

JUN -9 2010

FILED

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

STATE OF WASHINGTON,

Plaintiff,

vs.

LINDA AILEEN LUSK, a/k/a LINDA
AILEEN PASSMORE,

DOB: [REDACTED]

SS: [REDACTED]

SID: [REDACTED]

FBI: [REDACTED]

DL: [REDACTED]

Defendant.

NO.

10-1-00595-5

INFORMATION

COMES NOW, ANDY MILLER, Prosecuting Attorney for Benton County, State of Washington,
and by this his Information accuses

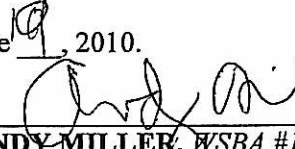
LINDA AILEEN LUSK, a/k/a LINDA AILEEN PASSMORE

of the crime of: CHILD MOLESTATION IN THE THIRD DEGREE, RCW 9A.44.089, committed as follows, to-
wit:

COUNT I

That the said LINDA AILEEN LUSK, a/k/a LINDA AILEEN PASSMORE, in the County of
Benton, State of Washington, on or about April 28, 2010, in violation of RCW 9A.44.089, did engage in
sexual contact with and was at least forty-eight (48) months older than a juvenile fourteen (14) year old boy
identified as "X," DOB: 07/13/1995, a person who was at least fourteen (14) years of age but less than sixteen
(16) years of age and not married to the accused, contrary to the form of the Statute in such cases made and
provided, and against the peace and dignity of the State of Washington.

DATED at Kennewick, Washington on June 19, 2010.

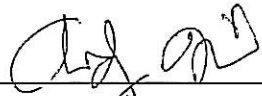


ANDY MILLER, WSBA #10817
Prosecuting Attorney
OFC ID 91004

COPY

STATE OF WASHINGTON)
)
) SS
County Of Benton)

ANDY MILLER, being first duly sworn on oath, says he is the duly appointed Prosecuting Attorney in and for Benton County, that he has read the foregoing Information, knows the contents thereof, and believes the same to be true.

SUBSCRIBED AND SWORN to before me this 9th day of June, 2010. 



JOSIE DELVIN
County Clerk/Clerk of Benton Co. Superior Court
By 

COPY

JUN -9 2010

FILED

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

STATE OF WASHINGTON,
Plaintiff,


vs.

LINDA AILEEN LUSK, a/k/a LINDA
AILEEN PASSMORE,
Defendant.

NO. **10-1-00595-5**

MOTION FOR
ARREST/DETENTION
(PROBABLE CAUSE)

The Prosecuting Attorney moves for authority to arrest and detain the above defendant based on the following affidavit.


ANDY MILLER, WSBA #10817
Prosecuting Attorney
OFC ID 91004

STATE OF WASHINGTON)
County of Benton)ss

1. Affiant is a Deputy Prosecuting Attorney for this county and makes this affidavit in that capacity.
2. The above defendant is accused of a crime(s) by an Information.
3. Affiant believes probable cause exists for the arrest and detention of the defendant because of the following facts and circumstances: Police reports indicate that on June 2, 2010, Sgt. Ed Blackburn contacted the parents of a juvenile male, DOB 07/13/1995. He told them that he had received information that their son had told friends that the defendant had performed a sexual act on him. Earlier that day, the defendant had contacted the parents and asked if she and her husband could meet with them. During that conversation, the defendant told the juvenile's mother that the defendant had been texting the juvenile and that it had become inappropriate. The parents then talked with their son. He stated that the rumors were true, that the defendant had performed a sexual act on him. The investigation was assumed by the Benton County Sheriff's Office. On June 3, 2010, Detective Lee Cantu and Sgt. Dan McCary of the Benton County Sheriff's office interviewed the juvenile male, DOB 07/13/1995.

The juvenile said that he had been exchanging texts with the defendant for a period of time. He said that the defendant sent him one text with a picture of herself partially undressed. The juvenile also stated that on a Wednesday in Spring 2010, probably April 28, 2010, he went to the defendant's house during his lunch hour on an early release day. The defendant lives in Prosser, Benton County,

COPY

Washington. While they were talking, the defendant took him into her daughter's bedroom and eventually touched his penis and asked him to touch her breasts, which he did.

