

FILED
KING COUNTY, WASHINGTON
SEP 21 2012
SUPERIOR COURT CLERK
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DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
SEATTLE

STATE OF WASHINGTON,

Plaintiff,

vs.

VINAY KESHAVAN BHARADWAJ,

Defendant.

No. 10-1-10009-8 SEA

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOLLOWING BENCH TRIAL

THE ABOVE-ENTITLED CAUSE having come on for Trial before the undersigned judge in the above-entitled court; the defendant having waived his right to trial by jury and the case having been heard by The Honorable Judge Richard Eadie; the State of Washington having been represented by Deputy Prosecuting Attorney Hugh Barber; the defendant appearing in person and having been represented by his counsel, John Henry Brown and Colleen Hartl; The Court having heard sworn testimony and arguments of counsel, and having received exhibits, now makes and enters the following findings of fact and conclusions of law regarding the court's finding of guilt:

FINDINGS OF FACT

- (1) That during a period of time intervening between 11/27/2008 and 4/30/2009, the defendant was at least 36 months older than L.M. (DOB 2/24/96), who was 12 and 13 years old and not married to and not in a state registered domestic partnership with the defendant.



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- (2) That during a period of time intervening between 11/27/2008 and 4/30/2009, the defendant visited the victim's grandmother in the hospital. That the defendant drove L.M. in his car from the hospital, under the guise of taking her to the temple, and took L.M. to his apartment in Bellevue, Washington. That while at his apartment, the defendant led L.M. to his bedroom, kissed L.M., put his tongue in L.M.'s mouth, laid on top of L.M., lifted up L.M.'s blouse and kissed her breasts. The defendant then took L.M. to the temple, and used a trip to Jamba Juice as an excuse for being late returning L.M. to the temple. That this contact was sexual contact for the purpose of sexual gratification.
- (3) That during a period of time intervening between 11/27/2008 and 4/30/2009, the defendant met L.M. under the guise of her taking a walk. That the defendant drove L.M. in his car to a secluded area. That they kissed, and went into the backseat, where they laid on top of each other and the defendant removed L.M.'s shirt. There, the defendant had sexual contact with L.M. for the purpose of sexual gratification.
- (4) That during January 19th, 2009, the defendant called L.M. to meet him at a location, after which he took her to his apartment in Bellevue, Washington. The defendant and L.M. lay on the defendant's bed, and he lay on top of her, kissing, and thrusting such that L.M. could feel the defendant's erect penis. That this contact was sexual contact for the purpose of sexual gratification.
- (5) That there were roughly 15 incidents of the defendant having sexual contact with L.M. between a period of time intervening between 11/27/2008 and 4/30/2009, including the three noted above, and that all of these events took place in King County, in the State of Washington.
- (6) That the victim, L.M. was very credible and was telling the truth in her testimony as to her relationship with the defendant. That L.M.'s demeanor on the stand was natural, that she responded in the way one would expect of a sexual assault victim of her age, that she consistently gave details in a manner not consistent with being coached in relation to an elaborate conspiracy theory. For example, L.M. very genuinely described not saying anything, squirming and not knowing how to react when the defendant licked her neck with tongue.
- (7) That the testimony of L.M. was corroborated by incidents witnessed by others, such as when the defendant was standing up close to L.M., who was up against the wall, under the guise of measuring her height. This was informative as to the nature of their relationship.
- (8) At the June, 15, 2010 protection order hearing, where the defendant was present with counsel, L.M.'s parents appeared credible- their efforts being those of concerned parents making efforts to protect their child.

1 (9) That during a period of time intervening between 11/27/2008 and 4/30/2009, there were
2 many phone calls made between the defendant and LM. Regardless of which party's
3 conclusions one accepts as to the exact number, many were lengthy and many were late
4 at night. The Court finds no legitimate business or other purpose for these calls other
5 than for the purpose of establishing a relationship with an immoral purpose of a sexual
6 nature.

7 (10) To the extent the defendant's testimony was intended to establish his absence during a
8 particular date or during broader periods of time, The Court finds there to be no
9 corroborative evidence of such claims, and that the defendant's testimony was not
10 credible.

11 (11) To the extent the defendant's theme was that L.M.'s report and testimony about sexual
12 abuse were the result of an elaborate scheme to discredit the defendant, the Court finds
13 no credible evidence that such a scheme was or could have been carried out in this case.

14 CONCLUSIONS OF LAW

15 I.

16 The above-entitled court has jurisdiction of the subject matter and of the Defendant VINAY
17 KESHAVAN BHARADWAJ in the above-entitled cause.

18 II.

19 The following elements of the crime of Child Molestation in the Second Degree have been
20 proved by the State beyond a reasonable doubt:

21 (1) That during a period of time intervening between 11/27/2008 and 4/30/2009, the
22 defendant was at least 36 months older than L.M. (DOB 2/24/96), who was 12 and 13
years old, and not married to and not in a state registered domestic partnership with the
defendant.

(2) That during a period of time intervening between 11/27/2008 and 4/30/2009, the
defendant visited the victim's grandmother in the hospital. That the defendant drove
L.M. in his car from the hospital, under the guise of taking her to the temple, and took
L.M. instead to his apartment in Bellevue, Washington. That the defendant kissed L.M.,
put his tongue in L.M.'s mouth, laid on top of L.M., lifted up L.M.'s blouse and kissed
her breasts. The defendant later took L.M. to the temple, and used a trip to Jamba Juice
as an excuse for being late returning L.M. to the temple. That this contact was sexual
contact for the purpose of sexual gratification.

(3) That during a period of time intervening between 11/27/2008 and 4/30/2009, the
defendant met L.M. under the guise of her taking a walk. That the defendant took L.M.

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1 in his car to a secluded area. That they kissed, and went into the backseat, where they
2 laid on top of each other and the defendant removed L.M.'s shirt. There, the defendant
had sexual contact with L.M. for the purpose of sexual gratification.

3 (4) That during January 19th, 2009, the defendant called L.M. to meet him at a location, after
4 which he took her to his apartment in Bellevue, Washington. The defendant and L.M.
5 laid on the defendant's bed, and he lay on top of her, kissing, and thrusting such that
L.M. could feel the defendant's erect penis. That this contact was sexual contact for the
purpose of sexual gratification.

6 (5) That all of the events took place in King County, in the State of Washington.

7 III.

8 The respondent is guilty of three counts of Child Molestation in the Second Degree as charged in
Count I, Count II and Count III of the Amended Information.

9 IV.

10 The following elements of the crime of Communication with a Minor for Immoral Purposes
have been proved by the State beyond a reasonable doubt:

11 (1) That between the dates of November 27, 2008 and April 30 2009, based on either
12 party's calculation, there were an extraordinarily large number of phone calls
between the defendant and the victim LM. The calls were lengthy and made late at
13 night, and as such cannot reasonably serve a legitimate business purpose. These calls
were clearly for the purpose of developing the sexual relationship between the
14 defendant and L.M.

15 V.

16 The respondent is guilty of one count of Communication with a Minor for Immoral Purposes
as charged in Count IV of the Amended Information.

17 VI.

18 Judgment should be entered in accordance with Conclusions of Law I, II, III, IV and V. In
addition to the above written findings and conclusions, the Court incorporates by reference its oral
19 findings and conclusions.

20 DONE IN OPEN COURT this ^{21st September} 14th day of August, 2012.

21 Richard W. Eadie
22 THE HONORABLE RICHARD EADIE

Presented by:

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