

1-2-74-2-1

1-2-74-2-1

NO. 169742-1-I

THE COURT OF APPEALS OF THE STATE OF WASHINGTON

THE STATE OF WASHINGTON

VS.

BERNARD WATKINS

COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2013 NOV 22 PM 1:52

STATEMENT OF ADDITIONAL GROUNDS

Bernard Watkins
Coyote Ridge Corr. Ctr.
PO Box 739
Connell, WA 99026

STATUS OF APPELLANT

Bernard Watkins is currently incarcerated at the Coyote Ridge Corrections Center for the following charge (s):

3 Counts Promoting Commercial Sexual Abuse of a minor,

1 Count Unlawful Possession of a Firearm 2nd Degree

He was given 209 months in prison and 36 months for Community custody.

ISSUE (S) PRESENTED

DID THE STATE ERR AND ABUSE ITS DISCRETION WHEN IT ENGAGED IN MISCONDUCT BY NOT MAKING ITSELF AVAILABLE TO BE AT THE DEFENSE COUNSELS INTERVIEW OF ONE OF THE STATES WITNESSES WHEN THE WITNESS REQUESTED THAT THE PROSECUTOR BE PRESENT AT THE INTERVIEW, AFTER BEING WARNED BY THE JUDGE, THAT THE STATE WAST AVAILABLE ANY WITNESSES IT PLANS ON CALLING, IN VIOLATION OF STATE AND FEDERAL CONSTITUTIONAL RIGHTS AFFORDED TO HIM?

- L. PURSUANT TO THE HOLDINGS IN CRAWFORD V. MASSINGLOK, 124 S.CT. 1354 (2004), TESTIMONY IS ONLY ADMISSIBLE IF THE DECLARANT TAKES THE STAND AT TRIAL FOR CROSS-EXAMINATION. DID THE STATE ERR AND ABUSE ITS DISCRETION WHEN IT USED TEXT MESSAGES TO CONVICT THE DEFENDANT WITHOUT HAVING THE PERSON WHO SENT THE TEXT MESSAGE AVAILABLE FOR CROSS EXAMINATION IN COURT, IN VIOLATION OF STATE AND FEDERAL CONSTITUTIONAL RIGHTS AFFORDED HIM?

STATEMENT OF THE CASE

Bernard Watkins brings these issues before this Court because the State has not presented any evidence of the crime charged. The State used Texted messages with the prosecutor saying, "I think she is talking to Mr. Watkins in this text". What he thinks is not a matter of law, but it is his personal opinion. That is not law, and should not be

treated as such. The basis of our law structure is that you must prove beyond a reasonable doubt for it to be proven.

ARGUMENT

A. THE STATE ERRED AND ABUSED ITS DISCRETION WHEN IT ENGAGED IN MISCONDUCT BY NOT MAKING ITSELF AVAILABLE TO BE AT THE DEFENSE COUNSELS INTERVIEW OF ONE OF THE STATES WITNESSES WHEN THE WITNESS REQUESTED THAT THE PROSECUTOR BE PRESENT AT THE INTERVIEW, AFTER BEING WARNED BY THE JUDGE, THAT THE STATE MAKE AVAILABLE AND WITNESSES IT PLANS ON CALLING, IN VIOLATION OF STATE AND FEDERAL CONSTITUTIONAL RIGHTS AFFORDED TO HIM.

The State erred and abused its discretion when it did not make the witnesses available after being warned by the Judge that it needed to do so. The Prosecutor first stated in open court that he did not need the witnesses to prove its case. He then stated that he would have KAYLA MCCOY coming to testify. (See VRP 2RP 7-24 @ 8-1 ~~VRP 7-24 @ 8-1~~ Ex 1)

The Defense attorney tried to get in contact with her and have her come in so she could be interviewed. She did not say so, but she said that she wanted the prosecutor to be ther with her when she was interviewed by the defense attorney. This information was brought to the court by the investigator.. (See Declaration of Julie Gonzalez Ex 2). The prosecutor never made himself available so that the interview could take place This is a Brady violation where the prosecution is withholding evidence from the defense.. In Brady v. Maryland, 373 U.S. 83 87, 83 SCT 1194 101 ER 215 (1963) it says that the State must turn over to the defense all exculpatory evidence to the them whether its for guilt or innocence. When the Prosecutor did not make himself available, he was essentially withholding evidence from the the defense.

The governments obligation under Brady are not confined [.] [however], to evidence that affirmatively proves a defendant innocent: Even if evidence is merely favorable to the accused, its suppression violates Brady if prejudice results. *Gantt v. Roe*, 389 F.3d 908, 912 (9th Cir. 2004) (citing Brady and Strickler). [A] criminal defendants...right to receive from prosecutors exculpatory impeachment material [is] a right that the Constitution provides as part of its basic fair trial guarantee," citing Brady and U.S. CONST. AMENDS. V and VI). "The government's Brady obligation continue through the time of the sentencing hearing." *United States v. Nikrasch*, 25 Fed.Appx. 570, 572 (9th Cir. Dec. 26, 2001) (unpub. Disp.) (citing *Best v. Scott*, 55 F.3d 996, 1002-04 (5th C Cir. 1995))..

In the brief at hand, all through the trial, Mr. Watkins constantly asked where the witnesses that the prosecution was going to call were. When the judge warned the prosecution that all witnesses that they plan on calling must be made available to the defense ASAP, the prosecution then did not make themselves available, when its key witness said that she would be interviewed only if the prosecutor was there. He would not make himself available for her to be interviewed. withholding this evidence prejudiced Mr. Watkins and violated his constitutional rights.

