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NO. 51480-0-II

COURT OF APPEALS, DIVISION II
KENNETH PAUL ZIMMERMAN, JR.,
APPELLANT

v.

STATE OF WASHINGTON,
RESPONDENT.

Appeal from the Superior Court of Pierce County
The Honorable Grant Blinn, Department 8
Pierce County Cause No. 15-1-05062-3

REPLY BRIEF OF APPELLANT

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1. RESTATEMENT OF THE CASE:

Respondent has misstated the facts of the case. Appellant refers to the statement of the case in the opening brief but emphasizes particular misstatements in the contexts of the argument sections below, with the following exceptions:

Defendant had filed his witness list on October 17, 2017, reserving the right to call all of the witnesses on the States' witness list and specifically endorsing Nancy Austring and Carlos Rodriguez. CP 116-117 Defendant served Det. Sgt. Rodriguez with the subpoena according to Washington State Patrol. RP 961 Rodriguez never responded to defense. RP 961

By the time "Kaylee" gave defendant directions to the entrance to her residence [off the back alley, not off Yakima Avenue as the State would have this Court believe] defendant was driving away from the area, having never gone down the alley by the trap house. RP 778, 780-81, 809, 858. Exhibit 7, 12/17/15. 8:23:11 p.m.; 8:24:42 p.m., 8:28:15 p.m.; APPENDIX A. Defendant was arrested on the other side of I-5 at Thompson and Wright at 8:38 p.m. after being observed by police officers from the time he pulled out of the emergency department parking lot at St. Joseph Hospital. RP 858. He never followed any of "Kaylee's" directions on how to access her residence. *Passim*.

It is uncontroverted that defendant Zimmerman never went to the location of the fictitious victim's residence. The fictitious victim's residence was a portion of a large house that fronted on Yakima Avenue. RP 282-83. However, the fictitious victim's residence was not accessible from Yakima Avenue. Rather, the fictitious victim, whom the police called "Kaylee", told defendant that he had to approach the

residence from the alley behind the house, park his car behind the house, and enter through the back door. *Id.* Specifically, she told him, “It’s a big blue house apartment thing and the only place to park on back by alley thing. you gotta park by alley. it’s the top floor like by a bridge walkway. . . you gotta park by silver car, cuz.” Exhibit 7, 8:10:07 p.m., 8:11:46 p.m., 8:12:14 p.m., APPENDIX A. She added, “You gotta go to the back other people live downstairs.” Exhibit 7, 8:15:44 p.m., APPENDIX A. “Kaylee” made it perfectly clear that she and her family had no access to the portion of the residence on Yakima Avenue. *Id.* For these reasons, when the State avers that defendant drove by her residence, the State is simply misleading this court. There is not a scintilla of evidence to establish that the defendant turned down the alley, drove down the alley, walked down the alley, slowed down any street that had a view down the alley, and/or showed any interest at all in the alley which provided the walkway to “Kaylee’s” back door. *Passim.*

The actual directions “Kaylee” gave from Ezell’s chicken store to her house were incorrect. See Appellant’s Opening Brief, p.23, paragraph 2. She instructed defendant that from the chicken store “it’s like down the street and turn right and its like right there.” Exhibit 7, 12/17/15 1:58:07 p.m.; APPENDIX A.

“Defendant then proceeded to drive past the trap house on Yakima and appeared to be leaving.” [Respondent’s brief p. 8] The State repeatedly and erroneously contends that defendant Zimmerman drove to the location of the fictitious victim. Respondent’s brief p. 34 [“He asked for photos of Kaylee, drove to her location . . .] “The defendant admitted he drove to the area of Kaylee’s residence and had no reason to be in that area except to meet Kaylee.” [Respondent’s brief, p.

9] The defendant stated that he wanted to see what “Kaylee” looked like and also wanted to meet her in a public place first. RP 457-58.. Thus, he suggested they go for a drive, go to a park, meet at a restaurant or other public place. Exhibit 7, 12/17/15 11:31:22 a.m.; 12:33:20 p.m.; APPENDIX A; RP 457. These suggestions are inconsistent with a man who was looking for sex.

Defendant made no attempt to go near “Kaylee’s” residence. The vehicle turned right on 19th onto Yakima Avenue. *Id.* Defendant drove at or slightly above normal speed limits on Yakima, nothing unusual at all. RP 818. Acala confirmed the license number and called out that the defendant was leaving. RP, 979 He had heard some talk that the other officers thought the vehicle was going to leave the area, that the fellow did not want to come to the trap house, and that if he started to leave the area, they should pull him over. RP 802. He continued to follow the vehicle, a black Lincoln Navigator, while waiting for other units to arrive and assist with the arrest. RP 779-80. Officer Poston arrived and initiated a traffic stop. RP 10/26/17 780. Defendant pulled over on the other side of I-5, at the next available place. *Id.* Defendant did not attempt to flee and was cooperative. *Id.* Acala was certain that the vehicle was a black Lincoln Navigator. RP 804. Acala later identified the defendant’s Lincoln Navigator vehicle in defendant’s exhibits 23 and 24, which depicted a silver vehicle with black trim. RP 834.

Acala saw defendant in the area for a total of five to seven minutes. RP 817. Acala did not know who issued the order to arrest Zimmerman. RP 827. Acala did not know what Zimmerman was being arrested for. *Id.* He assumed that the people at the house would figure it out later. RP 827-28. Acala knows that officers are

required to tell arrestees what they are being arrested for, but he did not know what Zimmerman was told. RP 828. Zimmerman was arrested at 8:38 p.m. RP 857.

Defense counsel interposed at least 15 objections during the prosecutor's closing arguments and rebuttal. RP 2110. Defendant moved for a mistrial at the conclusion of closing arguments on prosecutorial misconduct during closing and rebuttal. RP 2108. Defense counsel noted, inter alia, that the prosecutor misstated the law on communicating with a minor for immoral purposes, the reasonable doubt standard, as well as giving an instruction that the court had not even given – that is, that a defendant cannot abandon an attempt. RP 2108-09. These were in addition to the other egregious errors identified herein. *Infra*.

2. REPLY TO STATE'S ARGUMENT:

A. THE TRIAL COURT DENIED DEFENDANT HIS CONSTITUTIONAL RIGHT TO PRESENT A DEFENSE.

The Sixth Amendment guarantees a defendant the right “to have compulsory process for obtaining witnesses in his favor.” This means that the defendant has the right to present his defense and to call witnesses favorable to him without interference by the prosecutor or other agencies of government. In *Washington v. Texas*, 388 U.S. 14, 1, 87 S.Ct, 1920. 18 L.Ed.2d 1019 (1967), the Court stated:

The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecutions to the jury so that it may decide where the truth lies. Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a fundamental element of due process of law.

In its response brief, the State completely ignores its burden to show that the relevant evidence that defendant sought to introduce was so prejudicial as to disrupt the fairness of the fact-finding process at trial. *State v. Jones*, 168 Wn.2d 713, 720, 230 P.3S 576 (2010). The Jones court set forth a two-prong test for establishing prejudice when defendant seeks to admit relevant evidence: first, the State's interest in excluding prejudicial evidence must "be balanced against the defendant's need for the information sought" and relevant information can be withheld only "if the State's interest outweighs the defendant's need", and second, if the evidence is of high probative value "it appears no state interest can be compelling enough to preclude its introduction consistent with the Sixth Amendment and Const. art. 1, sec. 22," 168 Wn.2d 720. The State fails to address the constitutional standard because there is no credible argument that the State can offer for the exclusion of this relevant evidence essential for the defense of this case.

1. The trial court erred it when it refused to allow defendant to call Det. Sgt. Carlos Rodriguez.

Defendant wanted to call Det. Sgt. Rodriguez, who was one of the supervisors of this "net nanny" operation; defendant wanted to call him to testify to the organization and operation of this "net nanny" operation. RP 934, 865, 501 CP2.3. Det. Sgt. Rodriguez was present and in charge of the operation on December 15, 2017. RP 934.

In a "net nanny" operation, there are a lot of moving parts. RP 839. An arrest team to meet suspects who enter the trap house; the arrest team takes them into custody, handcuffs them, searches them and passes them on to the interview team. *Id.* The interview team interrogates suspects and takes taped statements whenever possible.

Id. There is also a “chat” team made of individuals who identify individuals on-line who appear to be interested in sexual activities with minor and who contact them; these individuals chat with them and try to set up meetings at the trap houses. RP 745. There are surveillance teams in the field who look for identified suspects. RP 745. There are investigative teams, which work with other officers to seek out background information on individuals identified in the chats. RP 588. In this case, they obtained a complete credit report on defendant, which was provided in defendant’s discovery. RP 560. It had been downloaded by WSP at 8:56 pm on the day of his arrest. RP 561 In addition, other individuals are assigned to arrest teams in the community to arrest individuals out in public, for example, at staging areas or, in this case, after the defendant decided that he wanted no part of this activity and drove home. RP 746. There are also arrest teams at the trap house. RP 746

The defendant intended to call Det. Sgt. Rodriguez to establish there were no surveillance officers on the Hilltop prior to the five to ten minutes before defendant was seen there and/or if there were, none of them saw the defendant. This was a critical point because defendant denied being on the Hilltop for the extended period that the State *sans* evidence, alleged he was there. The State had called not one single officer who could offer competent evidence that he was there during that extended time. The State offered only Bickford, whose memory, at best, was sketchy.

In light of this testimony, the trial court abused its’ discretion when it denied defendant’s attempt to call Det. Sgt. Rodriguez.

The State argued that defendant was not entitled to call Rodriguez because defendant did not ask him all these questions in the pretrial interview. RP 951 Of course, there is no case that requires a defendant to ask a State's witness every question it intends to ask at trial in a pretrial interview held in the presence of the opposing party. Defendant prepares its case in many ways. Defendant is not required to disclose all his contemplated cross-examination in pretrial interviews and does not do so. RP 954 The State's argument is frivolous. What in fact happened is that defendant properly served Sgt. Rodriguez with a subpoena. RP 961 The prosecutor at trial informed defendant that the State did not intend to call Rodriguez. RP 943. Defense had contacted the Washington State Patrol daily to inform them that Rodriguez was necessary for trial. RP 961. Curiously, neither Rodriguez nor anyone at WSP responded to defense. RP 961. The prosecutor appears to have excused defendant's witness without notice to defense. RP 961. The trial court denied defendant's motion for a material witness warrant for Rodriguez. RP 964-991. As defendant argued,

Nobody has been able to testify how it was broken down. Nobody has been able to testify, for example, that there were six surveillance officers. Nobody has been able to testify that there were so many communication officers. Nobody has been able to testify how they were exactly -- how they work together, and the supervisor of the operation will testify to, and that's relevant because we want to show how the operation worked or didn't work, and we're entitled to do that. . . It's a matter of , you know, how they gather evidence that they want to -- of the structure of the investigation that they used to gather evidence that they want to use to convict my client . . . RP 989-990.

The State does not controvert the trial record, which contains the testimony of members of this "net nanny" operation that Det. Sgt. Rodriguez was running the

operation. His testimony was material because although Bickford asserted that he received reports from all of the units in the “net nanny” operation. He coordinated personnel. RP 1063-66 Bickford ultimately conceded that he did not have specific details about surveillance units’ activities. RP 758. He believed a surveillance unit was “within eyeshot of Ezells’ Chicken or the gas station at some point and saw something.” RP 760. Bickford did not know whether the surveillance units reported seeing a car or person. RP 760. Zimmerman adamantly denied being there. RP 1647. The officer in charge of the operation would have put together the operation plan and would have made the personnel assignments; he would have been able to identify the individuals who were on the surveillance team that night in addition to Acala. *Id.* Defendant obviously would have wanted to interview each of these individuals to determine if they saw Zimmerman and/or his vehicle, when, where, whether they reported any sightings and to whom, as well as if they did not see him at all. This testimony was potentially hugely important because Zimmerman was not seen at any of staging areas and he did not go the trap house. The issue of “substantial step” to commit the crime of attempted rape of a child in the second degree could hardly be proven when he made zero effort to go to her residence – although he drove by the front of the house which had been converted into apartments, he never went down the alley which by “Kaylee’s” crystal clear statements was the only means of access to her residence.

2. *The trial court erred when it refused to allow defendant to call Michael Comte to refute the nonsensical testimony of Det. Bickford regarding his psychological acumen.*

The State asserts that defendant is precluded from raising this issue on appeal because of the invited error doctrine. State's Brief, page 20. The State is wrong. The trial court heard substantial argument on this and rejected the invited error claim:

The witness interpreted the question differently than the Court did, and the information that the witness provided in response to the question was not whether or not the defendant knew what his thought process was -- knew what the defendant's thought process was, but rather he testified as to his belief as to what the defendant's thought process was rather than he believed he knew what it was, which is perhaps splitting hairs, but it is slightly different. RP 1003.

This answer was startling because Bickford earlier had admitted that he had *never* been qualified as an expert in anything except as a Drug Recognition Expert [DRE]. RP 500. Despite this candid testimony, Bickford later asserted that he was qualified to testify to what the defendant really believed and thought when he communicated with "Kaylee", specifically that "he was indeed believing he was talking with a child." RP 623-24. Rejecting the State's invited error argument, the court held that this answer "was not directly responsive to a literal reading of the question." RP 1078. He acknowledged that he had lacked any degree in psychology but contended that his many course hours in "this internet undercover child stuff" as well as other interviewing techniques counts and experience dealing with people who have an interest in exchanging in sexual acts with children qualified him as an expert. RP 624. He acknowledged that no court had ever found him to be an expert on this subject despite his protestations of expertise. RP 624, 633. Although it is certainly true that defense counsel asked him if he was qualified to answer this question, defense counsel asked him this question never expecting a law enforcement officer, who had moments ago testified that he had *never* been qualified as an expert

in anything but DRE to answer affirmatively. It is inconceivable that anyone would have answered the question as Bickford did.

Michael Comte is a state certified sexual deviancy treatment provider who has performed thousands of evaluations for individuals seeking SSOSA sentences and who also treats sex offenders. He is highly qualified in the diagnosis and treatment of sex offenders. His experience is recognized by Washington courts, *e.g.*: *State v. Woody*, 48 Wn App 772, 742 P2d 133 (1987); *State v. Detwiler*, 2016 Wash App Lexis 1198 (Wash Ct. App May 17, 2016) *In Re: Detention of Anderson*, 134 Wn App 309, 139 P3d 396 (2007)

In this circumstance, given the complete surprise of Bickford's answer, which was contrary to his previous testimony regarding his own expertise as well as the science of psychology/psychiatry, the trial court abused its discretion when it denied defendant the opportunity to put on evidence to counter Bickford's egregious misstatements. The prosecutor's objection that defendant could not put on evidence rebutting Bickford's statement because the defendant was not in its rebuttal case is without legal authority.