Andy Miller

Affiant

SUBSCRIBED AND SWORN to before me on this 9th day of June, 2010, by ANDY MILLER.

Cheryl E. Isakson

CHERYL E. ISAKSON
NOTARY PUBLIC
My Appt. Expires: 09/01/2011.

COPY

JUN 08 2010

FILED

SUPERIOR COURT OF WASHINGTON
FOR BENTON COUNTY

No. 10.2.01477-0

Petitioner (Person to be protected)

vs.

Petition for Sexual Assault
Protection Order
(PTORSXP)

Linda Lusk

Respondent (Person to be restrained)

1. Petitioner is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent as described in the statement below.

I am filing on behalf of myself and I am 16 years or older.

I am filing on behalf of a minor, age 14.

My relationship to the minor is mother.

My name is _____.

I am filing on behalf of a vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or other adult who, because of age, disability, health or inaccessibility, cannot file the petition. My relationship to the vulnerable adult or other adult is _____.

My name is _____.

2. Petitioner lives in this city this county.

3. Respondent's age is:

Under 16 16 or 17 18 or over

(Complete this if known.) If the respondent is under age 18, the name(s) of the minor's parent(s) or legal guardian(s) is/are: _____

4. Is respondent a service member, or a dependent of a service member? yes no unknown

5. Petitioner's relationship to respondent is: none

4. Petitioner may be served with legal documents at: _____ (If disclosure of petitioner's address would risk abuse or harassment of the petitioner or the petitioner's family or household members, petitioner must list an alternative address.)

5. Other court cases or other restraining, protection or no-contact orders involving the petitioner and the respondent:

Case Name			
Case Number			
Court/County/State			

Petitioner Requests a Sexual Assault Protection Order, following a hearing, that will grant the relief requested below:

1. **Restrain** respondent from having any contact with petitioner, including but not limited to telephone calls, mail, e-mail, fax and written notes, directly, indirectly, or through third parties regardless of whether those third parties know of the order.

2. **Exclude** respondent from the following places:

- Petitioner's residence
- Petitioner's workplace
- Petitioner's school *Prosser High*
- Petitioner's day care
- Other:

3. **Prohibit** respondent from knowingly coming within, or knowingly remaining within 150 ft. (distance) (150 Feet unless otherwise stated) of:

- Petitioner's residence
- Petitioner's workplace
- Petitioner's school *Prosser High*
- Petitioner's day care
- Other:

4. **Restrain** respondent from attending _____ school at _____ (address) attended by the petitioner and **Order** respondent to transfer to a different school. (If this relief is granted, respondent or respondent's parents or legal guardians will be responsible for transportation and all other costs associated with change of school.)

5. **Other:** _____

Request for a Temporary Sexual Assault Protection Order: An Emergency Exists as described in the statement below. Petitioner needs a temporary protection order issued immediately, without prior notice to the respondent, that grants the relief requested above.

A Sexual Assault Protection Order is available to protect a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration, from future interactions with the assailant. **Nonconsensual** means a lack of freely given agreement. **Sexual conduct** means any of the following: (a) any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing; (b) any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent; (c) any intentional or knowing

touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent; (d) any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others; (e) any intentional or knowing touching of the clothed or unclothed body of a child under the age of 13, if done for the purpose of sexual gratification or arousal of the respondent or others; and (f) any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others. **Sexual Penetration** means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Statement: The respondent has committed a single act or acts of nonconsensual sexual conduct or nonconsensual sexual penetration, which give rise to a reasonable fear of future dangerous acts, for which relief is sought.

