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**OPINION, COURT OF APPEALS OF GEORGIA  
(FEBRUARY 25, 2025)**

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IN THE COURT OF APPEALS OF GEORGIA

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TOWE,

v.

THE STATE,

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A24A1428

Before: LAND, Judge.

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Rodney Towe appeals from the trial court’s denial of his motion to suppress the results of an investigatory traffic stop. He argues that the officers lacked reasonable suspicion necessary to make the investigatory stop of his vehicle because the officers lacked a particularized description of the vehicle or the driver that they suspected was engaged in criminal activity. We granted Towe’s application for interlocutory review of that order. For the following reasons, we affirm.

There are “three fundamental principles” which must be followed when conducting an appellate review of a motion to suppress. *Miller v. State*, 288 Ga. 286, 286 (1) (702 SE2d 888) (2010).

First, when a motion to suppress is heard by the trial judge, that judge sits as the trier of facts. The trial judge hears the evidence, and his findings based upon conflicting evidence are analogous to the verdict of a jury and

should not be disturbed by a reviewing court if there is any evidence to support it. Second, the trial court's decision with regard to questions of fact and credibility must be accepted unless clearly erroneous. Third, the reviewing court must construe the evidence most favorably to the upholding of the trial court's findings and judgment.

(Citation and punctuation omitted.) *Id.* at 286-287 (1).

So viewed, the record shows that in October 2022, Officer Misty Pledger worked in a Floyd County Police Department task force that investigated internet crimes against children. On October 27, 2022, Pledger posed as a 14-year old girl online and began exchanging messages on Facebook Messenger with Towe, a 43-year old man.

At the suppression hearing, Towe introduced a transcript of Facebook messages between Towe and Pledger. The two continued to message each other over a period of several days and the conversation turned sexual. During that time, Towe repeatedly asked Pledger for photos of herself in her bikini or her nightclothes.

On October 31, 2023, Towe sent a message to Pledger and suggested that they meet in person to engage in sex acts. Pledger sent Towe a message asking him to meet her at Lindale Park sometime after 11:00 p.m. that evening. Around 11:00 p.m., Pledger sent Towe a picture of herself in the park to confirm that she was there. When Pledger asked if Towe was coming to meet her at the park, he sent a thumbs up.

Towe sent a message to Pledger telling her that he would arrive in a black car. Pledger responded that she was near the picnic tables, that she was cold, and asked Towe how long he would be. Towe replied that it would take him 15 minutes to arrive. At some point after that, Towe sent a message to Pledger telling her to “[g]o home for a little bit[.]” Not all of the messages have time stamps, but it appears that the conversation lapsed for another unspecified period of time.

At 12:21 a.m., Towe sent a message asking, “You there?” Pledger responded, “I can walk over,” and Towe answered with a thumbs up. During this exchange of messages, Pledger was parked at a gas station with a clear view of the park. Lindale Park is bordered by Maple Avenue and three other public residential streets. Just after Towe sent his final message, Pledger saw a white pickup truck circle the park three times by driving on the public roads that bordered the park. Pledger asked Towe, “Where u at[?] R u in a truck [?]” Towe did not respond, and Pledger directed nearby patrol officers to stop the truck.

Pledger testified that, after Towe sent his message at 12:21 a.m. asking where she was, the white truck was the only vehicle driving near the park. Although she did not know exactly which direction Towe would be coming from or his arrival time, she “assum[ed]” that the white truck was Towe because his final message asking if she was at the park coincided with the white truck circling the perimeter of the park. Officers stopped the white truck around 12:42 a. m. The driver’s license and registration matched Towe’s Facebook profile. Towe was then arrested.

At the suppression hearing, Pledger testified that although Towe had told her that he would be driving a black car, it was “very common” for individuals to approach a meet-up in a car that is “completely different” from the one they described.

Towe was charged with computer pornography, obscene internet contact with a child, and criminal attempt to commit a felony. Towe filed a motion to suppress, arguing that the officers lacked reasonable, articulable justification to initiate the stop. The trial court denied the motion and this appeal followed.

1. For the first time, the State argues that the trial court should have sua sponte dismissed Towe’s motion to suppress on timeliness grounds. *See* OCGA § 17-7-110 (requiring that “[a]ll pretrial motions, including demurrers and special pleas, shall be filed within ten days after the date of arraignment, unless the time for filing is extended by the court”). However, the State cannot raise its timeliness objection for the first time before this Court. *See State v. Jennings*, 362 Ga. App. 790, 795 (b) (869 SE2d 183) (2022) (Because “this Court is one for the correction of legal errors, we have no jurisdiction to address issues raised for the first time on appeal”) (footnote omitted).

2. Towe argues that the officers lacked a particularized basis to conduct an investigatory stop of his vehicle under the facts presented at the motion to suppress. Towe argues that his white truck was not a match to the “black car” described in the message. He further notes that the truck was traveling on public roads which encircled the park and contends that Pledger had no objective reason to believe that the truck’s driver was doing anything other than looking for one of the nearby homes. Further, Towe

points out that Pledger only had a vague timeframe for her suspect's arrival.

The Supreme Court of the United States has construed the Fourth Amendment<sup>1</sup> of the United States Constitution as setting forth three tiers of police-citizen encounters: “(1) communication between police and citizens involving no coercion or detention, (2) brief seizures that must be supported by reasonable suspicion, and (3) full scale arrests that must be supported by probable cause.” (Punctuation and footnote omitted.) *Miller v. State*, 351 Ga. App. 757, 761 (1) (833 SE2d 142) (2019).

A investigatory traffic stop is a second-tier encounter. *Lumpkin v. State*, 310 Ga. 139, 151-152 (3) (849 SE2d 175) (2020). During a second-tier encounter, even in the absence of probable cause, a police officer “may stop persons and detain them briefly, when the officer has a particularized and objective basis for suspecting the persons are involved in criminal activity.” (Citation and punctuation omitted.) *Lewis v. State*, 307 Ga. App. 593, 595 (705 SE2d 693) (2011).

Thus, the question here is whether the officer's traffic stop of Towe's vehicle was justified by reasonable suspicion. “An investigatory stop must be

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<sup>1</sup> See U.S. Const. Amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .”). Ga. Const. Art. I, Sec. I, Par. XIII (“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause supported by oath or affirmation particularly describing the place or places to be searched and the persons or things to be seized”).

justified by some objective manifestation that the person stopped is, or is about to be engaged in criminal activity. This suspicion need not meet the standard of probable cause, but must be more than mere caprice or a hunch or an inclination.”(Citation and punctuation omitted.) *Allen v. State*, 325 Ga. App. 156, 158 (751 SE2d 915) (2013). *See also Baggett v. State*, 367 Ga. App. 851, 856 (1) (a) (888 SE2d 636) (2023) (to conduct an investigatory traffic stop, an officer must have “more than a subjective, unparticularized suspicion or hunch”) (punctuation and footnote omitted). This reasonable suspicion analysis requires an examination of the totality of the circumstances.

This totality of the circumstances test consists of two elements: (1) The determination must be based upon all the circumstances gathered from objective observations, information from police reports, if such are available, and consideration of the modes and patterns of operation of certain kinds of lawbreakers. The trained police officer makes a determination from these data — this determination can be based upon inferences and deductions that might well elude an untrained person. In reaching such deductions, police officers are authorized to make common sense conclusions about human behavior. Additionally, the evidence must be viewed from the perspective of what action a reasonable police officer would take. (2) The second element which must be present before a stop is permissible requires that during the process of analyzing the facts as described in the first element, a suspicion

must arise that the particular individual being stopped is engaged in wrongdoing.

(Citations and punctuation omitted.) *State v. Causey*, 246 Ga. App. 829, 832-833 (1) (b) (540 SE2d 696) (2000).

Towe correctly argues that there must be a “particularized description of the vehicle” that officers believe is “related to criminal activity” before they have reasonable suspicion to conduct an investigative stop based solely upon the description of the vehicle. *Allen*, 325 Ga. App. at 158. *See also State v. Glanton*, 366 Ga. App. 633, 636 (883 SE2d 852) (2023) (a BOLO call for an aggressive driver in a gray passenger vehicle traveling on Mulberry Rock Road with an orange out-of-state tag was, without more information, too generalized to warrant a traffic stop because this description would “cover a staggering number of vehicles and drivers in the State of Georgia).

