

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,	)	
	)	
Plaintiff,	)	
	)	Case No. 2013-CF-3235
vs	)	
	)	
JASON PALMER,	)	
	)	
Defendant.	)	
_____	)	

**EXCERPT OF PROCEEDINGS**

Transcript of proceedings reported in the  
above-entitled cause held before Honorable CHARLES E. ROBERTS,  
Circuit Judge, at the Judge Lynn N. Silvertooth Judicial  
Center, on **September 11, 2013**.

APPEARANCES:

KATE WALLACE  
Assistant State Attorney  
    On behalf of the State

PETER AIKEN  
DARREN FINEBLOOM  
Attorneys At Law  
    On behalf of the Defendant

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E X H I B I T S

(None)

1           (THE FOLLOWING PROCEEDINGS ENSUED IN OPEN COURT IN  
2           THE PRESENCE OF THE DEFENDANT.)

3                           \*\*\*\*\*

4           THE COURT: Ms. Wallace, you may proceed.

5           MS. WALLACE: Thank you.

6           Good morning.

7           THE JURY: Good morning.

8           MS. WALLACE: The reason that you all are here  
9           today, and yesterday as well, and Monday actually -- it's  
10           been kind of a long week for all of you -- the sole  
11           reason that you all are here is because the defendant in  
12           this case, Jason Palmer, wanted to have sex with  
13           somebody, anybody. He didn't really care who, and he  
14           didn't care if that person was 40 years old or 24 years  
15           old or 14 years old. Age for him was completely  
16           irrelevant. And that's what he demonstrated through  
17           every word that he said and the actions that he later  
18           took on March the 15th of 2013.

19           You know, you heard evidence that the defendant had  
20           just gotten home from being overseas. He's got a mom who  
21           is anxious to see him and spend time with him, but  
22           instead, what's he doing? He's on craigslist. He's on  
23           craigslist Personal Encounters surfing the Internet  
24           trying to find somebody to have sex with. That's what  
25           his motivation is. He doesn't care about anything else.

1 He has two pictures of his penis. They're ready to  
2 e-mail out to somebody that he sees online that he thinks  
3 is interesting and might be interested in him. And  
4 that's what he really cares about. He doesn't care about  
5 age. He just wants to find someone who is interested in  
6 him. It's his only motivation.

7 So when the defendant finds out after he sent the  
8 pictures of his face and two pictures of his penis, when  
9 he finds out that the object of his affection is a  
10 14-year-old girl, it doesn't slow him down one bit. It  
11 doesn't phase him at all. It doesn't discourage him. It  
12 doesn't disgust him. It doesn't drive him away in any  
13 way. Instead he just carries on with the conversation as  
14 if that information had never even been given to him, as  
15 if that information was irrelevant to him.

16 Now we know that he clearly heard the information.  
17 It's not like he just glossed over that part of the  
18 e-mail or he missed that part, because he says later on,  
19 "14, huh?" And when he talks to the detectives, he said  
20 he was going to meet a 14-year-old. So it's not as if  
21 there was any confusion on his part about the age of the  
22 person he was going to meet. He was very clear about  
23 that. He just didn't really care. You know, he didn't  
24 say to Ashley -- Agent Llabre as it turns out -- he  
25 didn't say to her, destroy those photos, I'm so sorry,

1       please don't tell your parents, please don't tell the  
2       police, what are you doing on craigslist in the first  
3       place, you're too young for this. You know, that's what  
4       Agent Llabre told you happens to her pretty regularly  
5       when she's engaged in these chats online. She tells  
6       someone she's 14-years old, and the usual reaction she  
7       gets is for people to either disappear, to just drop off,  
8       and they end the conversation completely, or they scold  
9       her. They tell her, you know, what are you doing on  
10      here, you're too young for this, where are your parents,  
11      do your parents know what you're doing. That is what  
12      usually happens, and that's the reaction of a reasonable  
13      person. But that's not the reaction that the defendant  
14      had. His reaction was, sure, we can hang out if you're  
15      okay with me being older.

16             Now, the Defense will argue to you, and they've  
17      already made these arguments that all he says is "hang  
18      out." Well, in that moment that's all he says. You  
19      know, even though I think we're both probably going to be  
20      quoting from bits and pieces of these conversations,  
21      what's important for you all as jurors is to take them as  
22      a whole, to look at them as a whole, all the e-mails, all  
23      the text messages, all the phone calls, and see how it  
24      all hangs together. Because it's true that in that one  
25      individual moment, what the defendant says is "hang out."

1 But keep in mind what's already happened. He's on  
2 craigslist. He's in the personal encounters section. He  
3 sent pictures of his penis. He's talking about hanging  
4 out, but it's not a really long jump from there to the  
5 more intimate discussion about sex.

6 You will get to take all of these exhibits back with  
7 you in the jury room. So you can look at them. You  
8 know, you can really scrutinize them. I know we went  
9 through them kind of quickly with Agent Llabre yesterday,  
10 but you will have the opportunity to view that -- scooch  
11 that chair over -- when you go back in the jury room.  
12 And you will have a chance to look at something that's  
13 really important which is the timing.

14 That's the defendant's first response: The  
15 pictures, if you like what you see, let me know.

16 And you can see in this next e-mail what time that's  
17 sent. It's sent at 3:37 p.m.

18 It's kind of like pointing in a mirror.

19 3:37 p.m., that's when he sent that first e-mail.  
20 The next e-mail where Agent Llabre says, I'm 14, it says  
21 12:50, but you heard her explain there was an issue with  
22 the computer server, so it kind of makes it look like  
23 it's back in time, if that's actually California time.  
24 But when that would have been sent was at 3:50 on her  
25 part.

1           The defendant's next response is at 4:21, so about  
2           half an hour later. Half hour. He's on this. He's on  
3           this, and he is responding quickly. We have the  
4           remainder of the e-mails. Again, going back and forth  
5           very quickly. And then we turn to the text messages.

6           And all the text messages have the times on the  
7           side, keeping in mind that this is all happening in the  
8           space of a single day. The whole thing actually from  
9           start to finish takes less than four hours. You know,  
10          that first e-mail at 3:21, and then he gets arrested at  
11          seven o'clock in the evening. So less than four hours  
12          for the whole -- for him to go through all these things  
13          and do all these things, because he's in a rush, because  
14          this is what he wants. He wants to find somebody right  
15          now to have sex with, doesn't care who.

16          So the text messages, you can see they start here at  
17          4:28. And he's saying in there, So, you're 14. No  
18          confusion on his part as to how old this girl was. And  
19          then he's the one who says, I'm looking to hook up. And  
20          that's at 4:39. 4:39. So just a few minutes later.  
21          Just a few minutes from the initial disclosure that she  
22          is 14, and he's looking to hang out. So hang out, it  
23          turns to hook up within the space of just a couple of  
24          minutes.

25          And then just two minutes later, three minutes

1 later, the defendant's words, "I like fucking in public.  
2 I love the thrill." Happening that fast.

3 This is all that's on his mind. This all he cares  
4 about. And the Defense will say to you, well, they only  
5 talked about sex one time. Right in here. And that's  
6 true. That's the only explicit discussion about sex, but  
7 the whole idea of sex and meeting for sex permeates this  
8 entire conversation, why you're on craigslist in the  
9 first place. He's talking about hanging out and hooking  
10 up. I mean, why do, you know, men and women hang out and  
11 hook up essentially with strangers? Because they're  
12 looking for sex.