Describe any nonconsensual sexual conduct or nonconsensual sexual penetration, and the approximate date(s). Include any statements or actions of the respondent at the time of the incident(s) or at any other time that caused the petitioner fear: On June 2nd, while at work I received a voicemail from Linda Lusk stating that she wanted to have a meeting with myself and husband concerning a matter with my 14 yr. old son. On my lunch break I returned her call and spoke with Mrs. Lusk. During this call she stated to me that she had grown very fond of my son over the past few years and that he was a very great kid. She informed that they had been texting each other for quite some time and it had really gotten out of hand the past few months. She told me that it was very inappropriate on her part and that she was sick to her stomach and if she could go back in time she would. She told me that she had heard that ~~but~~ my son's friends had been talking about it at school and didn't want myself or husband to be blindsided by it all. I agreed to meet with her after work and she stated that she hadn't reached my husband yet but would continue trying. After lunch break I returned to work and received visit from Det. Ed Blackburn of Prosser P.D. approx. 1-1/2 hrs later. He informed me that Prosser P.D. had been informed that my son had told a few friends that he received oral sex from Linda Lusk and that there would be an investigation on this matter. I then sought advice from attorney for advice on whether to have meeting with Mrs. Lusk or not, in which I was advised not to. I then contacted husband. We both agreed not to meet with Mrs. Lusk. Later that evening we sat down with son and started discussing what had been brought to our attention earlier that day. It was at this time that my son verified that what Mrs. Lusk had said and what Det. Ed Blackburn had spoke to me about had indeed occurred.

Explain any additional reasons why this order should be issued immediately: There is a current investigation and both Mrs. Lusk and her husband Kevin Lusk have high-powered positions in the community:

(Complete this section if the petitioner and the respondent are minors who attend the same school and petitioner requests the court to order the respondent not to attend the same school attended by the petitioner.) Describe any continuing physical danger or emotional distress to the petitioner caused by the respondent's attendance at the same school as the petitioner: _____

Other: _____

(Continue on separate page if necessary.)

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: 12.8.10 at Kennewick Washington.

Signature of Petitioner

Print Name

JUN 08 2010

FILED

**SUPERIOR COURT OF WASHINGTON
FOR BENTON COUNTY**

NO. 10.2.01478.8

**PETITION FOR AN
ORDER FOR PROTECTION -
HARASSMENT
(PTORAH)**

Linda Lusk
Respondent

1. I am petitioning for an Order for Protection against Unlawful Harassment.
2. I am the victim of unlawful harassment committed by respondent, as described in the statement below.
 I am the parent or guardian of child(ren) under age 18 and seek to restrain a person age 18 years or over from contact with my child(ren) because contact is detrimental, as described in the statement below.
3. The harassment took place in this judicial district. Respondent lives in this judicial district.
4. Identification of Minors:

Name (First, Middle Initial, Last)	Age	Race	Sex	How Related to		Resides with
				Petitioner	Respondent	

5. Other court cases or any other protection, restraining or no-contact orders involving me, the minors and the respondent:

CASE NAME AND NUMBER		
COURT/COUNTY		

REQUEST FOR TEMPORARY ORDER: AN EMERGENCY EXISTS as described in the statement below. I need a temporary restraining order issued immediately without notice to the respondent until a hearing to avoid great or irreparable harm. I request a Temporary Order for Protection that will:

I REQUEST AN ORDER FOR PROTECTION following a hearing THAT WILL:

X	X	RESTRAIN respondent from making any attempts to keep under surveillance, <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 4 above.
X	X	RESTRAIN respondent from making any attempts to contact, except for mailing of court documents, <input checked="" type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 4, above.
X	X	EXCLUDE respondent from any place I may reside.
X	X	RESTRAIN respondent from entering or being within <u>150</u> (distance) (150 Feet unless otherwise stated) of my <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> other:
		OTHER:
		REMAIN EFFECTIVE longer than one year because respondent is likely to resume acts of unlawful harassment against me if the order expires in a year.
		REQUIRE the respondent to pay the fees and costs of this action.

Unlawful harassment means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or 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. Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activities are not included within the meaning of "course of conduct."

STATEMENT: The respondent has committed acts of unlawful harassment as follows. (Describe specific acts of harassment and their approximate dates, beginning with the most recent act. You may want to include police responses.)

On June 2nd 2010 my husband and I were made aware of sexual relations that had occurred between my 14 yr. old son and the respondent, which is currently being investigated Case # 10-08475. My husband and I are concurrently obtaining a SAPD on behalf of our son. Since this came to our attention the respondent has made the following attempts to contact us. June 2nd approx. 11:30 A.M. received voicemail from respondent wanting to have meeting with husband and I concerning 14 yr. old son. Approx. 12:30 P.M.