However, this is not a case where the only fact known to the officer making the traffic stop was a vague description of a vehicle. Rather, this case is similar to *Baggett v. State*, 367 Ga. App. 851 (888 SE2d 636) (2023). In *Baggett*, an undercover officer posing as an underage girl began messaging with the defendant on a website known for its use in soliciting prostitutes. *Id.* at 852. The defendant and the officer engaged in a series of texts culminating in a plan that they would meet in order to engage in sex acts. *Id.* The two made a plan to meet at Midway Park at 9:30 a.m. near the tennis courts, and the defendant told the officer that he would be driving a Honda Pilot. *Id.* at 852-853. At the scheduled meeting time, the officer texted the defendant to ask where he was but received no response. *Id.* at 853. Then, the officer observed a red



pickup truck enter the park. *Id.* But rather than head towards the tennis courts, the truck turned town a road that led to a public trash dump, made a quick u-turn and headed back towards the park's exit. *Id.* Officers followed the truck and conducted an investigatory stop 15 minutes later. This Court held that, based upon the facts presented, the officers had a reasonable, articulable suspicion that the driver of the pickup truck was the person who wanted to meet for sex with an underage girl. *Id.* at 857 (1) (a). Thus, the defendant could not prevail upon his claim that his trial counsel rendered ineffective assistance by failing to file a motion to suppress the results of the investigatory stop. *Id.* at 857 (1) (a).

Similarly to *Baggett*, *supra*, the totality of the circumstances in this case and the rational inferences that can be drawn therefrom show that Pledger had reasonable, articulable suspicion that the driver of the white truck was the person who was hoping to find her in the park. *See Lumpkin*, 310 Ga. App. at 152 (3) (the officer's action must be "justified by specific and articulable facts which, when taken together with rational inferences from those facts, reasonably warrant that intrusion") (citation and punctuation omitted). Pledger testified that she instructed the officers to stop the white truck because—at the same time Towe sent his final message asking if Pledger was at the park—she observed the white truck circle the perimeter of Lindale Park three times. Further, Pledger testified that the white truck was the only vehicle to drive near the park after Towe sent his message at 12:21 a.m. asking where she was. Pledger also explained that was "very common" for individuals to approach a meet-up in a car that is "completely

different” than the one they described. *See Baggett*, 367 Ga. App. at 853 (1) (a) (defendant told undercover officer that he would be driving a white car, but arrived in a red truck instead). Although Towe argues that it is possible that a truck circling the park multiple times could have been merely searching for a particular residence, “a determination that reasonable suspicion exists need not rule out the possibility of innocent conduct.”(Punctuation and footnote omitted.) *State v. Walker*, 350 Ga. App. 168, 176 (2) (a) (828 SE2d 402) (2019).

For the above reasons, we affirm the trial court’s denial of Towe’s motion to suppress the results of the investigatory traffic stop.

*Judgment affirmed.* Markle, J. and Davis, J., concur.

**ORDER DENYING PETITION  
FOR WRIT OF CERTIORARI,  
SUPREME COURT OF GEORGIA  
(AUGUST 12, 2025)**

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SUPREME COURT OF GEORGIA

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RODNEY TOWE,

v.

THE STATE,

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Case No. S25C0914

Court of Appeals Case No. A24A1428

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The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

**RODNEY TOWE v. THE STATE**

The Supreme Court today denied the petition for certiorari in this case.

*All the Justices concur, except Land, J., disqualified.*

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

App.11a

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

/s/ Therese Barnes  
Clerk

**ORDER DENYING DEFENDANT'S  
MOTION TO SUPPRESS,  
FLOYD COUNTY SUPERIOR COURT  
(MARCH 19, 2024)**

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Filed in Court  
4:16 P.M.  
Mar 19 2024

IN THE SUPERIOR COURT  
COUNTY OF FLOYD, STATE OF GEORGIA

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STATE OF GEORGIA,

v.

RODNEY TOWE,

*Defendant.*

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Case No. 23CR01322-002

Before: Honorable William F. SPARKS, Judge.

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**ORDER DENYING DEFENDANT'S  
MOTION TO SUPPRESS**

Defendant Rodney Towe was indicted on June 30, 2023, and charged with one count of using a computer service to seduce, solicit, lure or entice a child, one count of obscene Internet contact with a child and one count of criminal intent to commit a felony. Presently before the Court is Defendant's motion to suppress evidence obtained as the result of an illegal seizure.

Defendant contends Floyd County police officers lacked reasonable articulable suspicion necessary to make an investigatory stop of his vehicle because the officers lacked a “particularized description of the vehicle” in which Defendant travelled to allegedly commit the crimes. A hearing was held on this matter on March 15, 2024, with the Defendant, his counsel and the State present, and the following evidence was presented:

On October 27, 2022, while on assignment, Floyd County Police Investigator Misty Pledger began communicating with a suspect by social media “text” messages. Investigator Pledger claimed to be a fourteen-year-old female child willing to meet with the suspect for a sexual encounter. On October 31, 2022, the suspect and Investigator Pledger, in her undercover capacity, made plans via text message to meet at a park in Lindale, Georgia to engage in sex acts. The two made rough plans to meet around 11:00 p.m. or thereafter, and the suspect told her that he would be driving a black car.

Prior to the scheduled meeting time, Investigator Pledger parked her unmarked vehicle in a gas station parking lot with a clear view of the Lindale park and waited. Two patrol officers in marked vehicles parked in a nearby location, out of view of the park, to assist Investigator Pledger in her investigation of the suspect. At some point during the late evening of October 31, 2022, or the early morning of November 1, 2022, the Defendant texted that he would arrive at the Lindale park in fifteen minutes. At 12:21 a.m. on November 1, 2022, the Defendant texted Investigator Pledger asking if she was in the park. Shortly thereafter, Investigator Pledger observed a white pickup truck

drive “through” the park three times. Upon further questioning, Pledger clarified that she could not recall whether the Defendant ever entered the park, but he did drive around the park, on the public roads surrounding it, three times. The white pickup truck was the only vehicle to drive in or around the park after the Defendant’s 12:21 a.m. text between Investigator Pledger and the suspect. Upon observing the truck, Investigator Pledger texted the suspect asking if he was in a truck to confirm it was him circling the park, but the suspect did not respond.

Suspicious that the person driving the white pickup truck was the person with whom she had been texting, Investigator Pledger directed the patrol officers to conduct an investigatory stop. Floyd County Police Officer Cody Lanier performed a “felony traffic stop” at 12:48 a.m., which he described as meaning his weapon was drawn. The suspect was arrested shortly after the stop, placed in handcuffs and given Miranda warnings. The patrol officer identified the suspect as Defendant Rodney Towe by his Georgia driver’s license and determined the white pickup truck was registered to the Defendant.

Defendant contends that the police officers lacked justification to make the traffic stop of his vehicle on November 1, 2022, and that the evidence obtained as a result of the unlawful investigatory stop should be suppressed. There is no contention that the scope of the investigatory stop, if valid, was exceeded by Officer Lanier.

A police officer “may stop persons and detain them briefly, when the officer has a particularized and objective basis for suspecting the persons are involved in criminal activity.” *Baggett v. State*, 367 Ga. App.

851, 888 S.E.2d 636 (2023), citing *Miller v. State*, 351 Ga. App. 757, 833 S.E.2d 142 (2019) This requires “more than a subjective, unparticularized suspicion or hunch.” *Id.* The officer’s action must be “justified by specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *Id.* A determination that reasonable suspicion exists, however, “need not rule out the possibility of innocent conduct.” *Id.*, citing *State v. Walker*, 350 Ga. App. 168, 828 S.E.2d 402 (2019).

