law is grounds for deportation, exclusion from admission to the United States, or
17 denial of naturalization pursuant to the laws of the United States.

18 (h) If I am convicted of any new crimes before sentencing, or if any additional criminal
19 history is discovered, the prosecuting attorney's recommendations may increase. Even so, I cannot
20 change my mind and my plea of guilty to this charge is binding on me.

21 (i) Government assistance may be suspended during any period of confinement.

1 **NOTIFICATION RELATING TO SPECIFIC CRIMES.**

2 **For any of the Following Paragraphs That Do Not Apply, the Paragraph Should**
3 **be Stricken and Initialed by the Defendant and the Judge.**

4 (j) If this crime involves a sexual offense, prostitution, or a drug offense associated with
5 hypodermic needles, I will be required to undergo testing for the human immunodeficiency virus
6 (HIV). [If not applicable, this paragraph should be stricken and initialed by the defendant and the
7 judge MSG.]

8 (k) This plea of guilty will result in revocation of my privilege to drive by the Department of
9 Licensing. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this
10 paragraph should be stricken and initialed by the defendant and the judge MSG.]

11 (l) This conviction may affect my privilege to obtain a commercial motor vehicle driver's
12 license or result in the loss of any current commercial motor vehicle driver's license. RCW
13 46.25.090. [If not applicable, this paragraph should be stricken and initialed by the defendant and
14 the judge MSG.]

15 (m) If this conviction involves a violation of RCW Chapter 77.15, the Department of Fish
16 and Wildlife may, and in some cases is required to, suspend or revoke my privileges that fall within
17 Fish and Wildlife licensing. [If not applicable, this paragraph should be stricken and initialed by
18 the defendant and the judge MSG.]

19 (n) This crime was committed by one family or household member against another and is
20 assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first
21 degree, violation of provisions of a protective order, or harassment (as to harassment, it was
22 committed on or after June 7, 2018). I understand that I am not permitted to possess, own, or have
under my control any firearm unless my right to do so is restored by a court of record and that I

1 must immediately surrender any concealed pistol license. [If not applicable, this paragraph should
2 be stricken and initialed by the defendant and the judge MSG.]

3 (o) This crime involved driving while under the influence of alcohol and/or being in actual
4 physical control of a vehicle while under the influence of alcohol and/or drugs, and I understand
5 that I will be subject to

6 ☐ The penalties described in the "DUI" Attachment.

7 OR

8 ☐ these minimum penalties: The mandatory minimum sentence of _____ days in
9 jail OR _____ days of electronic home monitoring and \$ _____ monetary
10 penalty. I may also be required to drive only motor vehicles equipped with an ignition
11 interlock device as imposed by the Department of Licensing or the court. My driving
12 privilege will be suspended or revoked by the Department of Licensing for a period of
13 _____. The court may waive electronic home monitoring and impose an
14 alternative sentence, which may include additional jail time, work crew or work camp.

15 [If not applicable, this paragraph should be stricken and initialed by the defendant and the
16 judge. MSG.]

17 (p) Count _____ is a violation of an ignition interlock restriction, under RCW 46.20.740 or
18 RCW 46.20.750(1), and occurred on or after September 26, 2015. The sentence for that offense
19 must be served consecutively with any other sentence imposed for violations of either of those
20 statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical
21 control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1)
22 also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or
46.61.522(1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs). [If not

1 applicable, this paragraph should be stricken and initialed by the defendant and the
2 judge. MSG.]

3 (q) This crime involved sexual misconduct with a minor in the second degree, or
4 communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit
5 a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.128. I will be
6 required to register with the county sheriff as described in the "Offender Registration" attachment.

7 [If not applicable, this paragraph should be stricken and initialed by the defendant and the
8 judge MSG.]