B. PURSUANT TO THE HOLDINGS IN *CRAWFORD V. WASHINGTON*, 124 S.Ct. 1354 (2004), TESTIMONY IS ONLY ADMISSIBLE IF THE DECLARANT TAKES THE STAND AT TRIAL FOR CROSS-EXAMINATION. THE STATE ERRED AND ABUSED ITS DISCRETION WHEN IT USED TEXT MESSAGES TO CONVICT THE DEFENDANT, WITHOUT HAVING THE PERSON WHO SENT THE TEXT MESSAGE AVAILABLE

FOR CROSS-EXAMINATION IN COURT, IN VIOLATION
OF STATE AND FEDERAL CONSTITUTIONAL RIGHTS AFFORDED
HIM.

The State violated Mr. Watkins rights when it used text messages, for which you cannot tell who is talking to who, to charge and convict the defendant of the crime charged. The prosecution said, in his recollection that the defendant was asked for a ride by Tiana Rainwater, and he agreed to give her one. The prosecution never showed these texts messages in court nor did they make Tiana Rainwater available for cross-examination by the defense. This is not only insufficient evidence, but also a Brady violation for not turning this exculpatory evidence over to the defense, and a Crawford violation. (See 14 RP 69-

21\ 70-1-8 Ex 3)

When looking through text messages, there is no way for the Prosecution to prove anything that is said. Without him bringing the text messages that he claims to recollect to court, there is reasonable doubt that they even exist..

In Count One, Two and three of the this case text messages were used not only to charge, but to convict. How is the State able to tell who is talking to who on the phone, by looking at the text messages? Text messages don't show a name of who is talking, and the phone number just shows who's phone it is being texted from, not who is actually texting. Once again by not having those witnesses available for cross-examination in in open court, its a Crawford violation, and violateds Mr. Watkins rights to a fair trial, and to cross examine his accusers.

CONCLUSION

The State in this case used text messages as the physical evidence that they presented. The State knows that it cannot meet the corpus delicti without corroborating the evidence that it used. They refused to corroborate the evidence, even saying in open court. I don't need to have the witnesses to prove my case. Using the text messages, he would have needed them to corroborate, who was talking to who and be able to prove that it was so.. In closing arguments for example, the prosecutor said that Kayla McCoy had nothing to do with anything dealing with the charges or the case, yet her phone was used to take pictures of females to be put on backpage.com, and she was answering phones and taking calls, but yet he says she wasn't involved. Her taking a picture with her camera phone, shows her involvement, but without her involvement as the state says, there is no way for them to corroborate what they were saying about the defendant..

The defendant in this case requests not to be held to the standards of an attorney. He has no legal training and requests liberal interpretation of the law. *Malang v. Cook*, 490 U.S. 488, 491, 109 S.Ct. 1923, 104 L.Ed.2d 540 (1989)

Mr. Watkins asks this Honorable Court to grant the appeal and dismiss the Counts against him due to no corroboration of any evidence, or in the alternative remand for New Trial due to the Brady Violations and the Crawford Violations.

DATED this 14th day of November, 2013.

Respectfully submitted,


BERNARD Watkins

Exhibit 1

1 years I have been on the bench where a criminal case has --
2 where they have stayed proceedings in the lower court, so I
3 don't expect it to happen in this case, but if it does, that
4 will take care of itself, and so I see no further reason for
5 delay of this case.

6 Mr. Watkins was concerned with his speedy trial rights
7 and we have had a number of delays for various reasons in
8 this case, so your motion to this court to stay the
9 proceedings until the Court of Appeals rules on the stay is
10 denied.

11 MR. MINOR: Your Honor, I would further move to
12 dismiss the information, as we previously complained about
13 the failure of the State to produce the alleged victims and
14 the primary witness, Kayla McCoy, for defense interviews.
15 That still has not occurred and we believe that the State's
16 failure to do that at this point, again, justifies dismissal
17 and we are asking the Court to dismiss this matter for that
18 reason.

19 THE COURT: Mr. Simmons?

20 MR. SIMMONS: Your Honor, I have the exact same
21 response I have had several times before. The state has no
22 obligation to produce any particular people, named victims,
23 anything of that nature.

24 The State has an obligation to prove the elements in
25 this case. The State believes it can prove every element of

1 all of the crimes charged without the cooperation of any of
2 the victims or frankly Kayla McCoy.

3 Whether or not they in the future participate, whether
4 or not they appeared here, whether of their own free will or
5 under some sort of coercion by the State, it is something
6 that we don't know until it happens.

7 Obviously defense, if they appear, I would grant that
8 that is as much time as they need to have an opportunity to
9 speak with them. Of course they are entitled to that, that
10 there is nobody in this courtroom that would like all of
11 these people to participate more than the State, so for the
12 reasons the Court has denied this before, I think it is an
13 inappropriate motion now, as well, and I would request the
14 Court deny the motion.

15 THE COURT: Do you wish the last word, Mr. Minor?

16 MR. MINOR: Your Honor, the defense once again
17 takes issue with the State's position that it has no
18 obligation to produce these persons for defense interviews
19 until such time apparently in the State's mind they are
20 actually called to testify in court.

21 Again we believe that that is putting the defense in an
22 untenable position in terms of its ability to properly
23 prepare the case, as well as -- it seems to be frankly a
24 haphazard way of proceeding, and we simply believe that this
25 cannot comport with due process as contemplated by the state

Exhibit 2

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PHOTOCOPY

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	No. 12-C-04873-4 KNT
)	
Plaintiff,)	
)	DECLARATION OF JULIE GONZALEZ
vs.)	
)	
BERNARD WATKINS,)	
)	
Defendant.)	

I, Julie Gonzalez, do hereby state that I have personal knowledge of the following facts and circumstances:

1. I am licensed by the State of Washington to conduct legal investigations, which I have performed as a staff member of a public defense agency and as an independent contractor since 1994. My Washington State PI license number is 1607.
2. I have been authorized by the King County Office of Public Defense to assist attorney Don Minor in the defense of Bernard Watkins in King County Superior Court Cause No. 12-C-04873-4 KNT.
3. On Thursday, November 15, 2012, Mr. Minor advised me that he needed me to contact prosecution witness Kayla McCoy once again to see if she would submit to a defense interview. I had previously attempted to interview Ms. McCoy on or about August 31, 2012, but was ultimately told that she preferred to have the prosecutor present for any such interview, which I advised the prosecutor of by an email dated August 31, 2012.

