

## **APPENDIX B**

Excerpts of Testimony Relevant to Predisposition

1 BY MS. RICHARDSON:

2 Q. How did you evaluate what y'all were doing?

3 A. So --

4 MR. CARROLL: Object to relevance.

5 THE COURT: That's overruled.

6 THE WITNESS: So as we, you know, as we conduct  
7 operations I would make sure that the steps that were being  
8 conducted were necessary to provide a complete picture of all  
9 of the elements of proof that needed to be fulfilled, to  
10 develop a case for either prosecution or administrative  
11 recovery.

12 BY MS. RICHARDSON:

13 Q. And one of the things that you mentioned was that your  
14 responsibility was to ensure the safety of the individuals  
15 within the boundaries of the military installation?

16 A. Yes, ma'am. That's one of our priorities.

17 Q. And from a procedural standpoint how does the military  
18 installation control the population that comes in to that  
19 installation?

20 A. So to be able to access the military installation you have  
21 to have a -- some sort of sponsor on the base; right? So a  
22 lot of folks that are affiliated with the military are issued  
23 CAC cards. They are common access cards where they can  
24 present that to the gate guards and the guards will say, okay,  
25 it sounds like you have permission to be here.

1 A. I made a statement. I didn't ask a question.

2 Q. Then, moving forward to February 13th, 7:44 a.m., so here  
3 that's that same day, in the morning, you contacted him,  
4 "Sorry. I was superbusy." And then he says, "Cool. Glad you  
5 had a good day. Have a great day. And if you want, send me  
6 some pictures. I'd love to see what you're doing while here,"  
7 7:24 a.m. 7:24 a.m. on February the 13th, which is Wednesday;  
8 correct?

9 A. Yeah.

10 Q. Okay. Then there's nothing. Mr. Benavides stops  
11 communicating with you. And that goes on for 28 hours and 27  
12 minutes until you come back and say, "Hey, you;" right?

13 A. Correct.

14 Q. So this had ended for over a day and you reinitiated it;  
15 correct?

16 A. Correct. That was a response to his response.

17 Q. Then that continues with the series of, "Hey, you. I want  
18 to move here." And he comes back, "Well, it's a beautiful  
19 city." And then you say, "Having a blast." And you say, "I  
20 think we are going to stay a couple extra days."

21 Now, this is Thursday, the 13th of February. You were --  
22 your week was through this graduation that you said was on  
23 Friday the 15th; correct?

24 A. That was the initial plan, yes.

25 Q. But you decided to go ahead and push this out so you would

1 be available longer; correct?

2 A. Correct.

3 Q. Because he wasn't getting to -- he wasn't getting to sex,

4 he wasn't getting to trying to meet with you, anything like

5 that at this point; right?

6 A. He exhibited behaviors that were concerning.

7 Q. And so you wanted to keep it going to see if you could

8 make it go further; right?

9 A. Correct.

10 Q. Did you ever think, in deciding to make these moves, such

11 as suggesting a delay, where, you know, "I think we are going

12 to stay a couple extra days," you've got this persona who is a

13 14-year-old child, must be in school; right?

14 A. Correct.

15 Q. Already a week missing from school; correct?

16 A. Correct.

17 Q. And now the child is going to miss more school. Did you

18 ever think, boy, this is really not reasonable for me to try

19 to push this off on this guy? Did you ever think that?

20 A. I did. And that's why I said I would get a doctor's note.

21 Q. Well, but you are missing school and the doctor's note is

22 a lie; right? I mean --

23 A. It wasn't.

24 Q. -- not that -- we know it was a lie because you weren't

25 doing any of these things, but I guess it was a lie within a

1 lie because you are lying to him about your mom getting you a  
2 doctor's note; correct?

3 A. Correct.

4 Q. Did you also think about the unreasonableness of this  
5 mother just up and leaving her life in Virginia for a week to  
6 see her son graduate from basic training, and then the  
7 following week? I mean, what about her? What about a job she  
8 may have had? What about the responsibilities she had? Did  
9 you think about that?