I returned phone call to respondent. After first phone call I received visit from Prosser P.D. Detective stating more information. At this time I called anonymous attorney without giving any names and asked if we should have meeting I was advised not to. At 2:23 P.M. June 2nd received text mess. from Linda Lusk asking me to call her at her place of employment. I ignored request. At 5:18 P.M. received voicemail from respondent asking if we were still having meeting - also ignored. My husband also received text mess. at approx. 11:30 A.M. June 2nd wanting from respondent wanting to set up meeting, this was also ignored. Due to the current investigation and nature of this matter I believe and have been advised that there should be no contact between my husband and I and the respondent.

If you requested a fee waiver, describe the incident(s) involving stalking, a sex offense, or domestic violence:

See above statement.

(Continue on separate page if necessary)

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED 6-8-10 at Kennewick

You have a right to keep your residential address confidential. You may list an address that is not your residential address where you accept legal documents:

STATEMENT: (Continued)

Case No. _____

Since then the case has been turned over to Benton Co. Sherriff's office for investigation. Detectives spoke with my husband and I as well as my son. My son told detectives also that she had sent him inappropriate pictures of herself. Mrs. Lusk.

We would like to make sure that there is no contact with my son from Mrs. Lusk.

Criminal case # through Benton County is # 10-08475 and Lee Cantu is lead detective on case.

(Continue on separate page if necessary)

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED 6-8-10 at Kennewick Washington

JOSIE DELVIN
BENTON COUNTY CLERK

JUN -8 2010

FILED

SUPERIOR COURT OF WASHINGTON
FOR BENTON COUNTY

NO. 10.2.01478-8

Petitioner

vs.

Linda Lusk
Respondent

TEMPORARY PROTECTION
ORDER AND NOTICE OF HEARING
(HARASSMENT) (TMORAH)

(Clerk's action required)

Date: JUNE 18, 2010

Friday at 9:30 am other: _____

At: Benton County Justice Center
7122 W. Okanogan Pl, Bldg A
Kennewick, WA

WARNING TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment as defined in RCW 10.14.080, and **IT IS THEREFORE ORDERED THAT:**

X	Respondent is RESTRAINED from making any attempts to keep under surveillance petitioner and any minors named in the table on page one.
X	Respondent is RESTRAINED from making any attempts to contact petitioner and any minors named in the table on page one.

Respondent is RESTRAINED from entering or being within 150 (distance)
(150 Feet unless otherwise stated) of petitioner's residence place of employment
 other:
 The address is confidential Petitioner waives confidentiality of the address which is:

It is further ordered that the clerk of court shall forward a copy of this order on or before the next
 judicial day to: Benton County Sheriff's Office
 _____ Police Department **WHERE**
PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available
 in this state used by law enforcement to list outstanding warrants.
 The clerk of court petitioner shall forward a copy of this order on or before the next judicial day
 to:
 Benton County Sheriff's Office
 _____ Police Department **WHERE**
RESPONDENT LIVES which shall personally serve the respondent with a copy of this order
 and shall promptly complete and return to this court proof of service.
 OR Petitioner has made private arrangements for service of this order.
 OR Respondent appeared; further service is not required.

The respondent is directed to appear and show cause why the court should not enter an order for
 protection effective for one year or more and order the relief requested by the petitioner or other relief
 the court deems proper, which may include payment of costs. **FAILURE TO APPEAR AT THE
 HEARING OR TO OTHERWISE RESPOND WILL RESULT IN THE COURT ISSUING AN
 ORDER FOR PROTECTION PURSUANT TO CHAPTER 10.14 RCW EFFECTIVE FOR A
 MINIMUM OF ONE YEAR FROM THE DATE OF THE HEARING. THE NEXT HEARING
 DATE AND TIME IS SHOWN BELOW THE CAPTION ON PAGE ONE.**
 A copy of this Temporary Protection Order and Notice of Hearing has been filed with the clerk
 of the court.

This Temporary Order for Protection is effective until the next hearing date and time shown below
 the caption on page one.

DATED June 8 2010 at 4:02 ~~am~~ p.m.