Here, the testimony shows that Investigator Pledger—posing as a 14-year-old girl—exchanged text messages with a person wanting to meet with her for a sexual encounter. Investigator Pledger then set up a meeting with that suspect at a park in Lindale sometime after 11:00 p.m. on October 31, 2022, when the park was closed. That night, Investigator Pledger exchanged texts with the suspect wherein he stated that he was coming to the park in a black car. Later, at 12:21 a.m., the suspect texted Investigator Pledger asking whether she was at the park, and Pledger responded she was on the way. Sometime between 12:21 a.m. and 12:48 a.m., while the park was closed, Investigator Pledger observed a white pickup truck drive around the park three times. The white pickup truck was the only vehicle driving through or around the park after the 12:21 a.m. text.

Defendant argues the stop of his vehicle was based upon a hunch, and he discusses a series of “BOLO” cases in which vehicles were stopped based upon descriptions of the vehicles, the occupants, and the direction of travel, for example. In addition, the Defendant points to evidence that his vehicle was not



the only one stopped that evening. Indeed, at around 10:30 p.m., another vehicle was stopped near the same park at the direction of Investigator Pledger. Officer Lanier testified he was instructed by Investigator Pledger to stop that vehicle as well, but there was very little evidence or testimony describing the reasons for this earlier stop, which apparently resulted in the driver and vehicle being immediately released. There was some indication this earlier stop may have been related to a separate investigation; however, Officer Lanier testified the investigation of the Defendant was the only one he knew was ongoing. Investigator Pledger appeared to have no memory of the earlier stop.

The Court does not conclude that an analysis of the BOLO cases is particularly helpful in deciding the instant motion. Here, there was no general lookout for a particular vehicle at all. Instead, the officers were looking for someone who had indicated he would be arriving at a closed park, during a particular timeframe, after midnight. The area is not heavily travelled at that hour, as evidenced by the testimony that the Defendant's vehicle was the only vehicle that entered the area after 12:21 a.m. until he was stopped at 12:48 a.m. Not only did the vehicle enter the area, but it circled the park three times. Although the Defendant argues that the officers should have been looking for a black vehicle based upon the text exchanges, Investigator Pledger testified that suspects in similar cases frequently misrepresent the vehicles in which they will be arriving.<sup>1</sup>

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<sup>1</sup> Investigator Pledger testified she has conducted more than 100 similar "sex sting" cases sometimes commonly referred to as

Considering the totality of all of these circumstances, the Court finds that the officers had a reasonable, articulable suspicion to believe that the driver of the white pickup truck was the person who had been communicating with Investigator Pledger, and who wanted to meet with an underage girl for sex acts. Thus, the officer was authorized to initiate an investigatory traffic stop to ascertain whether the officer's articulable suspicion was accurate.

Accordingly, Defendant's motion to suppress is hereby DENIED.

SO ORDERED, this 19th day of March, 2024.

/s/ Honorable William F. Sparks  
Floyd County Superior Court  
Rome Judicial Circuit

cc. Ms. Elizabeth Giuliani, ADA  
Mr. Christopher Twyman, Esq.

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"catch-a-predator" cases.

**ORDER DENYING MOTION FOR  
RECONSIDERATION, COURT OF APPEALS  
OF THE STATE OF GEORGIA  
(MARCH 11, 2025)**

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COURT OF APPEALS OF THE  
STATE OF GEORGIA

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RODNEY TOWE,

v.

THE STATE,

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A24A1428

The Court of Appeals hereby passes the following  
order

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Upon consideration of the APPELLANT'S Motion  
for Reconsideration in the above styled case, it is  
ordered that the motion is hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, March 11, 2025.*

*I certify that the above is a true extract from the  
minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

/s/ Christina Cooley Smith  
Clerk

**SUPPRESSION HEARING TRANSCRIPT,  
SUPERIOR COURT OF FLOYD COUNTY  
ROME JUDICIAL CIRCUIT  
ROME, GEORGIA  
(MARCH 15, 2024)**

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IN THE SUPERIOR COURT OF FLOYD COUNTY  
ROME JUDICIAL CIRCUIT ROME, GEORGIA

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STATE OF GEORGIA,

v.

RODNEY TOWE,

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File No: 23CR01322-2

Charges: Computer Pornography;  
Obscene Internet Contact with a Child;  
Criminal Attempt to Commit a Felony

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(Motion to Suppress, Friday, March 15, 2024, 10:34 a.m.)

THE COURT: All right. Do we need to sequester any witnesses?

MR. TWYMAN: Yes, Your Honor.

THE COURT: Okay. Any witnesses that are going to testify will need to leave the courtroom.

Ms.—do y'all want to give any argument to set this up, or do you want to just call witnesses and argue about it when you're done?

MR. TWYMAN: I think an argument probably is instructive.

THE COURT: Okay. Well, it's your motion.

MR. TWYMAN: Yes.

THE COURT: It's their burden but your motion, I guess. I'm not sure who that means goes first, but it doesn't matter. I always let you respond as many times as you want, so I am not too concerned about who goes first. Go ahead.

MR. TWYMAN: So this is here, Your Honor, this morning on a motion to suppress, and before we start, I do want to personally thank the Court for excusing me on Monday.

THE COURT: Sure.

MR. TWYMAN: I appreciate that consideration.

So on this motion to suppress, the issue that we think is before the Court is whether or not—and our position would be that officers lacked a reasonable suspicion to make the stop of Mr. Towe's truck in the first place. I will tell the Court, and I know that the State will raise an argument that there's a June 2023 case out of the Floyd County Superior Court to the Court of Appeals where some of the facts are the same. And I will make some—but I think that there are going to be some differences that you'll hear in argument on why this case is distinguishable.

So what we expect the Court is going to hear in this case is, like most of these case, there was a Facebook text message exchange between the defendant and Detective or Investigator Pledger,

who was posing as a 14-year-old, and at some point, there was talk about meeting at a park in Lindale. In this case, the Court will hear that—that a time was arranged to meet. Mr. Towe did not immediately show at that time. In fact, at one point in the—in the exchange, he tells Pledger to go back home indicating that he's not coming. Then, the conversation continues that night, and he says—and he may have said this before, "I'm 15 minutes away."

Asked what he's driving. He says he's driving a black car. At some point during the night, the officers see a car come through the park, and they stop the car, and they run the tag and the license. It is not Mr. Towe. They then call Loyd's and tell Loyd's Towing Truck Service, which had already been called, to go back home. And the point is, it's building that they're at the park waiting, but other cars are coming through the park.

At some point, the officer is texting Mr. Towe. He is not responding anymore. And near the end, he is asked, "Are you driving a truck?"

And, in fact, he was driving a truck, but he doesn't respond to that, and the truck rides through the park. And the testimony may be that it circled a few times. And there will be some case law even about circling not being enough for a reasonable suspicion, and we'll cite that to the Court. But they stopped the truck not knowing that it's Mr. Towe. I think there will be documentary evidence that will show they didn't run the tag ahead of time. They didn't know he was in the truck, and we will be able to present that evidence.

THE COURT: Well, they didn't know the identity, probably, at that point anyway, did they?

MR. TWYMAN: They did not. Well, there—I don't know. There's a question of that because some of the text messages—I guess with Facebook has a profile picture and name. So whether or not they actually know who it is, they cannot confirm that until they get his license.

THE COURT: Sure.

MR. TWYMAN: And so this isn't a situation where they've run, based on what we have and what we believe the evidence will be, have run a vehicle registration to know that Mr. Towe is going to show up in a truck. They have been told it's a different vehicle.

Now, the June 2023 case out of this court has a similar fact to where one car description is given but another car shows up. And the Court did hold that there was an articulable suspicion. I don't want to get too far ahead, but I think this is important. But the issue we're raising today to this Court is a little different because there were other cars and stops made where the officers then let those cars go. And so it looks more like a hunch.

THE COURT: You said stop, plural. Is there more than one stop, out of curiosity?

MR. TWYMAN: Prior to Mr. Towe?

THE COURT: Yeah.

MR. TWYMAN: There is only one that we found on the CAD.

THE COURT: Okay.