9 (r) This crime involved assault 4 with domestic violence pled and proved, assault 4 with
10 sexual motivation, communication with a minor for immoral purposes, custodial sexual misconduct
11 2, failure to register, harassment, patronizing a prostitute, sexual misconduct with a minor 2,
12 stalking, violation of a sexual assault protection order, or any other offense requiring registration
13 under RCW 9A.44.130. I will be required to have a biological sample collected for purposes of
14 DNA identification analysis. RCW 43.43.754. The judge will order me to pay a \$100 DNA fee
15 unless the state has previously collected my DNA as a result of a prior conviction. [If not
16 applicable, this paragraph should be stricken and initialed by the defendant and the

17 judge. MSG.]

18 (s) Because this crime involved a violation of the state drug laws, my eligibility for state
19 and federal education benefits will be affected. 20 U.S.C. § 1091(r). [If not applicable, this
20 paragraph should be stricken and initialed by the defendant and the judge MSG.]

21 (t) If this crime is a violation of RCW 46.61.502 (driving under the influence) and I have
22 Washington State volunteer firefighters vehicle license plates, I must surrender those license plates
at the time this plea is entered. MSG

1 (u) Because I am pleading guilty to patronizing a prostitute, a condition of my sentence will
2 be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a
3 minor. The court will impose crime-related geographic restrictions on me if feasible. If this is my
4 first offense, the court also will order me to attend a program designed to educate me about the
5 negative costs of prostitution. [If not applicable, this paragraph should be stricken and initialed by
6 the defendant and the judge MSG.]

7 (v) Because this is a crime of domestic violence, I may be ordered to pay a domestic
8 violence assessment of up to \$115. If I am convicted under RCW 26.50.110, for a violation that
9 occurred on or after July 24, 2015, of a domestic violence protection order issued under chapter
10 26.50 RCW, the court will impose a mandatory fine of \$15.00. [If not applicable, this paragraph
11 should be stricken and initialed by the defendant and the judge MSG.]

12 (w) Because the crime to which I am pleading guilty was the result of my arrest for one of
13 the following crimes, the listed fee for the crime of arrest must be imposed by the judge at
14 sentencing. The court may reduce the fine by up to two-thirds only if it finds that I do not have the
15 ability to pay the fee.

16 Trafficking in the first or second degree: \$3000

17 Indecent exposure, prostitution, or a comparable county or municipal crime: \$50

18 Permitting prostitution or a comparable county or municipal crime: \$1500 if the
19 defendant has no prior convictions, deferred sentences, deferred prosecutions,
20 or diversion agreements for this offense; \$2500 if the defendant has one such
21 prior; \$5000 if the defendant has two such priors.

22 Patronizing a prostitute or a comparable county or municipal crime: \$1500 if the
defendant has no prior convictions, deferred sentences, deferred prosecutions,
or diversion agreements for this offense; \$2500 if the defendant has one such
prior; \$5000 if the defendant has two such priors.

Promoting prostitution in the first or second degree, or a comparable county or
municipal crime: \$3000 if the defendant has no prior convictions, deferred
sentences, deferred prosecutions, or diversion agreements for this offense;
\$6000 if the defendant has one such prior; \$10,000 if the defendant has two
such priors.

Commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, promoting travel for commercial sexual abuse of a minor, or a comparable county or municipal crime: \$5000.

[If not applicable, this paragraph should be stricken and initialed by the defendant and the judge

MSG.]

7. I plead guilty to the crime(s) of Attempted Animal Cruelty in the First Degree - SM

as charged in the ~~information~~ 2nd amended information, including all charged domestic violence designations. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this (these) crime(s), including domestic violence relationships, if they apply. This is my statement: During a time intervening May 1, 2017 and

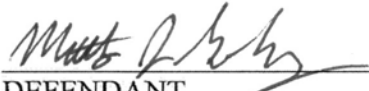
May 31, 2017 I took a substantial step
toward the (intentionally) commission of Animal
Cruelty in the First Degree, ^{where} Kevin Richards
delivered a dog to my house and, undressed. I
set up a camera to film the dog, Diamond,
penetrate me anally. This was for my
sexual gratification. This occurred in
King County, Washington.