13 And then the phone conversations that come later,  
14 you know, the Defense will say, well, they don't talk  
15 about sex in the phone calls. And while that's true that  
16 nobody says the words explicitly during the phone calls,  
17 "I want to have sex with you" or "this is what I want to  
18 do with you," the whole point of the phone calls is  
19 figuring out where are we going to meet for sex? When  
20 are we going to meet for sex? How much time do you have  
21 for sex? When does your aunt get home? When do you have  
22 to be back? You know, the defendant says at one point in  
23 phone calls when Agent Llabre, Ashley, says, you know, my  
24 aunt doesn't get home until two o'clock in the morning.  
25 He says, oh, we have plenty of time. So they're not just

1 talking about hanging out, and he doesn't have to say the  
2 word "sex" to know that that's what he's talking about,  
3 because that's the point of this entire conversation.  
4 They're not talking about getting together to go see a  
5 movie or to go have pizza. The whole point of the  
6 conversation is sex.

7 You can see reflected in these text messages, the  
8 phone calls as well -- and I'll talk about those a little  
9 bit more in a minute. Wherever it says "call," that's a  
10 phone call mixed in with all these text messages. Again,  
11 all happening within less than four hours.

12 Now, the defendant, he really clearly knows he is  
13 doing something wrong, because he says, still right up  
14 there, "So you're 14." A little bit further down after  
15 he's talked about having sex with her in public and she  
16 says, "Is that what you want to do?" He says, "I really  
17 want to, but your age makes me nervous, LOL."

18 Now, the Defense will say to you that LOL means that  
19 he's joking, he doesn't really mean that he wants to have  
20 sex, it's all a big joke. I don't think there's a lot of  
21 joking around going on in craigslist Casual Encounters.  
22 They're there for one reason, and that reason is to meet  
23 and to have sex. You know, and "LOL" doesn't mean I'm  
24 joking. It can mean a lot of different things. When  
25 you're talking on the Internet or you're text messaging

1 someone, you can't see their face, you can't see their  
2 tone of voice. So we've come up with all these different  
3 little phrases and little smiley faces and all those  
4 different things to try to convey a lot of different  
5 emotions. And that's what LOL means. It doesn't mean he  
6 doesn't mean what he says. It just means he's trying to  
7 be friendly. He's trying to be flirtacious. That's the  
8 tone of this entire conversation. He's trying to be  
9 flirtacious, trying to be interesting. You know,  
10 everyone likes someone who is funny and entertaining and  
11 that's what the defendant is trying to be.

12 But he says, Your age makes me nervous. And he says  
13 later on in the phone calls, I got a really weird feeling  
14 because of the age gap. I got a really weird feeling  
15 because of the age gap. And he says, You're really young  
16 and I can get in a lot of trouble. And the most  
17 compelling statement of all, he says, You're not a cop,  
18 are you? He doesn't know that he is doing anything  
19 wrong. He doesn't think that he is doing anything wrong.  
20 If he only has good intentions, why is he worried that  
21 she's a cop. The only time people are worried about the  
22 cops is when they're doing something they shouldn't be  
23 doing. You know, when you're speeding when you're  
24 driving down the road and you see the police car, you go  
25 (indicating), your heart just kind of crunches. Oh, the

1 cops just saw me. And that's just speeding. That's just  
2 a minor example. The only time that people get nervous  
3 around the police officers is when they know they're  
4 doing something wrong.

5 And it's interesting that that statement that the  
6 defendant makes, You're not a cop, are you; because I got  
7 a really weird feeling. That's in the very last phone  
8 call. That's the very last phone call where the  
9 defendant makes the statement -- or excuse me. The  
10 purpose of the phone call is telling Ashley, I'm actually  
11 in the car and I'm on my way to meet you. So this is the  
12 very end of the conversation, and all he's worried about  
13 is, are you a cop? That tells you everything that you  
14 need to know about his intentions and why he was going to  
15 that parking lot to meet with Ashley.

16 The defendant knows he's doing something wrong. He  
17 doesn't care. And that's what creates the danger. The  
18 Defense will say, he's 23, he's young, seems like a nice  
19 person, why are you police picking on him. Well, the  
20 point of these law enforcement operations is to find  
21 people who don't care about children and don't care that  
22 children are different and that the law protects them a  
23 little bit more because they're young and because they're  
24 immature, and the real children or real teenagers make  
25 really bad decisions sometimes. You know, real teenagers

1 can sometimes think it's a really good idea for me to go  
2 out and have sex with an adult. That's why the law  
3 treats them differently. Children just don't think about  
4 these things very clearly.

5 The defendant doesn't have to be, you know, some  
6 registered sexual predator or on some kind of watch list  
7 to be a dangerous person and deserving law enforcement's  
8 attention. Because during his conversations here and the  
9 things that he does and the things that he does, he has  
10 demonstrated that he's a dangerous person because he  
11 doesn't care how his actions affect other people. He  
12 just cares about himself, just cares about finding that  
13 person that he wants to have sex with.

14 Now, you've heard a lot already about craigslist,  
15 and I expect you're going to hear a lot more about  
16 craigslist and what craigslist is about. It's intended  
17 for adults. At least that's what the owners and the  
18 operators of craigslist mean. But let's face it, it's  
19 pretty easy to get on there when you're a kid. Agent  
20 Llabre showed you, all you have to do is click on a  
21 button where it says, are you 18, and you just click  
22 "yes." And that's it. It's not like the website  
23 challenges you or says you have to fill out an  
24 application form that's got proof of ID. You don't have  
25 to do any of those things. All you have to do is click

1 "yes."

2 Agent Llabre told you, you know, she found real  
3 children on there before. She found actual teenagers in  
4 the Casual Encounters section who are trying to find  
5 adults or perhaps other teenagers to try to have sex  
6 with. It happens. Real teenagers are doing this.  
7 That's why law enforcement goes to craigslist in the  
8 first place to look for these people. You know, when  
9 you're looking for a certain type of crime, you go where  
10 that crime is. If you're looking to buy drugs, you don't  
11 go to Publix, you know. You don't go to your local  
12 church or your YMCA. You go to where the drug dealers  
13 hang out. And if you're looking for anonymous sex and  
14 you're looking for teenagers, you go to craigslist.  
15 Nobody uses MySpace any more. That's kind of a dated  
16 website. It's kind the Sears catalog of websites.  
17 Nobody even uses it. We all kind of remember, at least  
18 some of us, remembers the Sears catalog. But it's not  
19 relevant to our lives. If you're looking for casual sex,  
20 craigslist is the place to go. And even teenagers know  
21 that.

22 You know, the Defense will say craigslist is meant  
23 for adults so that's what the defendant was looking for.  
24 Perhaps that is what he was looking for originally but  
25 that's not where he ended up. Plan A for the defendant

1 may have been, I'm going to find somebody my own age to  
2 hook up with. But when the only response he gets is from  
3 a 14-year-old, good enough. That's good enough.

4 You heard him say in his interview with Detective  
5 Voigt that he's gone on craigslist before, but this is  
6 the first time he's ever had anyone respond to him.  
7 Imagine how excited he was. Finally. Somebody finally  
8 contacted me back. She's 14, who cares. Finally found  
9 someone cute, somebody who is interested in me. That's  
10 all he cares about, somebody who was interested in him.  
11 So that's plan B.

