

**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

GENERAL OFFENSE # 2009-208868
UNIT FILE NUMBER

That Kyle Kizzier #6111 is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2009-208868;

There is probable cause to believe that Henry L. Delaney committed the crime(s) of RCW 9A.44.060 Rape 3 within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

The victim (J.L. – an adult female of slight build) met Delaney at his gym in the 7200 block of Woodlawn Ave NE Seattle, WA 98115), approximately 2 weeks ago. She attended his classes twice a week.

On Monday, (6/15/09) she gave him her telephone number. She and Delaney exchanged text messages, and then spoke over the telephone. They agreed to meet socially the next evening.

The next morning (6/16/09), she sent a text to Delaney, indicating that she did not want to go out with him that evening. She told him she did not want it to interfere with her going to the gym, if things “didn’t work out.”

Later that morning she walked around Greenlake. When she walked home, she passed the gym. Delaney came out and the two began talking. He walked her to her home, in the 7300 block of Woodlawn Ave NE in the City of Seattle, County of King, State of Washington.

She invited him inside and the two began kissing. Delaney attempted to remove J.L.’s pants, but she said, “No.” Delaney stopped and suggested J.L. leave her underwear on. J.L. consented to this, and Delaney removed her jeans. Delaney performed consensual oral sex on J.L., and the two then had conventional vaginal sex.

After that, they went to lunch at a nearby restaurant. J.L. indicated that she was beginning to feel uncomfortable with the situation and Delaney’s behavior in the restaurant. When they left, J.L. told Delaney he did not have to walk her home, but he did anyway.

They arrived at her apartment. When she opened her door, he came in with her. J.L. reported that Delaney immediately started kissing her, and attempting to remove her clothes. She repeatedly told him “No,” and “I don’t want to do this, this isn’t a good idea,” while Delaney pushed her toward the bedroom.

He continued pushing her back to her bedroom, despite her saying “No,” and “This isn’t a good idea” repeatedly. Delaney was removing his clothes as he did so.

Once in the bedroom, J.L. found herself on her back as he tried to pull her pants off. She reported struggling to keep them on, to the point she felt remnants of her pants might be found underneath her fingernails.

Delaney ignored her requests to stop and forcibly removed her pants.





**CERTIFICATION FOR DETERMINATION  
OF PROBABLE CAUSE**

INCIDENT NUMBER 2009-208868
UNIT FILE NUMBER

J.L. continued to tell Delaney "No," and that she "didn't want this," up to the point where Delaney put his penis inside her vagina.

J.L. reported realizing that her protests and struggles were ineffective, so she did "what (she) could for him to be finished." This included telling Delaney to "come inside of me," in an effort to speed up his ejaculation.

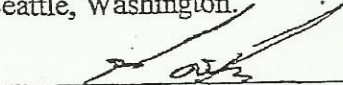
Once Delaney ejaculated inside of her, they both got dressed and Delaney left. J.L. went to obtain a sexual assault exam and later called police.

In a later interview, J.L. explained the differences between earlier consensual sexual incident, and the post-lunch non-consensual incident:

- In the first incident, she did not really physically resist him when he moved them into the bedroom.
- In the second incident, she pushed against him, trying to keep him from pushing them into the bedroom.
- In the first incident, she told him, "No," only once, and in a conversational tone. She did not tell him "No" or object later.
- The second time, she repeatedly told him "No," "I don't want to do this again," "Not now," and continued her objections up until the point of penetration.
- The first time she was gently resisting him pulling her pants down.
- The second time she was struggling hard against him pulling her pants down, while repeatedly telling him "No."
- The first time she became an active participant in the act, including initiating oral sex.
- The second time she was more passive in the act, although she did vocalize, "come inside me," in an effort to make it end sooner.

She again commented on his physical size and strength, and articulated that his demeanor was "so aggressive," she felt she had no control over the situation.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 18<sup>th</sup> day of JUNE, 2009, at Seattle, Washington.