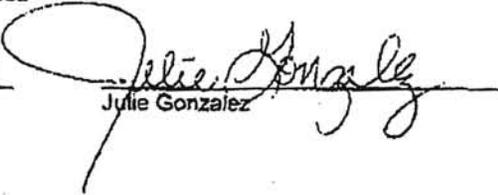
NOV 19 12 06:31a

1 4. During the evening of November 15, 2012, I made contact with Kayla McCoy as follows:
 2 I called the number listed for Kayla McCoy in discovery. I asked the person who
 3 answered the phone if she was Kayla McCoy and she asked who I was. I identified
 4 myself as the defense investigator working for the attorney representing Bernard
 5 Watkins. The person answering stated that she was Kayla and that the attorney had
 6 come to her door earlier and told her that she probably would not be testifying on Monday
 7 but that she might be testifying on Tuesday. McCoy stated that she does not want to
 8 testify and that if she does it would not be willingly. Asked if by "the attorney", she meant
 9 the prosecutor, McCoy said, yes.

10 Asked if she was willing to submit to an interview by me or both the defense attorney
 11 and me over the phone, if she felt more comfortable doing that, McCoy stated that she
 12 had been told that she didn't have to talk to anybody if she didn't want to. Asked who told
 13 her that, McCoy stated "the attorney—several people" When asked if by "the attorney"
 14 she meant the prosecutor, an older sounding female voice was heard in the background
 15 asking, "Who is that?" McCoy replied, "It's the attorney for Bernard Watkins. They want
 16 to know if I will talk to them." The other person replied, "Tell them no and hang up."
 17 McCoy then said no; she didn't want to talk about it. I said OK, thanked her, and hung
 18 up.

19 I declare under penalty of perjury under the laws of the State of Washington that the
 20 foregoing statements are true and correct.

21 11/18/12; Seattle, WA
 22 11/19/2012, Seattle, WA
 Date and Place


 Julie Gonzalez

23
 24
 25

Exhibit 3

1 What do you feel was the evidence that makes -- that
2 was presented to the jury that makes it sufficient for them
3 to find -- to convict him on count 3?

4 MR. SIMMONS: I think certainly one example would
5 be the Adult Search ad which listed the iPhone's phone
6 number, which I apologize, I don't remember the number off
7 the top of my head, with a photo of her, and then the
8 subsequent conversation between somebody who appeared to be
9 a John or a potential customer of prostitution in which the
10 defendant responded to somebody saying "24/7 in Kent?" And
11 the defendant responded, "Are you" --

12 THE COURT: But there were three ads, weren't
13 there?

14 MR. SIMMONS: And exactly.

15 THE COURT: "24/7"?

16 MR. SIMMONS: That is exactly the point because at
17 one point the defendant, and this is admitted and I
18 apologize for not knowing the exhibit number. At one point
19 the defendant said, "I have got three girls," or the iPhone,
20 which I believe the jury certainly found that it was the
21 defendant, and again I don't have all of them in front of me
22 but there was certainly text messages as well talking about
23 someone which is referred to in the text as TT, who is Tiona
24 Rainwater.

25 There are texts between the defendant and her, to my

1 recollection, and then we also had texts between the
2 defendant and her talking not only -- and this is to my
3 recollection, and I haven't looked at these since the trial,
4 texts between the defendant and -- who the State
5 represented -- believed was Ms. Rainwater talking about that
6 she had a John and that she needed a ride and the defendant
7 offered to give her a ride there, which that alone would be
8 promoting commercial sexual abuse of a minor.

9 So I think there's ample situations in which a
10 reasonable juror could find that the defendant committed
11 that crime with regard to Ms. Rainwater.

12 Now was she less involved with the defendant's acts of
13 prostitution than the other two girls? Absolutely. No
14 question about that. But that doesn't mean that he did not
15 promote the commercial sexual abuse of her, as well.

16 I would note as well that there were multiple pictures
17 taken in the home itself of Ms. Rainwater as well.

18 THE COURT: What if the appellate court were to
19 find that my admission of those ads you just talked about,
20 they weren't the Back Page, what were they, the Adult
21 Search?

22 MR. SIMMONS: Adult Search, I believe.

23 THE COURT: Whatever it was -- that I shouldn't
24 have admitted them because I didn't have an authenticating
25 witness from Back Page or something like that -- or Adult

Argument II.

1. THE TRIAL COURT ERRED IN REFUSING TO GRANT A MISTRIAL AFTER THE DEFENSE PRESENT TWO MOTION FOR A NEW TRIAL EXPLAINING THE STATE'S IMPROPER CONDUCT DURING CLOSING ARGUMENT.

A. Improper Conduct

The Prosecutor made numerous improper statements during his closing arguments when talking about Kayla McCoy in 13RP 137-17:

She was around but there is no indication that she was heavily involved because what you dont see is any text meessages to her about it

The Court has repeatedly recognized prosecutorial misconduct in Improper closing arguments that attempts to persuade a jury to consider factors not in evidence violates the defendents due process right to a fair trial. Taylor v. Kentucky 436 U.S. 478 485 (1978)

The Prosecution again said 13RP 138-21:

But there is no evidence that she was you know heavily involved.

But he knew the evidence he had show McCoy was heavily involved.

His own evidence the I-Phone text messages shows that the Prosecutor argued to the jury alleged facts he knew to be false. The I-Phone text messages shows Kayla involvement:

Line 8004 from KT or Kayla McCoy^④

We missed out on racks tonight cuz u
wanna act like that Im telling u
there been 35 calls I just looked
and counted em.

8006 Shit Im not callin u to trip with u
I was callin to tell about Money Cuhz thats
all this is about to me is moneyyy

8010 it dont make money so why do it?

8011 All fighting does is mess up the money

The Prosecutor mislead the jury making statements knowing that the evidence proved different.