12 Plan A is finding somebody your own age. Plan B is  
13 who cares how old she is as long as she is willing to  
14 have sex with me. The defendant is good with that and he  
15 shows you he was good with that by carrying on with these  
16 conversations, continuing to be flirtatious and  
17 interested, and ultimately getting in his car and driving  
18 to the place where he's supposed meet Ashley with a  
19 condom in his pocket. You heard him say that to  
20 Detective Voigt in his interview that he had a condom in  
21 his pocket. So what else are his intentions? You know,  
22 what else are his intentions except to meet her and to  
23 have sex with her?

24 The defendant is the first person who mentions sex,  
25 and the Defense is going to talk a lot about Agent

1 Llabre, the professional seductress, as he calls her, and  
2 how she was driving this bus. No. The first time any  
3 conversation comes up about sex is the defendant. I'm  
4 looking to hook up with someone; I like fucking in  
5 public; I love the thrill. And when she asks him, Is  
6 that what you're looking to do? He says, yeah. His  
7 idea. His fantasy. And she is just letting him act it  
8 out. She is following where he leads, but it's his idea  
9 in the first place.

10 The rest of the conversation may be about where  
11 we're going to meet, how long we're going to meet, what  
12 time are we going to meet, but the entire purpose of the  
13 meeting is the sex. That's the point. No other purpose  
14 in that meeting with each other.

15 It's kind of interesting to think too, you know,  
16 what the defendant says, "I like fucking in public." And  
17 where does he suggest that they meet? A public place.  
18 It could be a coincidence. It could be. It could be,  
19 you know, craigslist suggests that if you're going to  
20 meet somebody that's a stranger to you, you go to a  
21 public place so it's safe and there's other people  
22 around. It could be that too. But it's an interesting  
23 coincidence that he has a fantasy in where he asks Ashley  
24 to meet him is the place where you can fulfill that  
25 fantasy fairly easily. You know, he doesn't care where

1 he gets caught. When she says, I would be scared to have  
2 sex in public, he says, that's the point, that's the  
3 thrill. That's what he's looking for. He doesn't care  
4 that it's a 14-year-old. All he cares about is it's the  
5 thrill, the fun, the sex.

6 And he didn't just talk about the sex. He showed up  
7 for it. They agreed on a location. He went there. They  
8 agreed on a time. He went at that time. He said what  
9 kind of car he was going to be driving, a red Ford Focus.  
10 That's what he was driving. Everything that he said he  
11 was going to do, he did. The other things that he said  
12 he was going to do, he just didn't have a chance to do  
13 these things. You know, it's not what he wanted  
14 obviously. But the police were able to stop him before  
15 he can actually find a teenager, find a 14-year-old  
16 Ashley to have sex with. Not for lack of trying, but the  
17 plan did not pan out for him.

18 He shows up fully expecting to meet Ashley, got a  
19 condom in his pocket, and then he gets arrested. What he  
20 says to Detective Marshall after being read his Miranda  
21 rights is, I'm here to meet a 14-year-old girl; I was  
22 talking to her online; I sent her pictures of my penis; I  
23 knew it was a mistake, but I came anyway. That's what he  
24 says to Detective Marshall.

25 Later he tells Detective Voigt a more elaborate

1 story. He says essentially those same things, but to  
2 Detective Voigt, he says, I said these things; I talked  
3 about these things; I wasn't really going to do anything;  
4 I was driving to that place to let her down gently, to  
5 break up with her in person. He's never met this girl  
6 before. You know, why does he -- craigslist is not about  
7 caring about people's feelings. Craigslist is about --  
8 this Casual Encounters section is about meeting people  
9 for sex. It's not about love or friendship or caring or  
10 being respectful of other people's feelings. Why does he  
11 care?

12 You know, it would be so easy for him. He's got her  
13 phone number. And she's not being pushy towards him.  
14 He's got her phone number. It would be so easy for him  
15 to call her and say, I changed my mind, you know, I think  
16 this is a bad idea or I have plans to have dinner with my  
17 mom; how about some other time. It would have been so  
18 easy for him to do that if that was his real intention.  
19 You know, he could have turned his phone off. He could  
20 have blocked her phone calls if he was really concerned  
21 that she was going to be blowing up his phone -- to use  
22 his phrase.

23 But that's not why he said that. Why he said that,  
24 that's buyer's remorse. That's the story that he came up  
25 with 45 minutes after he was arrested. After 45 minutes

1 of sitting there in handcuffs, he's thinking, I got to  
2 get out of this; I got to get out of this; what am I  
3 going to say that's going to get me out of this.  
4 Obviously the first story didn't work, what he said to  
5 Detective Marshall, that didn't work for him at all. So  
6 he changed his story.

7 And you know that someone is being dishonest when  
8 they change their story. You know, let me tell this  
9 story. My story didn't get me what I want, so I'm going  
10 to tell another story. Well, that story didn't get me  
11 what I wanted either. That's how you know that someone  
12 is being dishonest with you. You know, by saying, I went  
13 there but I changed my mind and I was just going to let  
14 her down easy, he's trying to minimize what he said.  
15 He's trying to distance himself to it.

16 It kind of reminds me years ago with Bill Clinton  
17 when they asked him if he'd ever smoke marijuana, and he  
18 said, well, yeah, I smoked it but I didn't inhale. It's  
19 the same thing with the defendant. I went there, but I  
20 wasn't really going to do anything. It sounded  
21 unbelievable when Bill Clinton said it. It sounds pretty  
22 unbelievable when the defendant says it as well.

23 What's interesting too about the statement to  
24 Detective Voigt is he never says anything about  
25 entrapment. He never says anything about being tricked

1 or confused or pressured or overwhelmed by this  
2 detective. He never says any of that. I mean, clearly  
3 at this point he knows that the 14-year-old Ashley didn't  
4 exist. He knows that this is the police, but he doesn't  
5 say any of these things. You know, I felt pressured; I  
6 feel overwhelmed; I didn't know what I was doing. He  
7 didn't say any of those things. All he said was, this  
8 was my fantasy, and I was acting on it. And on the  
9 Internet nothing really quite seems real, but I got in my  
10 car and I went there, and that is real.

11 If the defendant really felt pressured, if he really  
12 felt entrapped, he would have said something there.  
13 Instead that's the new story that's being given to you  
14 all here in court today. The first story didn't work and  
15 the second story didn't work for him either. So that's  
16 story number three.

17 If it's true that he changed his mind, if it's  
18 really true that he changed his mind on the drive there,  
19 why is he worried that he is talking to the cops?  
20 Because that's when he says it, that very last phone call  
21 when he is literally seconds away from meeting with  
22 Ashley. You're not a cop, are you? I just got this  
23 really weird feeling because of the age gap. If he  
24 doesn't have any bad intentions, he wouldn't care if  
25 she's a cop. It wouldn't matter to him. But he does

1           have bad intentions, and what doesn't matter to him is  
2           the age of this girl, the age of the girl that he is  
3           going to have sex with. It's totally irrelevant to him.  
4           All he cares about is meeting with her and having sex  
5           with her.

6           He knows he is running a huge risk. He knows he is  
7           doing something wrong. He knows he's doing something  
8           that is going to hurt people around him. He doesn't  
9           care. Doesn't care.

10          I'm going to have another chance to come up and  
11          speak with you after the Defense makes their final  
12          argument. But I want you to keep this in mind while  
13          they're talking, if he is tricked, if he has been  
14          pressured, if he is being forced to do something that's  
15          acting out of his character, why does he care that he's  
16          talking to the cops? Why does he say that right there at  
17          the very end? Guilty conscience, that's why. That's the  
18          only reason why you say something like that, because you  
19          know you're doing something wrong and you're afraid that  
20          you're going to get caught, and there is no other  
21          explanation for making a statement like that.