The court stated that it could either strike the answer and particular jury, give a limiting instruction informing the jury that the answer was to be considered only insofar as it described the detective's thought process, or permit Comte to testify. RP 1003-04. Defendant requested to have Comte testify. *Id.* The court reserved ruling. RP 1005. The court ultimately denied defendant's request to call witness Comte. RP 1078. The court reasoned that Comte's testimony would become a "trial unto itself" and "a rabbit hole." RP 1080. Defendant argued otherwise,

noting that it was a question of epistemology, that is, could Bickford really know what he purported to know based on his limited training. *Id.* The deputy prosecutor's major concern was that defendant would ask Comte whether Bickford was "an idiot". RP 1081-82. Defendant had not ever thought of asking such a question, although defendant asserted his constitutional right to challenge incompetent evidence that was unfairly prejudicial. RP 1085. Defendant also noted that Comte, who has testified many times in many courts, could take guidance from the court very well and would not try to sneak inadmissible content into his testimony. RP 1086. As an individual for whom testimony is part of his profession, his professional reputation and credentials certainly are always be of value to him. *Id.*

The court held that while evidence relating to bias is almost always admissible, evidence relating to credibility "not so much." RP 1088. However, the trial court abused its discretion by excluding Comte. Bickford was the main witness for the State. His credibility was central to the State's case. The defense should have been allowed to demonstrate to the jury that Bickford took liberties with the truth, that is, that he inflated his credentials beyond credulity. The jury should have known this. It would have assisted them in evaluating this unsubstantiated assertion that he "had heard" that defendant had been seen at the "chicken store" earlier than evening and that there were many surveillance officers operating in the area throughout the night. None of these later points were proven by the State, which of course had decided not to call Det. Sgt. Rodriguez, who was in charge of the operation that night and who apparently had been told not to respond to a subpoena properly served by defendant.

The trial court's curative instruction was wholly inadequate because, although it instructed the jury to disregard the detective's opinion, it did not inform the jurors why they should disregard his opinion. The defendant should have been allowed to put on Comte so that the jury could see this witness's zeal to puff up his knowledge and expertise. The jury in any criminal case is charged with evaluating the credibility of witnesses. Certainly, the fact that a witness claims expertise when he has none is something that the opposing party is relevant and important to the proceedings, especially when a man's liberty is at stake.

3. *The trial court erred when it refused to grant defendant access to the training manuals used by officers in this "net nanny" case.*

A trial court's decision on discovery is reviewed for an abuse of discretion. However, when the State possesses evidence useful to defense that it cannot otherwise obtain, it is an abuse of discretion not to require production. *State v. Dingman*, 149 Wn.2d 648, 202 P.3d 388, *rev denied*, 166 Wn.2d 1037 (2009) (reversible error not to order State to provide hard copies of hard drives seized from defendant's computers).

Here the State's main witness, Bickford, had attended many trainings where he had learned how to chat, making frequent statements to defendant that she was "available" in a sexual way. RP 677. He knew to structure his chat so that every text "is for the purpose of eliciting a comment one way or another." RP 683. He likened the chat to putting bait on a hook and getting a bite. RP 549. Because he had used the manuals and his training to prepare for his work in chat, defendant was entitled to view the training materials as preparation for cross-examination.

The State contends that this court should not consider this assignment of error because it is not supported by applicable authority and meaningful analysis. State's brief, p. 22. The State is wrong. This argument is part of section 1 of defendant's opening brief which cites all of the applicable law. Appellant's Opening Brief, pp 28-29. As argued, the *State's* sole objection to release was that it wanted the court to sign an order releasing the manuals. Appellant's Opening Brief, p. 35. The trial court is the entity that erected roadblock after roadblock to their release; the trial court repeatedly asked for legal authority and defendant cited the Sixth Amendment to the U.S. Constitution, the Washington Constitution, Article 1, sec 22, *Davis v. Alaska*, 415 U.S. 308, 94 L.Ed.2d 347, 94 S.Ct. 1105 (1974). The trial court refused to respond to this cited authority, simply ignoring it or saying that it was not "concrete authority." RP 10/24/17 293.

Bickford acknowledged that he had been trained in chat and that his purposes was to throw out bait to suspects and then reel them in like fish. RP 549. He had received this at numerous training, as many as five trainings prior to trial in the instant case. RP 47-48. Defendant was entitled to receive and review the training manuals, as discovery under Crr 4.7 (a). Defendant would have accepted the materials under a protective order. RP 294. The trial court erected repeated superfluous roadblocks to prohibit the release of these necessary discovery materials.

The trial court's concern that the message was untimely posed an issue for no one but defendant. Defendant obviously was willing to work with the materials in shortened time.

Defendant had asked Detective Bickford, who did the chat with defendant, in a pretrial interview whether he had attended trainings on “net nanny” operations. RP 46-47. He acknowledged that he had received manuals at each training but that he did not have any that he could access because he had moved, and they were in his garage. RP 46. Bickford also stated that he believed that the manuals were copyrighted materials provided only for the attendees. RP 48. Defendant argued that this witness had obviously been trained to chat to elicit sexual responses and content from the suspects. RP 51-52. The court stated that it would require a written motion before signing an order to compel production of the training materials. RP 52. However, the court also ruled that the detective could testify about his training in this area. *Id.* The court then stated that the defendant “could” brief the issue. RP 56.

Det. Bickford brought the training manuals to the prosecutor, who intended to bring them to court for the court to review. RP 289. The prosecutor offered to give defense “a few minutes before court to look through them but they should not be copied.” RP 290. The prosecutor wanted the court to review them in camera, but the court stated it was waiting for authority for the request. RP 290. Defendant argued that because the witness had relied upon the materials and training to do his job, defense was entitled to the materials in the same way defendant was entitled to training materials for any other witness such as a forensic scientist, police officer performing other duties such as DRE tests or breathalyzer tests. RP 290-91. The State characterized Det. Bickford as “a fact witness, with some expertise”. RP 291-92. During direct examination, Bickford acknowledged that he “had a lot of training in undercover operations, . . . as well as internet undercover work. The internet

undercover work, albeit it's a different venue than face-to-face underwork, the principles still apply in that we want to gather evidence and then present it in a particular fashion. We go through certain processes to ensure that entrapment and those type of things are not . . ." RP 351. Defense counsel again argued that the prosecutor had opened the door to his training and the training manuals. RP 1353. The court declined to rule on the "open the door" argument. Id. Bickford claimed to have worked in 50-75 on-line undercover operations. RP 361.

The court declined the prosecutor's suggestion to review the materials in camera because "as a practical matter, that would require the court to retain, effectively under seal, the manuals in question. . . .they're not going back to the detective." RP 296. Although the prosecutor offered to make a copy of the materials for the court, the prosecutor then argued that defendant had not established materiality and should not get them. Id. Defense counsel noted that the prosecutor previously had informed her that he would give her the manuals if the court signed an order. Id. Defense counsel emphasized that Bickford had relied on the materials to do his job and therefore they were relevant for cross-examination. RP 298-99. The trial court did not address this argue and continued to ask to see "some authority from both parties." RP 300.

The manuals were relevant because Bickford, who conducted the chat, relied on them to form comments and questions that would elicit incriminating statements.

B. THE DEPUTY PROSECUTOR'S NUMEROUS ACTS OF MISCONDUCT WERE SO ILL-INTENTIONED AND FLAGRANT AS TO DENY DEFENDANT A FAIR TRIAL AND REQUIRE REVERSAL.

The standards for prosecutorial misconduct are set forth in appellant's opening brief. Appellant's Opening Brief pp. 36-45. In the instant case, the prosecutor committed misconduct in the evidence phase of the trial as well as during closing argument. Although trial counsel did not object to many of the prosecutor's improper comments in closing, this court nevertheless should review them. Closing arguments were held on 11/16/17. The trial had convened on 10/16/17. By this date, trial counsel had a good feeling for the court's tolerance for objections as well as the jury's attitude toward objections. Trial strategically made objections.

Trial counsel interposed more than thirteen objections during the States' closing and related. RP 2030, 2034, 2035, 2036, 2037, 2039, 2046, 2052, 2098, 2101, 2103.

From the outset of closing argument, the deputy prosecutor intentionally invoked the prestige of the government to enhance his arguments. He began his arguments by stating that it was "just easier" to refer to himself as "I" than as "the State" and so he would use the personal pronoun, much as Louis XIV did when he said, "L'etat, c'est moi." Although the jury knew the prosecutor worked for the government, the prosecutor's blatant attempt to cloak himself in the prestige of the government and then give his personal opinions from that stance was reversible error. After this brief disclaimer, the prosecutor proceeded to provide his personal beliefs and opinions numerous times, to include : RP 2028 ("I'm going to suggest to you now that the evidence shows that the defendant is guilty . . ."); ("I want you to be clear on this. I want you to believe Mr. Zimmerman, the Mr. Zimmerman who shows up in Exhibits 1, 2, and 3. That's the guy I want you to believe because

everything that he said wasn't motivated by his desire to pull something over on the 12 of you who are going to decide what he did.")

Prejudicial error from improperly invoking the prestige of the government will be found when it is "clear and unmistakable" that counsel is expressing a personal opinion. *State v. Brett*, 126 Wn.2d 136, 175, 892 P.2d 29 (1995), quoting *State v. Sargeant*, 40 Wn.App. 340, 344, 698 P.2d 598 (1985). In this case, the prosecutor's brazen invocation of the prestige of the government was a novel and very potent form of misconduct from a prosecutor known for creating such.

Trial counsel made a motion for mistrial at the conclusion of closing arguments. RP 2109-10. This type of motion has been specifically held sufficient to preserve an issue for appellate review. *State v. Lindsay*, 187 Wn.2d 423, 430, 326 P.3d 125 (2014) (defense counsel did not object to all of the prosecutor's misconduct in closing argument during his closing and rebuttal but moved for mistrial at conclusion of case; held sufficient to preserve issues for review).

It is the law in Washington that an appellant claiming prosecutorial misconduct must show both improper conduct and resulting prejudice. *State v. McKenzie*, 157 Wn.2d 44, 52, 124 P.3d 221 (2006). Prejudice exists only where there is a substantial likelihood the misconduct affected the jury's verdict. *State v. Brown*, 134 Wn.2d 529, 561, 940 P.2d 546 (1997), cert. denied, 523 U.S. 1007 (1998). A prosecutor's comments during closing are reviewed in the context of the total argument, the issues in the case, the evidence in the case, and the jury instructions. *Brown*, 132 Wn.2d at 561. Defense counsel's failure to object does not preclude appellate review if the misconduct is so flagrant and ill-intentioned that it evinces an enduring and resulting

prejudice incurable by a curative instructive. *State v. Gregory*, 158 Wn/2d 759, 841, 147 P.3d 1201 (2006).

In this case, the State was represented by a very experienced deputy prosecutor who has been chastised by the appellate courts on numerous occasions for misconduct in closing arguments. In *State v. Walker*, supra, the defendant's conviction was reversed due to numerous acts of misconduct by this prosecutor. The improper arguments in that case included a fill-in-the-blank reasonable doubt argument.

The deputy prosecutor also provided an oral instruction to the jury that requires reversal. The deputy prosecutor ignored the well-settled law that a prosecutor's argument to the jury must be confined to the law stated in the trial court's instructions. *State v. Estill*, 80 Wn.2d 196, 199, 492 P.2d 1037 (1972). When the prosecutor mischaracterizes the law and there is a substantial likelihood that the misstatement affected the jury verdict, the defendant is denied a fair trial. *State v. Gotcher*, 52 Wn.App. 350, 355, 759 P.2d 1216 (1988). A prosecutor's misstatement of the law is a serious irregularity having the grave potential to mislead the jury. *State v. Davenport*, 100 Wn.2d 757, 764, 675 P.2d 1213 (1984).

The deputy prosecutor made numerous misstatements of the law:

(1) *The deputy prosecutor repeatedly expressed his personal opinion.*

The deputy prosecutor claimed that it would be easier for him to say “I” than “the State”. He used this ruse to give his own opinion throughout closing and rebuttal, although he had agreed to defendant’s motion in limine for closing argument not to express any personal opinions about the evidence and/or credibility to any witnesses, including the defendant. RP 2021 It is well-settled that a prosecutor is not allowed to express his personal opinion as to the truth or falsity of any testimony or to the guilt of the defendant. ABA Standards for Criminal Justice, sec. 306.8(b) (4th ed 2015) (“prosecutor should not argue in terms of personal opinion, and should not imply special or secret knowledge of the truth or of witness credibility”); ABA Code of Professional Responsibility DR7-106(4) (1976)(duty of attorney not to “insert a personal opinion as to the justness of the cause, as to the credibility of a witness, or as to the guilt or innocence of the accused. In *United States v. Young* 470 U.S. 1, 105 S.Ct. 1038. 84 L.Ed.2d 1 (1985), the Court held that prosecutorial vouching for the credibility of witnesses and expressing personal opinions concerning defendant’s guilt pose twin dangers that the jury will think there is additional nonrecorded evidence to support the charges, and repose special trust in the prosecutor’s judgment. When the prosecutor repeatedly uses the pronoun “I”, despite a hasty disclaimer to the jury, the prosecutor is vouching and saying to the jury. “It is true because I say it is true.” Washington courts have not hesitated to find that a prosecutor’s statements in argument that “I believe Jerry Lee Brown. I believe him when he tells that he talked to the defendant, that the defendant told him that he had beaten his wife in the past.” *State v. Sargent*, 40 Wn.App/ 340, 343, 698 P.2d 598 (1985).

In this case, the prosecutor perhaps cleverly thought that he could tell the jury that despite his 28 years of practice as a criminal prosecutor, it is more convenient for him to say “I” than “the State.” [fn. 8 in opening brief]. However, the prosecutor, as a quasi-judicial officer, has a duty to ensure a verdict free of prejudice and based on reason. *State v. Clafin*, 38 Wn.App. 847, 850, 690 P.2d 1186 (1984). The prosecutor’s assertion of personal convenience does not override defendant’s fundamental constitutional rights to due process and a fair trial. In this case, the deputy prosecutor used the “I” pronoun repeatedly in closing argument and rebuttal. In closing, he argued, for example,

- I will not misstate the evidence. RP 2027
- I will not misrepresent what you heard from the witness stand – Id.
- Not surprisingly, I’m going to suggest to you now that the evidence shows that the defendant is guilty and that the jury and proper verdict is a guilty as charged verdict. RP 2028.
- I’m going to suggest to you that there are some conversations that individuals can have between members of the same sex, if you adults; conversations, other, that you can have in mixed company of adults . . . RP 2036
- I’m going to suggest to you that the age element isn’t terribly disputed. RP 2042.
- By the way, you want a comment on his credibility? He doesn’t know what BDSM means. He just put it in his advertisement response. he doesn’t know what it meant. Do you buy that? I can’t stop you from it. RP 2047.
- What I can do is suggest to you that circumstantial evidence . . . allows you to find what he did believe is that he had that young, little gild on the hook. . . RP 2048
- My suggestion to you is that you believe the Mr. Zimmerman who was cloaked in the secrecy of the internet and cell phone . . . RP 2049
- Credibility. The judge instructed you that credibility is yours and ours alone to make. I’m going to suggest to you that you certainly should evaluate . . . RP 2051-51.