The United States Supreme Court observed in Berger the average juror has confidence that these obligations which plainly rest on the prosecuting attorneys are fairly observed, thus improper suggestions insinuation and especially assertions of personal knowledge are apt to carry much weight against the accused when they should properly carry none 295 US A 88. A new trial must be

ordered whenever substantial rights are affected by error at criminal trial and government cannot prove harmless beyond a reasonable doubt. LAMA v. BORRAS #16 F3d. 473 1st Cir.

Once again the Prosecutor says 14RP 41-5:

Listen to that phone call and listen to it closely because one thing that I think you will hear the defendant saying at one point is I made my money off them bitches.

It is improper for the prosecutor to inject personal beliefs about the evidence into closing arguments US . Nickens 955 F2d. 1124, US v. Iglesias 915 F2d. 1524.

Prosecutor says to the jury disregarding his own evidence that 14RP 46-8:

Turner was dependant on him to because
Turner didnt have these girls' phone numbers

Which the LG phone report show that Turner had these girls numbers log in her phone log LG phone report page 216 shows Aliza and Tiona's numbers log [Ⓐ] in her phone report showing the Prosecutor's attempt to persuade the jury to consider facts not constant with his own evidence. The prosecutor does it repeatadly, he says, 14RP 11:

Now defense apparently would suggest that well this was all McCoy which again is that notion is eliminated if you just read the texts.

The Prosecutor's knows its different texts to show McCoy talking about selling drugs and Prostitution, the I-Phone report ^③ page 1298 line 7222 at the bottom from "M" which is Altesa Turner saying:

Ok trying to Kayla phone wont let her

page 1299 line 7223:

Sell weed lol?

Conclusion

The Prosecutor says 14RP. 46-23:

She open it up because she didnt have involvement

But there are numerous texts to show she was heavily involved I-
Phone texts page 1305-4: ④

7450 From Kt which is Kayla McCoy

"u make sim money"

7457 No one out here is, paying, that much for the p

Such conduct perverts the adversarial system and endangers its ability to produce just Brown v. Borg. 951 F2d. at 1015, Davis v. Zant 36 F3d 1538 1548 11th (Cir 1994). Reversals based on prosecutorial argument occur even where the argument was simply improper Pait v. State 112. S.O 2d. 380 (LIA 1959) Knight v. State 672 SO 2d. 590 (FIA 4th DCA 1996) It is improper for prosecutor to inject personal beliefs when his own evidence says different Mr. Watkins ask for Reversal based on prosecutor improper closing argument.

Appendix A

7998	SMS Messages	6/30/2012 08:59:04(UTC+0)	From: 2063041888 M	You're tripping for no fucking reason. My phone has been ringing of the hook!	Intact
7999	SMS Messages	6/30/2012 09:00:26(UTC+0)	From: 2535616540 Kt	Bruno plzzz	Deleted
8000	SMS Messages	6/30/2012 09:04:17(UTC+0)	From: 2063041888 M	WOW!!!!	Intact
8001	SMS Messages	6/30/2012 10:05:38(UTC+0)	From: 2063041888 M	HELLO	Intact
8002	Voicemail	6/30/2012 10:23:16(UTC+0)			Intact
8003	SMS Messages	6/30/2012 10:23:17(UTC+0)	From: 2062506716 Ed	Whts gd	Intact
8004	SMS Messages	6/30/2012 10:58:33(UTC+0)	From: 2535616540 Kt	We missed out on racks tonight Cuhz u wanna act like that.im telling u theres been 35 calls I just looked and counted em...	Deleted
8005	SMS Messages	6/30/2012 11:01:01(UTC+0)	From: 2535616540 Kt	Shit I'K #! #M2535616540 #mShit I'm not Callin u to trip with u I was Callin to tell about money Cuhz that's all this is about	Deleted
8006	SMS Messages	6/30/2012 11:01:01(UTC+0)	From: 2535616540 Kt	Shit I'm not Callin u to trip with u I was Callin to tell about money Cuhz that's all this is about to me is this moneyyyy...fuck all that fightin lil kid Shit.	Deleted
8007	SMS Messages	6/30/2012 11:01:46(UTC+0)	From: 2063041888 M	BRING ME MY CAR NOW!	Intact
8008	SMS Messages	6/30/2012 11:01:47(UTC+0)	From: 2063041888 M	I need my clothes. Now	Intact
8009	SMS Messages	6/30/2012 11:01:48(UTC+0)	From: 2063041888 M	I going to spend this 30 dollars.	Intact
8010	SMS Messages	6/30/2012 11:01:50(UTC+0)	From: 2535616540 Kt	.it don't make money so why do it?	Deleted
8011	SMS Messages	6/30/2012 11:01:52(UTC+0)	From: 2535616540 Kt	All fighting does is mess up the money.	Deleted
8012	SMS Messages	6/30/2012 11:19:43(UTC+0)	From: 2063041888 M	Thank you for your help. Ill sleep in my car.	Intact
8013	SMS Messages	6/30/2012 11:36:11(UTC+0)	From: 2063041888 M	I HAVEN'T HAD SEX SINCE YOU LAST WAS IN IT. I ONLY SAID YOU DONT HAVE TO DISRESPECT ME IN FRONT OF THOSE LITTLE GIRLS.	Intact
8014	SMS Messages	6/30/2012 11:38:39(UTC+0)			Deleted
8015	SMS Messages	6/30/2012 11:38:39(UTC+0)	To: 1 (206) 313-2952	Keep disrespecting me and you'll see Wassup	Deleted
8016	SMS Messages	6/30/2012 11:50:36(UTC+0)	From: 2063041888 M	So you played us for fools. So that's how you are GRIMMY!!!	Intact
8017	SMS Messages	6/30/2012 11:50:37(UTC+0)	From: 2535616540 Kt	So ur the trick now right they runnin u	Deleted
8018	SMS Messages	6/30/2012 11:50:39(UTC+0)	From: 2535616540 Kt	?	Deleted
8019	SMS Messages	6/30/2012 11:50:40(UTC+0)	From: 2063041888 M	So you're fucking that BITCH. THAT'S COOL. I'M GOOD. IT'S COOL.	Intact
8020	Instant Messages	6/30/2012 14:27:48(UTC+0)	From: +12192921224 To: +16617286084	I can't say to much more idk wat to do I know now mostly like u don't never want me I get it I haven't talk to u in two weeks	Intact
8021	Instant Messages	6/30/2012 14:32:03(UTC+0)	From: +12192921224 To: +16617286084	Bay you have a nice day god bless u n your kids am giving up on me I been tryin bay idk wat to do me am a loose canon	Intact
8022	Instant Messages	6/30/2012 14:35:58(UTC+0)	From: +12192921224 To: +16617286084	I guess I let u slip away its my fault I choose u Ill take the pain and if u think I don't feel no pain u fuckin trippin you aint tryin so u give up if I can't call u then it's nun like I thought u was tellin me	Intact
8023	SMS Messages	6/30/2012 14:36:33(UTC+0)	To: (206) 304-1888 M	O I ain't	Intact
8024	SMS Messages	6/30/2012 14:36:33(UTC+0)	From: (206) 304-1888 M	O I	Deleted
8025	Instant Messages	6/30/2012 15:34:24(UTC+0)	From: +16617286084 To: +12192921224	I will call u later 2 day	Intact
8026	Instant Messages	6/30/2012 15:36:28(UTC+0)	From: +12192921224 To: +16617286084	Ok just sit here thinkin thanks	Intact
8027	SMS Messages	6/30/2012 17:42:46(UTC+0)	From: 2535616847 Sarah	(1/2) Hey how r u? So i work all day today so when im done ill give u a call so i can give u some of the money i exchange :-) is there anyway u can front me 2	Intact
8028	SMS Messages	6/30/2012 17:43:54(UTC+0)	From: 2535616847 Sarah	(2/2) until later today?	Intact
8029	SMS Messages	6/30/2012 17:44:48(UTC+0)	To: 2535616847 Sarah	Yeah pack highway	Intact
8030	SMS Messages	6/30/2012 17:45:57(UTC+0)	From: 2535616847 Sarah	Ok ill see u soon	Intact
8031	SMS Messages	6/30/2012 18:01:40(UTC+0)	To: 2535616847 Sarah	U coming	Intact
8032	Instant Messages	6/30/2012 18:09:10(UTC+0)	From: +12192921224 To: +16617286084	U r the best women I had jealous from that phone shit forgive yo man bay the devil was workin bay tryin to steal my blessing Tru god I got blessed but the was at work bay I promise	Intact