22                 Thank you very much.

23                 THE COURT: Thank you.

24                 Mr. Aiken.

25                 MR. AIKEN: Thank you.

1           When the prosecutor asked you, why is he here? I  
2           want you to think about that. What did that young man do  
3           in the six hours he got back in this country to get  
4           himself arrested and charged with one of the most serious  
5           crimes a person can be charged with? He had been here  
6           six hours. What did he do in that six hours? His entire  
7           future is at stake. I'm not asking for an ounce of  
8           sympathy, but I am asking for a pound of justice in this  
9           case, because you're going to make a decision that  
10          affects another human being's life. It's one of the most  
11          important things you will ever have to decide.

12           In your personal life you have to make important  
13          decisions: Who am I going to marry, am I going to have  
14          kids, where am I going to go to school, and stuff like  
15          that. But you're about to make a decision today. It  
16          will affect another human being's life forever.

17           I want you to ask yourself one question. Would any  
18          of us be here today, any of us, but for Shea Llabre  
19          because when you talk about entrapment and when you talk  
20          about inducement and when you talk about things like  
21          that, would this incident, any of it, have ever occurred  
22          but for that ad? Was he a sex predator patrolling the  
23          internet for a child? There is not a shred of evidence  
24          of that. Was he the one putting up an ad? No. Was he  
25          the one putting up the bait? No. The case begins with

1 the police. And we talked about this in voir dire. The  
2 difference between detecting crime, interrupting crime,  
3 trapping criminals, and stuff like that, or creating  
4 crime, because ultimately there is only going to be two  
5 issues in this case and that's going to be whether or not  
6 there was inducement and whether or not there's  
7 predisposition. And I'm going to go into great detail  
8 about that as I go through this.

9 Why is he on trial? How did we get here? What does  
10 it take to get arrested? In this case, all it takes is  
11 Shea Llabre's opinion. In other words, she calls the  
12 other cop, Detective Voigt, she says, look, she says  
13 she's got PC, take him down. And the other officer that  
14 came in and testified, same thing, they told me to take  
15 him down. But the case always goes back to Shea Llabre's  
16 opinion in terms of whether or not in a couple of  
17 conversations she's got enough. Her opinion doesn't  
18 matter. My opinion doesn't matter. Her opinion doesn't  
19 matter because ultimately in this case there is only six  
20 opinions that are going to matter. In other words, it's  
21 your opinion of what happened. And it's got to be more  
22 than an opinion. It's got to be a verdict because you  
23 have to make a decision whether or not the evidence in  
24 this case is beyond a reasonable doubt.

25 One of -- any lawyer's biggest fears in trying a sex

1 case is the prejudice that you start off with, and we  
2 went through this in voir dire when I'm questioning  
3 people. People say, oh, my God, my first thought was how  
4 could he do it. Because I feel like sometimes you start  
5 off with a stacked deck because of the nature of the  
6 charge, the nature of sex, and stuff like that.  
7 Everybody starts off against you. But as I pointed out  
8 in voir dire, the only thing worse is being falsely  
9 accused of a sex crime, because it is an incredibly  
10 important thing.

11 The Judge -- and I like to talk about law in closing  
12 statement. The Judge will tell you what the law is. I  
13 try and touch on this and weave it into the facts. But  
14 you start with a presumption of innocence. Well, that's  
15 a great thing to say, but in a sex case, I think I really  
16 start with a presumption of guilt, and that's wrong. We  
17 should be starting with the same presumption of innocence  
18 in this case that you would in a possession of marijuana,  
19 or a DUI, or anything else. But I think that everybody  
20 starts out presuming you're guilty. And you're not.

21 What you did do is take an oath as a juror in this  
22 case to follow the law, and that oath says, I'm going to  
23 follow the presumption of innocence that you absolutely  
24 start off presumed innocent, and then the State has to  
25 prove the case beyond a reasonable doubt, and those are

1 probably the most complicated words in the English  
2 language. But if I were going to give you an example,  
3 you start off innocent -- I mean, scales don't start like  
4 this. A lot of people think scales start like this  
5 (indicating) and whoever proves the most evidence wins,  
6 and that's not the way criminal cases start. Criminal  
7 cases start off like this (indicating) and the State has  
8 to take it all the way like that, and it's got to be  
9 beyond a reasonable doubt.

10 The Judge will tell you what that means, because  
11 nothing in life is a thousand million percent. You have  
12 to have an abiding conviction of guilt, and that means  
13 you got to know it, you got to feel it, and you got to  
14 believe it. And what the law says is if you have an  
15 abiding conviction, even if you reach an opinion, and you  
16 probably did. But that opinion wavers or that opinion  
17 vacillates -- in other words, you have to say, well, I  
18 think he did, but I can see the other side of that. If  
19 that opinion -- and listen for the words that the Judge  
20 reads you. If that opinion wavers or vacillates, that's  
21 what's called reasonable doubt. Now, if you have to  
22 think about it twice -- in other words, if you have to  
23 think twice about this, that's what they call reasonable  
24 doubt.

25 The bottom line in this case is, was he the guy on

1 the Internet trolling looking for a kid? Or was he a  
2 law-abiding citizen that got sucked into something into a  
3 situation that was created by the police?

4 The one thing the prosecutor didn't once mention,  
5 didn't even mention, was predisposition. Because what  
6 the Judge is going to do is he's going to read you an  
7 instruction that says, if there's inducement -- if you  
8 find that there's inducement, then the State has the  
9 burden of proving predisposition. In other words, if  
10 this is the guy that was not predisposed to have sex,  
11 predisposed to have sex with a minor, they have to prove  
12 predisposition beyond a reasonable doubt. And there's  
13 not a shred of evidence in this case of predisposition.  
14 In other words, he's not on any list -- I mean, there's  
15 not a shred of evidence. And the Judge is going to tell  
16 you and you've got to pay real careful attention to the  
17 law in this case. Predisposition has to come before the  
18 police conduct. It has to come before the inducement.  
19 So you have to -- you have to have a guy who is  
20 predisposed to do that first. Not as a result of the  
21 police conduct.

22 I want to talk about the ad, because if you want to  
23 talk about inducement, you got a kid coming back from the  
24 military. He's been gone years. He's in town for six  
25 months -- not six months, six hours. And there's an ad

1 up there. Is that ad an inducement? Take a look at the  
2 ad. I mean, there is nothing about the ad that's true --  
3 "spring break, 88, have some fun." Any human being  
4 reading that ad, any human being reading that ad, would  
5 conclude that it was an ad to have sex.

6 And I think Shea Llabre has her job because she is  
7 effective. She is very good at getting people sucked in.  
8 She's very good at it. And if we go through the  
9 communications and you look and see what this entire case  
10 boils down to is a handful of texts in the middle. She  
11 says, What are you into? She puts out the bait, she puts  
12 out the cheese, and then she says, What are you into?  
13 And at that point in time, all he does is respond to her  
14 question. He says, I like fucking in public. I mean, he  
15 later describes that as a fantasy, but he says, that's  
16 what I like. He doesn't say, I want to do it with you.  
17 Never once in any of those conversations, never once does  
18 he solicit her and say, I want to do it with you. She,  
19 being the closer says, I'm in for that, and she jumps on  
20 it, and it goes on from there.