(2) The deputy prosecutor mis-argued the law on Communicating with a Minor for Immoral Purposes.

The deputy prosecutor argued that the jury could convict defendant of each count of communicating with a minor for immoral purposes even if the jury could not find such a communication on each of the charged dates of violation. RP 2029-30. A prosecutor's statements are improper if they misstate the applicable law, mischaracterize the role of the jury, or invite the jury to determine guilt on improper grounds. *State v. Emery*, 174 Wn.2d 741, 759-60, 278 P.3d 653 (2012). The prosecutor had charged defendant with four counts of felony communicating with a minor and he argued to the jury that "you don't necessarily have to find a specific nasty comment on the 16th for that conversation to continue to be for immoral purpose. You can look at the totality of the communication – You can look at the totality of the evidence to see whether or not the communication on the 16th and the 17th continued to be for an immoral purpose." RP 2028-29. This argument is contrary to the "to-convict" instructions in this case, which required the jury to find that the defendant committed the crime of communicating with a minor on each of the separate days charged. The trial court overruled defendant's objection to the prosecutor's improper argument, which was "a serious irregularity having the grave potential to mislead the jury." RP 2030.

(3) *The deputy prosecutor misstated the law by denying there was a specific definition for "immoral purposes"*.

The deputy prosecutor also misstated the law on communication with a minor. The deputy prosecutor informed the jury, “Here’s what the law prescribes (sic). The law says you can’t have *sexually charged conversation* with someone who is a minor or who you believe is a minor.” RP 2034. Again, the trial court overruled defendant’s objection to this gross misstatement of the law. *Id.*

The deputy prosecutor defined immoral purposes for the jury in an improper manner. The trial court declined to define “immoral purposes”:

“So, you know, there was a Supreme Court case a long time ago that said pornography is, you’ll know it when you see it. that’s the definition of pornography. You know it when you see it. In some respects, “immoral purposes” is the same thing, but not exactly ---” RP 2035.

The prosecutor continued, “. . . you as parents will decide what your kids can and cannot hear when they are too young to hear everything.” RP 11/16/17 2026.

(d) *The deputy prosecutor misstated that reasonable doubt standard.*

Despite caselaw to the contrary, the prosecutor argued, “A reasonable doubt is one for which a reason exists.” RP 2052. When defendant’s objection was sustained, the prosecutor responded, “That’s what the standard says.” *Id.* The court sustained the objection. *Id.* The prosecutor continued with his argument, “A reasonable doubt is one for which a reason exists. A reasonable doubt, reason exists. Here’s not what I’m telling you. I not telling you that you have to say here’s my reason to doubt.” RP 2052-53. The prosecutor continued to emphasize that the jury, to have a reasonable doubt, had to have a reason. RP 2053, 2054. This deputy prosecutor has had cases reversed before for misarguing the reasonable doubt standard and knew better than to make these arguments. *E.g., State v. Tarrer*, 140

Wn.App. LEXIS 856, slip pp. 14-15, opinion filed 4/2/13 [note: this unpublished opinion may be cited pursuant to GR 14.19(a)]. There is no substantive difference between this argument where the prosecutor tells the jury that they have to have a reasonable doubt in order to acquit and a “fill in the blank” argument, except that the prosecutor now is telling the jury that they can keep their reason to themselves. Significantly, the deputy prosecutor earlier agreed to the defendant’s motion in limine that he could not argue that the jurors needed to be able to identify a reasonable doubt in order to find the defendant not guilty. RP 2002, CP 697-99.

The Washington Supreme Court declined to apply a harmless error analysis to improper argument on the application and undermining of the presumption of innocence as well as on misstatement of the reasonable doubt standard and the presumption of innocence. *State v. Warren*, 165 Wn.2d 17, n. 3, 195 P.3d 940 (2008).

C. THE TRIAL COURT ERRED WHEN IT FAILED TO GIVE DEFENDANT’S PROPOSED INSTRUCTION ON ENTRAPMENT.

The State is correct that the trial court declined to give defendant’s entrapment instruction because defendant presented “insufficient evidence” of entrapment, that is, he failed to admit that he committed any crime. RP 1995-96 *State v. Galisia*, 63 Wn.App. 833, 822 P.2d 303, rev den. 119 Wn.2d 1003 (1992). However, entrapment is an affirmative defense and at most defendant has the duty to present only “some evidence” of the defense, which then switches the burden to the State to disprove the defense beyond a reasonable doubt. *Galisia*, 63 Wn.App. at 836 citing *State v. McCullum*, 98 Wn.2d 484, 488, 656 P.2d 1064 (1983). Defendant in his initial post stated that he was interested in “kinky fun.”

Defendant in his initial post stated he was interested in “kinky fun”, which he did not define. After that “Kaylee” made many statements about her lust and readiness for sex; she encouraged him to visit her at her residence. Ex. 7, 12/15/15 11:38:30 am; 12/16/15 9:45:40 pm; 12/17/15 12:06:30 pm; 12/17/15 3:43:22 pm, APPENDIX A. The State could and did not argue that defendant agreed to ever engage in sexual intercourse with her or take any substantial step toward that end. Defendant did not propose to have sex with “Kaylee” although he did ask her about her “experience level.” *Id.*

Certainly, on the facts of this case, there was sufficient evidence for the trial court to have given defendant’s entrapment instruction. Bickford statement that he purposefully used language to “reel [defendant] in like a fish.” e.g. RP 549. Defendant submits that is a layperson’s definition of entrapment.

Det. Bickford has attended trainings for these undercover investigations for which the materials are “for law enforcement purposes only.” RP 721. They are trained that these investigations can trigger serious legal and ethical considerations because of concerns that inappropriate government conduct can induce an otherwise innocent citizen into committing a crime. RP 722-23. Bickford stated that he had been trained to be aware of the leading questions a suspect on a path [toward a crime] for which they would not otherwise commit. RP 723.

Bickford described his role as the fictitious teenage girl an inducing the suspect to make incriminating statements. RP 549. He likened the process to putting bait on a hook and getting a bite: “We oftentimes, in cases, will attribute it to putting

bait on a line, on a fishing line. You put it in the pond and see if the bait is bitten or eaten . . . We just merely case out bait, for lack of a better term.” *Id.*

Bickford read defendant’s ad and determined that the phrase “open to play” meant “open to play in sexual encounters” although he readily agreed that it also meant “open to role playing.” RP 10/25/27 555, 604. He agreed that it was possible to role play BDSM, PDA, and simply talk nasty. *Id.* Bickford agreed that defendant never defined what a dom was, what BDSM was, what PDA was; Bickford used his personal definitions for these terms and assumed that defendant’s definitions would be identical. *Id.* Bickford explained that he texted that “Kaylee” believed that boys her age would call her “a slut” if they knew what she wanted. RP 599. He used that language to suggest to defendant that “Kaylee” was willing to participate in sex acts. *Id.* Bickford had “Kaylee” repeatedly write that she was eager for her father to leave the house to let him know that “Kaylee” was available. RP 600. He also agreed that he could not speak to defendant’s state of mind. RP 601.

Bickford testified that when “Kaylee” asked for a new iPod, she was “casting out bait, as I attributed that to fishing, and seeing if the individual that was their interest, paying.” RP 605. He provided an opportunity which defendant did not capitalize on. RP 606.

When “Kaylee” stated that she wished she had a dildo and asked if that was a vibrator, defendant told her the difference between those two items. RP 676. Defendant never asked to use either one on her. *Id.*

Bickford continued to have “Kaylee” make statements indicating to defendant that she was “available.” RP 677. He testified that “Kaylee’s” statements

that she was “really hot right now” were to inform defendant that she was “sexually excited.” Id. “Kaylee” made many statements reminding defendant that she was sexually available and ready. RP 678 p.m. citing Exhibit 7, 3:43:04 p.m. , 5:37:18 p.m.; 5:44:32, p.m; 7:31:44 p.m.; . APPENDIX A;

Put another way. Bickford explained, “Every text I send is for the purpose of eliciting a comment one way or another.” RP 683. For example, when defendant said he was already by the hospital, “Kaylee” sought to re-focus the conversation on sex, “I don’t want it to hurt.” RP 698-99. Her next two statements also addressed sex. Id. “Kaylee” continued to discuss sex related topics such as her concerns about pregnancy and sexually transmitted diseases. RP 10/26/17 700-01. She also mentioned her “hotness” and her readiness for sex. RP 10/26/17 703.

Bickford “may” have made the decision to stop and arrest Mr. Zimmerman by communicating that to the individual maintaining radio contact with the surveillance team and mobile units. RP 756-57.

D. THE TRIAL COURT ERRED WHEN IT FAILED TO GIVE DEFENDANT’S PROPOSED INSTRUCTION DEFINING “IMMORAL PURPOSES.”

The trial court declined to give defendant’s proposed instruction for “immoral purposes.” RP 1965-1998. This instruction provided, “Immoral purposes means unlawful sexual conduct.” The trial court gave no instruction on the meaning of immoral purposes.

In *State v. McNallie*, 120 Wn.2d 925, 846 P.2d 1358 (1993), the court stated that the broad area of sexual misconduct places great importance of the legislative finding that introduces RCW 9.68A, which states in pertinent part

The Legislature finds that prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The Court noted that the communicating with a minor statute not only prohibits participation by minors in sexual acts for a fee or appearance in live performances while engaged in explicit conduct, but also prohibits communication with children for the predatory purpose of promoting their exposure to involvement in sexual misconduct. “Immoral purposes” was properly defined as having a sexual nature. 120 Wn.2d at 930. The court then stated that “*the context of the term ‘immoral purposes’ is the rather broad area of sexual misconduct.*” 120 Wn.2d at 932.

Defendant’s proposed instruction was essential to the jury’s understanding of the applicable law. Without it, the State could and did argue that any non-parent who mentioned anything remotely related to sex to a minor child was breaking the law. RP 2026. That is not now and has never been the law in the State of Washington. Thus, it is no surprise that in a case where the prosecutor vouched for his own credibility throughout closing, the jury accepted this unusual argument.

E. THE TRIAL COURT ERRED WHEN IT FAILED TO GIVE A PROPER INSTRUCTION DEFINING THE CRIME OF ATTEMPTED RAPE IN THE SECOND DEGREE.

Defendant proposed an intent instruction for attempted second degree child rape that stated, “The intent required for attempted rape of a child in the intent to accomplish result: to have sexual intercourse.” CP 226-229. This instruction was approved in *State v. Wilson*, 1 Wn.App. 73, 80, 404 P.3d 76 (2018), which held that the essential elements of attempted rape of a child are (1) the intent to have sexual intercourse and (2) the taking of a substantial step toward the commission of that crime.

The instructions in the instant case were insufficient because they failed to inform the jury of the required intent for that crime: that is, that the defendant had to act with intent to commit *the* crime of sexual intercourse with a child in the requisite age group. Instead, the trial court instructed the jury “A person acts with intent to intentionally when acting with the objective or purpose to accomplish a result that constitutes *a* crime.” CP 290-91. The jury could have found that the defendant acted with the purpose to commit of any crime at all.

The instruction was fatally flawed because it failed to inform the jury of the prohibited act. As it stands, it is impossible to know what the act the jury intended to commit because the jurors could have used any crimes at all and were not limited in their choice of crimes.

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F. THE STATE FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT DEFENDANT COMMITTED THE CRIMES OF ATTEMPTED RAPE OF A CHILD IN THE SECOND DEGREE.

Defendant proposed an intent instruction for attempted second degree child rape that as noted, *supra*. This instruction was approved in State v. Wilson, 1 Wn.App. 73, 80, 404 P.3d 76 (2018), which held that the essential elements of attempted rape of a child are (1) the intent to have sexual intercourse and (2) the taking of a substantial step toward the commission of that crime. The instructions in the instant case were insufficient because they failed to inform the jury of the required intent for that crime: that is, that the defendant had to act with intent to commit *the* crime of sexual intercourse with a child in the requisite age group. Instead, the trial court instructed the jury “A person acts with intent to intentionally when acting with the objective or purpose to accomplish a result that constitutes a crime.” CP 290-91.

To prove attempted rape of a child in the second degree, Count I, the jury had to find beyond a reasonable doubt that defendant intended to have sexual intercourse with “Kaylee”, a fictitious person he believed to be 13 years old and took a substantial step toward doing so. There was a lot of chat between “Kaylee” and defendant between December 14 and 17, 2017. However, defendant made no statements evincing an intent to have sexual intercourse with “Kaylee” on 12/17/15. “Kaylee, as noted herein, brought up the subject of sex very often. IN addition, she provided very detailed directions to her residence. Defendant did not go to her residence. Defendant answered some of her sexual comments but rebuffed many invitations to come to her house. Exhibit 7- 12/15/15 6:18:20 pm, 12/16/15-3:13:50

pm, 12/14/15 11:31:22 am, 12/17/15 11:31:22 am, 12/17/15 12:33:20 pm. As noted, virtually all of the sexual content originated from “Kaylee.” Defendant asked her if she “shaved” but did not link that with having sexual intercourse. He was invited by “Kaylee” to residence on several occasions and always declined. Exhibit 7, 12/15/15 11:33:30 am, 12/16/15 4:15:51 pm, 12/16/15 9:28:47 pm, 12/17/15 10:18:14 am, 12:33:20 pm, 5:37:18 pm. He also had directions to her residence, including specific directions to go down a back alley and park by a silver car. Ex. 7, 12/17/15 8:10:46 pm, 8:12:14 pm, APPENDIX A. He was told clearly that he could not enter the house by the front because it had been carved up into apartments and other people lived in the front. RP 1281-82. Defendant admitted that he was curious to see if there really was a person named “Kaylee” but he did not ever tell her that he would have sexual intercourse with her, that he would do so at her house, and that he would want to be physical with her in any way. As he testified, he was feeling a little sorry for himself and wanted someone to talk to, someone to role play with. RP 1201-02. He went onto Craigslist to look for somebody to talk to and maybe role play with. RP 1204. He was looking for a younger woman, “like in her 20’s.” RP 1206. He never asked “Kaylee” if she wanted a sexual relationship. RP 1219. When he heard her voice on the phone, she sounded like an older woman. RP 1241. When she asked for material “rewards”, he thought she must be a prostitute. RP 1248. He never considered having sex with her. RP 1249. He became tired of texting with her, thought perhaps he was being set up for a robbery after he was told to “go to the alley” and so he just left. RP 1282-83. He just decided to go home to Puyallup. RP _____. There is no single act that he took that constitutes a substantial step to commit

the crime of sexual intercourse with “Kaylee” that the State has identified. He talked to the fictitious person and did not take the bait. He did not go to the house. He did not ever agree to have sex with her. The State did not prove “the intent required for attempted rape of a child . . . to have sexual intercourse.” Rather, the trial court’s instruction allowed the jury to convict the defendant if they thought that the defendant had an intent to accomplish a result that constitutes “a crime.”