  
\_\_\_\_\_

1 FILED

2 2009 JUL 30 PM 4: 27

3 KING COUNTY  
4 SUPERIOR COURT CLERK  
5 SEATTLE, WA

6 SUMMONS ISSUED  
7 CHARGE COUNTY \$200.00

8 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9 THE STATE OF WASHINGTON, )

10 Plaintiff, )

11 v. )

12 No. 09-1-04962-5 SEA

13 HENRY L. DELANEY, )

14 INFORMATION

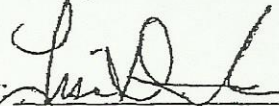
15 Defendant. )

16 I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the  
17 authority of the State of Washington, do accuse HENRY L. DELANEY of the crime of Rape in  
18 the Third Degree, committed as follows:

19 That the defendant HENRY L. DELANEY in King County, Washington, on or about  
20 June 16, 2009, did engage in sexual intercourse with another person, named J.L., who was not  
21 married to the defendant, under circumstances where J.L. did not consent to sexual intercourse  
22 with the defendant and such lack of consent was clearly expressed by J.L.'s words or conduct;

23 Contrary to RCW 9A.44.060(1)(a), and against the peace and dignity of the State of  
Washington.

DANIEL T. SATTERBERG  
Prosecuting Attorney

By:   
Lisa D. Johnson, WSBA #16336  
Senior Deputy Prosecuting Attorney



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

Defendant: HENRY L DELANEY

FBI No.: 263540PB2

State ID No.: WA20292015

DOC No.:

This criminal history compiled on: July 31, 2009

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | None known. Recommendations and standard range assumes no prior felony convictions.              |
| <input type="checkbox"/> | Criminal history not known and not received at this time. WASIS/NCIC last received on 07/31/2009 |

**Adult Felonies**

Offense	Score	Disposition
980812J sex abuse 2nd	06/30/1998	OR Jackson County Circuit Court - Guilty
theft over 500	12/06/2001	LA New Orleans - Guilty 03/06/2002 1 year doc ss 1 year active probation

**Adult Misdemeanors**

Offense	Score	Disposition
980812J probation violation-sex abuse 2nd	08/14/2000	OR Jackson County Circuit Court - Guilty 08/14/2000 12 days jail, probation continues

Juvenile Felonies - None Known

Juvenile Misdemeanors - None Known

**Comments**

Defendant was charged with 2 counts of Sex Abuse 2nd. Disposition is not clear if both counts were convicted.

Prepared by: \_\_\_\_\_

Chanthavy San, CCA  
Department of Corrections

**FILED**  
KING COUNTY, WASHINGTON

NOV 20 2009

SUPERIOR COURT CLERK  
BY JANIE SMOTER  
DEPUTY

COPY TO COUNTY JAIL NOV 23 2009

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

STATE OF WASHINGTON,

Plaintiff

vs.

Henry Delaney

Defendant

NO. 091049625 SEA  
BA NO.  
CCN NO.

Conditions of Conduct for Persons  
Ordered by the King County Superior  
Court into Work Education Release  
(WER)  
(ORWR)

The following are court imposed conditions of conduct for participation in King County's Work/Education Release (WER) Program. Compliance with these conditions of conduct shall be monitored by the King County Department of Adult and Juvenile Detention (DAJD) as specified herein by the court. Your continued participation in WER is subject to strict compliance with the following:

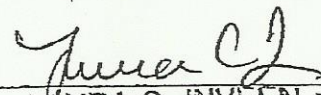
1. **You shall commit no crimes.** DAJD shall monitor bookings into the King County Correctional Facility and the Regional Justice Center for violations of any local, state, federal law or court order. Any booking will result in your removal from WER and incarceration into secure detention.
2. **You shall not use controlled substances without a valid prescription and shall not consume alcohol beginning from the date of this order.** Any use of controlled substances, other than as prescribed by a physician, will be considered a violation. You will submit to urinalysis testing as ordered, including a baseline urinalysis to determine the levels of THC within 5 days of beginning participation in WER and if the THC level does not decrease in your next urinalysis test, this will be considered a violation. DAJD shall monitor compliance with this condition by random urinalysis and/or breathalyzer testing ~~11~~ or [ ] 2 times every 30 days. Violation of this condition or failure to submit to testing on demand will result in removal from WER and incarceration into secure detention.

WER CONDITIONS OF CONDUCT  
Revised 1/2005  
White—Clerk's Office  
Green—King County Jail  
Canary—Prosecutor  
Pink—Defendant  
Goldenrod—Defense Attorney