21 One of the things -- if the State wants to focus on  
22 a handful of things, never in any of the other texts,  
23 e-mails, phone calls, or anything is there any other  
24 discussion about meeting up for sex. He talks about  
25 hanging out. I want the prosecutor when she gets back up

1 here to address something, look you in the eye and  
2 address something. In his call number 5 when he is --  
3 he's only going a few blocks from his house. In his call  
4 number 5 he's saying, what are we going to do? And he  
5 says, I'll leave it up to you. And I mean, if their  
6 argument is he is going there for sex, the last words  
7 coming out of this kid's mouth is, "Yeah, we're going to  
8 meet, but I'll leave it up to you." Is that seduction?  
9 Is that luring? Is that enticing? Is that any of the  
10 things that the State is alleging in this case?

11 If we talk about inducement, because if there is  
12 inducement and there is no predisposition, the case is  
13 over. So the case all boils down to, is there  
14 inducement? Because if there is inducement and no  
15 predisposition, that's entrapment; the case is over.  
16 It's that simple.

17 So let me talk about inducement. Is putting an ad  
18 up like that inducement? I think so.

19 MS. WALLACE: Objection --

20 MR. AIKEN: I withdraw that.

21 MS. WALLACE: -- counsel giving his personal  
22 opinion.

23 MR. AIKEN: I'm sorry. My apologies.

24 THE COURT: Sustain the objection.

25 MR. AIKEN: You can conclude whether or not you

1 think them putting that ad up is an inducement. When  
2 Shea is doing the smiley faces and the little winks in  
3 the e-mails and in the texts and things like that, is  
4 that an inducement? You make your own decision about  
5 that.

6 The one thing the prosecutor didn't mention once in  
7 her closing is the photographs they sent. They send a  
8 picture, and you can reach your own conclusion whether or  
9 not it's a seductive picture, but they sent a picture of  
10 a girl that it would be legal to have sex with. They  
11 said, I'm 14. And then they send a picture of a girl, a  
12 17-year-old girl, with cleavage blowing a kiss to a young  
13 man coming back from overseas. Do you think that is  
14 inducement? They send that picture. They send a second  
15 picture of a 17-year-old girl that it will be legal to  
16 have sex with. Is that an inducement? If you go through  
17 carefully, if you go through the calls and all the other,  
18 oh, I really want to meet with you; oh, you're cute; oh,  
19 you're nice. Are those things that would induce a kid  
20 like him whose coming back, got no friends, got no  
21 nothing, got no -- the only person even talking to him is  
22 her.

23 Are those the kind of things that would constitute  
24 an inducement? Because if they are, if you reach the  
25 conclusion that there is inducement, then there is only

1           one other issue in the case. The only other issue in the  
2           case -- because if the police induce it, the only other  
3           issue in the case is, have they induced someone who is  
4           predisposed to commit the crime. Is there any evidence  
5           that he's ever been predisposed to be any kind of sex  
6           offender or anything like that, and we would know he  
7           isn't. In fact, the evidence is the contrary. Since he  
8           got out of high school, he's been in the military  
9           overseas.

10           So the case eventually all boils back down to  
11           inducement. In other words, if you look at the phoney  
12           pictures they sent, if you look at the phoney ad they put  
13           up, if you look at "nice," if you look at "cute," if you  
14           look at smiley faces, if you look at winks, and if you  
15           conclude that's inducement, then the verdict in this case  
16           is real simple.

17           The verdict, if you look at the verdict in this  
18           case, and I don't like to talk a long time because the  
19           evidence is real clear and the law is real clear. I want  
20           you to listen carefully to the instruction that the Judge  
21           gives you on entrapment. We don't decide criminal cases  
22           based on personal feelings -- I think the law will be  
23           this, the law will be that, things like that. We decide  
24           criminal cases based on the evidence and the law. And  
25           one of things the Judge is going to tell you is that a

1 criminal case can be decided from the lack of the  
2 evidence. In other words, if they don't prove guilt  
3 beyond a reasonable doubt, if there's a lack in the  
4 evidence, you can return a verdict of not guilty from the  
5 lack in the evidence. If you look at the traveling  
6 count, Count II, where they're -- even Shea Llabre says,  
7 well, these communications are subject to interpretation.  
8 I interpret it this way. If the communication -- if the  
9 travel -- if him coming there -- in other words, if you  
10 look at, you know, what are we going to do? If you look  
11 at that and that is subject to interpretation, if it can  
12 be interpreted either one of two ways, you have to go  
13 with the interpretation of innocence, because if it is  
14 subject to interpretation, it has to be not guilty. You  
15 have no other choice than that.

16 One of the other instructions you get from the Judge  
17 talks about witnesses, and I keep going back to the fact  
18 this case is based on Shea Llabre's opinion. She is  
19 very, very effective in dealing with young men, and I  
20 cross-examined her. In other words, this is the classic  
21 case of cross-examination. Why do you cross-examine  
22 witnesses? Because you try to get to the truth. The  
23 Judge will give you an instruction on witnesses. Are the  
24 witnesses straightforward? Did they answer the  
25 attorney's questions? Getting simple answers out of Shea

1 Llabre was like pulling teeth. I had to get up there and  
2 put it in her face before she will even admit to what's  
3 coming in the phone calls. She has her opinion, and  
4 there's nothing in this planet that will ever change her  
5 opinion that -- gotcha; I got you to mention sex; I  
6 pretend to be 14; I got you to mention sex; I got you;  
7 got you; got you. There's nothing in this world that  
8 will change her opinion.

9 And I'm sure the prosecutor shares that same  
10 opinion, and I'm sure she's going to share that same  
11 opinion with you, but I keep coming back to, it doesn't  
12 matter, because you're the only ones that matter at this  
13 point in time.

14 I like to think up analogies of what law enforcement  
15 is doing, and when I was younger I used to fish. I fish  
16 sharks. I was wrong. You shouldn't catch sharks. I was  
17 wrong. But when I was young I did. And when a fisherman  
18 goes out to catch sharks, the way you do it is put out  
19 the chum bag, and what a chum bag is is the mixture is  
20 frozen. Usually you put it in a bag and you throw it in  
21 there, and you throw it over and you put out your hook  
22 and you start catching fish because you're trying to  
23 catch sharks. But anybody that's ever fished, anybody  
24 that's ever fished knows that long before you catch the  
25 shark, you're going to catch dozens of grunts and little

1 baby snapper and baby fish and everything else, because  
2 the intent -- I understand the police intent. The police  
3 intent in this case is to catch a shark. But in the  
4 process of putting out that bait, putting out that chum,  
5 and trying to catch that shark, what they got was grunt.  
6 I mean, they got a nobody. They didn't get a predator.  
7 They put the bait out, somebody took it, but it wasn't a  
8 shark.

9 And that goes back to that issue of predisposition.  
10 If you got somebody that was predisposed to do it anyway,  
11 then that's the shark. And what you do, and what I did  
12 when I was fishing, when you caught the grunt, you threw  
13 him back and let him grow up. And that's probably the  
14 best analogy I can give you in this case. Because that's  
15 what's happened in this case. I don't fault the police  
16 motives. I do fault their tactics. I think reasonably  
17 minded jurors could really question whether or not the  
18 police should be, in this case, creating a crime sending  
19 phoney pictures. And I don't know any way in the world  
20 the prosecutor is going to be able to get back up here  
21 and address that issue of the phoney pictures. You just  
22 don't send pictures of a 17-year-old that it would be  
23 legal to have sex with. There isn't any way in the world  
24 that you cannot conclude that that's not a fraudulent  
25 inducement. There is no way in the world she can do it.