The State probably could have proven intent to determine whether “Kaylee” was a real person, intent to determine where she lived.. But those acts are not crimes. Where defendant did not believe her, did not go near the entrance to her residence and kept chatting with her even while he drove home, defendant made manifest his lack of intent to engage in sexual intercourse with her at any time. That “Kaylee” asked him if he had sexually transmitted diseases or had had a vasectomy does not reflect a willingness on his part to have sexual intercourse with her.

Bickford tried every hard to get defendant to commit to visiting “Kaylee” at her residence for a sexual interlude, but he failed. There was not evidence sufficient from which a rational trier of fact, even viewing the totality of evidence and all inferences therefrom in the light most favorable to the State, could find that the defendant had committed the crime of attempted rape of a child in the second degree.

The age-regressed photos that “Kaylee” sent to defendant were not persuasive in convincing him that she was a minor. RP 11/6/17 12.4. She had on a lot of makeup and she showed a little bit of cleavage. Id. Defendant thought she could be anybody “as low as 20.” RP 11/6/17 1215. When he looked at the photo of “Kaylee” in her bedroom, he thought she was older because the bedroom furnishings appeared to be

those of an older person. RP 11/6/17 1217. When “Kaylee” asked about compensation, that is, an iPad, he thought he might be talking to a prostitute. RP 11/6/27 1233.

Defendant never asked her if she wanted to have sexual intercourse with him. RP 11/6/17 1219. He never told her that he wanted to have sex. Id. When “Kaylee” made statements such as “I’m all kinds of hot now”, defendant thought she was just playing on his emotions. RP 11/6/17 1234. Although defendant asked “Kaylee” if she had ever put her mouth on a cock before, he was not asking a predicate question to asking her to perform fellatio on him. RP 11/6/17 1247-48.

Because the State failed to meet the burden of proof, the charge must be dismissed.

G. THE STATE FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT DEFENDANT COMMITTED THE CRIMES OF COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES.

To convict a defendant of the crimes of committing with a minor for immoral purposes, the State had to prove beyond a reasonable doubt that the defendant communicated through electronic means with a minor or someone the person believes to be a minor for immoral purposes, including the purchase or sale of commercial sex acts and sex trafficking. RCW 9.68A.090(2).

Neither RCW 9.68A.090 nor chapter 9.68A RCW explicitly define “immoral purposes,” but Washington case law has determined “immoral purposes” refers to sexual misconduct, and “communicate” includes conduct as well as words. *State v. Falco*, 59 Wn. App. 354, 358, 796 P.2d 796 (1990). In addition, the legislative finding at the beginning of the chapter states the

following:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.
RCW 9.68A.001.

Further, in *State v. McNallie*, 120 Wn.2d 925, 846 P.2d 1358 (1993), the Washington Supreme Court examined the legislative finding in RCW 9.68A.001 and held that RCW 9.68A.090 contemplates more than a minor's participation in sexual acts for a fee, or the appearance of a minor engaging in sexual acts in sexual acts to for film or live performance. 120 Wn.2d at 933. RCW 9.68A.001 and held that RCW 9.68A.090 contemplates more than a minor's participation in sexual acts for a fee, or the appearance of a minor engaging in sexual acts for film or live performance. 120 Wn.2d at 933.

In the instant case, the State charged defendant with multiple counts of communicating [CMIP], based on the separate dates of the texting for counts 2, 3, 4, 5. RP 2/9/18 28. Count 1 was based on the emails [Gmails]. 2/9/18 28-29. This court needs to determine sufficiency based on the well-established test set forth in *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 629 (1980), citing *Jackson v. Virginia*, 443 U.S. 307, 319, 61 L.Ed.2d 560. 99 S.Ct.2781 (1979), that is, whether, after viewing the evidence in the light most favorable to the prosecutor, any rational trier of fact could have found the materials elements of the crime beyond a reasonable doubt.

Application of this test to the counts of CMIP affirms that the State failed to meet its burden. Count 2 comprised Gmails exchanged from December 14-16, 2017. Exhibit 6 –APPENDIX B. On December 14, 2017, there is general discussion of “play”, reference to “bdsm”, dirty talk, pda, and “whatever you like.” There is no

talk whatsoever of any sexual activity between the two of them for defendant's personal gratification or of defendant seeking to sexually exploit "Kaylee" for commercial gain. Similarly, as one goes through the remainder of the texts for December 15, 16 and 17, 2017,] any rational trier of fact would see that there is not evidence beyond a reasonable doubt that defendant communicated with "Kaylee" for "immoral purposes" as they are properly defined by Washington law.

Regarding Counts 3, 4, and 5, the texts from December 15, 16, and 17, 2019, Exhibits 3 and 7 – APPENDICES A and C. This court must closely review the State's evidence to determine whether the State satisfied the *Green* standard.

Regarding Count 3, there is no talk from defendant about having sexual activity with "Kaylee" on the 15th. She mentions that she is "kindza hot" [3:57;57 p.m] and that she's trying to meet up with some guys "cuz I'm hot." [6:45:29 p.m.]. But defendant doesn't ask her to engage in any sexual activity with her or propose that she engage in any sexual activity for commercial gain. Regarding Count 4, although defendant asked her if she had ever put her mouth on a cock, defendant did not ask her if she was willing to participate in fellatio with him. Again, he did not propose that she participate in any sexual activities for commercial gain. Regarding Count 5, "Kaylee" repeatedly tells defendant how excited she is that he is coming over. [10:16:44 a.m.; 12/17/17]. "Kaylee", without any mention of sex from defendant, spontaneously said, "so I only had real sex 1 time . . .is that weird . . .like a few months ago but it only was short . . .it was dumb , , I wana be like in the movies . . I did jus don't want it to hurt . . . how big r u" [2:36:50 p.m.; 2:39:37 p.m.; 2:27:30 p.m., 12/17/17]. "Kaylee" also volunteered that she "play[s] with [my] clit

sometimes but nothin insid” [3:03:59 p.m.12/17/17]. She also stated that she wished she had a dildo – “is that vibrator?” [3:10:18 p.m.12/17/18].As they continued to text, she emoted, “OMG, I wish u culd come NOW – om totlly hot . . .its weird like news and tingly and evrything” [3:43:22 p.m. 12/17/17]. About two hours later, she informed him that her “pants are like wet but I didn’t pee...I nvrflt like this b4” [5:44:38 12/17/17]. Nearly two hours later, “Kaylee” again mentioned that her pants were wet and that she had not peed in them. [7:31:44 p.m. 12/17/17]. At this point, defendant told her, “That’s because your pussy is excited.” [7:32:28. 12/17/17]. It is significant that this particular comment by defendant was seized upon by the trial court as exemplifying conduct falling under the communicating with a minor statute, when distasteful as it may be, it clearly falls outside the ambit of that statute.

In sum, the State failed to prove beyond a reasonable doubt that defendant committed any of the crime of communicating with a minor for immoral purposes. When the State fails to prove the charges beyond a reasonable doubt, defendant is entitled to dismissal.

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APPENDIX A



Extraction Report

Samsung SCH-i545 Galaxy S IV (Android)

SMS Messages (364)

* These details are cross-referenced from this device's contacts

	Folder	Party	Time	Alt timestamps	Status	Message	Deleted
1	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:24:57 AM(UTC-8)	Network: 12/15/2015 10:24:57 AM(UTC-8)	Sent	Hello Kaylee	
2	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:25:23 AM(UTC-8)	Network: 12/15/2015 10:25:23 AM(UTC-8)	Read	Hi, Whos this	
3	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:25:41 AM(UTC-8)	Network: 12/15/2015 10:25:41 AM(UTC-8)	Sent	Ken	
4	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:25:54 AM(UTC-8)	Network: 12/15/2015 10:25:54 AM(UTC-8)	Sent	Where are you from you said you just moved here	
5	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:26:49 AM(UTC-8)	Network: 12/15/2015 10:26:49 AM(UTC-8)	Read	i moved from richland...i talked to a lot of guys...which 1 r u?	
6	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:27:17 AM(UTC-8)	Network: 12/15/2015 10:27:17 AM(UTC-8)	Read	i nvr new id get so many people to talk to me...craigslist is cool!	
7	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:29:02 AM(UTC-8)	Network: 12/15/2015 10:29:02 AM(UTC-8)	Read	i remember...lol!	
8	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:33:36 AM(UTC-8)	Network: 12/15/2015 10:33:36 AM(UTC-8)	Sent	So why are you talking with so many guys	
9	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:33:48 AM(UTC-8)	Network: 12/15/2015 10:33:48 AM(UTC-8)	Sent	Did you put an ad on there you answered my ad I believe	
10	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:35:00 AM(UTC-8)	Network: 12/15/2015 10:35:00 AM(UTC-8)	Read	i talked to a few people who had cool ads	
11	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:42:52 AM(UTC-8)	Network: 12/15/2015 10:42:52 AM(UTC-8)	Sent	So tell me what are you looking for	
12	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 10:46:38 AM(UTC-8)	Network: 12/15/2015 10:46:38 AM(UTC-8)	Read	idk...didnt ur ad say kinky fun...that sounds cool as long as u dont hurt me	
13	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 10:58:00 AM(UTC-8)	Network: 12/15/2015 10:58:00 AM(UTC-8)	Sent	So like I asked you before are you a law officer are you really Kaylee Duncan or are you someway somehow in law enforcement	
14	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:03:34 AM(UTC-8)	Network: 12/15/2015 11:03:34 AM(UTC-8)	Read	no im not a law enforcer. that sounds cool but handcuffs r scary!	
15	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:08:28 AM(UTC-8)	Network: 12/15/2015 11:08:28 AM(UTC-8)	Sent	So how come you're not in school and have you ever been sexual before	
16	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:07:25 AM(UTC-8)	Network: 12/15/2015 11:07:25 AM(UTC-8)	Read	cuz we just moved here the other day. im gonna probly get in school afr christmas.	
17	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:11:52 AM(UTC-8)	Network: 12/15/2015 11:11:52 AM(UTC-8)	Sent	So have you ever been with a guy before have you ever had sex before	
18	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:13:59 AM(UTC-8)	Network: 12/15/2015 11:13:59 AM(UTC-8)	Read	yea i messed around...it didnt last long tho	
19	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:20:30 AM(UTC-8)	Network: 12/15/2015 11:20:30 AM(UTC-8)	Sent	So why are you interested in some one older, ... I have to have I just want to know	

20	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:21:33 AM(UTC-8)	Network: 12/15/2015 11:21:33 AM(UTC-8)	Read	becuz boys my age are totaly dumb and if they new what i wanted ever1 wuld call me a slut
21	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:36:40 AM(UTC-8)	Network: 12/15/2015 11:36:40 AM(UTC-8)	Sent	Can you send me a couple of pictures of you
22	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:36:52 AM(UTC-8)	Network: 12/15/2015 11:36:52 AM(UTC-8)	Sent	Maybe we could meet up tomorrow or Thursday
23	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:38:30 AM(UTC-8)	Network: 12/15/2015 11:38:30 AM(UTC-8)	Read	u culd totaly com ovr i guess...u seem cool
24	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:44:20 AM(UTC-8)	Network: 12/15/2015 11:44:20 AM(UTC-8)	Sent	Isn't your mom and dad home how many brothers and sisters do you have
25	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:45:17 AM(UTC-8)	Network: 12/15/2015 11:45:17 AM(UTC-8)	Read	Dads sleeping and I have a sister...she lives with mom
26	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:56:30 AM(UTC-8)	Network: 12/15/2015 11:56:30 AM(UTC-8)	Sent	Where's your mom live and sister
27	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:57:14 AM(UTC-8)	Network: 12/15/2015 11:57:14 AM(UTC-8)	Read	Richland
28	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:58:04 AM(UTC-8)	Network: 12/15/2015 11:58:04 AM(UTC-8)	Sent	So how come you're here and they're there how come your mom didn't come to Tacoma
29	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:58:48 AM(UTC-8)	Network: 12/15/2015 11:58:48 AM(UTC-8)	Read	Cuz they fight all the time
30	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:59:06 AM(UTC-8)	Network: 12/15/2015 11:59:06 AM(UTC-8)	Sent	Well did your dad move here for work
31	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:59:24 AM(UTC-8)	Network: 12/15/2015 11:59:24 AM(UTC-8)	Sent	How long have you been here do you have any friends yet
32	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 11:59:58 AM(UTC-8)	Network: 12/15/2015 11:59:58 AM(UTC-8)	Read	yea...we may move here 4 good but i dont no...we didnt bring much stuff and live in a crappy house...not sure yet
33	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 12:00:23 PM(UTC-8)	Network: 12/15/2015 12:00:23 PM(UTC-8)	Read	we came last week . dad gets busy at christmass
34	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 12:10:19 PM(UTC-8)	Network: 12/15/2015 12:10:19 PM(UTC-8)	Sent	What does he do for work
35	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 12:17:13 PM(UTC-8)	Network: 12/15/2015 12:17:13 PM(UTC-8)	Read	Ups
36	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 12:22:05 PM(UTC-8)	Network: 12/15/2015 12:22:05 PM(UTC-8)	Sent	So how come a pretty girl like you doesn't have any boyfriends
37	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 12:22:16 PM(UTC-8)	Network: 12/15/2015 12:22:16 PM(UTC-8)	Sent	So i guess you don't want to do that with boyfriends do
38	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:00:40 PM(UTC-8)	Network: 12/15/2015 1:00:40 PM(UTC-8)	Read	No cuz they'd all call me slut
39	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:03:01 PM(UTC-8)	Network: 12/15/2015 1:03:01 PM(UTC-8)	Sent	I understand
40	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:03:29 PM(UTC-8)	Network: 12/15/2015 1:03:29 PM(UTC-8)	Read	And I jus move here and dnt no any1
41	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:04:00 PM(UTC-8)	Network: 12/15/2015 1:04:00 PM(UTC-8)	Read	Gawd! I can't wait til dad leaves...keeps nagin me
42	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:04:39 PM(UTC-8)	Network: 12/15/2015 1:04:39 PM(UTC-8)	Sent	What's he nagging you about