10 A. We had backstops for that. Those questions were never  
11 asked by the subject.

12 Q. What would have been the answer on that one?

13 MS. RICHARDSON: Objection. Relevance.

14 THE COURT: That's sustained.

15 BY MR. CARROLL:

16 Q. All right. Continuing on. So we're still Thursday, the  
17 next --

18 MS. RICHARDSON: Can we refer to the page numbers on  
19 the chats going forward?

20 MR. CARROLL: There is a page number?

21 MS. RICHARDSON: Yes. Down on the bottom. Bottom  
22 right.

23 BY MR. CARROLL:

24 Q. All right. Page 5. And so this is Thursday, 3:49 p.m.  
25 He contacts you, says, "Will your mom let you babysit until

1 you turn 15 and get an official job?" And you respond,  
2 "Probably a dress, unless it's cold in the morning. I do  
3 babysit sometimes but they are brats sometimes." So she's got  
4 babysitting responsibilities; right?

5 A. Correct.

6 Q. And she's got her baby cousin there at the base where  
7 she's living; right? So there's somebody that needs to be  
8 babysat that is there. That's a responsibility for her;  
9 right?

10 A. It was never a responsibility while she was there.

11 THE COURT: Is this a good transition point?

12 MR. CARROLL: Yes, Your Honor.

13 THE COURT: Ladies and gentlemen, we're going to  
14 break for lunch now. I believe your lunches have arrived.  
15 Enjoy lunch.

16 Again, the same instructions apply during lunch as  
17 they do all breaks. Do not talk about this case with each  
18 other. Don't do any internet research. Don't get on your  
19 cell phones and type in anything related to this case.  
20 Everything else is fair game, but nothing involving this case.

21 Otherwise, enjoy your lunch. Let's take -- I'm  
22 trying to work around the lawyers.

23 Is 30 minutes enough time for you-all, or not? No?  
24 Yes. You're giving me this look.

25 MS. RICHARDSON: Just a little more.

1                   THE COURT: Forty-five minutes. We'll be back at  
2 12:45.

3                   *(Venire exited at 11:59 a.m.)*

4                   THE COURT: Please be seated.

5                   Thank you. Please close both doors.

6                   So I'm not sure how fast this witness is going to go  
7 and how long the next one may be. Do you have another witness  
8 prepared to go on, if you're going faster than expected?

9                   MS. RICHARDSON: Well, that's why I needed just a  
10 little hair more. I do have another. I have witnesses, yes.

11                  THE COURT: Okay. And then, secondly, I'm working on  
12 jury charge as we're going through this trial. Are you going  
13 to request an entrapment defense?

14                  MR. CARROLL: Yes, Your Honor.

15                  THE COURT: So with that then, let's take up what we  
16 had discussed the other day about what the government intends  
17 to try to bring in. I believe the state of the law allows  
18 that the defendant is going to request an entrapment defense.

19                  One, I'm not sure he's entitled to it, but I've been  
20 reversed once on an entrapment defense. I cannot believe what  
21 the Fifth Circuit did. The defendant waived hundred dollars  
22 bills in front of the IRS agent he was attempting to bribe and  
23 somehow or another the Fifth Circuit said that was entrapment.

24                  So under that theory I guess he's entitled to an  
25 entrapment defense here. If that's the case, though, I

1 believe the state of the law is that the government is allowed  
2 to present evidence of events unrelated to this to show  
3 exceptions. So I will allow it.

4 MS. RICHARDSON: So let me clarify. Within the  
5 404 (b) notice there was the conversation that the defendant  
6 was engaged in, also on Whisper, also during the same time  
7 period. The government's position is that those are  
8 intrinsic, not extrinsic, and not extraneous.

9 So those include the conversations with the purported  
10 15-year-old, as well as the pornography of a female genitalia,  
11 as well as the masturbation videos that were at that exact  
12 same time period.

13 The government also gave at the same time 404 (b)  
14 notice with regards to the Samsung Note that records a sexual  
15 encounter with a prepubescent child that involved  
16 penile/vaginal penetration.