1           The verdict, I never in my life been able to sit in  
2           the jury. Obviously because I'm a lawyer. So you never  
3           know what goes on in there, but people usually elect a  
4           foreman and then they decide whether or not they proved  
5           the evidence beyond a reasonable doubt and stuff like  
6           that. In this particular case, on Count I they're saying  
7           basically that he lured, seduced, enticed, and solicited  
8           a person he believed to be a minor. I don't think that  
9           the evidence shows that.

10           I can't express an opinion. My apologies.

11           The evidence in your opinion I don't think will rise  
12           to that level. Does it rise to the level of seduction,  
13           inducing, enticing, soliciting? Does that three second  
14           exchange on the Internet rise to that level? If it  
15           doesn't rise to that level, then the verdict is not  
16           guilty. In other words, if those couple of lines right  
17           there don't do it, then the verdict is not guilty.

18           But what if some of you say, well, you know, I think  
19           that all that "fucking in public" and "I will be down for  
20           that," I think that does rise to that level. Then the  
21           issue is, was there entrapment? Because if there's  
22           entrapment, if there's inducement, and there's no  
23           predisposition, it's still not guilty. So if he did  
24           induce, entice, and solicit, and he was entrapped, it's  
25           still not guilty. So there is two ways you have to look

1 at Count I. Does that rise to the level? Does the  
2 conduct rise to that level? And if so, was he induced?  
3 And if he was induced, is there predisposition? And the  
4 predisposition has to be there first.

5 Now, there's the way the system is set up, you don't  
6 catch law-abiding citizens that you talk in to a  
7 situation. You can catch the bad guys that were already  
8 predisposed to do it with trickery and deception and  
9 decoys and all that, but you have to be able to prove in  
10 this case beyond a reasonable doubt that the bad guys  
11 were predisposed to do it.

12 Count II is a little simpler, because if on Count I  
13 you reached the conclusion that either, one, it didn't  
14 rise to the level of seduction and/or he was entrapped,  
15 if you conclude he is not guilty of Count I, he can't be  
16 guilty of Count II. Because in Count II, the travel has  
17 to come after you seduced and lured and enticed somebody  
18 on the Internet. So if you conclude in Count I either  
19 there is entrapment or -- I mean, in looking at the case  
20 and making your decision, I would say address Count I  
21 first. Because if you conclude in Count I it's not  
22 there -- for either one of the two reasons: One, it  
23 doesn't rise to the level; or two, he was entrapped --  
24 either one of those two reasons, then Count II is a  
25 no-brainer because the travel doesn't matter at that

1 point in time.

2 On the travel issue, I know the prosecutor is making  
3 a big deal -- oh, he travelled, he travelled, he  
4 traveled. But what he said in his post-arrest  
5 interview -- and it ain't real -- nobody knows -- when  
6 you talk to somebody on the Internet or in e-mails, you  
7 don't even know they're a woman. You don't know what's  
8 on the other side. And I can see a young man with  
9 curiosity saying, you know, I got these pictures; it  
10 doesn't look like a 14-year-old girl to me. I can see a  
11 young man showing up.

12 One of the key things -- and the only reason we put  
13 the mother on, he was supposed to come back. Can I  
14 borrow your car for a few minutes? I'm coming back for  
15 dinner. He's not going for some sexual encounter and to  
16 have sex in Walgreens. He basically tells his mom, I'll  
17 be back for dinner in a few minutes, and he never gets  
18 back.

19 So I think for a multitude of reasons in this case,  
20 the reasonable doubt standard alone, the entrapment,  
21 there are any number of a dozen different reasons that a  
22 jury can reach a conclusion of not guilty in this case.  
23 One of the things that happens in life is compromise.  
24 Getting six people to agree on anything is next to  
25 impossible. And I've seen juries over the years

1           compromise. There may be four people that say he's  
2           innocent and two people say he is guilty. One of any  
3           lawyers either side, biggest fear is compromise. But we  
4           know it happens.

5           In this case there is a third alternative that the  
6           Judge gives -- excuse me. There is not a third  
7           alternative. It's just guilty or not guilty. In this  
8           particular case, I think you should look at the evidence  
9           real carefully, and I want you to apply the law, and I  
10          want you to listen to counsel when she gets back up here,  
11          and I want you to listen to her explanation when he says,  
12          I'll leave it up to you. Is that some kid seducing some  
13          poor 14-year-old? Or is that some curious kid back there  
14          showing up. In this particular case, I think the lack of  
15          the evidence, I think the entrapment is huge --

16                 MS. WALLACE: Your Honor, objection, counsel is  
17                 expressing his personal opinion.

18                 THE COURT: Sustained.

19                 MR. AIKEN: My apologies.

20                 I don't think. You should think. You should look  
21                 at the facts in this case, and I don't want a verdict  
22                 based on sympathy. I want a verdict based on law. This  
23                 is not the Trevon Martin case. This is not some case  
24                 where the jury is going to get criticized on CNN or  
25                 something like that. You're going to go back there.

1           You're going to make a decision, and we'll come back in  
2           here and we'll all live with it. But it is an absolutely  
3           incredible, incredible, incredible, important decision.  
4           That's why we got that high standard of beyond a  
5           reasonable doubt, and that's why I want you to follow the  
6           law. Because if you follow the law on reasonable doubt,  
7           if you follow the law on entrapment, and if I can  
8           convince you to set aside personal prejudices or feelings  
9           you may feel about sex or something like that, if I can  
10          get you to put that aside and go with the presumption of  
11          innocence, go with beyond a reasonable doubt, you go with  
12          entrapment, then the case is simple. It's a real simple  
13          case. Was there inducement? And was there  
14          predisposition? There was inducement. There's no way  
15          they can say that's not inducement. And there is no  
16          predisposition. And if you have those two things, it's  
17          simple adding and subtracting, the verdict in this case  
18          has to be not guilty. Think about it. It's a big deal  
19          to him. It's a huge, huge deal to the defendant. And  
20          whatever you decide, it's got to be unanimous. All six  
21          of you have to agree.

22                 If you in your heart reach a conclusion, if that is  
23                 your verdict, don't compromise that view just to go home  
24                 or something like that. If you reach a verdict and that  
25                 is your verdict -- I don't care which way it is -- stick

1 with it. If that's your own personal beyond a reasonable  
2 doubt belief, then you hang there with it. And all I  
3 want you to do in this case, ladies and gentlemen, is do  
4 the right thing. Do the right thing in this case. Thank  
5 you.

6 THE COURT: Ms. Wallace.

7 MS. WALLACE: Make no mistake about it. The  
8 defendant is the shark. He may not look like one right  
9 now, but he is one, because he was swimming on craigslist  
10 looking for someone to have sex with and he didn't care  
11 who that person was. He was ready to bite on a  
12 14-year-old girl. Now, did he go on craigslist with the  
13 original intention of finding a 14-year-old? Probably  
14 not. But that's what he ended up with and that's what he  
15 was ready to bite on, because the age didn't matter to  
16 him. He's not a grunt. He is not a snapper. He is the  
17 shark.

18 If the defendant was so offended, if he was so put  
19 off by the idea of having sex with a 14-year-old, or even  
20 just talking to a 14-year-old about sex, plenty of other  
21 fish in that sea. You saw craigslist yesterday. Casual  
22 Encounters section is full of options. If the defendant  
23 was so offended by the idea of sex with a 14-year-old,  
24 all he had to do is go, click, goodbye, on to the next  
25 ad, and on to the next ad. Plenty of fish in that sea.

1           But what happened is he got a response. He got a  
2 bite actually. Somebody bit the shark. He got a  
3 response, and he was so excited to finally get someone  
4 interested in him on craigslist that he didn't care how  
5 old that person was. He didn't care. When you don't  
6 care about the rights and the dealings of other people,  
7 that makes you a shark.