43	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:05:11 PM(UTC-8)	Network: 12/15/2015 1:05:11 PM(UTC-8)	Read	All the stupid sht he wants me to do when hes gone	
44	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:23:02 PM(UTC-8)	Network: 12/15/2015 1:23:02 PM(UTC-8)	Sent	Some chores	
45	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:23:19 PM(UTC-8)	Network: 12/15/2015 1:23:19 PM(UTC-8)	Sent	What school are you going to be going to	
46	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:23:44 PM(UTC-8)	Network: 12/15/2015 1:23:44 PM(UTC-8)	Read	I dnt no...yet	
47	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:24:57 PM(UTC-8)	Network: 12/15/2015 1:24:57 PM(UTC-8)	Read	We jus got here like a couple days ago...don't no any1 here yet	
48	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 1:25:02 PM(UTC-8)	Network: 12/15/2015 1:25:02 PM(UTC-8)	Read	Or schools	
49	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:30:18 PM(UTC-8)	Network: 12/15/2015 1:30:18 PM(UTC-8)	Sent	No worries	
50	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:33:01 PM(UTC-8)	Network: 12/15/2015 1:33:01 PM(UTC-8)	Sent	Can I get a couple of pictures of you hun	
51	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 1:44:58 PM(UTC-8)	Network: 12/15/2015 1:44:58 PM(UTC-8)	Sent	I got a busy afternoon so I'll hit you up a little later	
52	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 2:14:36 PM(UTC-8)	Network: 12/15/2015 2:14:36 PM(UTC-8)	Read	Why r u so nice to me	
53	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 2:15:43 PM(UTC-8)	Network: 12/15/2015 2:15:43 PM(UTC-8)	Read	the azz is about to leave	
54	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 3:17:11 PM(UTC-8)	Network: 12/15/2015 3:17:11 PM(UTC-8)	Read	my dad left...freeeee dom!	
55	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 3:21:45 PM(UTC-8)	Network: 12/15/2015 3:21:45 PM(UTC-8)	Sent	Awesome	
56	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 3:22:03 PM(UTC-8)	Network: 12/15/2015 3:22:03 PM(UTC-8)	Sent	Cuz I like you	
57	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 3:22:41 PM(UTC-8)	Network: 12/15/2015 3:22:41 PM(UTC-8)	Read	u seem sooo nice	
58	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 3:22:56 PM(UTC-8)	Network: 12/15/2015 3:22:56 PM(UTC-8)	Sent	Cuz I am	
59	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 3:24:47 PM(UTC-8)	Network: 12/15/2015 3:24:47 PM(UTC-8)	Read	how much is ur reward...i totaly need a new ipod	
60	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 3:30:22 PM(UTC-8)	Network: 12/15/2015 3:30:22 PM(UTC-8)	Read	an i just totaly wanna have fun...u no ;0)	
61	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 3:56:33 PM(UTC-8)	Network: 12/15/2015 3:56:33 PM(UTC-8)	Sent	No I am not looking to pay for you	
62	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 3:57:57 PM(UTC-8)	Network: 12/15/2015 3:57:57 PM(UTC-8)	Read	Thot I'd try! Lol! I'm all kindza hot now...	
63	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:14:47 PM(UTC-8)	Network: 12/15/2015 6:14:47 PM(UTC-8)	Sent	How's your night going	
64	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:16:53 PM(UTC-8)	Network: 12/15/2015 6:16:53 PM(UTC-8)	Read	Boring	
65	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:17:40 PM(UTC-8)	Network: 12/15/2015 6:17:40 PM(UTC-8)	Sent	Well that happens sometimes	

66	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:17:55 PM(UTC-8)	Network: 12/15/2015 6:17:55 PM(UTC-8)	Read	Wish I wasn't by myself
67	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:18:20 PM(UTC-8)	Network: 12/15/2015 6:18:20 PM(UTC-8)	Sent	Sorry I have some stuff planned tonight
68	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:25:20 PM(UTC-8)	Network: 12/15/2015 6:25:20 PM(UTC-8)	Read	With me lol!
69	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:44:52 PM(UTC-8)	Network: 12/15/2015 6:44:52 PM(UTC-8)	Sent	Lol nope sorry. So are you trying to meet up with some other guys
70	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:45:29 PM(UTC-8)	Network: 12/15/2015 6:45:29 PM(UTC-8)	Read	Yeah cuz I'm hot
71	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:45:36 PM(UTC-8)	Network: 12/15/2015 6:45:36 PM(UTC-8)	Read	Don't judge me!
72	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:57:28 PM(UTC-8)	Network: 12/15/2015 6:57:28 PM(UTC-8)	Sent	I am not judging
73	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 6:57:52 PM(UTC-8)	Network: 12/15/2015 6:57:52 PM(UTC-8)	Sent	But you have only been with 1 guy before
74	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 6:59:38 PM(UTC-8)	Network: 12/15/2015 6:59:38 PM(UTC-8)	Read	I hate drama...just wanna have fun
75	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 7:00:57 PM(UTC-8)	Network: 12/15/2015 7:00:57 PM(UTC-8)	Sent	I gotcha
76	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 7:18:51 PM(UTC-8)	Network: 12/15/2015 7:18:51 PM(UTC-8)	Sent	Maybe another time
77	Inbox	From 2085036117 Kaylee Duncan*	12/15/2015 7:33:00 PM(UTC-8)	Network: 12/15/2015 7:33:00 PM(UTC-8)	Read	guez so
78	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 9:53:23 PM(UTC-8)	Network: 12/15/2015 9:53:23 PM(UTC-8)	Sent	Hey
79	Sent	To 2085036117 Kaylee Duncan*	12/15/2015 11:00:31 PM(UTC-8)	Network: 12/15/2015 11:00:31 PM(UTC-8)	Sent	You must be sleeping. Good night
80	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 12:53:23 AM(UTC-8)	Network: 12/16/2015 12:53:23 AM(UTC-8)	Read	sory, fel asleep
81	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 12:57:46 AM(UTC-8)	Network: 12/16/2015 12:57:46 AM(UTC-8)	Sent	Bad girl
82	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:04:39 AM(UTC-8)	Network: 12/16/2015 1:04:39 AM(UTC-8)	Sent	Did not mean to wake you
83	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:07:56 AM(UTC-8)	Network: 12/16/2015 1:07:56 AM(UTC-8)	Read	its kool
84	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:17:04 AM(UTC-8)	Network: 12/16/2015 1:17:04 AM(UTC-8)	Sent	Wyd
85	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:19:32 AM(UTC-8)	Network: 12/16/2015 1:19:32 AM(UTC-8)	Sent	I want to see a picture of you
86	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 11:10:15 AM(UTC-8)	Network: 12/16/2015 11:10:15 AM(UTC-8)	Sent	Good morning
87	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 11:52:15 AM(UTC-8)	Network: 12/16/2015 11:52:15 AM(UTC-8)	Sent	Hey you
88	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 12:25:39 PM(UTC-8)	Network: 12/16/2015 12:25:39 PM(UTC-8)	Read	OMG! Hi!

89	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:18:39 PM(UTC-8)	Network: 12/16/2015 1:18:39 PM(UTC-8)	Sent	Hey nice pics	
90	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:24:52 PM(UTC-8)	Network: 12/16/2015 1:24:52 PM(UTC-8)	Read	thx	
91	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:25:07 PM(UTC-8)	Network: 12/16/2015 1:25:07 PM(UTC-8)	Sent	Wyd	
92	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:25:54 PM(UTC-8)	Network: 12/16/2015 1:25:54 PM(UTC-8)	Read	playn on internet	
93	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:27:01 PM(UTC-8)	Network: 12/16/2015 1:27:01 PM(UTC-8)	Sent	Bored hun	
94	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:27:21 PM(UTC-8)	Network: 12/16/2015 1:27:21 PM(UTC-8)	Read	yup	
95	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:27:35 PM(UTC-8)	Network: 12/16/2015 1:27:35 PM(UTC-8)	Sent	I wish you send a sexy pic of you	
96	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:28:04 PM(UTC-8)	Network: 12/16/2015 1:28:04 PM(UTC-8)	Sent	Show your tits	
97	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:29:24 PM(UTC-8)	Network: 12/16/2015 1:29:24 PM(UTC-8)	Read	i wish i wasnt alon	
98	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 1:30:12 PM(UTC-8)	Network: 12/16/2015 1:30:12 PM(UTC-8)	Sent	Where Is Your Dad	
99	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 1:34:36 PM(UTC-8)	Network: 12/16/2015 1:34:36 PM(UTC-8)	Read	hes sleepin...gona leave 4 work in a cuple hrs...i feel like im alwayz alone	
100	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 2:32:49 PM(UTC-8)	Network: 12/16/2015 2:32:49 PM(UTC-8)	Read	hi	
101	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 2:47:30 PM(UTC-8)	Network: 12/16/2015 2:47:30 PM(UTC-8)	Sent	Hey you how you doing	
102	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 2:47:52 PM(UTC-8)	Network: 12/16/2015 2:47:52 PM(UTC-8)	Read	just hangin out	
103	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:10:57 PM(UTC-8)	Network: 12/16/2015 3:10:57 PM(UTC-8)	Sent	I hear you	
104	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:10:58 PM(UTC-8)	Network: 12/16/2015 3:10:58 PM(UTC-8)	Sent	I'm going to be free tomorrow night	
105	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:12:59 PM(UTC-8)	Network: 12/16/2015 3:12:59 PM(UTC-8)	Read	U shuld totly 2 day	
106	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:13:50 PM(UTC-8)	Network: 12/16/2015 3:13:50 PM(UTC-8)	Sent	I can't today I have a Christmas function	
107	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:14:10 PM(UTC-8)	Network: 12/16/2015 3:14:10 PM(UTC-8)	Read	Be4...but whatever	
108	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:15:40 PM(UTC-8)	Network: 12/16/2015 3:15:40 PM(UTC-8)	Sent	I thought the Christmas function was tomorrow night but it's tonight	
109	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:16:05 PM(UTC-8)	Network: 12/16/2015 3:16:05 PM(UTC-8)	Read	Go late! Lol!	
110	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:16:20 PM(UTC-8)	Network: 12/16/2015 3:16:20 PM(UTC-8)	Read	I culd be ur date	
111	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:16:40 PM(UTC-8)	Network: 12/16/2015 3:16:40 PM(UTC-8)	Read	Lol	

112	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:17:09 PM(UTC-8)	Network: 12/16/2015 3:17:09 PM(UTC-8)	Sent	might be a little young to be my date	
113	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:18:16 PM(UTC-8)	Network: 12/16/2015 3:18:16 PM(UTC-8)	Sent	Can you talk on the phone	
114	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:23:09 PM(UTC-8)	Network: 12/16/2015 3:23:09 PM(UTC-8)	Sent	Hello	
115	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:23:26 PM(UTC-8)	Network: 12/16/2015 3:23:26 PM(UTC-8)	Read	Hi	
116	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:23:44 PM(UTC-8)	Network: 12/16/2015 3:23:44 PM(UTC-8)	Sent	Can you talk hun	
117	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 3:24:07 PM(UTC-8)	Network: 12/16/2015 3:24:07 PM(UTC-8)	Read	Why u don't my wanna come anywaze	
118	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 3:27:25 PM(UTC-8)	Network: 12/16/2015 3:27:25 PM(UTC-8)	Sent	I want to talk with you	
119	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:02:17 PM(UTC-8)	Network: 12/16/2015 4:02:17 PM(UTC-8)	Sent	i tried calling you	
120	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:06:49 PM(UTC-8)	Network: 12/16/2015 4:06:49 PM(UTC-8)	Read	i called u but i ran out mins	
121	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:11:52 PM(UTC-8)	Network: 12/16/2015 4:11:52 PM(UTC-8)	Sent	Can you take a call if I call u	
122	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:13:14 PM(UTC-8)	Network: 12/16/2015 4:13:14 PM(UTC-8)	Read	i dont have any mins	
123	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:15:51 PM(UTC-8)	Network: 12/16/2015 4:15:51 PM(UTC-8)	Read	tolly wish u wantd to c me but whatevs	
124	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:18:10 PM(UTC-8)	Network: 12/16/2015 4:18:10 PM(UTC-8)	Read	if u wanna u tolly gotta promis not to hurt me or tel any1	
125	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:28:30 PM(UTC-8)	Network: 12/16/2015 4:28:30 PM(UTC-8)	Sent	I won't but I have to come see you tomorrow	
126	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:28:45 PM(UTC-8)	Network: 12/16/2015 4:28:45 PM(UTC-8)	Sent	Can you send me any sexy pictures of you maybe with your shirt off	
127	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:28:49 PM(UTC-8)	Network: 12/16/2015 4:28:49 PM(UTC-8)	Read	Sucky	
128	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:29:20 PM(UTC-8)	Network: 12/16/2015 4:29:20 PM(UTC-8)	Sent	I already have a commitment it is what it is. I have to do it at the same business function	
129	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:29:32 PM(UTC-8)	Network: 12/16/2015 4:29:32 PM(UTC-8)	Read	Tolly if I had a camra	
130	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:29:47 PM(UTC-8)	Network: 12/16/2015 4:29:47 PM(UTC-8)	Read	My dad drilled mine	
131	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:34:40 PM(UTC-8)	Network: 12/16/2015 4:34:40 PM(UTC-8)	Sent	Don't you have a camera phone	
132	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:37:28 PM(UTC-8)	Network: 12/16/2015 4:37:28 PM(UTC-8)	Read	he drilled it	
133	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:37:44 PM(UTC-8)	Network: 12/16/2015 4:37:44 PM(UTC-8)	Read	why i wanted a ipod	
134	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 4:46:09 PM(UTC-8)	Network: 12/16/2015 4:46:09 PM(UTC-8)	Read	i tolly wanna camra	

135	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 4:56:57 PM(UTC-8)	Network: 12/16/2015 4:56:57 PM(UTC-8)	Sent	You have the Internet you can cam me on Skype	
136	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 5:31:04 PM(UTC-8)	Network: 12/16/2015 5:31:04 PM(UTC-8)	Read	I dnt have a computer cam	
137	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 6:55:25 PM(UTC-8)	Network: 12/16/2015 6:55:25 PM(UTC-8)	Sent	Don't you have any sexy pictures of you	
138	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 7:12:10 PM(UTC-8)	Network: 12/16/2015 7:12:10 PM(UTC-8)	Read	naaaah way	
139	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 7:15:54 PM(UTC-8)	Network: 12/16/2015 7:15:54 PM(UTC-8)	Sent	Your voice kind of sounded older on the phone	
140	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 7:17:24 PM(UTC-8)	Network: 12/16/2015 7:17:24 PM(UTC-8)	Read	Kinda gotta cold idk	
141	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 8:39:16 PM(UTC-8)	Network: 12/16/2015 8:39:16 PM(UTC-8)	Sent	Hey you	
142	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 8:39:21 PM(UTC-8)	Network: 12/16/2015 8:39:21 PM(UTC-8)	Sent	You got a cold	
143	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 8:39:54 PM(UTC-8)	Network: 12/16/2015 8:39:54 PM(UTC-8)	Read	Yeah like a little 1	
144	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 8:41:16 PM(UTC-8)	Network: 12/16/2015 8:41:16 PM(UTC-8)	Sent	How tall are you	
145	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 8:41:29 PM(UTC-8)	Network: 12/16/2015 8:41:29 PM(UTC-8)	Sent	What size do you wear	
146	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 8:48:34 PM(UTC-8)	Network: 12/16/2015 8:48:34 PM(UTC-8)	Sent	Hey are you busy	
147	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:03:13 PM(UTC-8)	Network: 12/16/2015 9:03:13 PM(UTC-8)	Sent	Okay maybe I'll try you tomorrow	
148	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:16:27 PM(UTC-8)	Network: 12/16/2015 9:16:27 PM(UTC-8)	Read	Thats weird! Im taller than my friends...!	
149	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:18:09 PM(UTC-8)	Network: 12/16/2015 9:18:09 PM(UTC-8)	Sent	How tall are you	
150	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:18:56 PM(UTC-8)	Network: 12/16/2015 9:18:56 PM(UTC-8)	Read	Like 5'	
151	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:19:27 PM(UTC-8)	Network: 12/16/2015 9:19:27 PM(UTC-8)	Sent	Can I ask how much you weigh what size you are	
152	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:19:36 PM(UTC-8)	Network: 12/16/2015 9:19:36 PM(UTC-8)	Sent	You're very cute I'm just curious	
153	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:19:53 PM(UTC-8)	Network: 12/16/2015 9:19:53 PM(UTC-8)	Read	No personal	
154	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:20:12 PM(UTC-8)	Network: 12/16/2015 9:20:12 PM(UTC-8)	Sent	Really	
155	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:22:01 PM(UTC-8)	Network: 12/16/2015 9:22:01 PM(UTC-8)	Sent	You have you ever put your mouth on a cock before	
156	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:24:29 PM(UTC-8)	Network: 12/16/2015 9:24:29 PM(UTC-8)	Read	yes	
157	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:25:10 PM(UTC-8)	Network: 12/16/2015 9:25:10 PM(UTC-8)	Sent	Really how many	

