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SUPERIOR COURT OF WA.
SHARON K. FOGO

BY UJA DEPUTY

22-8-00057-23
INFO 2
Information
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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR MASON COUNTY
JUVENILE COURT

STATE OF WASHINGTON,

Plaintiff,

vs.

ZACKARY D. BUSBY
D.O.B. 11/04/2005,

Respondent.

NO. 22-8-00057-23

INFORMATION

MCSO 22-08179

IN 910 74935

JW 22-R-017013

RCW 9A.44.060(1)

I, Michael K Dorcy, Prosecuting Attorney for Mason County, in the name and by the authority of the state of Washington, do accuse the respondent, ZACKARY D. BUSBY, of the crime

COUNT I: RAPE IN THE THIRD DEGREE

committed as follows:

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The undersigned states that the above-named respondent, born 11/04/2005, and residing at 6411 NE DEWATTO HOLLY RD Seabeck, WA 98380, committed the following offense(s) in Mason County, Washington on or about the dates specified below.

COUNT I: RAPE IN THE THIRD DEGREE - CLASS C FELONY

That the said defendant, ZACKARY D. BUSBY, in the County of Mason, State of Washington, on or about April 29, 2022, did engage in sexual intercourse with another person, name K.D.K., under circumstances where K.D.K. did not consent to sexual intercourse with the defendant and such lack of consent was clearly expressed by the words or conduct of K.D.K.; contrary to RCW 9A.44.060(1), and against the peace and dignity of the State of Washington.

(Maximum Penalty: Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.20.021(1)(c), plus restitution and assessments. If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(33), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(38) and 9.94A.570.) (Maximum Penalty for Attempt: 364 days in jail or a \$5,000.00 fine, or both, pursuant to RCW 9A.36.041(2) and 9A.20.021(2), plus restitution, assessments and court costs.)

Dated: October 26, 2022

Michael K Dorcy
Prosecuting Attorney



By: Bailey J Wilcox, 51357
Deputy Prosecuting Attorney

Supplement

MASON COUNTY SHERIFF' S OFFICE
DECLARATION OF PROBABLE CAUSE

MCSO Supl Nar w/PC
Case Number: 22-08179

The following occurred in Mason County, Washington and demonstrates probable cause exists for the charging and/or arrest and/or detention of the defendant, Zackary D. Busby DOB: 11/04/2005, with violation of RCW 9A.44.060 Rape in the third degree based on the following fact and circumstances:

On 06/02/2022 K.D.K. DOB: 06/07/2006 participated in a forensic interview during which she stated that she had previously been in a romantic relationship with Zackary D. Busby DOB: 11/04/2005. K.D.K. reported that although they participated in various consensual intimate activities, Zackary would also touch a "certain area" she "was not comfortable being touched, period, at all." K.D.K. asked Zackary to stop multiple times and he would stop and then touch her there again at a later time. Zackary told K.D.K. he would keep doing it until she liked it which K.D.K found very upsetting. K.D.K. later clarified the "certain area" was her anus and stated Zackary would put his hand down her pants and "do it to" her "butt." K.D.K. reported this would happen on the school bus riding to and from North Mason High School in Mason County.

Several videos of Zackary and K.D.K. riding a North Mason school bus were reviewed dating from 04/27/2022-05/10/2022. On 04/29/2022 K.D.K. appeared to move Zackary's hand from her backside while she was leaning forward trying to speak with the occupants of the seat in front of theirs. K.D.K. moved her arm away from Zackary and told him no and to stop while she was trying to speak.

Due to Zackary Busby engaging in sexual intercourse with K.D.K. by penetrating her anus with his finger where K.D.K. did not consent to this act with the perpetrator, Zackary Busby should be charged with violation of RCW 9A.44.060.

Body Worn Camera audio and/or video; Available for this incident YES ()----NO
(x)

In-car camera audio and/or video; Available for this incident YES ()----NO
(x)

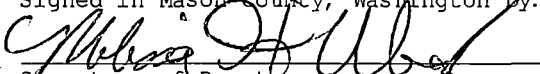
Law Enforcement position on release: Would the safety of an individual or the public be threatened if the suspect is released on bail or recognizance?
Yes [] No []

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

Dated: Tue Sep 20 17:01:47 PDT 2022

Name/Per#: Melissa Wood/#1406

Signed in Mason County, Washington by:


Signature of Deputy

Supplement

SUPPLEMENTAL INCIDENT NARRATIVE

MCSO Supl w/o PC
Case Number: 22-08179

On 05/20/2022 I called and spoke with Asst Principal Stephen Hackett of North Mason High School. Mr. Hackett shared that the day before Katharine wrote her statement, he had witnessed Katharine and Zackary's mother speaking in the parking lot and heard Zackary's mother suggesting Katharine that maybe they needed to not spend as much time together and needed to take a break. Mr. Hackett said this interaction made Katharine upset and she was saying things like her life was over and that her parents were going to be very upset with her.

Mr. Hackett stated Katharine is a student who receives special education resources and on the following day she wrote her statement with the assistance of her speech and language pathologist (Chelsea Youngs,) a school counselor (Kim Walters,) and they were also possibly accompanied by Assistant Principal Lexi Hadfield.

Mr. Hackett stated Katharine is on the autism spectrum and was offered the opportunity to ride a smaller bus after this incident; however, Katharine preferred to remain on the mainstream bus. Currently, Zackary is allowed to sit in the 5 back rows of the bus and Katharine is allowed to be in the first 5 rows of the bus. Mr. Hackett provided the name of the director of transportation, Marine Simons, who he said would have further information about the driver as well as videos of the incidents from the bus.

Body Worn Camera audio and/or video; Available for this incident YES ()----NO

(/)

In-car camera audio and/or video; Available for this incident YES ()----NO

(/)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing facts and attached arresting agency affidavit are true and correct to the best of my knowledge (RCW 9A.72.085) and I am entering my authorized user ID and password to authenticate it.

Dated: 10/28/22

Name/Per#: Melissa Wood / #1406

Signed in Mason County, Washington by:

Signature of Deputy

Supervisor