MR. TWYMAN: Because of the time period that we asked for. What's important is, that stop happens around 10 o'clock at night. Mr. Towe isn't stopped until after midnight into the early morning hours. In the 2023 case, the person shows up at the appointed time that's given, and so there's some distinguishable facts. And then, the question becomes—

THE COURT: Well, that was going to be one of my questions is, was there a meeting time?

MR. TWYMAN: There was no specific meeting time—well—

THE COURT: Because that—

MR. TWYMAN: Meeting times on and off; go home—

THE COURT: —typical proximity probably matters is the reason I asked.

MR. TWYMAN: Yes. And so what we believe what we have here is a hunch that is not a reasonable suspicion that would invalidate the stop that would definitely then suppress and call for the dismissal of Count 2, which is the attempt. That's part of the showing up.

And there's a question as to whether or not it would also give rise to dismiss Count 1. Count 1 in this indictment is based upon the messages, actually, that were sent, not necessarily the stop. But we know that the arrest that comes with Count 1 doesn't come if that traffic stop is never made. So those would be the issues for the Court,



and that would be what we expect the evidence to show.

THE COURT: All right.

MS. GIULIANI: And the case that Mr. Twyman is referring to is *Baggett v. State*. It is 367 Georgia Appeals 851. It is from June 5th of 2023. It is out of Judge King's courtroom. And in that case, there was a vehicle—when Investigator Pledger showed up at the park in that case, there was already a vehicle in the park. She texted Mr. Baggett and said, "Are you already here?"

He says, "No."

Same thing. They run a tag. It's not the person they're looking for. Two hours later, Mr. Towe, after midnight, shows up in the park, circles three times, and is pulled over by Cody Lanier and Cody George. It's the State's contention that these officers had reasonable articulable suspicion to pull over any vehicle in the park at 12:30 in the morning based on the county ordinance setting hours for who can be in the park when. They would have had RAS to stop any vehicle, let alone a vehicle that circles the park three times.

THE COURT: Okay. All right. Put your evidence up.

MS. GIULIANI: All right. At this time, the State calls Cody Lanier.

THE CLERK: Will you please raise your right hand?

THE WITNESS: (Witness complies.)

THE CLERK: Do you swear or affirm that the testimony you give to the Court shall be the truth,

the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

CODY LANIER,

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. GIULIANI:

Q All right. Could you introduce yourself to the Judge?

A Yes. I'm Officer Cody Lanier. I work for the Floyd County Police Department. I've been here for ten years.

Q Okay. And are you P.O.S.T. certified?

A Yes, ma'am, I am.

Q All right. And were you P.O.S.T. certified on November 1st of 2022?

A Yes.

Q Okay. And where were you assigned within the police department on that date?

A Patrol.

Q Okay. And were you asked to take part in an investigation of Rodney Towe?

A Yes.

Q And who asked you to take part in that?

A Investigator Pledger.

Q All right. And what was your role on that date?

A Conducting a traffic stop.

Q Okay. And where were you—where was this stop supposed to take place?

A At a park in Lindale.

Q And around what time?

A At night. I don't remember exactly what time, but it was going to be at night.

Q Okay. All right. And the park in Lindale, is that in Floyd County?

A Yes.

Q All right. And the park in Lindale, is that in the jurisdiction of the Floyd County Police Department?

A Yes.

Q And are you aware of hours for the park?

A It's from—anywhere from dusk till dawn.

Q And at some point on that night, did you perform a traffic stop?

A Yes.

Q Okay. And on what vehicle did you perform the stop?

A It's going to be a white pickup truck.

Q And what was the basis of your traffic stop?

A Investigator Pledger told me to stop this vehicle.

Q Okay. Did the vehicle immediately stop?

A Yes.

Q Okay. And if you could, describe to the Court how you approached the vehicle?

A So I did conduct a felony traffic stop. And what that is is I did have my firearm out, but that was for my safety as well as other officers. Once Mr. Towe exited the vehicle and I began to place him in handcuffs, I did place my firearm back in my holster, and it was safe at that moment.

Q And the person that exited the truck, he was placed in handcuffs?

A Yes.

Q And, at any point, did you read him *Miranda* warnings?

A Yes, ma'am.

Q And did you do that from a form, a card, from memory?

A It would have been from Officer George's *Miranda* warning card.

Q Okay. And prior to reading him any kind of *Miranda* warnings, did you make him any promises as to charges?

A No.

Q Okay. Did you have any conversation with him before reading *Miranda*?

A No, ma'am.

Q Okay. And then, how did you identify who you were talking to?

A Through his Georgia driver's license.

Q Okay. And did he match the picture in the driver's license?

A Yes.

Q And did you run the tag on the white truck that you stopped?

A Yes, ma'am.

Q Okay. Do you recall who it returned to?

A I believe it was Mr. Towe.

Q Okay. And the person that you stopped in the white truck, do you see him in the courtroom today?

A Yes.

Q Could you identify him by an article of clothing that he's wearing?

A I'm sorry?

Q Can you identify him by something that he's wearing?

A Yes. I mean, he's wearing—are you asking if he's wearing—

Q Yes. Can you tell me what he's wearing?

A Oh. Yes. I'm sorry. It would be a—I believe it is a blue shirt with stripes.

Q Okay.

MS. GIULIANI: Let the record reflect that the witness has identified the defendant.

Q Did you have any other interactions with this case after conducting the traffic stop?

A No.

Q Okay. And approximately how long between the time that you stopped the truck did Investigator Pledger arrive on scene?

A It was just several minutes.

Q Okay.

MS. GIULIANI: I don't have any further questions, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. TWYMAN:

Q Good morning, Officer Lanier. Your work that night, I think your testimony was that you were called to assist with Officer Pledger's investigation?

A Correct.

Q And so the only reason you were around the park that night was due to Officer Pledger's investigation; is that right?

A Yes.

Q And that night, Mr. Towe, from your understanding, was the only target of that investigation?

A That I'm aware of.

Q You didn't make any other arrests of other individuals who had been texting with Officer Pledger under the guise that she was a 14-year-old girl; is that correct?

A That night.

Q That night. That particular night, you had not arrested anyone else?

A I—I can't remember anyone else.

Q Okay. And so the purpose of your being at the park was because you understood, from what you had been told, that Mr. Towe was going to come to the park?

A Yes.

Q And you arrived at the park—what time did you arrive at the park? Do you know?

A I do not.

Q Okay.

MR. TWYMAN: May I approach, Your Honor?

THE COURT: Yes.

Q (By Mr. Twyman) Let me show you what I have marked as Defendant's Exhibit 1 and ask you take a look at that.

A (Witness complies.)

Q You've seen a form like this before; correct?

A Yes, sir.

Q This is for Floyd County E-911, often referred to as a CAD report. It's a takedown from dispatch.

A Yes, sir.

Q Do you recognize it?

A Yes, sir.

Q And do you see that it is from October 31st, 2022?

A Yes, sir.

Q And it begins with a call time of 10:28 p.m. Do you see that?

A Yes, sir.

Q Now, let me ask you. Do you recall—and your name is on this as one of the officers; is that right?

A Yes, sir.

Q So you were—you were in place and at the park at least by 10:30 or 10:28 p.m. on October 31st. You would agree with that?

A Yes.

Q Can you tell me whether or not you arrived at the park earlier than 10:28 p.m.?

A I cannot.

Q Okay. And the purpose of you being there at 10:28 p.m. on October 31st and the only purpose for you being there was the Rodney Towe investigation that we're here on today?

A To assist Investigator Pledger.

Q Yes. And so while you're there at the park, tell us where you're located.

A It was going to be at the, I believe, Pepperell School area.

Q Okay. And could—did you have an eyesight view of the park?

A No.

Q Okay. And at what point did you have an eyesight view of the park?

A Once I was at the park.



Q Okay. What took you to the park? I'm trying to figure out why are you at Pepperell and what makes you go to the park specifically?

A Investigator Pledger.

Q She called and told you to go to the park?

A Yes.

Q To make a traffic stop?

A Yes.

Q And that was the first time you went to the park?

A Yes.

Q Okay. Let me ask you to look back at Defendant's Exhibit 1 and turn to page 2. And there's an entry on there at 10:28 p.m., which is the reason this report was generated, would have been for that call at the top of page 2 at 10:28 p.m. Do you see that?