17 I misspoke yesterday when I told the Court that that  
18 Note was included in the forensic report that was disclosed in  
19 the summer of 2019. It was in the data that accompanied that  
20 report, but Mr. Carroll did not receive that data in February  
21 of 2019.

22 THE COURT: So when did he receive it?

23 MS. RICHARDSON: Well, in November of 2019 we had an  
24 evidence review with the forensic analyst who brought the  
25 digital device that contained all the data. We reviewed the

1 pornography, both the masturbation and the female, but we did  
2 not isolate the Note and show it to Mr. Carroll at that time.

3 So he did not have direct notice of that Samsung Note  
4 until ten days ago. But I would argue that ten days is  
5 sufficient, but I will defer to the Court on that for sure.

6 THE COURT: So, I mean, how much of this either  
7 intrinsic or extrinsic do you need? I mean, why do you need  
8 the Samsung phone after the relatively late disclosure when  
9 you have all the rest of it?

10 MS. RICHARDSON: That's -- I'm leaning to that. I  
11 mean, I feel like that's probably the safer.

12 THE COURT: That is the safer evidentiary ruling that  
13 I would make.

14 MS. RICHARDSON: Then I will --

15 *(Off the record discussion.)*

16 MS. RICHARDSON: Right, but that was before you  
17 brought up entrapment.

18 MR. CARROLL: No. I don't think that --

19 THE COURT: So --

20 MS. RICHARDSON: I will not --

21 THE COURT: Exclude the Samsung.

22 MS. RICHARDSON: The Note.

23 THE COURT: The Note, yeah.

24 MS. RICHARDSON: Correct. But it pains me.

25 THE COURT: Otherwise, I'll just, as the government

1 intends to offer these things, I'll wait for the objection and  
2 rule, but the defendant has clearly now raised in front of the  
3 jury an entrapment defense, requesting an entrapment  
4 instruction, and so all that government evidence is fair game.

5 MS. RICHARDSON: But I will not -- I'm not going to  
6 go down the Note path.

7 THE COURT: Be back at 12:45.

8 (Recess)

9 (*Venire entered at 12:48 p.m.*)

10 THE COURT: Mr. Carroll.

11 BY MR. CARROLL:

12 Q. Agent Hutchings, I'm going to refer you to page 7. This  
13 is Thursday, to get us back to where we were time-wise. We  
14 had started with February 11th, Monday. We are now talking  
15 about Thursday, February 14th in the evening and there's chats  
16 going on and you had been talking about the delays.

17 And here we have the delay to stay till Monday. We have a  
18 cousin coming in, so another person added in the mix. And now  
19 at 8:04 p.m. on Thursday, "My mom says we are staying till  
20 Wednesday." So here you are delaying again; correct?

21 A. Extending the conversation, correct.

22 Q. Right. And again, this is more burdens on this young  
23 person who is supposed to be in school and this family that's  
24 got a life back in Virginia, but they are staying till  
25 Wednesday; right?

1 A. Correct.

2 Q. Then on page 8 you come in and ask, at 8:07 p.m. -- Hold  
3 on. I'm sorry. That's right. So Mr. Benavides sends a text,  
4 "Sounds like a good night. Any plans on the weekend?" That  
5 was his question to you. And you responded, "Not yet. My  
6 brother has to be back to his room early. WBU," what about  
7 you. So you were responding to him, to his question, you  
8 responded not yet, but then you encouraged him. You said,  
9 what about you, what are you doing. So you were trying to get  
10 him to respond to you; right?

11 A. I was asking him the same question he asked me.

12 Q. Then on page 8 still, at 8:23 p.m., this is back and forth  
13 between y'all, and you ask, "What are you doing Monday?" So  
14 now you are asking him specifically what are you doing on a  
15 certain day, Monday. You are trying to get him to try to  
16 schedule a hookup with you; aren't you?

17 A. No, sir. Just asking him what he's doing Monday.

18 Q. Then moving ahead to page 15, and we're on the same day,  
19 we're still on that Thursday evening, and it's 9:09 p.m. in  
20 this chat that's been going on for some time.