Saturday

Handwritten scribbles and marks at the bottom of the page.

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

408	Call Log	7/4/2012 08:58:46(UTC+0)	From: 2063700276 Tiana		Intact
409	Call Log	7/4/2012 09:06:41(UTC+0)	To: 2063700276 Tiana		Intact
410	Call Log	7/4/2012 09:08:11(UTC+0)	To: 2538543004 Aliza		Intact
411	Call Log	7/4/2012 09:08:47(UTC+0)	To: 2063700276 Tiana		Intact
412	Call Log	7/4/2012 09:57:02(UTC+0)	From: 2192921224 Midnite Thugz Watkins		Intact
413	Call Log	7/4/2012 10:26:44(UTC+0)	To: 2063700276 Tiana		Intact
414	SMS Messages	7/4/2012 10:53:28(UTC+0)	To: +12533503413 Damien Jackson	What the fuck is going on with you?	Intact
415	SMS Messages	7/4/2012 10:54:34(UTC+0)	From: 2533503413 Damien Jackson	Lost hearing in my left ear	Intact
416	SMS Messages	7/4/2012 10:54:34(UTC+0)	From: 2533503413 Damien Jackson	Lost he ♣C%+!	Deleted
417	SMS Messages	7/4/2012 10:55:38(UTC+0)	To: +12533503413 Damien Jackson	Keep me posted	Intact
418	SMS Messages	7/4/2012 10:56:12(UTC+0)	From: 2533503413 Damien Jackson	Ok	Intact
419	SMS Messages	7/4/2012 10:56:57(UTC+0)	To: +12533503413 Damien Jackson	Love you. You have DayDay number?	Intact
420	SMS Messages	7/4/2012 10:58:24(UTC+0)	From: 2533503413 Damien Jackson	Love you too and I might have to get my ear flushed and no I don't	Intact
421	SMS Messages	7/4/2012 10:58:48(UTC+0)	To: +12533503413 Damien Jackson	K	Intact
422	Call Log	7/4/2012 11:07:06(UTC+0)	From: 2069093995		Intact
423	SMS Messages	7/4/2012 19:05:11(UTC+0)	From: 2533503413 Damien Jackson	On my way back home home aunt my hearing going to be bad for a min have to let it heal on its own before I get it flushed I got my right ear only	Intact
424	SMS Messages	7/4/2012 19:05:50(UTC+0)	To: +12533503413 Damien Jackson	Ok	Intact
425	Call Log	7/4/2012 19:41:37(UTC+0)	From: 2532772038		Intact
426	Call Log	7/4/2012 19:58:44(UTC+0)	From: 2532772038		Intact
427	Call Log	7/4/2012 19:59:23(UTC+0)	To: 2192921224 Midnite Thugz Watkins		Intact
428	SMS Messages	7/4/2012 20:00:50(UTC+0)	To: +1-219-292-1224 Midnite Thugz Watkins To: 219-292-1224 Midnite Thugz Watkins	Your sister is sitting outside with her stuff. He leaving	Intact
429	Call Log	7/4/2012 20:16:50(UTC+0)	From: 2532772038		Intact
430	Call Log	7/4/2012 20:18:02(UTC+0)	From: 2192921224 Midnite Thugz Watkins		Intact
431	Call Log	7/4/2012 21:41:45(UTC+0)	From: 2192921224 Midnite Thugz Watkins		Intact
432	Call Log	7/4/2012 21:46:25(UTC+0)	From: 2192921224 Midnite Thugz Watkins		Intact
433	Call Log	7/4/2012 21:47:12(UTC+0)	To: 2063700276 Tiana		Intact
434	Call Log	7/4/2012 21:47:42(UTC+0)	From: 2192921224 Midnite Thugz Watkins		Intact
435	Call Log	7/4/2012 21:58:59(UTC+0)	From: 2063355912		Intact
436	Call Log	7/4/2012 22:11:43(UTC+0)	To: 2535616540		Intact
437	Call Log	7/4/2012 22:12:06(UTC+0)	From: 2062902802		Intact
438	Call Log	7/4/2012 22:53:35(UTC+0)	From: 2537373087 Dee		Intact
439	Call Log	7/4/2012 22:54:38(UTC+0)	To: 2535616540		Intact
440	Call Log	7/4/2012 22:58:37(UTC+0)	To: 2535616540		Intact
441	Call Log	7/4/2012 23:23:09(UTC+0)	To: 2537373087 Dee		Intact
442	Call Log	7/4/2012 23:25:29(UTC+0)	To: 2062505921 Tiffany		Intact
443	Call Log	7/4/2012 23:34:16(UTC+0)	To: 2533503413 Damien Jackson		Intact
444	SMS Messages	7/4/2012 23:47:11(UTC+0)	From: 2533503413 Damien Jackson	???????	Intact