A The vehicle registration?

Q Where vehicle registration was run?

A Yes.

Q Did you make that traffic stop?

A I did.

Q At 10:28?

A Yes.

Q And so as far as trying to establish what time you were in place at the request of Officer Pledger, it would have been before 10:28, if you were hanging out at the Pepperell School but you make

your first traffic stop or at least this particular traffic stop in Defendant's Exhibit 1 at 10:28?

A Uh-huh.

Q So you—do you recall how long you had been at the Pepperell School area for this investigation prior to making the 10:28 traffic stop?

A No, sir.

Q But you acknowledge you were already in place prior to this traffic stop?

A Correct.

Q Okay. And so you run the vehicle registration at that time at the park; is that right?

A Yes.

Q This traffic stop in Defendant's Exhibit 1—first let me get you to acknowledge one thing for the record. The traffic stop that we're talking about that's evidenced in Defendant's Exhibit 1 is not Mr. Towe; is that right?

A I'm sorry. Can you repeat that?

Q This traffic stop that we're talking about on Defendant's Exhibit 1 is not the defendant?

A I'm not aware. I mean . . .

Q Okay. I'll come back to that point. So you make this traffic stop at 10:28 p.m.?

A Okay.

Q Why did you make this stop?

A Because Investigator Pledger had asked me to.

- Q Okay. And so you stopped this vehicle, and you run the license, you run the tag, and you let this particular car go about its way; is that right?
- A If it's not the vehicle he was in. I don't—he was the one I stopped.
- Q Right. Is he the only person you arrested that night?
- A I can't remember—
- Q All right.
- A —who all I arrested.
- Q Let me point your attention to page 2, and if you'll look down about halfway through this at 10:36 p.m., there's an entry on the log that reads "Have Loyd's 1076." Do you see that?
- A Yes.
- Q What does that mean?
- A It means en route.
- Q That means en route?
- A Yes.
- Q Okay. Right below that at 10:36 and about 20 seconds later, it says cancel 1051 for now. What does that mean?
- A That means cancel Loyd's.
- Q Okay. So you're making the traffic stop. Loyd's is rolling to come to the scene, but then they cancel it; is that right?
- A Yes.
- Q Is that what it appears?

A It appears, yes.

Q Okay. Let me show you what I'm going to mark as Defendant's Exhibit 2. I will represent to you, Officer Lanier, that this is, again, another CAD report from E-911, but this time is from November 1st with a call at 12:42 a.m.

A Okay.

Q Would you agree with that?

A Yes.

Q And you're listed on this report as well; is that right?

A Yes.

Q The bottom of page 1 at 12:42:38, there is a run of a vehicle registration and a driver's license. I'll also represent to you that this particular stop is the defendant, Mr. Towe. Okay?

A Okay.

Q All right. Did you run this registration?

A Yes.

Q Did you ask for Mr. Towe's license?

A Yes.

Q And prior to you running the registration, you ran the registration after you blue lighted Mr. Towe; is that right?

A That's correct.

Q So you pulled him over before you ever ran anything on him?

A Right.

Q And prior to running his registration and collecting his license, you did not have any knowledge of who the occupant was in the vehicle; is that right?

A Just what Investigator Pledger had told me.

Q And what she told you was to pull over a truck?

A With Mr. Towe.

Q With Mr. Towe?

A Yes.

Q She specifically used his name?

A I—I can't remember exactly.

Q Okay. Did she give you a description of what the driver looked like?

A I can't remember that.

Q Did she tell you that she had already run a vehicle registration?

A I can't remember that.

Q Okay. But you can't remember that she specifically—you also can't remember that she specifically gave you the name Rodney Towe?

A At some point she had gave everyone a name that there was a Rodney Towe.

Q Okay. So let me back up just a moment. She gave you—to the extent she may have given you Mr. Towe's name as part of this investigation, that was well before you pulled over the white truck; is that right?

A It's possible, yes.

Q You knew when you went out there on this—as part of this investigation, that this was regarding a Rodney Towe?

A Yes.

Q But at the time you were asked to pull over the white truck, you didn't know if Rodney Towe was in that truck or not, did you?

A I did not.

Q Okay. And your first confirmation that Rodney Towe was in the truck was after you ran the vehicle registration and collected his driver's license; is that correct?

A Yes.

Q The very last entry on the bottom of Defendant's 2 at 12:50:46, that's another call for Loyd's to come out; is that right? and continuing on to page 2?

A Yes.

Q And then at 10—on page 2, at—I'm sorry—not 10 but 12:52:53, there's an indication that the vehicle is a white truck. Do you see that?

A Yes.

Q Okay. At any time, as part of your investigation when you were told that this was involving an individual named Rodney Towe, were you ever given the description of a vehicle?

A No. Well, I mean, yeah, when I was on my way to the park.

Q And what were you told?

A That it would be a white vehicle, a pickup truck.

Q Now, when you were on your way to make the traffic stop you were told that you were pulling over a white vehicle?

A Correct.

Q Okay. Let's go back to October 31st and prior to 10:28 p.m. when you first arrived on the scene and hung out at the school, were you told about any vehicle description?

Let me rephrase it another way. Officer Lanier, when you first started your part of the investigation that night, some time around the 10 o'clock p.m. hour on October 31st, you were not told that Mr. Towe would be in a white truck, were you?

A No.

Q You were asked about the park hours, and your testimony was, dusk to dawn.

A Uh-huh.

Q Is that right?

A Yes.

Q What is that from?

A 6:00 p.m. to, I believe, 6:00 a.m.

Q What—where are you getting those hours or the dusk to dawn?

A The county ordinance.

Q And which ordinance is that?

A The park—I mean, there's park hours.

Q Right. And do you know the specific ordinance?

A I do not.

THE COURT: Let me just clarify. Are you telling me the park is open from the time the sun goes down until the time the sun comes up? That's when the park is open? Or are you saying that's when it's closed?

THE WITNESS: I'm sorry. That's when it's closed.

THE COURT: Okay.

MR. TWYMAN: Yes. I asked you about park hours, but—

THE COURT: I thought that's what you meant.

MR. TWYMAN: But yes.

THE COURT: I thought that's what you meant. I'm just not sure the record was clear.

Q (By Mr. Twyman) And so the park being closed dusk to dawn or 6:00 to 6:00, as you understand it, would mean that individuals should not enter the park; is that right?

A Correct.

Q You never saw Mr. Towe enter the park, did you?

A I did not.

Q In fact, let's talk about the park for a moment. The park has public streets that go around it on four sides; is that right?

A Yes.

Q It also has a road, a private drive, if you will, a parking area, that cuts through the middle of the park?



A Yes.

Q When you saw Mr. Towe's truck and you decided to pull it over, he was on one of the outside public roads going around the park; is that right?

A Yes.

Q You never saw him cut through the park, did you?

A No.

Q You never saw him enter the park?

A No.

Q You never saw him get out of his truck and walk into the park?

A No.

Q And to be clear, on the sides—on that same street that you pulled him over, and on those streets that go around the public park, are houses; isn't that correct?

A Yes.

Q And so anyone that may have been going home or going to visit someone in those homes would have ridden on the same street that Mr. Towe was on when you pulled him over; is that right?

A Yes.

Q They would not have been entering the park either, would they?

A No.

MR. TWYMAN: No further questions.

THE COURT: Redirect?

MS. GIULIANI: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. GIULIANI:

Q Officer Lanier, back to Defendant's 1, the—if you look towards the bottom third of the page, under the section that says "Responders," it says "54 primary, 56." Is—the number 56 is next to your name; correct?

A Yes.

Q Okay. And is that your call number, your badge number? What's that number?

A That's my radio number.

Q Okay. So then on page 2 that Mr. Twyman had you reading, which radio number logs the call for the registration?

A 54.

Q All right. And who is call number 54?

A That's Officer George.

Q All right. And then in the—in this CAD, which calls did you make?

A It would be the driver's license.

Q Okay. All right. And then, are you aware of where Mr. Towe, or the defendant, lives?

A Yes.