21 And here is Mr. Benavides saying, "I love chatting with  
22 you. I'll be glad to show you my pic but I'm sure you would  
23 want to stop chatting with me afterwards. I'm old, short, and  
24 heavyset. I'm charming in chat, but I'd rather be honest.  
25 When we started chatting I just thought you were cool, or we

1 can just stay as it is and have an awesome chat while you're  
2 here."

3 So he's proposing just to keep chatting on this text  
4 messaging while she's here in town; right?

5 A. In that context, yes.

6 Q. And then your response after that -- after those  
7 self-deprecating statements, is, "You are silly. Don't talk  
8 about yourself like that." Right? You were building him up,  
9 encouraging him; weren't you?

10 A. Yeah, I guess you could say that.

11 Q. Trying to get him the confidence that he obviously hasn't  
12 shown yet that he can ask you out for a date; right?

13 A. Not necessarily that, no.

14 Q. And then you added, "No one is perfect;" correct?

15 A. Yes.

16 Q. All right. And then on page 17, and this is still --  
17 we're still on the evening, the 9:00 hour of Thursday,  
18 February 14th, at 9:26 p.m., on page 17, there's an exchange,  
19 "Message me later if you want." Then he comes back, "Okay.  
20 Feel free to message whenever. You message me so I don't get  
21 you in trouble because I want to." And then you say, "My mom  
22 has no idea. My phone is locked and on silent."

23 And there you were sending the message that it's okay to  
24 talk to me; right?

25 A. Yes.

1 Q. We're not going to get caught; right?

2 A. Correct.

3 Q. Then the last text that evening is 10:15 p.m. from  
4 Mr. Benavides. Then February 15th, which is Friday, that was  
5 the day the graduation was supposed to be, there are some  
6 texts from Mr. Benavides in the morning and -- okay. And then  
7 at page 18 -- and, I'm sorry. I missed something because  
8 that's Friday 3:06 p.m. Let me go back. I apologize.

9       Okay. I'm sorry. It's here. There's the Friday morning,  
10 like I had pointed out, there's 6:57, "Good morning. I know  
11 you're going to look amazing today. Have a great day. Today  
12 is beautiful like you. Hope you have an amazing day." It's  
13 12:58 p.m. Friday.

14       Then you respond, around 2:27 about the graduation, what  
15 happened. And then y'all were chatting during the afternoon  
16 and you say, "What are you doing when you get off?" So again,  
17 you're asking him, what's going on, what's your schedule, when  
18 are you going to be available to come see me; right?

19 A. Not necessarily, no, because he told me he got off at  
20 4:30.

21 Q. Then that same day, Friday, 3:06 p.m., you ask, "Where you  
22 going to go?" Again, you're inquiring of him what he's doing.  
23 You want to know. You want him to ask you out.

24       All right. And then continuing on this same day, Friday  
25 afternoon, you go through -- it's 3:59 p.m., something from

1 him. You don't respond. Then he comes back about four hours  
2 later -- I'm sorry -- about six hours later, Friday  
3 10:09 p.m., "So did you have a good day?"

4 Again, there's no response from you. And here now it's  
5 Friday at 11:30 p.m., so about another hour and a half has  
6 gone by and another text comes in, "I'm sorry if I said  
7 something wrong. I did enjoy talking to you. I hope the rest  
8 of your stay is awesome."

9 Now, that was from him -- right? -- and there's no  
10 response from you at that point; correct?

11 A. Correct.

12 Q. And then that's Friday night, so then we go to Saturday  
13 morning, 5:33 a.m., and he comes back, "Good morning. I hope  
14 you have a great day." And then Saturday goes by, all of  
15 Saturday, and you don't have anymore messages from  
16 Mr. Benavides.

17 And then it's Sunday. Sunday passes by, the entire day,  
18 and there are no more messages from Mr. Benavides. There's no  
19 contact from you. Then we get to Monday, Monday throughout  
20 the day, there's nothing from Mr. Benavides. And then at  
21 5:50 p.m., you break the silence. Two and a half days later  
22 you come in and say, "What do you like? What is there  
23 downtown;" correct?

24 A. That's correct.

25 Q. You could have stopped right there and this would have

1 been over; right?

