

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

STATE OF WASHINGTON,

Plaintiff,

NO. 23-1-00219-34

vs.

DECLARATION OF PROSECUTOR
SUPPORTING PROBABLE CAUSE

JONATHAN J MOORE,

Defendant

Andrew T. Filak III, Deputy Prosecuting Attorney for Thurston County, declares the following in support of probable cause for charges in the above-entitled cause:

I am a Deputy Prosecuting Attorney for Thurston County, Washington. I believe that there is probable cause to believe that the above-named defendant has committed the crime(s) of **CHILD MOLESTATION IN THE THIRD-DEGREE, COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES, and SEXUAL MISCONDUCT WITH A MINOR IN THE SECOND DEGREE** based on the following information from the official investigative reports:

On 08/11/2022, Detective Brooklyn McKoon from the Olympia Police Department was contacted regarding a sex offense that occurred at Capital High School located at 2707 Conger Ave NW and Jefferson Middle School located at 2200 Conger Ave NW, both located in Olympia, Thurston County, Washington. Detective McKoon contacted the reporting party, who advised he was advised by a friend's daughter, hereinafter "the witness", that the witness's friend was being touched sexually by a teacher named Jonathan Moore -the Defendant. The reporting party advised he was told the victim was very scared to come forward and was fearful of his parents finding out his disclosures.

At approximately 1751 hours, Detective McKoon received a phone call from the witness, who agreed to a recorded interview. The witness advised that approximately two weeks ago, she was working with her co-worker C.D.N. (DOB 04/13/2005) C.D.N. started talking about when he went to Jefferson Middle School. C.D.N. described a relationship he developed with the Defendant, who was his digital media teacher. C.D.N. told her he and the Defendant would spend time together before and after school. When C.D.N. proceeded on from Jefferson Middle School to Capital High School, the Defendant followed and began teaching at Capital. C.D.N. told the witness he and the Defendant would communicate via text and email, but it is unknown exactly when the communication began. Once the pandemic started in 2020, C.D.N. and the Defendant began arranging to meet each other at the bleachers located at Jefferson Middle School. The witness believed they met "very often", meaning at least several times a week.

C.D.N. disclosed that his relationship with the Defendant became sexual but did not provide details regarding what a sexual relationship meant to him. C.D.N. told her the Defendant demanded that C.D.N. call him his "boyfriend" and that he needed to say, "I love you." C.D.N. did not consider the Defendant his boyfriend. The witness advised that the Defendant made C.D.N. feel like he had to do all the things they did because C.D.N. is a "loner" and the Defendant had become a significant part of his life. The witness advised that C.D.N. is currently 17, but it is highly possible he was 15 when he started to meet the Defendant at the bleachers because it has been a couple of years. C.D.N. disclosed to the witness that he

1 and the Defendant "broke up" approximately 3 months ago for an unknown reason. Detective McKoon
2 provided the witness with her contact information to provide to C.D.N., as he was fearful of coming
forward.

3 On 08/12/22, Detective McKoon contacted the administration staff at Capital High School to
inform them of the allegations. She was notified that the Defendant was currently on administrative leave
4 due to previous professional misconduct allegations with students. She was provided with some of the
Defendant's information by Capital High School, including his identifying information and address.

5 On 08/17/2022, C.D.N. came forward and agreed to complete a recorded interview at the Olympia
Police Department. The interview lasted approximately 3 hours and 8 minutes. Detective McKoon asked
6 C.D.N. what they were here to talk about today. C.D.N. responded that it was weird to say, but "abuse."
C.D.N. described the abuse as largely emotional which had started lightly in the 6th grade and "blew up"
7 once he was in high school. Nothing physical happened between them in 6th through 8th grade but C.D.N.
described those first three years as a "grooming" phase before the sexual abuse occurred. C.D.N. described
8 the Defendant as almost a "parent" or "dad" during that time and that C.D.N. became increasingly reliant
on the Defendant. During 6th grade at Jefferson Middle School, C.D.N. described himself as a "wreck" and
9 stated he did not shower or care for himself. He was put into a program called "Mind Builders" for
advanced reading. C.D.N. advised the Defendant was the new teacher for Mind Builders that year. This
was how he and the Defendant first met.