Robert Dawsh
 JUDGE/COURT COMMISSIONER

I acknowledge receipt of a copy of this Order:

 Date 6-8-10

I acknowledge receipt of a copy of this Order:

 Respondent _____ Date _____

JUN 08 2010

FILED

Superior Court of Washington
For Benton County

No. 10-2-01477-0

Temporary Sexual Assault Protection
Order and Notice of Hearing

(TMORSXP) (JIS Order Code: TSX)

- Clerk's Action Required June 18, 2010
- Friday at 9:30 am Tuesday at 1:30 pm
- other _____

Linda Lusk
Respondent (Restrained Person)

DOB _____

At: Benton County Justice Center

7122 W. Okanogan Pl, Bldg A Kennewick, WA

1. **The Court Finds** by a preponderance of the evidence that petitioner is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration as defined in RCW 7.90.010 by the respondent; Chapter 26.50 RCW does not apply; and:

Petitioner is 16 years of age or older.

Petitioner is a minor child, age 14, on whose behalf the petition is brought. Petitioner's parent(s) or legal guardian(s) are bringing this action and are appointed as the petitioner's guardian ad litem for this proceeding.

Petitioner is a vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

2. Respondent is under 16 years of age. The court will determine at the next hearing whether respondent's parent or guardian or an attorney should be appointed as guardian ad litem to represent the respondent in this proceeding.

The Court Further Finds that there is good cause to grant each remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which each remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief. **It Is Therefore Ordered:**

1. Respondent is **Restrained** from having any contact with the petitioner, including but not limited to telephone calls, mail, e-mail, fax and written notes, directly, indirectly, or through third parties regardless of whether those third parties know of the order.

2. Respondent is **Excluded** from the following places:

- Petitioner's residence
- Petitioner's workplace
- Petitioner's school
- Petitioner's day care
- Other:

3. Respondent is **Prohibited** from knowingly coming within, or knowingly remaining within 150 feet (distance) (**150 Feet unless otherwise stated**) of:

- Petitioner's residence
- Petitioner's workplace
- Petitioner's school Prosser High
- Petitioner's day care
- Other:

4. Other: _____

The respondent may petition the court to reopen the order if the respondent did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by Laws of 2006, ch. 138.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to Benton County Sheriff's Office Police Department **Where Petitioner Lives** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Service

The clerk of the court shall also forward a copy of the petition and order on or before the next judicial day to Benton County County Sheriff's Office Police Department **Where Respondent Lives** which shall personally serve the respondent with a copy of the petition and order and shall promptly complete and return to this court proof of service.

The clerk of the court shall also forward a copy of the petition and order on or before the next judicial day to Benton County County Sheriff's Office Police Department for service of the petition and order upon _____ (Respondent's Parent(s) or Legal Guardian(s)) at _____ and shall promptly complete and return to this court a Return of Service.

Petitioner has made private arrangements for service of the petition and order. (A Return of Service shall be filed with the court at or before the next hearing.)

Respondent appeared and was served a copy of the petition and order by the court; further service is not required.

The respondent is directed to appear and show cause why this temporary sexual assault protection order should not be made effective for up to two years and why the court should not order the relief requested by the petitioner. If respondent is under 16 years of age then his or her parent(s) or legal guardian(s) shall also appear.

Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition.

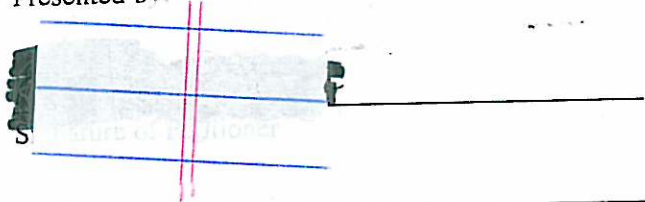
Warnings To The Respondent: A knowing violation of this sexual assault protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

This Temporary Sexual Assault Protection Order is Effective Until the Next Hearing Date Shown on Page One.

Dated: June 8 2010 at 400 ~~am~~ /p.m.

Robert S. Sushner
Judge/Commissioner

Presented by:



Signature of Person Filing on Behalf of the Petitioner

A Law Enforcement Information Sheet (LEIS) must be completed.