7/4/2012 Phone Log

Appendix C

7186	SMS Messages	6/25/2012 19:41:54(UTC+0)	To: 2066195144 Kita	Nun just thinkin bout u	Intact
7187	SMS Messages	6/25/2012 19:51:05(UTC+0)	To: (206) 619-5144 Kita	Tryin to hook up wit u	Intact
7188	SMS Messages	6/25/2012 19:51:37(UTC+0)	To: (253) 632-0255 Ale	Ok I got cha u	Intact
7189	SMS Messages	6/25/2012 19:52:24(UTC+0)	From: 2536320255 Ale	U better show up nigga we fam	Intact
7190	SMS Messages	6/25/2012 19:52:40(UTC+0)	To: (253) 632-0255 Ale	Yup	Intact
7191	SMS Messages	6/25/2012 19:53:42(UTC+0)	To: (253) 561-6847 Sarah	U coming	Intact
7192	SMS Messages	6/25/2012 19:54:23(UTC+0)	From: 2535616847 Sarah	Yea sorry im leaving now	Intact
7193	Instant Messages	6/25/2012 19:55:55(UTC+0)	From: +12192921224 To: +16617286084	Wyd? Bay I have no body to talk to	Intact
7194	Instant Messages	6/25/2012 19:56:48(UTC+0)	From: +16617286084 To: +12192921224	Am in class	Intact
7195	Instant Messages	6/25/2012 20:01:02(UTC+0)	From: +12192921224 To: +16617286084	Ok 3 :-)	Intact
7196	Instant Messages	6/25/2012 20:01:48(UTC+0)	From: +12192921224 To: +16617286084	U been my only friend	Intact
7197	SMS Messages	6/25/2012 20:03:58(UTC+0)	To: 2535616540 Kt	Send the rest of the dam pics	Deleted
7198	SMS Messages	6/25/2012 20:05:23(UTC+0)	To: 2534862330 Carem	This b wit the pills u cool	Intact
7199	SMS Messages	6/25/2012 20:06:10(UTC+0)	To: 2535615448 Tiffany	Yeah ok	Intact
7200	SMS Messages	6/25/2012 20:12:38(UTC+0)	From: 2063041888 M	Kayla didn't text back because I was going to.	Intact
7201	SMS Messages	6/25/2012 20:16:08(UTC+0)	From: 2066195144 Kita	When right now on my way to court call me	Intact
7202	SMS Messages	6/25/2012 20:16:50(UTC+0)	To: (206) 304-1888 M	Wtf	Intact
7203	SMS Messages	6/25/2012 20:22:48(UTC+0)	From: 2063041888 M	Don't feel comfortable	Intact
7204	SMS Messages	6/25/2012 21:14:58(UTC+0)	To: (206) 304-1888 M	Who Wyd	Intact
7205	SMS Messages	6/25/2012 21:19:00(UTC+0)	From: 2063041888 M	Just got out the shower. Gots get money.	Intact
7206	SMS Messages	6/25/2012 21:20:37(UTC+0)	To: 2533327767 Ashley	Wyd my cuz want holla	Intact
7207	SMS Messages	6/25/2012 21:33:42(UTC+0)	From: 2533327767 Ashley	Who??	Intact
7208	SMS Messages	6/25/2012 21:35:02(UTC+0)	To: 2533327767 Ashley	Bg bitch fuck u then I wont never call u again	Intact
7209	SMS Messages	6/25/2012 21:35:49(UTC+0)	From: 2533327767 Ashley	I was on the other line calm down sorry call me back	Intact
7210	SMS Messages	6/25/2012 21:44:36(UTC+0)	From: 2533327767 Ashley	Ask my daddy what did he want me to look at on facebook???	Intact
7211	SMS Messages	6/25/2012 21:45:02(UTC+0)	To: 2533327767 Ashley	Just look bitch	Intact
7212	SMS Messages	6/25/2012 21:47:00(UTC+0)	To: (206) 304-1888 M	How	Intact
7213	SMS Messages	6/25/2012 21:47:46(UTC+0)	From: 2533327767 Ashley	This better not be BG calling me a bitch like that and bruno need to know I want to link up with him today sometime	Intact
7214	SMS Messages	6/25/2012 21:48:11(UTC+0)	From: 2063041888 M	Yhe line and fire?	Intact
7215	SMS Messages	6/25/2012 21:49:48(UTC+0)	From: 2533327767 Ashley	I don't know what he wanted me to look at and the only thing I see is what mikey bitch ass wrote	Intact
7216	SMS Messages	6/25/2012 21:51:17(UTC+0)	To: 2533327767 Ashley	Yeah right I been tryin fill those empty pockets but it's cool because mines over flowin lol	Intact
7217	SMS Messages	6/25/2012 21:57:24(UTC+0)	From: 2063041888 M	Do you want some more of the cicken and mac	Intact
7218	SMS Messages	6/25/2012 21:58:13(UTC+0)	To: 2063041888 M	Naw am gud	Intact
7219	SMS Messages	6/25/2012 21:58:28(UTC+0)	To: 2063041888 M	Y'all sell some weed	Intact
7220	SMS Messages	6/25/2012 21:58:57(UTC+0)	From: 2533327767 Ashley	Bruno I been having my own problems and I was acting dumb and doing dumb shit but now I'm getting my mind right and stop hanging out with no good people	Intact
7221	SMS Messages	6/25/2012 21:59:07(UTC+0)	From: 2533327767 Ashley	that's why I want to link up with u because I feel safe with u	Intact
7222	SMS Messages	6/25/2012 22:00:44(UTC+0)	From: 2063041888 M	Ok. Trying too. Kayla phone won't let her	Intact