10 During 7th Grade, C.D.N. signed up for the Reach and Visual Communications classes with the
Defendant. This enabled them an environment to really get to know each other. C.D.N. advised that he,
along with other students, would stay after school with the Defendant until approximately 1630-1700 hours
11 to film or discuss classroom plans. During 8th Grade, C.D.N. advised they made a sitcom called "The
Studio" in Visual Communications, which became the drive for people to stay late after school. This
developed into C.D.N. staying after school to converse with the Defendant a minimum of 2-3 times a week
12 because he enjoyed talking to him. Sometimes other students would be around, but often they were alone
for two to three and a half hours. They began having non-school related discussions, the Defendant would
13 order food for him, and became his friend.

14 During the summer before 9th Grade, C.D.N. and fellow students would go to the Defendant's
classroom at Jefferson Middle school. During this time, they developed a plan that C.D.N., along with
other students involved, would return to Jefferson while they were at Capital High School and would teach
15 students how to make "The Studio" to continue the production. Once high school began, C.D.N. stated that,
at least a couple of times a week, he would walk to Jefferson after school to talk to the Defendant. On
16 March 13th of 9th Grade, C.D.N. was filming "The Studio" with the Defendant at Jefferson. Filming was
not completed before school was shut down due to Covid-19. C.D.N. explained he and the Defendant had
become closer at this time, and it had become clear they were not just staying in contact for filming
17 purposes. C.D.N. stated he and the Defendant would stay in contact via email and Skype.

18 Skype calls between him and the Defendant began with other students present. This progressed to
him and the Defendant getting on Skype early to talk without anyone else on the call or staying on late to
continue talking. C.D.N. advised that he also began to meet the Defendant at Decatur Woods Park and the
19 bleachers at Jefferson Middle School. This, too, started with other students present but progressed to being
just him and the Defendant. Almost daily, including weekends, he would go to Jefferson Middle School
bleachers to meet the Defendant to talk. C.D.N. explained that he and the Defendant also started using
20 Gmail to communicate. They would talk late into the night, having hundreds of emails between each other.
The Defendant would become "very upset" if he did not respond quickly. This then progressed to them
21 using Google Hangouts/Chats to communicate because it was just like texting.

22 C.D.N. advised that every night at 2230 hours, the Defendant would call him, and they would talk
until approximately 0100 hours on the phone. He had to hide this from his parents and lie about whom he
was talking to. During this time, C.D.N. advised that he gained 50 or 60 pounds because all he would do is
23 sit on his bed and talk to the Defendant, and he was sad. C.D.N. explained that his grades were failing, but
the Defendant started to do his homework. C.D.N. advised that he still does not know algebra or geometry
because of this.

1 C.D.N.'s "relationship" started with the Defendant when he was approximately 14 or 15 years old.
2 C.D.N. defined "relationship" to mean the Defendant would want him to call him his "boyfriend." The
3 Defendant told C.D.N. they were going to spend their whole lives together, C.D.N. was going to find a
4 surrogate for their children while in the running start program at South Puget Sound Community College,
5 and they were going to name their children "Maryweather" and "Elliot." The Defendant formulated a plan
6 for after high school when C.D.N. was in college for a year or two. He would have a project and an extra
7 room at his apartment. C.D.N. would stay in the room while they worked on the project. Once C.D.N. was
8 an adult, it would seem natural that they were in a relationship. C.D.N. explained there were several
9 documents and notes made about his and the Defendant's planned future, ideas on how to raise their kids,
10 or what their life together would look like.

11 During this time, especially once he and the Defendant entered a "relationship," C.D.N. would go
12 to Jefferson Middle School to visit the Defendant and would sleep on the ground after school. The
13 Defendant would sometimes take a nap next to him, "like spooning." The Defendant's body did not do
14 anything at this time unless it were something sexual, there would be humping. C.D.N. explained, humping
15 to be thrusting with him, laying down on his side facing away from the Defendant. The Defendant would
16 be lying down on his side facing toward him, thrusting his pelvis into his "ass" or "thigh." C.D.N. said he
17 could feel the Defendant had an erection while he was humping him. This happened approximately once or
18 twice.