FORM REV 5/21/18

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

(Nonfelony) - 8

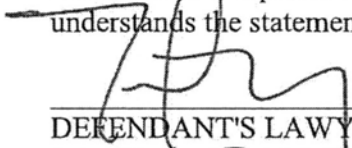
1 12. My lawyer has explained to me, and we have fully discussed, all of the above
2 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on
3 Plea of Guilty." I have no further questions to ask the judge.

4
5 
DEFENDANT

6 I have read and discussed this statement
7 with the defendant and believe that the
8 defendant is competent and fully
understands the statement.

9 
PROSECUTING ATTORNEY

10 Print Name: A. Burns
11 WSBA# 46544

12 
DEFENDANT'S LAWYER

13 Print Name: TIMOTHY LEARY
14 WSBA# 30355

15 The foregoing statement was signed by the defendant in open court in the presence of the
16 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 17 [☒] (a) The defendant had previously read; or
18 [☒] (b) The defendant's lawyer had previously read to him or her; or
19 [☐] (c) An interpreter had previously read to the defendant the entire statement above;

20 and that the defendant understood it in full.

21 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The
22 defendant understands the charges and the consequences of the plea. There is a factual basis for the
plea. The defendant is guilty as charged.

Dated this 4th day of April, 20 19.


JUDGE

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I am a Washington State court certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language and I am fluent in that language, which the defendant understands. I have interpreted this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 20__.

INTERPRETER
Print Name: _____

[If bilingual Spanish form is used.] I am a Washington State court certified interpreter for the Spanish language. I have provided in this form a written Spanish translation of the portions of the form completed in English by the defendant or the defendant's attorney. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 20__.

TRANSLATOR
Print Name: _____

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CAUSE NO: _____

CERTIFICATION FOR THE DETERMINATION OF PROBABLE CAUSE

That C. Tolliver is a Collision Investigator with the Renton Police Department and has reviewed the investigation conducted in Renton Police Department Case Number #2017-11549

There is probable Cause to believe that Matthew J. Grabowsky, born 06/18/1991, committed the crime of Cruelty to Animals 1st Degree, RCW 16.52.205. This belief is predicated on the following facts and circumstances that occurred within the City Limits of Renton, in the County of King, and in the State of Washington:

On 09/15/2017 at approximately 1155 hours, Renton Police Department Officer C. DesMet was dispatched to assist Animal Control Officer D. McAskill with an animal cruelty case that occurred at 2213 Duvall Ave NE, in the City of Renton, County of King, State of Washington. Upon arrival, AC McAskill informed Officer DesMet that the reporting party, R.S.

born 10/26/93, wanted to file a report of animal cruelty to her canine "Diamond", who is an 8 year old Siberian Husky service dog. R.S. requests non-disclosure for fear of retaliation.

AC McAskill gave me a synopsis of the call from speaking with R.S. . He also advised that a suspect in this case, one of whom is her ex-boyfriend, has had access to her dog in the past. She identified her ex-boyfriend as Kevin A. Richards,

1 DOB 1/16/1993. She also told McAskill that on about May 31,
2 2017, Richards told R.S. he was taking her dog "Diamond" to a
3 rollerblade park. R.S. felt this was a good idea and good
4 exercise for Diamond. On about August 19, 2017, she was
5 contacted by a mutual friend of hers and Kevin and was
6 informed that another mutual friend (Matthew Grabowsky, DOB
7 6/18/1991) was in a video having sexual intercourse with
8 Diamond. R.S. did not actually see the recording until the
9 evening of 09/14/17, at about 1811 hours. She observed a male
10 that she recognized as Grabowsky on a video getting onto his
11 hands and knees, nude, to engage in sexual acts with Diamond.
12 The video shows Grabowsky being mounted by Diamond and anally
13 penetrated by Diamond. R.S. clearly identified Grabowsky
14 from prior knowledge of him and identified Diamond by facial
15 markings and his service dog harness. R.S. also observed
16 property of Grabowsky inside the garage that the act occurred
17 in Grabowsky's residence. R.S. did not give Kevin permission
18 to take Diamond to Grabowsky's house and she did not give
19 Grabowsky permission to knowingly engage in sexual conduct
20 with Diamond. Richards and Grabowsky planned and coordinated
21 the crime against Diamond without her knowledge.