8           I want you to think about a major inconsistency with  
9 the argument that the Defense just gave you, because what  
10 they're really trying to do here is have it both ways.  
11 What the Defense is saying is, he didn't commit this  
12 crime at all, but if he did commit the crime, then he was  
13 entrapped and it's the police's fault and not his. Well,  
14 you can't have it both ways like that. You can't. It  
15 doesn't work. It doesn't make any sense. You know, in  
16 your gut, it doesn't feel right.

17           You know, what happened? The defendant -- if you  
18 want to believe the Defense's version of what happened,  
19 their argument, you would have to believe that the  
20 defendant was overwhelmed and persuaded by law  
21 enforcement, by Agent Llabre, that he was just -- he was  
22 bedazzled to cast a magic spell on him and made him say  
23 things and do things that he would never have ordinarily  
24 done. But by the time he got in his car to drive to the  
25 parking lot, the magic spell wore off. It's not

1           entrapment any more. It's, I changed my mind; I didn't  
2           have any bad intention.

3           Some of you have read the Harry Potter books or have  
4           seen the movies. There's lots of different magic spells  
5           out there, I guess, and some are permanent and some wear  
6           off, and I guess this is a magic spell that just wore  
7           off, because the defendant shook off the persuasion,  
8           realized he was doing something wrong, and changed his  
9           mind and went to that parking lot to say you're too young  
10          for this, and I'm really sorry, I'm not interested any  
11          more. Really? Is that really what you think happened  
12          here? What happened is the defendant got caught, and  
13          then he started backpedalling. He wasn't entrapped. And  
14          I'm going to talk about the law of entrapment because  
15          there's some very specific things that the Defense has  
16          left out in talking to you about what entrapment really  
17          means. But I want you to -- before we move on to that  
18          just think about it for a minute. I didn't do it. I  
19          didn't do anything wrong, but if I did do something  
20          wrong, then it's somebody else's fault. How do you like  
21          that? Not good. Not good.

22          You know, we can all agree I think that the Internet  
23          can be a dangerous place. It's anonymous. It's -- vast  
24          doesn't even begin to describe how, you know, the size of  
25          this thing, and it's hard to police. And we expect law

1 enforcement officers to be proactive. That's why we pay  
2 them. We don't pay them just to come out after the fact  
3 and take a crime scene report after your house is being  
4 broken into. We want them to be aware of crime, to be  
5 looking for it, and nip it in the bud. We would be  
6 outraged. We would be outraged as a community if we just  
7 said, you know, police, there is all kinds of bad stuff  
8 going on on the Internet, but just ignore it. You know,  
9 just ignore it, don't do anything about it. We would  
10 never stand for that as a community, wouldn't stand for  
11 it.

12 Now, to solve these types of crimes, it involves a  
13 certain level of deception. That's true. The law says  
14 that that's okay. That's the only way that you're going  
15 to catch somebody under a lot of circumstances when they  
16 don't want to get caught. You know, if somebody wants to  
17 go out and buy drugs, they're not going to advertise it  
18 to the police. They're going to be kind of secretive  
19 about it, and they're going to find a drug dealer, and  
20 that drug dealer is going to be secretive about it too.  
21 Neither side wants to be caught. So that's why sometimes  
22 the police pretend to be drug dealers or drug buyers so  
23 they can penetrate that, break that crime, crack that  
24 nut.

25 Same thing with these types of offenses. You know,

1           the men who are on the Internet -- and I hate to be  
2           sexist, but for the most part it is men -- that men on  
3           the internet who are trying to sexually exploit children,  
4           they don't want the police to know about that so, of  
5           course, they're going to be secretive about it, they're  
6           going to be quiet about it, and the only way the police  
7           can get in there and try to stop that crime is to pretend  
8           to be one of the bad guys themselves. It's the only way  
9           that it works. Otherwise the Internet is like the wild  
10          west. Nobody is paying attention to it and nobody is  
11          policing it.

12                 When the Judge reads you the law in a couple of  
13          minutes, he's going to read you the law on entrapment,  
14          and he will say these words to you:

15                 "It is not entrapment if the police provided the  
16          defendant the opportunity, means, and facilities to  
17          commit a crime which the defendant intended to commit and  
18          would have committed otherwise." Not entrapment. "It is  
19          not entrapment, if the police use tricks, decoys, or  
20          subterfuge to expose the defendant's criminal act." Not  
21          entrapment. "It is not entrapment if the police were  
22          present and pretending to aid or assist the commission of  
23          the crime." Not entrapment.

24                 Now, the Defense can get up here and they can call  
25          Agent Llabre a liar all day long. They already have.

1           Why are they doing that? Because they don't want you to  
2           like her. That's what it really boils down to. Nobody  
3           likes a liar. Everybody hates a lie. So if you just say  
4           the word "lie" often enough, it just infects you. It  
5           makes you think, this is a horrible person, they're  
6           lying. Well, how else is she supposed to do her job? I  
7           mean, really. And that's what she is doing. She is  
8           doing her job. She is not out there for fun. She is not  
9           out there tricking people because it's funny or it's a  
10          practical joke or whatever. She is doing her job, and it  
11          is a serious job trying to stop people from using the  
12          Internet to harm children. And she can lie. That's what  
13          the law says. It's not entrapment just because the  
14          police use deception. It's not entrapment. So the fact  
15          that the craigslist ad was untrue and the persona that  
16          she is playing, this 14-year-old, Ashley, is not true, it  
17          doesn't matter.

18                 You know, the Defense wants to accuse Agent Llabre  
19                 not just of being a liar, but of being less than  
20                 straightforward on the witness stand. They talked about,  
21                 you know, I'm showing her the paper, she wouldn't agree  
22                 with me. Well, do you remember what happened yesterday  
23                 morning? The Defense is standing up here practically  
24                 standing right on top of her with paperwork in his hands  
25                 throwing in her face. Read it. Read it. Doesn't it say

1           this? Doesn't it say that? Who wouldn't get flustered  
2           when somebody is in your face, thrusting paperwork in  
3           your face? Who wouldn't get kind of flustered and  
4           frustrated under those circumstances? It doesn't mean  
5           that she isn't being straightforward to you.

6           And really, all the text messages and the e-mails  
7           and all phone calls, they speak for themselves. This is  
8           not a credibility contest. What the defendant said and  
9           what she said back to him, not in dispute. So trying to  
10          attack her credibility, it's a nonissue. It's just  
11          trying to make you dislike her and dislike the whole law  
12          enforcement operation in the first place by association.

13          Agent Llabre's method, the method she is trained to  
14          use, are to be vague, to be passive, to be indirect, and  
15          that's what she does. You heard her give an example.  
16          You know, in here where she says, What are you into, if  
17          the defendant had responded to her, I'm into kayaking or  
18          I like country music, she would have responded with a  
19          hobby of her own, or a hobby to Ashley. She's a mirror,  
20          and what she's doing is reflecting what the defendant is  
21          putting out there for her. None of these things are her  
22          idea. All she does is respond to what the defendant  
23          says, and that's it.

24          So when she says, What are you into, the defendant  
25          had a multitude of responses that he could have given. I

1           like kayaking. I like country music. I don't know, what  
2           are you into? Instead what he said was the burning thing  
3           that was on his mind which is, I like fucking in public;  
4           I love the thrill; and that's what I want to do with you.