19 C.D.N. advised that the topic of sex came up between him and the Defendant when he was around
20 14 or 15 years old. This would happen by the Defendant turning the conversation sexual and talking about
21 what turned him on, such as the type of pornography he enjoyed. C.D.N. explained the Defendant liked
22 "twinks" with very little hair and flaccid penises. The Defendant would talk about how he wanted to be
23 submissive and wanted C.D.N. to control him and punch him. C.D.N. explained that the Defendant wanted
sex but was willing to wait. C.D.N. advised once the Defendant came to Capital High School during his
junior year (when C.D.N. was 16 to 17 years old), the sexual acts began. These would occur in the interior
newsroom at the school. Inside the interior newsroom, there was a green room with large black curtains.
He and the Defendant would go into this room after everyone left school around 2100 and 2200 hours. This
occurred at least two or three times a week, sometimes daily. The Defendant would pressure him to go
behind the curtain, where he would "fondle" the Defendant, meaning rubbing his testicles, kissing his neck,
touching the back or side of his body, sometimes his "ass," and he would "masturbate" the Defendant over
his clothes, sometimes under. C.D.N. described that he would take his hand over the Defendant's penis,
which was usually erect or halfway erect. He would stroke the Defendant's penis, and the Defendant would
have many pre-ejaculates. C.D.N. advised that the "thrusting" also happened with the Defendant by
getting into "sex positions," and they would "act" them out with their clothes on.

C.D.N. explained that the Defendant only touched him once on his genital area with his hand, which
happened in the back room at the school. C.D.N. said he was insecure about his penis not being hard because
he did not want the Defendant to be upset. He explained that the Defendant's hand was "really cold." C.D.N.
was standing with his pants down, and the Defendant reached into C.D.N.'s underwear, then touched and
stroked his penis with his barehand and fingers. The Defendant was also rubbing his foreskin and making
comments about it. This lasted approximately a minute until he told the Defendant, "No." The Defendant
started trying to go faster to encourage him not to be done.

C.D.N. stated that his sexual interactions with the Defendant were not consensual. The only time he
would indicate he wanted this with the Defendant was after he already refused it twenty times and decided
this was going to be his life. C.D.N. advised that he verbalized several times to the Defendant consistently
that he did not want to do these things with him. He would stay mentally strong and go weeks without talking
to the Defendant, but the Defendant would become upset if he returned to relying on other friendships. For
example, one night the Defendant threatened to him over the phone that he would slit his wrist if he did not
leave his friends or if he did not want to have sex with the Defendant. He showed C.D.N. a knife he had in his
room. After C.D.N. said he wanted his friends and did not want to be with the Defendant, the Defendant slit
his wrist, which C.D.N. could hear over the phone. This caused C.D.N. to beg the Defendant to call back after
disconnecting to show proof. The Defendant called him on Skype and showed his actively bleeding wrist.

1 C.D.N. advised that he finally got away from the Defendant halfway through December 2021, and the
2 physical contact ended. Their last communication was approximately four months before reporting the
incident on 08/17/22.

3 Detective McKoon reviewed of the school's investigation documents, which involved several
4 witnesses reporting that the Defendant would inappropriately tell them in their relationships who they could
5 or could not be around, as well as make sexually charged comments such as calling them a "bottom" or a
6 "top." Witnesses indicated that the Defendant started to behave differently after C.D.N. left his program and
7 that they were noted to be close, more than a teacher/student relationship, to include spending time together
8 outside of school. Another student spoke of the Defendant firing C.D.N. from the program Koug TV and then
9 spending the next couple of months ranting about C.D.N. The Defendant told students they could not have
10 contact with C.D.N. or he would fire them as well. C.D.N.'s girlfriend, another student, also disclosed that the
Defendant had a two hour conversation with her after C.D.N. left Koug TV to try to convince her to break up
with C.D.N. because she was ruining his life by dating him.

7 Detective McKoon also obtained a Google search warrant, which included a photo of the Defendant
and C.D.N. together, word documents, a PDF, audio files, and video files. She reviewed the files with C.D.N.,
8 who confirmed the photo depicting a male holding a plate of food as the Defendant, who would send C.D.N.
9 photographs of himself during their relationship. C.D.N. confirmed the audio files were songs that they wrote
and performed together. The Defendant's Visa credit card and billing information was also located on
10 C.D.N.'s Google account, which C.D.N. believed occurred after the Defendant took his email account from
him. C.D.N. still didn't have access to this email account because the Defendant changed the password.

11 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is
true and correct to the best of my knowledge. Signed on February 24, 2023, in Olympia, Washington.

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14 ANDREW T. FILAK III | WSBA No. 57141
15 Deputy Prosecuting Attorney