22
23 R.S. currently has a no contact order against Kevin from a
24 domestic assault in Bellevue, WA that occurred on about
25 08/24/17, which stemmed from Richards and Grabowsky attempting
26 to coerce R.S. to have sex with them for money. She
27 declined and was assaulted. Refer to Bellevue PD case #17-
28 45052 for further information. R.S. believes this was to
29 keep her from reporting them (Kevin and Grabowsky) and to make
30 her a less than credible witness if she chose to report them.

1 R.S. further informed Officer DesMet that Grabowsky claims to
2 have sex with dogs to keep from having sex with female
3 children. R.S. emailed Officer DesMet the video showing
4 Grabowsky engaging in sexual conduct with her canine Diamond.
5 Officer DesMet copied the video on a CD-ROM and submitted it
6 with the case file.

7
8 On 10/12/17, I called and spoke with R.S. about this case.
9 She told me that Diamond is a service dog that assists her for
10 her heart problems. She has previously had cardiac arrest in
11 the past and the dog alerts her to dangerous changes in blood
12 pressure.

13
14 She said that Richards has been abusive to her in the past
15 prior to her discovering that Grabowsky was having sex with
16 Diamond. She said starting back in April (2017), Richards was
17 pressuring her to have a threesome with him and Grabowsky but
18 she refused. Ever since then, she said that Grabowsky has
19 been pressuring her to have sex with him because according to
20 him, she has the body of a "15 year-old" and that's what he's
21 attracted to. She went on to tell me, Grabowsky recently
22 adopted two large dogs. He wanted R.S. to bring Diamond over
23 to his house so that both of their dogs could have sex and he
24 could masturbate to it.

25
26 I asked her how she received the video of Grabowsky engaged in
27 a sex act with her dog. She said she received it from a
28 friend. He messaged R.S. saying that he found Diamond in a
29 sex video. The friend described video and later sent it to
30 her. I asked her how she knew that the incident occurred in

1 Grabowsky's garage. She said she recognized the garage from
2 photographs she had seen on Facebook of a party he threw at
3 his house in the past. She told me that she and Kevin Richards
4 broke up June 2017 because of an abusive situation. On
5 09/24/17, she confronted both Richards and Grabowsky at their
6 apartment in Bellevue. Both Kevin and Grabowsky denied it
7 occurred. Grabowsky kept saying someone was trying to frame
8 him. R.S. then showed them a snippet of the video. They
9 started blaming R.S. for the abuse of the dog, telling her
10 that she should've had sex with them. They told her if she
11 had permitted them to have sex with her then they would not
12 have needed to have sex with her dog.

13
14 Grabowsky told R.S. that he was into "this" (having sex with
15 dogs). Grabowsky and Richards then wanted to pay her for sex.
16 When she refused, they threatened to kill her, telling her "if
17 you say anything to anyone about this, you're dead" (Richards
18 said this to R.S.). Richards also made threats about
19 throwing her dog off their balcony. When Grabowsky went to
20 take shower, she and R.S. kept arguing. Richards made
21 threats that the police would take Diamond and euthanize him.
22 She said she was freaking out and upset.

23
24 She also told me that Grabowsky told her that he has other
25 videos of him having sex with other dogs along with Diamond.
26 He also threatened that if he goes down (meaning if he gets
27 arrested) that Kevin would get arrested also because there are
28 videos of him (Kevin) having sex with Diamond.