5           Agent Llabre is not pushy at all. The defendant on  
6           the other hand is the one who is pushy. If you really  
7           scrutinize some of the things that he says and he does.  
8           Right in here where you got "in," "in," "in," that's the  
9           defendant texting three times in a row. What Agent  
10          Llabre told you was she was actually chatting with  
11          somebody else and she had to kind of ignore him for a  
12          couple of minutes, but, hey, are you still there? If you  
13          really want to meet, give me a call. Where did you go?  
14          That's what he's saying. The fish is slipping off the  
15          hook. Where did she go? He is the one who is pushy.  
16          Never in any of these communications do you see Agent  
17          Llabre texting more than one time or e-mailing more than  
18          one time. You never see the defendant breaking off  
19          communication or not responding to you. He's the pushy  
20          one. Give me a call. Send me a text. Meet me at  
21          Walgreens. All his idea. And she just reacts to it.  
22          She goes along. That's all. That's the most that she  
23          does. She goes along with the ideas that he is putting  
24          out there, already all in his mind what he wants. She's  
25          just following him.

1           You know, for all that Agent Llabre is pretending to  
2           be somebody that she is not, 14-year old, Ashley, she is  
3           not trying to trick him. She is just trying to follow  
4           where he leads. That's all she's trying to do.

5           The Judge is going to read you the instruction on  
6           entrapment in a few moments, and he's going to tell  
7           you -- it's kind of a long instruction and I'm not going  
8           to read the whole thing to you right now because you're  
9           going to get it in just a few minutes. But one of the  
10          things he is going to tell you is that the defendant was  
11          entrapped if he was not a person who was ready to commit  
12          the crime. That's part of instruction. Well, who was  
13          more eager, ready, and willing to commit this crime than  
14          the defendant? You can hear in the phone calls his tone  
15          of voice. He sounded like excited. He was enthusiastic.  
16          He finally got one, ready, willing, and able. And if he  
17          was so offended or put off by the idea of meeting a  
18          14-year-old for sex, easy solution: Click. Goodbye.  
19          Stop talking to her. Easy.

20          But he didn't care. He didn't care.

21          The Defense keeps talking about inducement, law  
22          enforcement induced him. Well, you already heard me say  
23          that it's not inducement. The law says it's not  
24          inducement. It's not entrapment if the police provide an  
25          opportunity, and that's all they did here. They didn't

1 manufacture a crime. They didn't make all this stuff up.  
2 They just put it out there and waited to see what the  
3 defendant would do. That's what they did.

4 Inducement, legal definition is to employ methods of  
5 persuasion which created a substantial risk that the  
6 crime was committed by a person other than one who was  
7 ready to commit it. Methods of persuasion.

8 Really, this ad, so persuasive that it would cause a  
9 normal law-abiding person to just abandon on all sense of  
10 reason and think that it's okay to have sex with a  
11 14-year-old? That, that is not inducement. That is  
12 providing an opportunity, and the law says that's okay.

13 The Defense talked about these photos. Really,  
14 inducement, caused somebody who is not ready to commit  
15 the crime to just lose their mind for a minute and say, I  
16 can't help myself, I'm going to have sex with a  
17 14-year-old. Or this picture. You know, this one is  
18 kind of -- I don't know what kind of face you call that.  
19 It's kind of a silly face. But really, even if it is --  
20 even if you want to call that seductive, let's call that  
21 seductive here for a minute. That face alone would cause  
22 somebody who is not ready to commit a crime to change  
23 their mind and to go out and commit that crime. Helen of  
24 Troy, that's what she is, if you're going to believe the  
25 Defense. The face that launched a thousand ships.

1 All Agent Llabre did was be responsive, a little  
2 flirtacious, and asked the defendant what he wanted to  
3 do. This is, you know, for all that we hear about the  
4 news, about the NSA spying on us and reading our e-mails  
5 and everything, the police don't know what one person's  
6 fantasy is. One person or another person or another  
7 person, they don't know. And that's a very personal  
8 thing. Everybody has their own things that appeal to  
9 them or fantasies, the things that they prefer.

10 THE CLERK: You have five minutes.

11 MS. WALLACE: The police don't know any of those  
12 things. The defendant is the one who is putting that out  
13 there because it's already in his mind.

14 The law says it's not entrapment if Jason Palmer had  
15 the predisposition, had the predisposition before any law  
16 enforcement officer, or person acting for the officer,  
17 persuaded, induced, or lured Jason Palmer if he had a  
18 readiness or willingness to commit the crime if the  
19 opportunity presented itself.

20 The Defense talks about predisposition and  
21 inducement like they're two completely different things,  
22 but they're not. The inducement, the persuasion that  
23 causes a normal law-abiding person to go off and commit a  
24 crime, that has to come first. These ads, these photos  
25 don't even come close. They're just a variety, Internet

1           flirtation stuff. That's it. That's all. You know, if  
2           the defendant -- it doesn't matter that the defendant  
3           wasn't a sexual predator or on some kind of list. This  
4           is what he wanted. This was in his mind. And if he  
5           didn't know, if he had that intention, if he wasn't sure  
6           that he was doing something wrong, he wouldn't have asked  
7           her if she was a cop. That would never have entered his  
8           mind at all. He wouldn't have cared. People only care  
9           about the cops when they know they're doing something  
10          wrong.

11                 Now, the Defense says, too, that they're not asking  
12          you to feel sorry for the defendant because he's in the  
13          military. Yeah, they are. Yes, they are. Why else  
14          would they keep bringing it up? Your verdict can't be  
15          based on sympathy. The law is the law if you're in the  
16          military or if you're an air conditioning repairman or if  
17          you're the Governor of the State of Florida. The law is  
18          the law for all of us.

19                 On today of all days we remember that we are a  
20          nation of laws, a nation of order. What the Defense is  
21          saying is that the defendant is in the military, and this  
22          is a big day for him, so feel sorry for him, give him a  
23          free pass. That's what they're really trying to say to  
24          you. But your verdict has to be based on the evidence,  
25          all these things that you've seen, and the law that the

1 Judge is going to explain to you. And the Judge has  
2 heard the same evidence that you have. He's seen all the  
3 same things that you have.

4 So at this point if you're thinking to yourselves,  
5 well, he's guilty, he's guilty of these crimes, but I  
6 feel sorry for him, that's where you kind of have to  
7 stop. If you're thinking he's guilty, that's it, he's  
8 guilty. And you leave it up to the Judge to impose a  
9 sentence that is merciful and take sympathy into  
10 consideration.

11 MR. AIKEN: Your Honor, I would object to that.

12 THE COURT: Sustained.

13 MS. WALLACE: If you're thinking the defendant is  
14 guilty, but I feel bad for him, that is not the way you  
15 decide a verdict. That's not what you do. The defendant  
16 is guilty. He solicited a 14-year-old child to have sex.  
17 His idea. And then he got in a car and he went to meet  
18 her. Again, his idea, his plan, his guilty conscience.  
19 Guilty verdict. Thank you very much.

20 \*\*\*\*\*

21 (EXCERPT CONCLUDED.)

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## C E R T I F I C A T I O N

I, MICHAEL A. SCIRÉ, RPR, CMRS, FPR, and Official Court Reporter in and for the Twelfth Judicial Circuit of the State of Florida, do hereby certify that I reported, by shorthand machine, the proceedings had and testimony taken in the above-entitled cause, and the foregoing pages were truly and accurately transcribed from my shorthand notes taken at the time and place herein set forth.

\_\_\_\_\_  
MICHAEL A. SCIRÉ, RPR, CMRS, FPR  
Official Court Reporter