Q Okay. And to your knowledge, where did he live?

A Address on Holland Drive.

Q All right. And to your knowledge, where is Holland Drive in relation to the park in Lindale?

A I believe it's off of Burnett Ferry.

Q And did the defendant indicate to you where he was headed?

A To me, no.

Q Okay.

A Beforehand or during the—our conversation?

Q During your conversation.

A Yes.

Q Where did he indicate he was going?

A He was heading home.

Q And your understanding of Holland Drive in relation to the park, was there a reason that the defendant gave you that justified his presence in that area?

A No.

Q Okay. And why is that?

A Because Holland is nowhere near that area.

Q Okay.

MS. GIULIANI: I don't have any further questions, Your Honor.

THE COURT: All right. Anything else?

MR. TWYMAN: No.

THE COURT: All right. Thank you, sir. You may step down.

Any need for him to remain?

MS. GIULIANI: No, Your Honor.

MR. TWYMAN: No.

THE COURT: All right. You're excused, sir.

MS. GIULIANI: And the State would call Misty Pledger.

THE CLERK: Will you please raise your right hand?

THE WITNESS: (Witness complies.)

THE CLERK: Do you swear or affirm that the testimony you give to the Court shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

MISTY PLEDGER,

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. GIULIANI:

Q All right. And you can introduce yourself to the Judge?

A Misty Pledger.

Q All right. And where are you presently employed?

A Floyd County Police Department. I'm currently assigned to the Rome Floyd Metro Task Force.

Q All right. And how long have you been assigned to the task force?

A Oh, about two—well a year-and-a-half now.

Q And where were you assigned prior to that?

A CID.

Q And are you P.O.S.T. certified?

A I am.

Q Okay. And were you P.O.S.T. certified on November 1st of 2022?

A I was.

Q All right. Were you on duty that night?

A Yes.

Q Okay. And did you become involved in an investigation of Rodney Towe?

A I did.

Q And when did you become involved in that?

A I believe the texts started October 27th.

Q And on November 1st, did you have a reason to go to the park in Lindale?

A Yes, ma'am.

Q And why did you go there?

A Because we were—well, I was posing as a 14-year-old child, and we were going to meet at that location to engage in sex acts.

Q Did you have a rough time frame that you were supposed to be meeting this person?

A Yes.

Q Okay. And what time was that?

A Well, he actually texted. I think it was 11:20 is what the texts say that he was there in the park.

Q Okay. And did you know what kind of car you were looking for?

A He had said, I believe, a black car—

Q Okay.

A —was what he said in the text.

Q And how many of these types of investigations have you conducted?

A A little over a hundred at this point.

Q All right. And in those investigations, approximately how many of the individuals show up in the vehicle that they tell you?

A I mean—it's almost always they say I'm coming in a black car, white car, and they'll show up in something completely different. It's very common.

Q All right. And on this night, where were you positioned?

A I was in an unmarked vehicle. Typically, I set up at the gas station where I have a clear view of the park.

Q Okay. And is the park lit?

A It is.

Q All right. And on that day or in that—the early morning hours, did you see any vehicles enter the park?

A I—well, I observed the truck driving around. There were no other vehicles, other than the truck.

Q All right. And what drew your attention to the truck?

A Just there were no—like I said, there were no vehicles, and I put in my report that I observed the truck drive through the park three times.

Q Okay. All right. And were you the only investigator or officer in the park that night?

A I was the only one that had eyes on the park.

Q All right. And who else was present?

A I had marked units that were away from the area but nearby. I believe Cody Lanier was one of them. I believe Cody George was also there. There may be another uniformed officer or two. I don't recall.

Q All right. And what is their purpose?

A To actually do the stop and do the takedown.

Q And prior to you staging at the gas station, what information did you give the takedown team?

A Typically, I send them out a picture or what they may be coming in.

Q Okay. So would you have sent them a picture of Mr. Towe?

A It's likely I did. However, I send that picture out just so them—so they can have the information. I don't ask them to look for this person or, you know.

Q All right. And at what point did you—I guess, let me ask it this way. Did you give anyone an order to perform a traffic stop on this white truck?

A I did.

Q Okay. And on what basis?

A After he had said that he was in the park, there was no other traffic, I see this truck actually drive through the park three times. Like, this has to be the guy. Let's go ahead and make the stop.

Q Okay. And to your knowledge, was the truck stopped?

A Yes.

Q And approximately how long between the truck being stopped did you put eyes on the truck after it was stopped? How long did it take you to get from the gas station to where the truck was stopped?

A Just a few minutes.

Q Okay. And who was identified as the driver of that truck?

A Rodney Towe.

Q All right. And do you see the person that you know as Rodney Towe in the courtroom?

A Yes.

Q Can you identify him by an article of clothing that he's wearing?

A Yeah. He's wearing a blue polo.

Q Okay. And did you speak to Mr. Towe?

A I did.

Q Okay. And had he already been advised of his *Miranda* warnings?

A He was, prior to my arrival.

Q And did you confirm that he had been advised?



A I don't recall if I did or not.

Q Okay. Did he indicate to you why he was in the area?

A Yes.

Q What did he indicate to you?

A He had stated that he was—at first he said he was trying to get home, which doesn't make sense. His home is nowhere near Lindale. And then he said he was driving around. And eventually he stated that he was there to meet a lady named Carla with blonde hair. My undercover name is Carley. When I asked him about how old he thought Carley was, he said he didn't know, but he thought maybe she was 16 to 14. Eventually he said, Oh, yeah, she's 14. We—I was just coming to talk and hang out. I asked him about some of the sexual stuff he had said in the texts. He stated that he was just coming to talk, that he wasn't really going to participate in the sex acts.

Q Okay. And at any point in your conversations with Mr. Towe prior to meeting at the park, did you have any conversations about whether or not meeting at the park was a good idea?

A I don't recall. I would have to look back through the texts. I don't have them all—

Q Okay.

A —in front of me.

Q The park that you decided to meet at, is it open 24 hours?

A No. I think all of the county parks are closed at dark.

Q Okay.

A But there's no, like, gates. It's not like a gated area.

Q Okay. All right. And prior to stopping or asking other officers to stop this white truck, did you instruct the officers to stop any other cars?

A No.

Q Do you recall any other cars driving through the park that night?

A I do not.

Q I'm going to try to ask this so it is not confusing. Had—was the reason that you gave Officer Lanier the directive to conduct a traffic stop of this white truck solely because it drove through the park three times, or did you believe it was Mr. Towe?

A I believed it to be Mr. Towe.

Q Okay. Would you have given the order to Officer Lanier to conduct a traffic stop on any car that drove through the park?

A No.

Q Okay.

A No.

MS. GIULIANI: I don't have any further questions,  
Your Honor.

THE COURT: All right.

### CROSS-EXAMINATION

BY MR. TWYMAN:

Q Good morning, Officer Pledger.

A Good morning.

Q Is it Officer Pledger? Is it Detective? Is it Investigator?

A Investigator.

Q Investigator.

A Yeah.

Q Good morning. Okay. You testified that the texting starting October 27th, and then the questioning went to November 1st. And November 1st is the date that Mr. Towe was arrested?

A Yes, sir.

Q But speaking of that night, I guess more total, you were out there on the night of October 31st; is that right?

A Um.

Q Prior to midnight?

A Oh. Yes, sir. Yes, sir.

Q Okay. And do you recall what time you arrived to start your stakeout from the gas station on October 31st?

A Oh. I have no idea. I don't know what time. Typically, when they say—you know, if they give me a time, I try to be out there about 30 minutes prior to whatever time we're supposed to meet.

Q But in this case you were actually out there for a few to several hours before Mr. Towe was stopped. Do you recall?

A No.

Q Do you recall that through your conversations and messages with Mr. Towe, that at one point, you told him you were at the park and he told you to go home? A Oh. Okay.

Q Do you recall that?

A Maybe.

Q Okay.

A That might be in the text. I don't know. Like I said, I don't have them in front of me. But yeah.

Q All right. Let me show you what's marked as Defendant's Exhibit 3.

A Thank you.