2 MS. RICHARDSON: Objection. Calls for speculation.

3 THE COURT: That's sustained.

4 BY MR. CARROLL:

5 Q. So then you continue. Y'all continue to communicate. And  
6 that late Monday afternoon, early evening, page 20, you send a  
7 message, "We went to The Pearl on Saturday." Then you keep  
8 talking, chatting about San Antonio. "Today was chill. We  
9 went to SeaWorld yesterday." This was Monday evening. Do you  
10 even know if SeaWorld was open in February of 2019 during the  
11 winter months?

12 MS. RICHARDSON: Objection. Irrelevant.

13 THE COURT: That's overruled.

14 THE WITNESS: I don't know.

15 BY MR. CARROLL:

16 Q. You don't know. What if he said that, and, "We went to  
17 SeaWorld yesterday," and Mr. Benavides had been checking and  
18 saw that they were closed for the winter and then now you've  
19 been caught in a lie; isn't that a problem?

20 A. It's not.

21 Q. Okay. And then during that same time period of that  
22 conversation, that early in the evening on Monday, on page 21,  
23 here we are, Monday, 8:13 p.m., "No. We are leaving on  
24 Thursday morning." So we've gone through Wednesday and now  
25 it's being pushed to Thursday. "My mom can get a doctor's not

1 for me." Note; correct? That's what you meant, note?

2 A. Correct.

3 Q. So here's another delay. And the problem was that this  
4 guy wasn't trying to set up a time to meet with you at this  
5 point; right?

6 A. Correct.

7 Q. And you wanted that to happen, so you felt like there  
8 needed to be more time so that could happen; isn't that right?

9 A. Based off previous behaviors, yes.

10 Q. All right. So we're in week two. This is Monday, a full  
11 week from the beginning, which is the 11th, now we're at the  
12 18th on Monday. And now let's go forward to Tuesday, the  
13 19th on page 24.

14 This is Tuesday, 5:25 p.m. And here he comes in, this is  
15 Tuesday, 5:25 p.m., and he's asking you about your activities.  
16 He says, "One more day and you head back home." This is  
17 Tuesday. If it's Wednesday, you're leaving. "One more day  
18 and you head back home."

19 "Did you take a boat on the Riverwalk?" And the response,  
20 "LOL. Nope. We are actually leaving Friday night. Flights  
21 were too expensive." So another delay. Now we're on a full  
22 two-week stay in San Antonio; is that right?

23 A. Approximately two weeks.

24 Q. And because he's not talking explicitly about sex and not  
25 trying to set up a meeting with you, you needed more time to

1 make it happen; right?

2 A. Again, based off behaviors he exhibited in the past, those  
3 are alarms for us.

4 Q. And then during that same exchange, at 5:26 p.m., you say,  
5 "Boys on Whisper my age are so immature." You said that.

6 Weren't you fishing for some dirty talk from him?

7 A. No, sir. This is a general statement we say in all of our  
8 operations.

9 Q. Then later in that same conversation, on page 26, you come  
10 in again. This is Tuesday night, he's going to be arrested  
11 the next day. This is Tuesday night, and you say, "That's why  
12 I don't date boys my age."

13 "You date a few years older?"

14 "I have before."

15 And you ask, "What time do you get off?" So again, you're  
16 trying to see when he's going to be available, hoping that you  
17 can get him to finally try and set up a meeting with you;  
18 right?

19 A. Not necessarily. It could divert to conversation.

20 Q. Then on page 28, this is later on Tuesday, so this is  
21 Tuesday, roughly 9:00 p.m., and he sends this picture and  
22 asks, "What do you want to do?" But he hasn't come out and  
23 explicitly said anything about what y'all are going to do;  
24 right?

25 A. Correct.

1 Q. And you say, "Down for whatever;" right?

2 A. That's right.

3 Q. Then, page 31, this is still Tuesday night during the  
4 9:00 hour, and you make this statement about what's going on  
5 tomorrow, and maybe around 12, "My mom has a hair appointment  
6 with my aunt." Who is this lady that's the mom? Now she's  
7 out of town for two weeks and now she's having a hair  
8 appointment while she's out of town?