158	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:25:41 PM(UTC-8)	Network: 12/16/2015 9:25:41 PM(UTC-8)	Read	u r werd
159	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:25:58 PM(UTC-8)	Network: 12/16/2015 9:25:58 PM(UTC-8)	Sent	Why is that weird I just wanted to know what your experience level was
160	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:26:47 PM(UTC-8)	Network: 12/16/2015 9:26:47 PM(UTC-8)	Sent	Are you going to be around tomorrow night
161	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:39:27 PM(UTC-8)	Network: 12/16/2015 9:39:27 PM(UTC-8)	Read	ya
162	Inbox	From 2085036117 Kaylee Duncan*	12/16/2015 9:45:40 PM(UTC-8)	Network: 12/16/2015 9:45:40 PM(UTC-8)	Read	u culd totly com ovr 2 nite
163	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:53:43 PM(UTC-8)	Network: 12/16/2015 9:53:43 PM(UTC-8)	Sent	I can come over tomorrow around 6
164	Sent	To 2085036117 Kaylee Duncan*	12/16/2015 9:57:58 PM(UTC-8)	Network: 12/16/2015 9:57:58 PM(UTC-8)	Sent	Talk to you tomorrow
165	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 9:58:31 AM(UTC-8)	Network: 12/17/2015 9:58:31 AM(UTC-8)	Read	Hi
166	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 10:15:03 AM(UTC-8)	Network: 12/17/2015 10:15:03 AM(UTC-8)	Sent	Hey you
167	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 10:15:55 AM(UTC-8)	Network: 12/17/2015 10:15:55 AM(UTC-8)	Read	Omg! Hi
168	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 10:16:19 AM(UTC-8)	Network: 12/17/2015 10:16:19 AM(UTC-8)	Sent	What is omg for
169	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 10:16:44 AM(UTC-8)	Network: 12/17/2015 10:16:44 AM(UTC-8)	Read	O My God...like excited! lol
170	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 10:17:10 AM(UTC-8)	Network: 12/17/2015 10:17:10 AM(UTC-8)	Sent	I know that what are you excited about
171	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 10:18:14 AM(UTC-8)	Network: 12/17/2015 10:18:14 AM(UTC-8)	Read	Like u said u culd come ovr!
172	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 10:27:09 AM(UTC-8)	Network: 12/17/2015 10:27:09 AM(UTC-8)	Sent	Is your dad home now
173	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 10:45:56 AM(UTC-8)	Network: 12/17/2015 10:45:56 AM(UTC-8)	Read	Yeah he came home yesterday but is sleeping. He going away later
174	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 10:48:51 AM(UTC-8)	Network: 12/17/2015 10:48:51 AM(UTC-8)	Sent	Ok later when he leaves
175	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 11:13:53 AM(UTC-8)	Network: 12/17/2015 11:13:53 AM(UTC-8)	Sent	Hey
176	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 11:29:25 AM(UTC-8)	Network: 12/17/2015 11:29:25 AM(UTC-8)	Read	Yeah
177	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 11:31:22 AM(UTC-8)	Network: 12/17/2015 11:31:22 AM(UTC-8)	Sent	Maybe we can go to the park or drive today
178	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 11:59:34 AM(UTC-8)	Network: 12/17/2015 11:59:34 AM(UTC-8)	Sent	Let me know
179	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 12:06:30 PM(UTC-8)	Network: 12/17/2015 12:06:30 PM(UTC-8)	Read	maybe we culd just hang at my house and u no:)
180	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:33:20 PM(UTC-8)	Network: 12/17/2015 12:33:20 PM(UTC-8)	Sent	Would you like to meet in public first

181	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 12:51:55 PM(UTC-8)	Network: 12/17/2015 12:51:55 PM(UTC-8)	Read	i gues...but i feel safr here cus u culd like kidnap me or sumthin
182	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:54:56 PM(UTC-8)	Network: 12/17/2015 12:54:56 PM(UTC-8)	Sent	So where do you live in Tacoma
183	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:55:11 PM(UTC-8)	Network: 12/17/2015 12:55:11 PM(UTC-8)	Sent	I don't know who you are neither
184	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 12:55:27 PM(UTC-8)	Network: 12/17/2015 12:55:27 PM(UTC-8)	Read	Im kaylee
185	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 12:55:44 PM(UTC-8)	Network: 12/17/2015 12:55:44 PM(UTC-8)	Read	I live in a hill by the hospital
186	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:56:06 PM(UTC-8)	Network: 12/17/2015 12:56:06 PM(UTC-8)	Sent	I know that but I don't know you and I don't know if you are real or not I assume so but I don't know
187	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:56:12 PM(UTC-8)	Network: 12/17/2015 12:56:12 PM(UTC-8)	Sent	You have to give an address
188	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 12:58:18 PM(UTC-8)	Network: 12/17/2015 12:58:18 PM(UTC-8)	Sent	Do you have an address
189	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:19:28 PM(UTC-8)	Network: 12/17/2015 1:19:28 PM(UTC-8)	Read	i dnt no it...its a blu house...u no where the chikn place is by the hospital
190	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:21:52 PM(UTC-8)	Network: 12/17/2015 1:21:52 PM(UTC-8)	Read	dadz not gone til like 3 hrs
191	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:22:00 PM(UTC-8)	Network: 12/17/2015 1:22:00 PM(UTC-8)	Read	or 2 or sumth
192	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:24:27 PM(UTC-8)	Network: 12/17/2015 1:24:27 PM(UTC-8)	Sent	I don't know which hospital you talking about but if you go outside there's got to be a house number on the outside of the house
193	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:24:51 PM(UTC-8)	Network: 12/17/2015 1:24:51 PM(UTC-8)	Sent	I wouldn't come over there probably until around 6 or so maybe
194	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:28:43 PM(UTC-8)	Network: 12/17/2015 1:28:43 PM(UTC-8)	Read	thres no house numbe...it was painted...i thik its by 19...theres a chickn pice calls zells or ezls or sumthin
195	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:51:49 PM(UTC-8)	Network: 12/17/2015 1:51:49 PM(UTC-8)	Sent	Where are you at from there
196	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:52:35 PM(UTC-8)	Network: 12/17/2015 1:52:35 PM(UTC-8)	Read	like by ther...i culd give u dircton when u get thre if u want
197	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:56:15 PM(UTC-8)	Network: 12/17/2015 1:56:15 PM(UTC-8)	Read	i dnt realy no my strets
198	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:56:21 PM(UTC-8)	Network: 12/17/2015 1:56:21 PM(UTC-8)	Sent	Have you eaten there
199	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:57:03 PM(UTC-8)	Network: 12/17/2015 1:57:03 PM(UTC-8)	Sent	Well tell me directions from the place where you're at from that chicken store
200	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:57:29 PM(UTC-8)	Network: 12/17/2015 1:57:29 PM(UTC-8)	Read	i dnt like frid chkn
201	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:58:07 PM(UTC-8)	Network: 12/17/2015 1:58:07 PM(UTC-8)	Read	its like down the street and turn right and its like rigt ther
202	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 1:58:34 PM(UTC-8)	Network: 12/17/2015 1:58:34 PM(UTC-8)	Read	i culd maybe mmet u thre
203	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 1:59:43 PM(UTC-8)	Network: 12/17/2015 1:59:43 PM(UTC-8)	Sent	Yes we could probably meet there what are you going to wear for me tonight

204	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:00:09 PM(UTC-8)	Network 12/17/2015 2:00:09 PM(UTC-8)	Read	idk	
205	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:01:31 PM(UTC-8)	Network 12/17/2015 2:01:31 PM(UTC-8)	Sent	Have you had any other guys over there yet	
206	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:01:59 PM(UTC-8)	Network 12/17/2015 2:01:59 PM(UTC-8)	Read	no...jus mved here...	
207	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:02:10 PM(UTC-8)	Network 12/17/2015 2:02:10 PM(UTC-8)	Read	im not a slut	
208	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:02:30 PM(UTC-8)	Network 12/17/2015 2:02:30 PM(UTC-8)	Sent	I never said you were I would just ask the question	
209	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:03:00 PM(UTC-8)	Network 12/17/2015 2:03:00 PM(UTC-8)	Sent	Do you shave down in your vagina area	
210	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:05:21 PM(UTC-8)	Network 12/17/2015 2:05:21 PM(UTC-8)	Read	gawd...i wnt this sooo bad but am kinda scard ur like a psycy baby rapist or kidnapper or mumdrrer or sumethin else weird	
211	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:05:37 PM(UTC-8)	Network 12/17/2015 2:05:37 PM(UTC-8)	Read	i no i wantch 2 many movies	
212	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:06:39 PM(UTC-8)	Network 12/17/2015 2:06:39 PM(UTC-8)	Sent	Yes too many movies	
213	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:06:42 PM(UTC-8)	Network 12/17/2015 2:06:42 PM(UTC-8)	Sent	What kind of phone do you have	
214	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:09:42 PM(UTC-8)	Network 12/17/2015 2:09:42 PM(UTC-8)	Read	io fucked up ipod...i can only tex on it...my dad drilled the stupid camra lens	
215	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:21:24 PM(UTC-8)	Network 12/17/2015 2:21:24 PM(UTC-8)	Sent	How old were those pictures that you gave me	
216	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:27:48 PM(UTC-8)	Network 12/17/2015 2:27:48 PM(UTC-8)	Sent	How long ago were those pictures you gave me love you	
217	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:28:01 PM(UTC-8)	Network 12/17/2015 2:28:01 PM(UTC-8)	Read	like a month thre the computr	
218	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:30:41 PM(UTC-8)	Network 12/17/2015 2:30:41 PM(UTC-8)	Sent	That's a pretty nice bedroom you left behind	
219	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:33:29 PM(UTC-8)	Network 12/17/2015 2:33:29 PM(UTC-8)	Sent	So you go to the street where the chicken places that turn right and you're down that street correct? Which side of the street as I'm driving down right or left	
220	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:36:13 PM(UTC-8)	Network 12/17/2015 2:36:13 PM(UTC-8)	Read	kinda...jus go to the place and i can try to giv u betr dirctns	
221	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:36:50 PM(UTC-8)	Network 12/17/2015 2:36:50 PM(UTC-8)	Read	so i only had real sex 1 time...is that weird	
222	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:38:42 PM(UTC-8)	Network 12/17/2015 2:38:42 PM(UTC-8)	Sent	Really how long ago	
223	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:39:37 PM(UTC-8)	Network 12/17/2015 2:39:37 PM(UTC-8)	Read	lik a few mnths ago but it only was short...it was dumb...i wana be like in the movies u know	
224	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:40:35 PM(UTC-8)	Network 12/17/2015 2:40:35 PM(UTC-8)	Sent	Tell me tell me what you want	
225	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:47:30 PM(UTC-8)	Network 12/17/2015 2:47:30 PM(UTC-8)	Read	i did...jus dont wan it to hurt...how big r u	
226	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 2:55:21 PM(UTC-8)	Network 12/17/2015 2:55:21 PM(UTC-8)	Sent	Remember you said nothing personal info	

227	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 2:58:41 PM(UTC-8)	Network: 12/17/2015 2:58:41 PM(UTC-8)	Read	well i jus tryn 2 no if itll hurt
228	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:02:02 PM(UTC-8)	Network: 12/17/2015 3:02:02 PM(UTC-8)	Sent	It may a little cuz u are not use to it
229	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:06:32 PM(UTC-8)	Network: 12/17/2015 3:06:32 PM(UTC-8)	Read	my frend said she bled...does that happn...kina scard
230	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:07:35 PM(UTC-8)	Network: 12/17/2015 3:07:35 PM(UTC-8)	Sent	Well that probably should have happened the first time.
231	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:07:57 PM(UTC-8)	Network: 12/17/2015 3:07:57 PM(UTC-8)	Sent	Do you use a vibrator or fingers on your self
232	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:08:23 PM(UTC-8)	Network: 12/17/2015 3:08:23 PM(UTC-8)	Read	it bary hapend for like a second...it want like i hoped
233	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:08:59 PM(UTC-8)	Network: 12/17/2015 3:08:59 PM(UTC-8)	Read	i play with my clit sometimes but nothn insid
234	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:10:18 PM(UTC-8)	Network: 12/17/2015 3:10:18 PM(UTC-8)	Read	wish i had a dildo...is that a vibratr
235	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:10:25 PM(UTC-8)	Network: 12/17/2015 3:10:25 PM(UTC-8)	Read	same?
236	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:13:00 PM(UTC-8)	Network: 12/17/2015 3:13:00 PM(UTC-8)	Sent	No dildo is made out of hard rubber looks like a cock and a vibrator usually hard plastic can be soft plastic with the motor inside of it that will vibrate to stimulate you
237	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:14:26 PM(UTC-8)	Network: 12/17/2015 3:14:26 PM(UTC-8)	Read	Ohhhhhh!
238	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:28:12 PM(UTC-8)	Network: 12/17/2015 3:28:12 PM(UTC-8)	Read	u culd like come now if u wanna...im like totaly hot right now
239	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:28:52 PM(UTC-8)	Network: 12/17/2015 3:28:52 PM(UTC-8)	Read	cept i dont evn no what u look like
240	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:32:42 PM(UTC-8)	Network: 12/17/2015 3:32:42 PM(UTC-8)	Sent	Can't yet
241	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:33:23 PM(UTC-8)	Network: 12/17/2015 3:33:23 PM(UTC-8)	Read	Cant what send me pic? Or come
242	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:40:08 PM(UTC-8)	Network: 12/17/2015 3:40:08 PM(UTC-8)	Sent	Don't have a picture don't have a picture hun
243	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:42:13 PM(UTC-8)	Network: 12/17/2015 3:42:13 PM(UTC-8)	Read	what...lame...how do i no i want to be with u...u gona use a vibratr on me or u...will the vibratr not hurt as much
244	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:43:05 PM(UTC-8)	Network: 12/17/2015 3:43:05 PM(UTC-8)	Sent	I told you earlier to be around 6 or 6:30 nothing's changed when does your dad leave
245	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:43:22 PM(UTC-8)	Network: 12/17/2015 3:43:22 PM(UTC-8)	Read	OMG i wish u culd come NOW...im totly hot...its weird like nervs and tingly and evrythng
246	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 3:44:13 PM(UTC-8)	Network: 12/17/2015 3:44:13 PM(UTC-8)	Read	i dnt wanna bleed tho im totly scard bout that .
247	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 3:51:38 PM(UTC-8)	Network: 12/17/2015 3:51:38 PM(UTC-8)	Sent	Be patient
248	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 4:49:54 PM(UTC-8)	Network: 12/17/2015 4:49:54 PM(UTC-8)	Read	patint sux
249	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:34:51 PM(UTC-8)	Network: 12/17/2015 5:34:51 PM(UTC-8)	Sent	Hey you