Q Do you recognize those as the messages between you and Mr. Towe?

A Yes, sir. It appears to be.

Q And I will let you know that if you look into the bottom right corner—

A Okay.

Q —I've put a Bates number on these so that I can—we can easily find a couple of pages.

A That works well. Thank you.

Q Okay. All right. And so let me ask you to go to page 56.

A All right.

Q And before—and you can go ahead and go to 56, but let me ask a couple of more questions. You testified early on that it was 11:20 p.m.—

A Uh-huh.

Q —when he told you he was there?

A Yes.

Q And so since—before we start talking about times and all of that, I do want to ask. How do you know it was 11:20 p.m.?

A So right there at—it says 11:20 on the messages.

Q Okay.

A And it's actually he asked if I'm there.

Q He asked if you were there—

A Yeah. At 11:20.

Q —and so—and you're looking at that stamp that says Tuesday, and it is actually 12:21 a.m.?

A Yes.

Q Is it—okay. And earlier you testified 11:20, and I had not seen that in the messages?

A Oh. I'm sorry. I'm sorry. I misspoke. I was referring to the 12:20. I'm sorry.

Q But you don't have any other messages that have actual timestamps—

A If—

Q —for every message that's in this Exhibit 3, do you?

A Not for every message.

Q Okay.

A This is the Facebook Messenger, and they don't typically stamp every single message.

Q And so in your experience, if a conversation starts, there's going to be a timestamp at the top of that particular conversation?

A Typically.

Q And as the messages continue, if they continue in short order, you're not going to see a timestamp before every message?

A That's correct, yes.

Q But when there's a lull between the conversation and some time has passed and the conversation on the same thread picks up, you will again see a new beginning time for that second part of the thread; is that right?

A That's typically in my experience. I don't know exactly how Facebook marks their messages, but—

Q Okay.

A —that's typically how it is.

Q So now let me—before we go to page 56, let's go to page 34.

A Okay.

Q In 34, you'll see, halfway down this text chain, and there are a couple of timestamps, but the second timestamp says Monday, 8:34 p.m.?

A Uh-huh.

Q And I'll represent to you that October 31st was a Monday, and as you saw already on page 56, that we'll go back to, November 1st was a Tuesday.

A Okay.

Q Would you agree with that?

A Yes.

Q And so this stamp on Monday at 8:34 starts your text chain with Mr. Towe on that October 31st night. And I'm going to make a representation to you. You can go through every page. But the texting between pages 34 and 56 was so continuous that there's not another timestamp until page 56.

A Okay. That's typical.

Q Okay. And so after that 8:34 p.m. timestamp, the next timestamp we see is on page 56 at 12:21 a.m., Tuesday, November 1st. Do you see that?

A Correct, yes.

Q Okay. And your testimony was that he told you that he was in the park.

A He asked if I was there.

Q Okay. So I want to be clear about that. Mr. Towe never told you he was at the park, did he?

A You know I can walk over . . . No. He asked if I was there.

I asked him, "Where are you at?"

He said, "You there?"

I said, "No. I can walk over." And he—

Q You were asked by Ms. Giuliani whether you put the order to stop his vehicle—whether you made an order to stop his vehicle. And your testimony was, I put the order to stop the vehicle when he

said he was in the park. But he never said that, did he?

A Right. When he asked if I was there, I made the assumption that he was there.

Q Right.

A Yes, sir.

Q On page 56, and before the 12:21 timestamp—

A Uh-huh.

Q —at some point, he told you to—he told you he was going to be 15 minutes out?

A Uh-huh.

Q And then he told you to go home?

A Yes.

Q But there's nothing in the timestamp that can tell us what times those were sent, but there was a lapse in time between him telling you to go home and when you actually pulled him over or had him pulled over in the park; is that correct?

A It could have been, or it could have been just Facebook letting me know that hey, it's a new day. I really can't say for sure.

Q In fact, at one point you were asking him, "How long is it going to take you to get here? It's cold out here."

A Yes. That's when he told me to go home for a little bit.

Q And if you continue to page 57, some of these messages are also from page 56.

A Uh-huh.



- Q He asked you, "You there?"  
You said, "No. I can walk over."  
He gives you a thumb up, says if you want to.
- A Uh-huh.
- Q And then there are four messages from you on—that end on page 57.
- A Right.
- Q You state, "Okay. I'll go back."
- A Uh-huh.
- Q Then you said, "Hurry though. It's cold."
- A Uh-huh.
- Q Then you asked, "Where you at?"
- A Correct.
- Q And then, you asked, "Are you in a truck?"
- A Correct.
- Q He didn't respond to any of those four messages I just read, did he?
- A He did not, no.
- Q And that last one, "Are you in a truck?" is the last text message in this text chain?
- A That's correct, yes.
- Q And so when you asked—when you stated that you would go back—
- A Uh-huh.
- Q —there was some time that passed before you told him to hurry, it was cold.

A Yes.

Q You didn't send those right back to back?

A I can't say if I did or not.

Q Okay.

A I was probably seeing this truck, trying to confirm 100 percent if it was him or not. I don't know how long that took. So . . .

Q Well, after you texted to him, "Hurry though. It's cold," your next—your third and next text was, without response, "Where are you at?"

A Right. He did not respond to either of those.

Q And you're asking him where he's at because some more time has passed and you don't see anybody?

A I don't know if I saw him then or not. He could have been driving around and I was trying to confirm.

Q And then you asked, "Are you in a truck?"

A Yes.

Q And prior to him being pulled over, you didn't know what he was driving?

A No, I did not.

Q You didn't know he had a white truck?

A I did not, no.

Q In fact, on page 55, he told you he was coming in a black car.

A Correct.

Q Now, you were asked by Ms. Giuliani, when you gave the order to pull him over—

A Uh-huh.

Q —did you give that order because you saw the truck pass through the park three times or because you believed it to be Mr. Towe?

A Uh-huh.

Q And she gave you the binary choice, which reason, and you said, “It was because I believed it to be Mr. Towe.”

A Yes. I did believe it to be Mr. Towe.

Q But you didn’t know it was Mr. Towe?

A I didn’t know for sure.

Q And your belief, you would agree with me, was basically just a hunch?

A I think the totality of the circumstances. He was supposed to meet at this time. He has already driven through the park three times. He’s the only vehicle in the vicinity. All of that led me to believe that that was Mr. Towe.

Q Okay. So let’s take those in turn.

A Okay.

Q You’re supposed to meet at this time.

A Uh-huh.

Q He actually didn’t meet you at the time he said, did he?

A It was pretty close.

Q And so your first belief, you would agree with me, was that you thought he was going to meet you closer to 10 o'clock?

A I don't think it was that early. Or we may have been—we may have started talking about it about 10 o'clock, but . . .

Q If you will go to page 56.

A Uh-huh.

Q And at some point in that 8:34 p.m. text chain, because there were no more timestamps, do you see at the top there when he says—you say, "Okay. How long?" This is before he tells you to go home.

A Uh-huh.

Q "I'm cold." And he responds, "15 minutes."

A Okay.

Q But you didn't meet him in 15 minutes, did you?

A It appears that there may have been some time between there.

Q Okay.

A Because he tells me to go home for a little bit.

Q But you can't exactly say how long it was before the next 12:21—

A I can't.

Q —on the next day chain?

A No. It's not. Huh-uh. It's not timestamped.

Q You said he circled the park three times?

A Uh-huh.

Q So let's talk about the park for a minute.

A Okay.

Q This is the park in Lindale?

A It is, yes.

Q And this park is completely surrounded by public streets; is that right?

A It is, yes.

Q Okay.

A There are two roads that cut through. They're both one-way roads.

Q That cut through the middle of the park?

A Yes.

Q You didn't observe Mr. Towe cut through the park, did you?

A Well, I put in my report he went through the park three times.

Q Okay. So now let's be specific.

A Okay.

Q You did not see Mr. Towe cut through those roads that go in the middle of the park?

A I put in my report I saw him drive through three times.

Q Did you see him drive around the park?

A I put in my report I saw him drive through the park three times.

Q Okay. I understand what you put in your report.

A Right.