9 He says, "Downtown. See the Alamo. The park by the zoo  
10 is nice. Or if you want to do anything that you wanted to do  
11 here, you just let me know." And your statement is, "Already  
12 saw the Alamo. Don't want to be a tourist." You want to  
13 guide him into talking about sex; right?

14 A. Not necessarily.

15 Q. Because that's where you think this is going; right?

16 A. Potentially it has the behaviors of it, yes.

17 Q. And you've already put over a week into this effort;  
18 correct?

19 A. Correct.

20 Q. You don't want to come up empty-handed.

21 THE COURT: Was that a question or a statement?

22 MR. CARROLL: I apologize, Your Honor.

23 BY MR. CARROLL:

24 Q. Did you want to come up empty-handed?

25 A. No.

1 Q. All right. Continuing on with this conversation during  
2 the 9:00 hour on Tuesday night, here at 9:48 p.m., page 34,  
3 he's rambling on, "True, but since I can get on and off base,  
4 I'm trusted. I'll be honest, other than lunch and the good  
5 side of town and no tourist things, the days have limited  
6 things like bowling. And I feel like that's kid's crap. What  
7 I would normally do I can't so I think I have nothing to offer  
8 as far as fun." And your response is, "Don't like bowling."

9 So you're directing him away from that sort of activity;  
10 correct?

11 A. Correct.

12 Q. And wanting him to get to talking about sex; correct?

13 A. Not necessarily, no.

14 Q. Then, still Tuesday night, on the 19th, and this is on  
15 page 35, he has this discussion, "Well, I only meant it as if  
16 I am weak in the fun. Day stuff has never been my thing.  
17 Normally when I have a day date, it's lunch like downtown. I  
18 love this Italian place, but time is a factor. Then believe  
19 it or not, take the girl on a train ride or the park, just  
20 enjoy an hour and then go to the house for fun. I don't get  
21 to do it often, but that is one thing I do. I thought instead  
22 of train, the Riverboat, but you said no tourist stuff. I  
23 would have seen what else we have, but most of the good stuff  
24 is on the opposite side of us both. The home fun we'd just  
25 skip. That's normally what I do during the day. The night

1 has so many more options. Oh, and in the day we normally have  
2 a drink or two to lighten the mood."

3 And your response is, "Your house?" Correct?

4 A. Correct.

5 Q. I mean, he says, "The other fun we can just skip." But  
6 you don't want to skip it, you want to get to the house;  
7 correct?

8 A. Correct, because, to me, I'm reading that as him offering  
9 adult beverages, and so obviously a 14-year-old is not going  
10 to be able to have adult beverages out in public.

11 Q. And then he says, here at 9:59 p.m., "You know, adult  
12 stuff, you" -- some emojis -- "that's normally part of it, but  
13 we can't, so I didn't mention anything."

14 He said "we can't;" correct?

15 A. Correct.

16 Q. Along the same lines, same discussion, same conversation,  
17 now it's -- that was 9:59, now it's 10:03. "Well, message me  
18 and I can pick you up." And you respond at 10:04 p.m., here  
19 on page 36, "Don't be like boys at my school."

20 You are pushing him to be serious; right?

21 A. I think he's already beyond being serious.

22 Q. And he asks, "How's that?" And you respond, "Playing  
23 games;" correct?

24 A. Correct.

25 Q. And he says, "I won't, but then straight up, what do you

1 want? I'll keep my word." And your response, "Here we go  
2 again. Let me know when you undecide."

3 You are pushing him to get serious; correct?

4 A. Additional ideas.

5 Q. I'm sorry. I shouldn't have taken that page away.

6 So after, "Let me know when you undecide," he caves in and  
7 says, "My house it is;" correct?

8 A. That's correct.

9 Q. He gave in to your suggestion; don't you agree?

10 A. I don't recall giving him a suggestion of his house.

11 Q. Then at 10:19 p.m., y'all are talking and you say, "I  
12 always delete my texts. My mom doesn't even know my PW,"  
13 password; correct?