29

1 R.S. began telling me about information that occurred before
2 the DV Assault. She told me that a mutual friend of theirs
3 witnessed Kevin Richards and her dog Diamond "having sex" when
4 they resided at their old apartment (15566 NE 22nd Pl S-753,
5 Bellevue 98007, the Liv Bel-Red Complex). On an unknown date,
6 the mutual friend was walking past their apartment and he
7 looked into R.S.'s bedroom window and saw Kevin and Diamond
8 engaging in sexual acts.

9
10 When I asked R.S. about Grabowsky, she said that she
11 suspected that he was into being sexual with dogs. She told
12 me about a time when she first got Diamond, he wanted to get a
13 puppy. He explained that he wanted the dog to be about 1-2
14 year-old female and she had to have gone through her first
15 heat cycle. R.S. assumed he was talking about for breeding
16 purposes. But she later heard rumors that he was into having
17 sex with dogs.

18
19 R.S. was able to provide to me the videos she had received
20 from a friend showing Grabowsky performing a sexual act with
21 her dog. I have viewed this video to confirm the contents are
22 what she purported them to be. The videos are of the inside
23 of a garage. Diamond, the dog can be seen in the video,
24 wearing his service harness and walking around the garage.
25 The second video shows the same dog. The footage contains a
26 human male, and shows his face, which R.S. identified as
27 Grabowsky. The male is nude and setting up an angle for the
28 camera. The video shows the same animal, Diamond, and shows
29 Diamond (a male husky type breed of dog) penetrate Grabowsky
30 for an extended period of time (almost a minute).

1 R.S. also was able to provide a screen shot of a video she
2 was sent digitally through an application known as "Telegram"
3 of Richards also being penetrated by Diamond.

4
5 On 10/25/2017, I met with King County Prosecutors and Ms.
6 R.S. at the King County Prosecutor's Office. R.S. detailed
7 the information above, correcting the date that the dog
8 Diamond was taken by Richards as being the week prior in May
9 than the one she originally gave (May 31). She also advised
10 she met Richards at a BBQ in August of 2016. They lived
11 together throughout most of 2017 until the summer. She met
12 Grabowsky in person in Chicago, IL at a "Furry" convention.
13 They were introduced to each other by Richards. Richards and
14 Grabowsky are friends. This is the only time she knows of that
15 the dog would not have left her side. Diamond remains with
16 her at almost all times as he alerts her to life threatening
17 changes in her blood pressure. On that lone occasion in May
18 she allowed Richards to take Diamond because she had not been
19 leaving her home and knew the dog needed exercise. She was
20 able to show us digital conversations that appear to
21 corroborate the domestic violence abuse as well as her
22 friendship with Grabowsky.

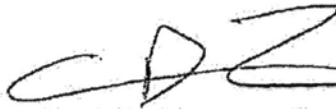
23
24 R.S. also detailed information that she, Richards and
25 Grabowsky were all part of a large group of "Furry"
26 enthusiasts. These are people that dress up as animals and
27 socialize. Some of these people communicate and share media
28 with each other on digital devices such as phones. This is
29 how she was able to receive the video of her dog engaged in
30 sex acts. She identified Grabowsky and Richards by

1 "screenname" as well as others believed to have access to
2 these images of animal cruelty. It is her belief and
3 understanding that there is a group on Telegram app that share
4 videos of themselves engaging in these crimes with each other.
5 Telegram is an app that broadcasts in a manner that can either
6 be live or recorded (one showing a screen in shape of circle,
7 the other live broadcasts). This is how "Wade" would have
8 been able to capture and send to R.S. .

9
10 Grabowsky has further admitted to R.S. that he has sex with
11 dogs and has an attraction for them. He has told her that he
12 has sex with dogs refrain from having sex with underage girls.
13 He has admitted to R.S. to having sex with his own dog,
14 "Shadow". R.S. also heard through the "furry" group of
15 friends that he was getting dogs from Facebook and then
16 disposing of them (killing them) when he is done. When she
17 confronted him about this Grabowsky told her that he gave the
18 animal back to the seller when done.

19
20
21 There is probable cause to charge Matthew J. Grabowsky, born
22 06/18/1991 with Animal Cruelty in the 1st Degree.