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7223	SMS Messages	6/25/2012 22:01:18(UTC+0)	To: 2063041888 M	Sell weed lol ?	Intact
7224	SMS Messages	6/25/2012 22:02:32(UTC+0)	To: +16617286084 Time	I been thinkin	Intact
7225	SMS Messages	6/25/2012 22:02:32(UTC+0)	To: +16617286084 Time	Lol	Intact
7226	SMS Messages	6/25/2012 22:02:32(UTC+0)	To: +16617286084 Time	???	Intact
7227	SMS Messages	6/25/2012 22:02:32(UTC+0)	To: +16617286084 Time	Will u ???	Intact
7228	SMS Messages	6/25/2012 22:12:15(UTC+0)	To: +16617286084 Time	Tie these loose ends if u know wat am sayin	Intact
7229	SMS Messages	6/25/2012 22:12:23(UTC+0)	To: +16617286084 Time	???	Intact
7230	SMS Messages	6/25/2012 22:12:36(UTC+0)	To: +16617286084 Time	???????????	Intact
7231	SMS Messages	6/25/2012 22:13:06(UTC+0)	To: 6617286084 Time	I think we can't do it	Intact
7232	SMS Messages	6/25/2012 22:13:07(UTC+0)	From: 2533327767 Ashley	Hey is BG still with you????	Intact
7233	SMS Messages	6/25/2012 22:13:23(UTC+0)	To: 2533327767 Ashley	Yeah	Intact
7234	SMS Messages	6/25/2012 22:14:39(UTC+0)	From: 2533327767 Ashley	Can you please tell him to call me again!"	Intact
7235	SMS Messages	6/25/2012 22:15:02(UTC+0)	From: 2533327767 Ashley	????	Intact
7236	SMS Messages	6/25/2012 22:19:10(UTC+0)	From: 2063041888 M	Ok. I want to call that dude?	Intact
7237	SMS Messages	6/25/2012 22:19:32(UTC+0)	To: 6617286084 Time	Lol we can bay we can the devil is a lie	Intact
7238	SMS Messages	6/25/2012 22:20:19(UTC+0)	To: 6617286084 Time	It's on u I want u to be wifey	Intact
7239	SMS Messages	6/25/2012 22:23:52(UTC+0)	To: (253) 486-9552 D Block	Yeah 108	Intact
7240	SMS Messages	6/25/2012 22:24:02(UTC+0)	To: (253) 486-9552 D Block	I gott u	Intact
7241	SMS Messages	6/25/2012 22:25:03(UTC+0)	To: (253) 486-9552 D Block	He said give to u he say nobody had to pay	Intact
7242	SMS Messages	6/25/2012 22:25:54(UTC+0)	To: (253) 486-9552 D Block	Yeah it's 78 \$\$	Intact
7243	SMS Messages	6/25/2012 22:26:09(UTC+0)	To: (253) 486-9552 D Block	I got u tho	Intact
7244	SMS Messages	6/25/2012 22:27:22(UTC+0)	From: 2534869552 D Block	Sb	Intact
7245	SMS Messages	6/25/2012 22:27:32(UTC+0)	From: 2534869552 D Block	Fasho	Intact
7246	SMS Messages	6/25/2012 22:29:14(UTC+0)	From: 2534869552 D Block	When you bouta be back	Intact
7247	SMS Messages	6/25/2012 22:30:31(UTC+0)	From: 2534869552 D Block	In like 30 min or what	Intact
7248	SMS Messages	6/25/2012 22:32:00(UTC+0)	To: (253) 486-9552 D Block	Wtf	Intact
7249	SMS Messages	6/25/2012 22:43:25(UTC+0)	From: 2063041888 M	Wyd?	Intact
7250	SMS Messages	6/25/2012 23:54:01(UTC+0)	To: 6617286084 Time	????	Intact
7251	SMS Messages	6/25/2012 23:56:10(UTC+0)	To: 6617286084 Time	U was still in class my fault just missin on u lol? Wats up tho	Intact
7252	SMS Messages	6/26/2012 01:17:27(UTC+0)	From: 2063531419 Teasta	Kent station	Intact
7253	SMS Messages	6/26/2012 01:17:29(UTC+0)	From: 2064326211	Wassup . Were you at	Deleted
7254	SMS Messages	6/26/2012 01:21:02(UTC+0)	From: 2063531419 Teasta	Running late, will be there soon.	Intact
7255	SMS Messages	6/26/2012 01:24:46(UTC+0)	From: 2064326211	I needs know a forsuree answer .. To were umm laying my headed	Deleted
7256	SMS Messages	6/26/2012 01:29:38(UTC+0)	From: 2064326211	Ighht. So what you guys doin	Deleted
7257	SMS Messages	6/26/2012 01:36:56(UTC+0)	To: (206) 432-6211	At kent station makin a move you ready ?	Deleted
7258	SMS Messages	6/26/2012 02:48:49(UTC+0)	From: 2533327767 Ashley	What's up with the money move	Intact
7259	SMS Messages	6/26/2012 02:49:40(UTC+0)	From: 2533327767 Ashley	Shit is all fuckin bad for me	Intact