14 A. That's correct.

15 Q. Again, you are telling him it's safe to talk with me;  
16 right?

17 A. That's correct.

18 Q. To say whatever you want; right?

19 A. Correct.

20 Q. Then page 40, on that 10:28 p.m., you ask him, "Have you  
21 ever been with my age?" And he says, "Never. All above 18;"  
22 correct?

23 A. Yes.

24 Q. You asked him for that admission and what you got was  
25 "Never, all above 18;" correct?

1 A. Correct.

2 MS. RICHARDSON: May we approach?

3 THE COURT: Yes.

4 (At the bench)

5 MS. RICHARDSON: I think we're getting really close  
6 to dancing on my Note, because that Note is about him having  
7 sexual relations with a 13-year-old.

8 THE COURT: Yeah. You've opened the door and I'm  
9 allowing the government to go there.

10 MR. CARROLL: Excuse me, but the government can't  
11 open its own door. The government introduced that chat into  
12 evidence.

13 THE COURT: You asked the question and you got the  
14 response and you made the statement. My ruling stands.

15 (Open court)

16 BY MR. CARROLL:

17 Q. Then, still on the same page, he asks you, "What's the  
18 oldest you have been with?" And you respond, "He said 17, but  
19 I think he full of S. He looked like my cousin's age." And  
20 when asked, "How old is that," you said, "My cousin is 27, I  
21 think." Right?

22 A. That's correct.

23 Q. So there you are communicating with him, it's okay, I've  
24 been with an older person; right?

25 A. I'm not saying it's okay. I said I've been with an older

1 person.

2 Q. Then we are still on Tuesday, finishes up at 11:27. Then  
3 on -- now we're on Wednesday. So now we're on Wednesday and  
4 it's 11:26 a.m., page 47. "Good morning. Work got away from  
5 me. Since I never heard from you or never got your pic, I  
6 didn't think you wanted a visit."

7 So here he's kind of giving it up and saying it's over;  
8 right?

9 A. I didn't get that from the context.

10 Q. And you came back and said, "Hey, you;" correct?

11 A. Two minutes later, correct.

12 Q. Okay. Then on page 48, at 11:58 a.m., there's that talk  
13 about getting together at noon and it's not working out or  
14 whatever, and he says, "I guess it wasn't meant to be. I was  
15 going to head that way;" correct?

16 A. Correct.

17 Q. But then there's some more discussion during that time  
18 period and a few minutes later you're asking, here at  
19 12:11 p.m., on page 50, "What are the plans?"

20 So you are pushing, what are we going to do; right?

21 A. That's correct.

22 Q. Then that day, Wednesday, the 20th, the afternoon, 4:17,  
23 he has a text to you, "Choices make the difference," 4:17 p.m.  
24 Then some time goes by. You respond, "Probably the one across  
25 the street. Don't have a car to go anywhere or a card to get

1 back on base." Then you sent a ghost emoji, "guess you got  
2 busy." And like you said the ghost emoji means you ignore the  
3 person or you've moved on; correct?

4 A. Correct.

5 Q. So you're putting pressure on him to keep up, come back;  
6 right?

7 A. That's not true.

8 Q. Then more time goes by talking about these things, and at  
9 5:54 p.m., page 67 and 68, "I was going to say would you be  
10 mad if I called it off? I'm nervous what you will think of  
11 me." And you said, "Hell, no. My mom can see my calls on her  
12 bill." And you thought he was talking about wanting to call  
13 you; right?

14 A. That's what I thought he meant, that's correct.

15 Q. Okay. And he came back and said, "No, I said call it off.  
16 I'm just nervous. LOL. I'm here, though."

17 Then there's trouble, whatever is going on he's not  
18 showing up or you want him to show up because here, 6:04 p.m.,  
19 you sent this very specific address description of where the  
20 spot is, it's Lions Park that he's supposed to meet you;  
21 right?

22 A. Correct, yes. That was four minutes prior.

23 Q. That's an awful lot of detail for a 14-year-old who is  
24 just visiting; don't you think?

25 A. Negative. That's a dropped in location, the way it