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SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON,
Plaintiff,

v.

JONATHAN J. MOORE,
Defendant.

No. 23-1-00219-34

DEFENSE MOTION TO MODIFY PRE-
TRIAL RELEASE CONDITIONS

COMES NOW the Defendant, Jonathan J. Moore, by and through his attorney, Joshua Bruner of Vindicate Criminal Law, and moves the court to modify his pre-trial release conditions pursuant to RCW 10.21.030 and CrR 3.2 to allow him expanded access to the internet while this case is pending.

This motion is based on this motion and the pleadings, papers, and hearings filed with and heard before this Court. On February 24, 2023, based on a finding that there is a substantial danger that Mr. Moore will commit a violent crime or that he will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, this Court ordered certain release conditions for Mr. Moore, including a condition that

1 restricted his access to the internet for any purpose other than his employment and to
2 communicate with his defense team. Mr. Moore now requests the Court allow him
3 expanded access to the internet for the following purposes:

- 4 • Banking, credit, and financial services
- 5 • Retail, Shopping, Grocery, and Food service
- 6 • Insurance
- 7 • State government agency websites
- 8 • Tax preparation websites
- 9 • Employment websites, including websites designed for employment searches
- 10 • E-commerce websites such as eBay¹
- 11 • Health care related websites
- 12 • Email as necessary to communicate with any of the above-referenced services or
13 websites.

14 The above-referenced websites and communications are critical to Mr. Moore's
15 ability to conduct his financial and employment affairs. Further, access to retail and
16 grocery services on the internet, including services such as Instacart², will better allow Mr.
17 Moore to abide by the Court's restriction to avoid areas where children might congregate
18 by allowing him to order food and other material necessities to be delivered to his home.
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20 ¹ As a result of these charges, Mr. Moore has lost his employment, and seeks access to e-commerce services such as
eBay to sell property to fund expenses necessary for his defense and living expenses.

21 ² Instacart is a third-party retail service that enables customers to order groceries and household goods from grocery
and retail establishments to be delivered to their door.



1 Defense respectfully submits to the Court that continued restriction of access to the
2 above financial, employment, and retail services via the internet will prevent Mr. Moore
3 from being able to manage his affairs while this case is pending. Mr. Moore is still innocent
4 until proven guilty. This Court has the authority to impose pre-trial release conditions on
5 Mr. Moore based on its finding that a substantial danger that Mr. Moore will commit a
6 violent crime or that he will seek to intimidate witnesses, or otherwise unlawfully interfere
7 with the administration of justice. However, those pre-trial release conditions need to be
8 tailored to effectuate the underlying purpose of safeguarding the community. *See State v.*
9 *Huckins*, 5 Wn. App. 2d 457, 468, 426 P.3d 797, 803 (2018). Here, based upon the probable
10 cause affidavits and charges alone, the Court has found the necessary pre-condition exists
11 (the danger to the community), and established some restrictions intended to protect the
12 community. However, Defense asserts that those restrictions are broader than necessary.

13 The probable cause affidavit indicates that Mr. Moore may have used the internet to
14 inappropriately communicate with the alleged victim, and that was the Court's primary
15 concerns for his access to the internet. At the preliminary hearing, the state requested the
16 Court issue a blanket prohibition that prevented Mr. Moore from using the internet in any
17 capacity and requested that the Court somehow monitor Mr. Moore to ensure his
18 compliance. Over the State's objection, the Court limited its restriction to allow Mr. Moore
19 to use the internet for the purposes of his employment and to participate in his legal
20 defense. The Court further declined to require any sort of monitoring to ensure
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1 compliance, instead, presuming that Mr. Moore would obey the Court's order.

2 Mr. Moore's request to expand his access still protects the community by limiting
3 Mr. Moore from utilizing the internet in any way that might harm the community, while
4 allowing him to participate in services that are virtually required to exist in today's society.
5 Mr. Moore has abided by his pre-trial release conditions despite not being monitored. If
6 the Court seeks further assurances of that, the Court need only look at the fact that Mr.
7 Moore is bringing this petition before the Court. Because his access to the internet is not
8 being actively monitored, Mr. Moore could attempt to use the above-requested access
9 surreptitiously. Instead, Mr. Moore is lawfully abiding by the Court's order and pursuing a
10 request for expanded access through the proper channels.

11 For the foregoing reasons, the Defense respectfully requests the Court expand Mr.
12 Moore's permitted access to the internet as detailed above.

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14 DATED this 20th day of April, 2023

15 VINDICATE CRIMINAL LAW GROUP

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Joshua Bruner, WSBA #57909
Attorney for Defendant