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Appendix D

7445	SMS Messages	6/27/2012 04:53:10(UTC+0)	From: 2535616847 Sarah	A friend of mine just called me seeing if i knew where to get a pill.... So i told her to hold on and im asking u if u could sell her one	Intact
7446	SMS Messages	6/27/2012 04:57:53(UTC+0)	From: 2535616847 Sarah	Can i come meet u?	Intact
7447	SMS Messages	6/27/2012 05:18:14(UTC+0)	To: (253) 561-6540 Kt	Wyd?	Deleted
7448	SMS Messages	6/27/2012 05:18:41(UTC+0)	From: 2535616540 Kt	Nothing really	Deleted
7449	SMS Messages	6/27/2012 05:20:24(UTC+0)	To: 2535616847 Sarah	Yeah 212	Intact
7450	SMS Messages	6/27/2012 05:23:03(UTC+0)	To: 2535616540 Kt	U make sim money	Deleted
7451	SMS Messages	6/27/2012 05:23:43(UTC+0)	From: 2535616540 Kt	I WANNA come back	Deleted
7452	SMS Messages	6/27/2012 05:24:47(UTC+0)	To: 2535616540 Kt	Ok bay am sorry	Deleted
7453	SMS Messages	6/27/2012 05:25:33(UTC+0)	From: 2535616540 Kt	Huh	Deleted
7454	SMS Messages	6/27/2012 05:27:03(UTC+0)	To: 2535616540 Kt	Where u at?	Deleted
7455	SMS Messages	6/27/2012 05:28:19(UTC+0)	From: 2535616540 Kt	Shoreline	Deleted
7456	SMS Messages	6/27/2012 05:28:56(UTC+0)	To: 2535616540 Kt	Address	Deleted
7457	SMS Messages	6/27/2012 05:49:55(UTC+0)	From: 2535616540 Kt	No one out here is.paying.that.much for the p...	Deleted
7458	SMS Messages	6/27/2012 05:50:06(UTC+0)	To: (206) 396-7384 T	Wats up	Intact
7459	SMS Messages	6/27/2012 05:50:19(UTC+0)	To: 2535616540 Kt	25	Deleted
7460	SMS Messages	6/27/2012 05:50:23(UTC+0)	To: 2535616540 Kt	Then	Deleted
7461	SMS Messages	6/27/2012 05:52:13(UTC+0)	From: 2535616540 Kt	Let me see	Deleted
7462	Instant Messages	6/27/2012 05:59:46(UTC+0)	From: +12192921224 To: +16617286084	I Love u	Intact
7463	Instant Messages	6/27/2012 06:00:26(UTC+0)	From: +12192921224 To: +16617286084	I miss u	Intact
7464	Instant Messages	6/27/2012 06:01:09(UTC+0)	From: +12192921224 To: +16617286084	I hope tomorrow u choose up lol :-) 3	Intact
7465	Instant Messages	6/27/2012 06:02:52(UTC+0)	From: +12192921224 To: +16617286084	Don't give on me lil mama	Intact
7466	SMS Messages	6/27/2012 06:10:41(UTC+0)	To: 2535615448 Tiffany	Wyd?	Intact
7467	SMS Messages	6/27/2012 06:12:15(UTC+0)	To: (253) 486-9552 D Block	21	Intact
7468	SMS Messages	6/27/2012 06:15:32(UTC+0)	From: 2534869552 D Block	A I'm sorry but I really need that 150 right now bro I'm trying to do some shit please	Intact
7469	SMS Messages	6/27/2012 06:18:55(UTC+0)	To: (253) 486-9552 D Block	I ain't really sold no pills I was tryin to get that money from Chris and buy some more weed	Intact
7470	SMS Messages	6/27/2012 06:21:54(UTC+0)	From: 2535615448 Tiffany	Nope :(tomorro we will a lot .. dudes comin back :)	Intact
7471	SMS Messages	6/27/2012 06:26:36(UTC+0)	From: 2534869552 D Block	That 20 for the 150 really fucked me I still owe this nigga Chris money that's why I'm tryin to get that from you	Intact
7472	SMS Messages	6/27/2012 06:27:13(UTC+0)	To: (253) 486-9552 D Block	Yeah owe n he owe me	Intact
7473	SMS Messages	6/27/2012 06:27:55(UTC+0)	To: (253) 486-9552 D Block	Tomorrow for show if he hurry up	Intact
7474	SMS Messages	6/27/2012 06:29:34(UTC+0)	To: 2535616847 Sarah	When we Meetin up	Intact
7475	SMS Messages	6/27/2012 06:30:53(UTC+0)	To: (206) 747-8660 David	I got 20 more 400	Intact
7476	SMS Messages	6/27/2012 06:34:01(UTC+0)	From: 2534869552 D Block	Alright	Intact
7477	SMS Messages	6/27/2012 06:34:15(UTC+0)	To: (206) 747-8660 David	I got 20 more 400	Intact
7478	SMS Messages	6/27/2012 06:35:02(UTC+0)	To: 2534869552 D Block	Am fina come back we work sum out soon as they come back	Intact
7479	SMS Messages	6/27/2012 06:47:05(UTC+0)	To: 2535616540 Kt	So wat happen	Deleted
7480	SMS Messages	6/27/2012 06:54:02(UTC+0)	To: (253) 561-6540 Kt	???	Deleted
7481	SMS Messages	6/27/2012 06:56:58(UTC+0)	To: 2535616540 Kt	Wats the address	Deleted

Wed,