250	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:35:03 PM(UTC-8)	Network 12/17/2015 5:35:03 PM(UTC-8)	Read	OMG	
251	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:35:27 PM(UTC-8)	Network 12/17/2015 5:35:27 PM(UTC-8)	Read	Hi	
252	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:36:26 PM(UTC-8)	Network 12/17/2015 5:36:26 PM(UTC-8)	Sent	Excited again	
253	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:37:18 PM(UTC-8)	Network 12/17/2015 5:37:18 PM(UTC-8)	Read	u shuld totly com ovr then	
254	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:39:19 PM(UTC-8)	Network 12/17/2015 5:39:19 PM(UTC-8)	Read	but u gotta promise me u wont do anything wit my ass...that is jus weed	
255	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:44:38 PM(UTC-8)	Network 12/17/2015 5:44:38 PM(UTC-8)	Read	is it weird that my pants are like wet but i didnt pee...i nvr felt like this b4	
256	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:48:55 PM(UTC-8)	Network 12/17/2015 5:48:55 PM(UTC-8)	Sent	I can rub it and spank it lightly,	
257	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:49:33 PM(UTC-8)	Network 12/17/2015 5:49:33 PM(UTC-8)	Read	my ass...thats weird	
258	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:51:17 PM(UTC-8)	Network 12/17/2015 5:51:17 PM(UTC-8)	Sent	Just like the movies	
259	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:51:42 PM(UTC-8)	Network 12/17/2015 5:51:42 PM(UTC-8)	Sent	Have you ever lived in Idaho	
260	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:53:37 PM(UTC-8)	Network 12/17/2015 5:53:37 PM(UTC-8)	Read	dad used to live by clarkston	
261	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:54:09 PM(UTC-8)	Network 12/17/2015 5:54:09 PM(UTC-8)	Sent	Your number is a Idaho number	
262	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:55:37 PM(UTC-8)	Network 12/17/2015 5:55:37 PM(UTC-8)	Read	yea its like up by there or sumthin...its like lewston i thnk	
263	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:56:23 PM(UTC-8)	Network 12/17/2015 5:56:23 PM(UTC-8)	Read	i dnt want u to spank my ass...thats werd	
264	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:57:11 PM(UTC-8)	Network 12/17/2015 5:57:11 PM(UTC-8)	Sent	Has he gone to work	
265	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:57:25 PM(UTC-8)	Network 12/17/2015 5:57:25 PM(UTC-8)	Read	like 4 evr ago	
266	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:57:36 PM(UTC-8)	Network 12/17/2015 5:57:36 PM(UTC-8)	Read	im hungry	
267	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 5:57:50 PM(UTC-8)	Network 12/17/2015 5:57:50 PM(UTC-8)	Read	gona eat	
268	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 5:59:45 PM(UTC-8)	Network 12/17/2015 5:59:45 PM(UTC-8)	Sent	Ok	
269	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 6:55:00 PM(UTC-8)	Network 12/17/2015 6:55:00 PM(UTC-8)	Sent	Hey you	
270	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 6:57:28 PM(UTC-8)	Network 12/17/2015 6:57:28 PM(UTC-8)	Sent	Hey	
271	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:00:13 PM(UTC-8)	Network 12/17/2015 7:00:13 PM(UTC-8)	Sent	Did you fall asleep	
272	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:06:35 PM(UTC-8)	Network 12/17/2015 7:06:35 PM(UTC-8)	Sent	Hey you	

273	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:08:07 PM(UTC-8)	Network: 12/17/2015 7:08:07 PM(UTC-8)	Read	Hi
274	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:08:29 PM(UTC-8)	Network: 12/17/2015 7:08:29 PM(UTC-8)	Sent	Did you fall asleep
275	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:08:34 PM(UTC-8)	Network: 12/17/2015 7:08:34 PM(UTC-8)	Read	U make me mad
276	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:08:45 PM(UTC-8)	Network: 12/17/2015 7:08:45 PM(UTC-8)	Sent	Why
277	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:08:59 PM(UTC-8)	Network: 12/17/2015 7:08:59 PM(UTC-8)	Sent	I'm on my way
278	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:09:29 PM(UTC-8)	Network: 12/17/2015 7:09:29 PM(UTC-8)	Read	How far away r u
279	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:10:28 PM(UTC-8)	Network: 12/17/2015 7:10:28 PM(UTC-8)	Sent	With the traffic probably about 15 minutes traffic was bad hard to get home
280	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:10:46 PM(UTC-8)	Network: 12/17/2015 7:10:46 PM(UTC-8)	Sent	I was looking on google maps and I found the chicken place do you turn right right there between there and the gas station
281	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:11:14 PM(UTC-8)	Network: 12/17/2015 7:11:14 PM(UTC-8)	Read	I can go to gas station
282	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:11:23 PM(UTC-8)	Network: 12/17/2015 7:11:23 PM(UTC-8)	Read	How I no its u
283	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:12:02 PM(UTC-8)	Network: 12/17/2015 7:12:02 PM(UTC-8)	Read	U nvr even sent me pic...
284	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:12:09 PM(UTC-8)	Network: 12/17/2015 7:12:09 PM(UTC-8)	Read	R u cute
285	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:12:10 PM(UTC-8)	Network: 12/17/2015 7:12:10 PM(UTC-8)	Sent	Well I thought you were going to tell me which house to go to do you turn right there
286	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:12:17 PM(UTC-8)	Network: 12/17/2015 7:12:17 PM(UTC-8)	Read	Or gross
287	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:12:24 PM(UTC-8)	Network: 12/17/2015 7:12:24 PM(UTC-8)	Sent	I'm nice looking but im older just like my ad said
288	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:12:53 PM(UTC-8)	Network: 12/17/2015 7:12:53 PM(UTC-8)	Read	Wish u sent me a pic so I no ur not gross
289	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:13:10 PM(UTC-8)	Network: 12/17/2015 7:13:10 PM(UTC-8)	Sent	I am NOT gross at all girls tell me I'm very handsome all the time
290	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:14:19 PM(UTC-8)	Network: 12/17/2015 7:14:19 PM(UTC-8)	Sent	Are you home alone now
291	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:14:56 PM(UTC-8)	Network: 12/17/2015 7:14:56 PM(UTC-8)	Read	yea
292	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:16:12 PM(UTC-8)	Network: 12/17/2015 7:16:12 PM(UTC-8)	Sent	So do I go to the chicken place and turn right
293	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:18:10 PM(UTC-8)	Network: 12/17/2015 7:18:10 PM(UTC-8)	Sent	Hello
294	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:18:45 PM(UTC-8)	Network: 12/17/2015 7:18:45 PM(UTC-8)	Sent	You've been telling me you want this all day long talk to me
295	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:20:04 PM(UTC-8)	Network: 12/17/2015 7:20:04 PM(UTC-8)	Sent	If you're not going to talk to me then your mind supposed to turn around and go back home

296	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:21:19 PM(UTC-8)	Network: 12/17/2015 7:21:19 PM(UTC-8)	Sent	You wanted me to come on over I know you're there are you going to answer
297	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:22:23 PM(UTC-8)	Network: 12/17/2015 7:22:23 PM(UTC-8)	Read	gonna take a shower...u want me to shave
298	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:22:44 PM(UTC-8)	Network: 12/17/2015 7:22:44 PM(UTC-8)	Sent	That would be nice tell me how to get there
299	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:23:53 PM(UTC-8)	Network: 12/17/2015 7:23:53 PM(UTC-8)	Sent	From the chicken place tell me where to go turn right at the chicken place by the gas station go down the road and you're in a blue house on the right or left when is it dark blue or light blue
300	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:24:13 PM(UTC-8)	Network: 12/17/2015 7:24:13 PM(UTC-8)	Read	i meet u at the ckn place...but i dnt evn no who im lookn 4...no way can u come to my huse...u culd be like a rapist...i wanna get down but not hurt
301	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:25:30 PM(UTC-8)	Network: 12/17/2015 7:25:30 PM(UTC-8)	Sent	I'm not going to hurt you silly you want you can run out to my car meet me there
302	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:30:49 PM(UTC-8)	Network: 12/17/2015 7:30:49 PM(UTC-8)	Read	is it not gonna hurt bad if i shave
303	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:30:59 PM(UTC-8)	Network: 12/17/2015 7:30:59 PM(UTC-8)	Read	like do hairs hurt or smthn
304	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:31:21 PM(UTC-8)	Network: 12/17/2015 7:31:21 PM(UTC-8)	Read	bout to shower im nervis like sweaty...
305	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:31:37 PM(UTC-8)	Network: 12/17/2015 7:31:37 PM(UTC-8)	Sent	You don't have to shave if you don't want to
306	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:31:44 PM(UTC-8)	Network: 12/17/2015 7:31:44 PM(UTC-8)	Read	im like wet and i didnt pee my pants i dnt even no wy...im sorry
307	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:32:28 PM(UTC-8)	Network: 12/17/2015 7:32:28 PM(UTC-8)	Sent	That's because your pussy is excited
308	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:32:32 PM(UTC-8)	Network: 12/17/2015 7:32:32 PM(UTC-8)	Read	i dnt even no why
309	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:33:04 PM(UTC-8)	Network: 12/17/2015 7:33:04 PM(UTC-8)	Sent	Well I'm already up by the hospital so
310	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:33:43 PM(UTC-8)	Network: 12/17/2015 7:33:43 PM(UTC-8)	Read	i dnt want it to hurt...
311	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:33:50 PM(UTC-8)	Network: 12/17/2015 7:33:50 PM(UTC-8)	Read	like nervs
312	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:34:11 PM(UTC-8)	Network: 12/17/2015 7:34:11 PM(UTC-8)	Read	u promis i wont get preg
313	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:34:18 PM(UTC-8)	Network: 12/17/2015 7:34:18 PM(UTC-8)	Read	im get in shwr
314	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:35:13 PM(UTC-8)	Network: 12/17/2015 7:35:13 PM(UTC-8)	Read	dont condoms break
315	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:35:22 PM(UTC-8)	Network: 12/17/2015 7:35:22 PM(UTC-8)	Read	u hav 1 right
316	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:35:34 PM(UTC-8)	Network: 12/17/2015 7:35:34 PM(UTC-8)	Read	sory for the q's just like nervis
317	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:36:32 PM(UTC-8)	Network: 12/17/2015 7:36:32 PM(UTC-8)	Sent	I'm fixed
318	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:37:14 PM(UTC-8)	Network: 12/17/2015 7:37:14 PM(UTC-8)	Read	i cant get no diseass

319	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:37:47 PM(UTC-8)	Network: 12/17/2015 7:37:47 PM(UTC-8)	Read	either	
320	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:38:09 PM(UTC-8)	Network: 12/17/2015 7:38:09 PM(UTC-8)	Sent	I am completely disease free and I can't get you pregnant	
321	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:38:56 PM(UTC-8)	Network: 12/17/2015 7:38:56 PM(UTC-8)	Read	so like u gotta have a condom if u wana do that th ok? Up 2 u	
322	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:39:50 PM(UTC-8)	Network: 12/17/2015 7:39:50 PM(UTC-8)	Sent	I don't need one like I said I can't get you pregnant I just had a physical about 3-4 weeks ago and completely disease free I don't mess around	
323	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:40:24 PM(UTC-8)	Network: 12/17/2015 7:40:24 PM(UTC-8)	Sent	Are you going to tell me how to get to your house if you're in the shower	
324	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:40:45 PM(UTC-8)	Network: 12/17/2015 7:40:45 PM(UTC-8)	Read	ye but like if u wana have sex wont i get 1 dises anywayz	
325	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:42:05 PM(UTC-8)	Network: 12/17/2015 7:42:05 PM(UTC-8)	Sent	I don't have any to give you I have no diseases	
326	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 7:44:05 PM(UTC-8)	Network: 12/17/2015 7:44:05 PM(UTC-8)	Read	just got my cloths clen...gona get in shwr...wana have dinner	
327	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:45:56 PM(UTC-8)	Network: 12/17/2015 7:45:56 PM(UTC-8)	Sent	I'm ready I don't got all night what are we going to do	
328	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 7:46:29 PM(UTC-8)	Network: 12/17/2015 7:46:29 PM(UTC-8)	Sent	30 minutes ago you said you were getting in the shower	
329	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:00:47 PM(UTC-8)	Network: 12/17/2015 8:00:47 PM(UTC-8)	Sent	Well I don't know what to tell you	
330	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:01:40 PM(UTC-8)	Network: 12/17/2015 8:01:40 PM(UTC-8)	Read	Just got out shower	
331	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:05:01 PM(UTC-8)	Network: 12/17/2015 8:05:01 PM(UTC-8)	Read	U promise u don't have stds ima run there.	
332	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:05:10 PM(UTC-8)	Network: 12/17/2015 8:05:10 PM(UTC-8)	Read	Promise	
333	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:05:59 PM(UTC-8)	Network: 12/17/2015 8:05:59 PM(UTC-8)	Sent	Hun I got to get up at 5 a.m. so I need to	
334	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:06:34 PM(UTC-8)	Network: 12/17/2015 8:06:34 PM(UTC-8)	Read	If u promise u can come ovr	
335	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:06:41 PM(UTC-8)	Network: 12/17/2015 8:06:41 PM(UTC-8)	Read	Promise no stds	
336	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:07:40 PM(UTC-8)	Network: 12/17/2015 8:07:40 PM(UTC-8)	Sent	I promise I just don't know where you live there's a guy here that just stop me wanting to know what I was doing in this neighborhood	
337	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:08:49 PM(UTC-8)	Network: 12/17/2015 8:08:49 PM(UTC-8)	Sent	Kind of scary	
338	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:10:08 PM(UTC-8)	Network: 12/17/2015 8:10:08 PM(UTC-8)	Read	I think it's 1908 s Yakima	
339	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:11:46 PM(UTC-8)	Network: 12/17/2015 8:11:46 PM(UTC-8)	Read	its like a big blue house apartment thing and the only place to park on back by ally thng...u gotta park by ally...its the top floor like by a bridge walkway	
340	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:12:14 PM(UTC-8)	Network: 12/17/2015 8:12:14 PM(UTC-8)	Read	U gota park by slvr car cause	
341	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:12:25 PM(UTC-8)	Network: 12/17/2015 8:12:25 PM(UTC-8)	Read	It's my dad's spot	