23
24 Under penalty of perjury under the laws of the State of
25 Washington, I certify that the forgoing is true and correct.
26 Signed and dated by me this 27 day of November 2017, at Renton,
27 Washington.

28
29 

#10540

Signature/ID

FILED
KING COUNTY, WASHINGTON

APR 04 2019

SUPERIOR COURT CLERK
BY LaTanya Smith
DEPUTY

COPY TO COUNTY JAIL APR 04 2019

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

MATTHEW JOHN GRABOUSKY,

Defendant.

No. 17-C-07782-4 KNT

JUDGMENT AND SENTENCE,

NON-FELONY -- Count(s) 1

☐ DEFERRING Imposition of

Sentence/Probation

☒ SUSPENDING Sentence

The Prosecuting Attorney, the above-named defendant and counsel Timothy Leary being present in Court, the defendant having been found guilty of the crime(s) charged in the Amended information on 4/4/19 by Plea and there being no reason why judgment should not be pronounced;

IT IS ADJUDGED that the defendant is guilty of the crime(s) of:

Count No.: 1 Crime: Attempted Animal Cruelty in the First Degree- Sexual Motivation

RCW: 9A.28.020 & 16.52.205(3)

Date of Crime: 05/01/2017

☐ For the crimes charged in Counts _____, **domestic violence – intimate partner** (RCW 9A.36.041(4) and RCW 10.99.020) was pled and proved.

☐ For the crimes charged in Counts _____, **domestic violence (other)** (as defined in RCW 10.99.020 and RCW 9.94A.030) was pled and proved.

IT IS ORDERED pursuant to RCW 9.95.200 and 9.95.210 that:

☐ the imposition of sentence against the defendant is hereby **DEFERRED** for a period of _____ months from this date upon the following terms and conditions:

OR

☒ the defendant is sentenced to imprisonment in the King County Jail, Department of Adult Detention, for 364 days on each count (maximum 364 days for gross misdemeanor), said term(s) to run ☐ concurrently ☐ consecutively with each other, and to run ☐ concurrently ☐ consecutively with ☐ count(s) _____ Cause No(s). _____ and the sentence (less any days of confinement imposed below) is hereby **SUSPENDED** upon the following terms and conditions:

(1) The defendant shall serve a term of confinement of 30 days ☐ in the King County Jail, Department of Adult Detention, ☐ in King County Work/Education Release subject to conditions of conduct ordered this date, ☒ in King County Electronic Home Detention subject to conditions of conduct ordered this date, with credit

ORIGINAL

for ☐ _____ days served ☒ days as determined by the King County Jail, solely on this cause, to commence no later than _____. This term shall run ☐ concurrently ☐ consecutively with _____. This term shall run consecutive to any other term not specifically referenced in this order.

☐ Jail term is satisfied; defendant shall be released under this cause.

(2) ☐ The defendant shall serve _____ months of probation supervised by the Washington State Department of Corrections (DOC) and comply with the standard rules and regulations of supervision. Probation shall commence immediately but is tolled during any period of confinement. The defendant shall report for supervision within 72 hours of this date or release date if in custody. If DOC declines to supervise, defendant shall be on unsupervised probation.

☒ The defendant shall be on unsupervised probation for 24 months, subject to the conditions of this sentence. ☐ A review hearing is set for _____ at _____ a.m./p.m. in this courtroom.

For the following crimes, if probation is ordered, DOC supervision is mandatory: (a) sexual misconduct with a minor in the second degree, custodial sexual misconduct in the second degree, communication with a minor for immoral purposes, or failure to register pursuant to RCW 9A.44.132(2); (b) a repetitive domestic violence offense where domestic violence was pled and proven after 8/1/2011, if the defendant has a prior conviction for either a felony domestic violence offense or a repetitive domestic violence offense, where domestic violence was pled and proven after 8/1/2011. RCW 9.94A.501.

DOC will not supervise any other nonfelony probation. RCW 9.94A.501(6).

