

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

STATE OF WASHINGTON, Plaintiff,

vs.

JONATHAN J. MOORE, Defendant.

NO. 23-1-00219-34

**STATE'S RESPONSE TO
DEFENDANT'S MOTION TO MODIFY
RELEASE CONDITIONS**

COMES NOW JON TUNHEIM, Prosecuting Attorney in and for Thurston County, State of Washington, by and through CAILEN L. CECIL, Deputy Prosecuting Attorney, and moves the Court deny Defendant's motion to modify conditions of release.

I. Procedural History

On February 24, 2023, Defendant appeared before Thurston County Superior Court for a preliminary appearance. The court found probable cause existed for Child Molestation in the Third Degree, Communication with a Minor for Immoral Purposes, and Sexual Misconduct With a Minor in the Second Degree. The court set bail at \$25,000 and imposed other crime-related conditions including not having contact with the victim, not having any contact with any minors, and not loitering or frequenting any locations where children congregate, including school, daycares, parks, video arcades, campgrounds, and/or shopping malls. The court required Mr. Moore to be supervised by Pretrial Services. On February 24, 2023, Mr. Moore posted a bond and was released from custody.

On February 28, 2023, the State filed an information charging the following crimes:

Count 1: Child Molestation in the Third Degree

1 Count 2: Sexual Misconduct with a Minor in the Second Degree
2 Count 3: Communication With a Minor For Immoral Purposes

3 **II. ARGUMENT**

4 **The court should deny Defendant's Motion to Modify Conditions of Release**

5 Criminal Rule 3.2(k)(1) states this court "may at any time on change of circumstances, new
6 information or showing of good cause amend its order to impose additional or different conditions of
7 release."

8 Mr. Moore seeks to use the internet for a variety of purposes beyond his employment or
9 communication with defense team. He wishes to use the internet for the following additional purposes:

- 10
- 11 Retail, Shopping, Grocery, and Food service
 - 12 Insurance
 - 13 State government agency websites
 - 14 Tax preparation websites
 - 15 Employment websites, including websites designed for employment searches
 - 16 E-commerce websites such as eBay
 - 17 Health care related websites
 - 18 Email as necessary to communicate with any of the above-referenced services or
19 websites.

20 Mr. Moore does not cite to any legal authority to support the idea that expansion of the use of
21 the internet constitutes "good cause" to support a modification of conditions of release. Mr. Moore can
22 physically go to a grocery store or restaurant to obtain food, he can file his taxes without the use of the
internet, etc. The State concedes that many of life's regular responsibilities are made more convenient

1 using the internet. But Mr. Moore has demonstrated he cannot safely use the internet. That not using
2 the internet is merely an inconvenience to him is not a sufficient basis to remove this important
3 protection while he is on conditions of release. The allegations contained in the probable cause affidavit
4 filed on February 24, 2023 demonstrate the ways in which using the internet was critical to Mr. Moore's
5 commission of crimes against a minor child he was entrusted to teach. The State has serious concerns
6 about Mr. Moore's accessing youth through the internet and urges the court not to change this important
7 provision of the conditions of release.

8 **V. CONCLUSION**

9 Accordingly, for the reasons discussed herein, the State respectfully requests that this Court
10 deny Defendant's motion to modify conditions of release.

11 Dated this the 3rd day of May, 2023.

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Cailen L. Cecil /WSBA # 34607
Deputy Prosecuting Attorney