342	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:14:45 PM(UTC-8)	Network: 12/17/2015 8:14:45 PM(UTC-8)	Read	Im hungry	
343	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:15:44 PM(UTC-8)	Network: 12/17/2015 8:15:44 PM(UTC-8)	Read	U gotta go to the back cuz other people live downstairs	
344	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:16:00 PM(UTC-8)	Network: 12/17/2015 8:16:00 PM(UTC-8)	Read	It's like a big apartment house thing	
345	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:17:49 PM(UTC-8)	Network: 12/17/2015 8:17:49 PM(UTC-8)	Sent	That guy kinda spooked me	
346	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:21:12 PM(UTC-8)	Network: 12/17/2015 8:21:12 PM(UTC-8)	Read	Wat?	
347	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:21:43 PM(UTC-8)	Network: 12/17/2015 8:21:43 PM(UTC-8)	Read	U r weird	
348	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:22:16 PM(UTC-8)	Network: 12/17/2015 8:22:16 PM(UTC-8)	Sent	Why am i weird I've been hanging out down here for an hour people have seen my car	
349	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:22:27 PM(UTC-8)	Network: 12/17/2015 8:22:27 PM(UTC-8)	Read	R u almost here	
350	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:22:30 PM(UTC-8)	Network: 12/17/2015 8:22:30 PM(UTC-8)	Sent	You told me you lived in a dump at places in a dump	
351	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:23:12 PM(UTC-8)	Network: 12/17/2015 8:23:12 PM(UTC-8)	Read	I live in a old Blu house..it's a apartment now	
352	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:23:50 PM(UTC-8)	Network: 12/17/2015 8:23:50 PM(UTC-8)	Read	Like there like a silver car and like paint cans by it in ally that how u get here	
353	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:24:27 PM(UTC-8)	Network: 12/17/2015 8:24:27 PM(UTC-8)	Sent	Is it safe up here	
354	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:24:43 PM(UTC-8)	Network: 12/17/2015 8:24:43 PM(UTC-8)	Read	Yes in the house	
355	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:25:36 PM(UTC-8)	Network: 12/17/2015 8:25:36 PM(UTC-8)	Read	I just went in aly but didnt see any1	
356	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:25:45 PM(UTC-8)	Network: 12/17/2015 8:25:45 PM(UTC-8)	Read	R u trying trick me	
357	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:26:56 PM(UTC-8)	Network: 12/17/2015 8:26:56 PM(UTC-8)	Sent	I went back down by the hospital where I know its safe	
358	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:27:09 PM(UTC-8)	Network: 12/17/2015 8:27:09 PM(UTC-8)	Sent	There are black guys all over the place in here cars around here circling	
359	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:27:17 PM(UTC-8)	Network: 12/17/2015 8:27:17 PM(UTC-8)	Sent	They've seen me several times and stop me	
360	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:28:16 PM(UTC-8)	Network: 12/17/2015 8:28:16 PM(UTC-8)	Read	Go dwn the aly by hospital lot.....park by slvr car and go to Blu house	
361	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:29:34 PM(UTC-8)	Network: 12/17/2015 8:29:34 PM(UTC-8)	Read	Omg where r u	
362	Sent	To 2085036117 Kaylee Duncan*	12/17/2015 8:31:23 PM(UTC-8)	Network: 12/17/2015 8:31:23 PM(UTC-8)	Sent	Why don't you walk up to the emergency entrance to the hospital parking lot and I can meet you there I feel safer doing that	
363	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:33:11 PM(UTC-8)	Network: 12/17/2015 8:33:11 PM(UTC-8)	Read	idk no where that is	
364	Inbox	From 2085036117 Kaylee Duncan*	12/17/2015 8:33:43 PM(UTC-8)	Network: 12/17/2015 8:33:43 PM(UTC-8)	Unread	Jus come to aly	

APPENDIX B

Ex.6

Deleted: Intact | Timestamp: 12/14/2015 5:31:21 PM(UTC-8) | Priority: Normal | Status: Read | Account: kinvestor@comcast.net | Folder: Sent

From: [redacted] kinvestor@comcast.net kinvestor@comcast.net*
To: [redacted] c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
Cc: [redacted]
Bcc: [redacted]

Body file: [mes-10.eml](#) MDS: cd282393623b37ec8ee85d1158dbc3d4

Hello, I am b very open in play. I am a Dom.
I like bdsm, dirty talk, pda and whatever you like.
My name is Ken. Hit me up let's text a little and go from there.
253 381 5275

Sent from XFINITY Connect Mobile App

-----Original Message-----

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
To: xmssj-5339577480@pers.craigslist.org
Cc:
Sent: 2015-12-14 16:08:10 GMT
Subject: looking for young little girl - m4w
im totaly bored...what kinda play r u into?
<http://seattle.craigslist.org/tac/cas/5339577480.html>

Original craigslist post:
<http://seattle.craigslist.org/tac/cas/5339577480.html>

About craigslist mail:
<http://craigslist.org/about/help/email-relay>
Please flag unwanted messages (spam, scam, other):
<http://craigslist.org/mf/ff5bc405575a30ad32bf4ce088>



From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

To: xmssj-5339577480@pers.craigslist.org

Cc:

Sent: 2015-12-14 20:46:21 GMT

Subject: Re: looking for young little girl - m4w

i dont no what ur talking about...im almost 14 but act way older...i nvr herd of that stuff though

On Mon, Dec 14, 2015 at 5:31 PM, craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org [mailto:xmssj-5339577480@pers.craigslist.org] >wrote:

Hello, I am b very open in play. I am a Dom.

I like bdsm, dirty talk, pda and whatever you like.

My name is Ken. Hit me up let's text a little and go from there.

253 381 5275 [tel:253%20381%205275]

Sent from XFINITY Connect Mobile App

APPENDIX C

Ex. 2



Kaylee Duncan <kayleejane42@gmail.com>

looking for young little girl - m4w

15 messages

Kaylee Duncan <kayleejane42@gmail.com>
To: xmssj-5339577480@pers.craigslist.org

Mon, Dec 14, 2015 at 4:07 PM

im totaly bored...what kinda play r u into?

<http://seattle.craigslist.org/tac/cas/5339577480.html>

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>
To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

Mon, Dec 14, 2015 at 5:31 PM

Hello, I am b very open in play. I am a Dom.
I like bdsm, dirty talk, pda and whatever you like.
My name is Ken. Hit me up let's text a little and go from there.
253 381 5275

Sent from XFINITY Connect Mobile App

-----Original Message-----

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
To: xmssj-5339577480@pers.craigslist.org
Cc:
Sent: 2015-12-14 16:08:10 GMT
Subject: looking for young little girl - m4w

im totaly bored...what kinda play r u into?

<http://seattle.craigslist.org/tac/cas/5339577480.html>

Original craigslist post:
<http://seattle.craigslist.org/tac/cas/5339577480.html>
About craigslist mail:
<http://craigslist.org/about/help/email-relay>
Please flag unwanted messages (spam, scam, other):
<http://craigslist.org/mf/ff5bc405575a30ad32bf4ce088e37e7237de1734.4>

Original craigslist post:
<http://seattle.craigslist.org/tac/cas/5339577480.html>
About craigslist mail:
<http://craigslist.org/about/help/email-relay>
Please flag unwanted messages (spam, scam, other):

<http://craigslist.org/mf/041ee6bbb7d8526a397542ab867038f0ef5c6b59.1>

Kaylee Duncan <kayleejane42@gmail.com>
To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Mon, Dec 14, 2015 at 8:46 PM

i dont no what ur talking about...im almost 14 but act way older...i nvr herd of that stuff though
[Quoted text hidden]

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>
To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

Mon, Dec 14, 2015 at 9:41 PM

What are you looking for and can I get some pictures of you

Sent from XFINITY Connect Mobile App

—Original Message—

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
To: xmssj-5339577480@pers.craigslist.org
Cc:
Sent: 2015-12-14 20:46:21 GMT
Subject: Re: looking for young little girl - m4w
[Quoted text hidden]

[Quoted text hidden]
<http://craigslist.org/mf/109bb5d889f8de9102574b13b6c7ecdf2ce8699d.41>

Original craigslist post:
<http://seattle.craigslist.org/tac/cas/5339577480.html>
About craigslist mail:
<http://craigslist.org/about/help/email-relay>
Please flag unwanted messages (spam, scam, other):
<http://craigslist.org/mf/8056f06bf854fb6c7aab400d845db4fafd1856f6.1>

Kaylee Duncan <kayleejane42@gmail.com>
To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Mon, Dec 14, 2015 at 10:00 PM

IDK...just want it 2 be like the movies
[Quoted text hidden]

Kaylee Duncan <kayleejane42@gmail.com>
To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Mon, Dec 14, 2015 at 10:35 PM

u culd tex me if u want 208 503 6117.
[Quoted text hidden]

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Tue, Dec 15, 2015 at 1:11 AM

To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

I really want to see pictures of you so I know if you are real and also tell me the area in which you live.

Sent from XFINITY Connect Mobile App

—Original Message—

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
To: xmssj-5339577480@pers.craigslist.org
Cc:
Sent: 2015-12-14 22:35:58 GMT
Subject: Re: looking for young little girl - m4w

u culd tex me if u want 208 503 6117.

[Quoted text hidden]

[Quoted text hidden]

<http://craigslist.org/mf/beb7f2e164c7a6c269cb462fb67d32c1138e4260.15>

Original craigslist post:

<http://seattle.craigslist.org/tac/cas/5339577480.html>

About craigslist mail:

<http://craigslist.org/about/help/email-relay>

Please flag unwanted messages (spam, scam, other):

<http://craigslist.org/mf/cb12f48ea8421022cd2e45eb82f7ecaa1b6389b5.1>

Kaylee Duncan <kayleejane42@gmail.com>

Tue, Dec 15, 2015 at 8:37 AM

To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

i am in tacoma on a hill by the hospital. i dnt no my way around here very good. we just moved.

[Quoted text hidden]

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Tue, Dec 15, 2015 at 9:01 AM

To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

Do you have pictures of you just regular pictures of you

Sent from XFINITY Connect Mobile App

—Original Message—

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org
To: xmssj-5339577480@pers.craigslist.org
Cc:
Sent: 2015-12-15 08:38:01 GMT
[Quoted text hidden]

[Quoted text hidden]

<http://craigslist.org/mf/1180a2e983bf0770d1504da59d94b2de13d2156f.12>

Original craigslist post:

<http://seattle.craigslist.org/tac/cas/5339577480.html>

About craigslist mail:

<http://craigslist.org/about/help/email-relay>

Please flag unwanted messages (spam, scam, other):

<http://craigslist.org/mf/2384014c1ec847a54e6f417381eb323882605a1c.1>

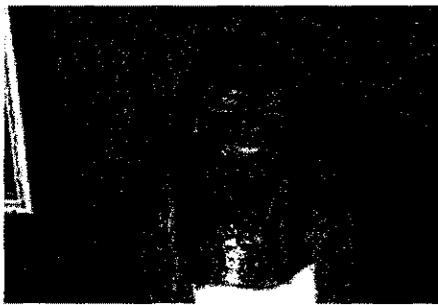
Kaylee Duncan <kayleejane42@gmail.com>

Tue, Dec 15, 2015 at 9:32 AM

To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

your turn to send me 1

[Quoted text hidden]



87230Areg Ff.jpg
21K

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Tue, Dec 15, 2015 at 10:07 AM

To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

Pretty picture, where are you from you said you just moved here? You should be in school what school do you go to? It was very important question are you affiliated in any way with law enforcement?

Sent from XFINITY Connect Mobile App

—Original Message—

From: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

To: xmssj-5339577480@pers.craigslist.org

Cc:

Sent: 2015-12-15 09:32:54 GMT

[Quoted text hidden]

[Quoted text hidden]

<http://craigslist.org/mf/6a66033ff5dcc30f8a7447a18fee85881918e991.13>

Original craigslist post:

<http://seattle.craigslist.org/tac/cas/5339577480.html>

About craigslist mail:

<http://craigslist.org/about/help/email-relay>

Please flag unwanted messages (spam, scam, other):

<http://craigslist.org/mf/440480ba9eee5fc6fe3b44978a9513ac8ba71b9a.1>

Kaylee Duncan <kayleejane42@gmail.com>

Tue, Dec 15, 2015 at 10:14 AM

To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

i dont go to skool here yet...what does affiliat mean?

[Quoted text hidden]

Kaylee Duncan <kayleejane42@gmail.com>

Wed, Dec 16, 2015 at 10:17 AM

To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

i cant sent picturs from my phone...its a stupid text only 1. can u send me 1?

[Quoted text hidden]



IMG_0022.JPG

29K

craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

Wed, Dec 16, 2015 at 11:28 AM

To: c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org

I wanna see a different picture of you besides just that one. I'll send you a couple once you send me one or two more that isn't the same photo

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Kaylee Duncan <c361eb4d39e732d78879303f4fdcff24@reply.craigslist.org>
Date: 12/16/2015 10:17 AM (GMT-08:00)
To: xmssj-5339577480@pers.craigslist.org
Subject: Re: looking for young little girl - m4w

i cant sent pictures from my phone...its a stupid text only 1. can u send me 1?

[Quoted text hidden]

<http://craigslist.org/mf/97b19e74daf0149afd54bb99a33336a72d19b48.7>

Original craigslist post:

<http://seattle.craigslist.org/tac/cas/5339577480.html>

About craigslist mail:

<http://craigslist.org/about/help/email-relay>

Please flag unwanted messages (spam, scam, other):

<http://craigslist.org/mf/2b2e25764ee1df9c40f34749bbf7d0b91c27a87f.1>

Kaylee Duncan <kayleejane42@gmail.com>

Wed, Dec 16, 2015 at 12:24 PM

To: craigslist 5339577480 <xmssj-5339577480@pers.craigslist.org>

[Quoted text hidden]



IMG_0024.JPG
56K

BARBARA COREY, ATTORNEY AT LAW

October 10, 2019 - 1:44 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51480-0
Appellate Court Case Title: State of Washington, Respondent v. Kenneth P. Zimmerman, Jr., Appellant
Superior Court Case Number: 15-1-05062-3

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