(3) Defendant shall pay to the clerk of this Court:

- (a) ☐ Restitution is not ordered;
☐ Order of Restitution is attached;
☒ Restitution to be determined at a restitution hearing on (Date) _____ at _____ m.;
☐ Date to be set;
☐ The defendant waives presence at future restitution hearing(s); 23,793.00
(b) \$ _____, Court costs, defendant is not indigent;
(c) \$ 500, Victim assessment, \$500 for gross misdemeanors and \$250 for misdemeanors (mandatory);
(d) ☐ \$100 DNA collection fee (RCW 43.43.7541) (If a crime requires a DNA sample (see paragraph 12), the fee is mandatory unless the State has previously collected DNA as a result of a prior conviction.);
(e) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs;
(f) \$ _____, Fine; \$ _____ of this fine is suspended upon the terms and conditions herein;

(g) **TOTAL financial obligation set in this order is \$ 23,793.00**; restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ _____ per month; ☒ On a schedule established by DOC if it has active supervision of the defendant, or by the county clerk. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.

(4) ☐ The defendant shall complete _____ community service hours ☐ at a rate of not less than _____ hours per month ☐ to be completed by (Date) _____. If DOC supervision is not ordered, this will be monitored by ☐ the Helping Hands Program ☐ this court.
☐ A review hearing is set on _____, 20____, at _____ a.m./ p.m. in this courtroom.

(5) ☐ The defendant shall complete _____ days of Community Work Program (CWP) subject to conditions of conduct ordered this date. (Communication with a minor for immoral purposes is not eligible.)

(6) ☐ The defendant shall attend the King County Supervised Community Option (**Enhanced CCAP**) subject to conditions of conduct ordered this date for a period of _____ days.

- (7) ☐ The defendant shall not purchase, possess, or use any ☐ alcohol ☐ controlled substance (without lawful prescription). The defendant shall submit to urinalysis and breath testing as required by DOC and submit to search of person, vehicle or home by a Community Corrections Officer upon reasonable suspicion of violation;
- (8) ☒ The defendant shall obtain a ^{sexual assault} ~~substance abuse~~ evaluation and follow all treatment recommendations; within 30 days of release
- (9) ☐ The defendant shall enter into, make reasonable progress and successfully complete a state certified domestic violence treatment program; _____
- (10) ☒ The defendant shall have no contact with: doogs
- (11) ☐ The defendant shall have no unsupervised contact with minors.
- (12) ☐ The defendant shall have a biological sample collected for DNA identification analysis and shall fully cooperate in the testing, as ordered in Appendix G (for assault in the fourth degree with domestic violence pled and proved or with sexual motivation, harassment, stalking, communicating with a minor for immoral purposes, failure to register, custodial sexual misconduct in the second degree, patronizing a prostitute, sexual misconduct with a minor in the second degree, violation of a sexual assault protection order, or any other offense requiring registration under RCW 9A.44.130).
- (13) ☐ The defendant shall register as a sex offender.
- (14) The defendant shall commit no criminal offenses. ✓
- (15) ☐ Additional conditions of probation are: _____
- (16) ☐ Additional conditions are attached to and incorporated as Appendix ____.
- (17) ☐ The court dismisses Count(s) ____.
- (18) ☐ **Department of Licensing Notice – Violation of RCW 9.41.270.** Count ____ is a violation of RCW 9.41.270 (unlawful display of weapons), a gross misdemeanor for which the penalty includes loss of the defendant's concealed pistol license, if any. **Clerk's action: The clerk shall notify DOL.**

Date: 4/04/19

Judge, King County Superior Court

Print Name: **JUDGE LEROY McCULLOUGH**

Presented by: _____

Deputy Prosecuting Attorney, WSBA # 46541

Print Name: A. B. J. S.

Form Approved for Entry: _____

Attorney for Defendant, WSBA # 30353

Print Name: TIMOTHY LENTZ

Defendant's current address:

12324 12327 SE 204th St
Kent, WA 98031