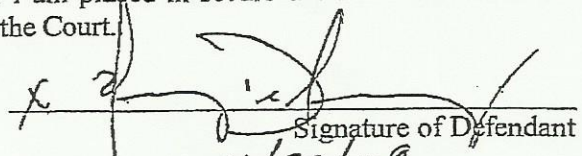


3. **You shall attend all court ordered therapy and treatment. You must provide a Release of Information to DAJD to verify your compliance.** DAJD shall contact the therapy and treatment providers  1 or [ ] 2 times every 30 days to verify compliance beginning 14 days from the date of this order. Non-compliance will result in removal from WER and incarceration into secure detention.
4. **You shall attend work or school. You must provide DAJD with a time sheet to be completed upon arrival and departure by a representative at your work or school. You must present this time sheet to DAJD staff upon return to the WER facility.** Also, DAJD shall monitor compliance with this condition by contacting the employer or school [ ] 1 or [ ] 2 times every 30 days. Non-compliance will result in removal of WER and incarceration into secure detention.
5. **You must obtain pre-approval to work overtime and you must be on time when you report back to the facility.** Three written warnings in a 30-day period for being less than sixty (60) minutes late will result in your removal from WER and incarceration into secure detention. One incident of being sixty (60) minutes late or more will result in your removal from WER and incarceration into secure detention.
6. **You must arrange for the employer to directly mail your wages to the WER facility.** Employer managed direct deposit may be exempt from mailing provided it is authorized by DAJD staff. Failure to abide by this condition will result in removal from WER and incarceration into secure detention.
7. **You shall not forge a document or provide false information to DAJD staff.** Such activity if actually known to DAJD will result in removal from WER and incarceration into secure detention.

DONE IN OPEN COURT this 20 day of November 2009.

  
 LAURA G. INVEEN JUDGE

I, Henry Delaney, have read, or have had read to me, the above court ordered conditions of conduct for participation in the Work/Education Release Program monitored by the King County Department of Adult and Juvenile Detention. I understand what is required of me for participation in this program and agree to abide by the conditions as stated herein. I also understand that it is my sole responsibility to comply with these conditions of conduct and that if I fail to comply, with any of the conditions, I will be immediately returned to incarceration in secure detention and may lose credit for time served. If I am placed in secure detention as a result of violating this order, I may request a hearing before the Court.

  
Signature of Defendant  
11/26/09  
Date

#### Interpreter's Declaration

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the WER Conditions of Conduct Order 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.

Interpreter Signature: \_\_\_\_\_ Dated: \_\_\_\_\_



FILED  
2010 APR 26 PM 2:50  
KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

COPY TO COUNTY JAIL APR 26 2010

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 Henry Delaney )  
 )  
 ) Defendant, )  
 )  
 )  
 )  
 )

No. 09-1-04962-15 LEA  
ORDER MODIFYING PROBATION  
AND JAIL COMMITMENT

The following willful violations of the sentence having been admitted or proven:  
( ) Failing to report; ( ) Failing to pay legal financial obligations; ( ) Failing to perform \_\_\_\_\_  
hours of community service; ( ) Failing to serve jail term of \_\_\_\_\_ days; ( ) Changing address  
without notice to or permission of DOC;  
( ) Failing to appear at sentence violation hearing on \_\_\_\_\_;  
( ) Using/possessing illegal drugs:

Other: The defendant has failed to obtain a sexual  
deviancy evaluation + follow all treatment reqs  
and the defendant having requested revocation of sentence

IT IS ORDERED that the sentence(s) previously entered is (are) still in effect but  
modified in the following manner:

Probation supervision is TERMINATED and this is deemed  
an unsuccessful completion of sentence  
and not eligible for dismissal/vacation

ORDER MODIFYING PROBATION  
AND JAIL COMMITMENT - 1  
Revised 4/01

cc: A/c, A

Daniel T. Satterberg  
Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9000



1 ( ) Probation supervision shall continue and the Defendant shall report to a  
2 Probation/Community Corrections Officer within 72 hours of release from custody; supervision  
3 is tolled during non-reporting period and custody time;

4 \_\_\_\_\_;  
5 Probation is extended to \_\_\_\_\_;

- 6 ( ) Remaining community service hours are converted and included below;  
7 ( ) Incomplete jail term is reimposed and included below;  
8  The defendant shall serve 6 mo. days in the King County Jail;\*

9 The defendant shall report to the KCC by 4/27/10 @ 4:00

10 THIS COMMITMENT SHALL RUN CONSECUTIVELY TO ANY OTHER TERM OF  
11 COMMITMENT NOT ADDRESSED BY THIS ORDER.

- 12 ( ) Credit is given for \_\_\_\_\_ days served solely on this (these) cause(s).  
13  Work release is authorized if eligible.

14 DONE IN OPEN COURT this 23<sup>rd</sup> day of April, 2010.

15 Laura C. Inveen  
16 JUDGE LAURA C. INVEEN

17 [Signature]  
18 Deputy Prosecuting Attorney 16336

19 Sentencing Judge: Inveen

20 [Signature]  
21 Attorney for Defendant

22 3060 \*the balance of the 12 mo.  
23 suspended sentence