Q I'm trying to distinguish what does "drive through the park" mean?

A I understand.

Q Because—

A There has been—like, I can't sit here and tell you I specifically remember him, like the exact route he took. But I did put in my reports I did see him drive through the park three times, which, I mean, could have been he went through those roads.

Q It could have been that he never—

A It could have meant he went Maple to First to Second to Maple to First to Second. I mean, that's still the park.

Q And if you do Maple to First to Second—

A Uh-huh.

Q —you're actually driving around the park?

A Yes.

Q And you're not cutting through the park?

A That's right. However, like I said, I did put in my report he drove through the park three times.

Q But what you can't testify is the meaning of driving through the park as written in your report—

A Right.

Q —could mean he drove around the park?

A I mean, it could, but it's still . . .

Q You still consider that to be going to the park?

A Yes.

Q And you had some—you testified about park hours. There's no fences around it. But when it gets dark you are not supposed to go in the park?

A That's correct.

Q And it is possible that Mr. Towe never went inside the park?

A It is possible.

Q Okay.

A However, these—

Q You can't testify that he went into the park?

A I'm sorry?

Q You can't testify definitively that Mr. Towe—

A No.

Q —went into the park?

A No. However, the roads do border the park. So the park is not large. You can see the entire park from either of those roads.

Q And around the park and in particular on the road that Mr. Towe was stopped across the street, I should say, across from the park are residences?

A Yes.

Q And so if someone were traveling to that residence—

A Uh-huh.

Q —and they go Maple to First to Second—

A Uh-huh.

Q —to get to the residence—

A Three times?

Q No. I'm not asking you about three times.

A Okay.

Q I'm asking you about going around Maple to First to Second to get through the residence.

A Okay.

Q You would agree that they would not be entering the park?

A Well, the park is—the park, the road, the residence. So, I mean, if they pull into a residence, yeah, they're going to a residence. But if they stay right here, they're still bordering the park.

Q Okay. And so in my example, if somebody were, in fact, going to the residence and rode Maple to First to Second, would it be your position that they were violating the county ordinance?

A No.

Q Okay. Now, you've made—you've had cases like this before Mr. Towe?

A Yes, sir.

Q And you've used places other than the Lindale Park?

A I have.

Q In fact, you've used the Midway Park before?

A I have.

Q And the Midway Park is a little different, isn't it?



A It is. It's very different.

Q Because the road to get to Midway Park dead ends in the park?

A Yes.

Q You can't ride around Midway Park like you can ride around the Lindale Park?

A That's correct.

Q And so if an individual says they're going to meet you at the Midway Park and they actually show up on the road leading to the Midway Park, it's a one-way in and a one-way out?

A You would think. I have had it challenged that they were going to the dump area. So, but—

Q The dump is on that same dead end?

A It is, but you still have to go into the park to get into the park.

Q And the roads that Mr. Towe traversed on the night that he was stopped are not one-way roads, are they?

A No.

Q They don't dead end into the park?

A They do not, no.

Q Okay. You were asked a couple of times on direct, and you were asking in a couple of different ways, whether you saw any other vehicles drive through the park area?

A Uh-huh.

Q I think you testified that you did not?

A Correct.

Q Do you recall in the 10 o'clock hour on October 31st that you would have ordered George Cody and Cody Lanier—I'm sorry—Cody George and Cody Lanier to stop a vehicle at 10:28—10:28 p.m. on October 31st?

A Not unless it was the same type of thing.

Q Okay. And so the—the only reasons that the officers and the ones specifically that I mentioned, Cody George and Cody Lanier, were out in that area that night was to assist you in your Towe investigation?

A At this time. Now, I don't know if there was—if I had another one prior to this. It's possible. I've—

Q Well, how many arrests did you make that night?

A I couldn't tell you. All I know is about this one right here.

Q Your testimony earlier was that you didn't stop any other cars and that you didn't see any other vehicles go through the park. So—

A At this 12 o'clock.

Q Okay.

A After midnight hour.

Q So let me—is there an exhibit in front of you marked as Defendant's Exhibit 1?

A Yes.

Q Let me ask to you take a look at that report.

A Okay.

Q And you'll see at the bottom of page 1, under external agency numbers, there is a number there, and your name is out to the side. Do you see that?

A Yes.

Q And so this particular Defendant's Exhibit 1 is dealing with whatever investigation you had going on at the approximate time of 10:28 p.m. on October 31st.

A Okay. Well, I—it's possible I had another one of these prior to this.

Q Okay. So if—whenever you arrest someone on one of these, you usually have a tow truck come pick up the car?

A Yes.

Q And I will represent to you that in Defendant's Exhibit 1, Loyd's was called and then cancelled after the registration and license were run.

A Okay.

Q So would this indicate no arrest was made?

A No. It could have been that me made contact with a family member that could pick up the car. If the tow truck was cancelled, that could have been the reason.

Q And if you were texting with Mr. Towe as early as 8:34 p.m. on October the 31st, you wouldn't have had another case that you were working that night for an arrest, would you?

A It's possible.

Q Okay.

A It's possible to, you know, be looking at the park and texting other people and doing other things.

Q So let me ask you to look at page 2 of Defendant's Exhibit 1, and at the top it shows that Cody George stops a vehicle and runs a registration at 10:28:15. Do you see that?

A 10:28 and 15. Yes.

Q And given that this is part of your investigation, your name is on page 1, that would have been a stop that you would have directed?

A It's—like I said, it's possible.

Q Okay.

A I don't recall that there was another case that night. It's possible there could have been.

Q And the fact is you asked for that vehicle to be stopped because it drove through the park area at the same time that you were to meet Mr. Towe; isn't that right?

A No. I wasn't to meet Mr. Towe until after midnight.

Q Are you sure about that?

A Yes. It says 10:21. I was asking if he was there. There's no timestamps prior to these texts, so . . .

Q Okay . So let's—let's go ahead and back through some of these texts—

A Okay.

Q —to see exactly if we can determine a time.

A Okay.

Q All right. Let's go to page 54.

A Okay.

Q Now, there are—I'm going to represent there are no timestamps, and this is still from your 8:34 p.m. chain where there are continuous texts.

A Okay.

Q There is no break for a new timestamp.

A Okay.

Q So we're still in the 8:34 chain, 8:34 p.m. chain, and let me direct your attention to the middle of page 54.

A Uh-huh.

Q You write—well, he says, "Come talk. How going get touch with you when I get there?" And you state, "I'm here now."

A Right.

Q Okay. That's—and you will acknowledge that when you write "I'm here now," that's not 12:21 a.m. on November 1st?

A Probably not.

Q Okay.

A However, if I say "I'm here now," I'm probably not actually there now, just like I'm not really 14.

Q But we also know from Defendant's 1 that you've been there since at least 10:28 p.m.?

A I may have made this other arrest. So I could have actually been there. I don't know.

Q All right. So you said you're there now on page 54. You said you're going to be at the picnic table, and then you asked him, "Are you coming?"

A Uh-huh.

Q Because he still hadn't shown up?

A Right.

Q "What's your car look like?"

"Black car."

And then you send five or six texts, and he doesn't respond. And this isn't the end that we're talking about earlier, but you send these texts. "Okay. Looking for you. How long till you get here? I might walk to the store. Never mind. They just turned off the lights."

What time would they turn off the lights at the store?

A I really don't know.

Q Store closes at 10 o'clock?

A I don't know. I would have to look and see what the hours were. I don't know.

Q The store is not open at midnight?

A I really don't know.

Q Okay.

A I don't know.

Q All right.

A I'm sorry.

Q Later on at the bottom of 55. "Are you close?"

He says, "No."

And you ask, "Okay. How long? I'm cold."

He says, "15 minutes."

A Uh-huh.

Q My point, Officer, is, the appointed time for Mr. Towe was not 12:21. Would you acknowledge that?

A Well, he asked if I was there at 12:21.

Q He did.

A Uh-huh.

Q Now, my question is the time that you initially agreed to meet with Mr. Towe—

A Uh-huh.

Q —was earlier than the 12:21?

A Yes.

Q Okay.

A Yes. It was earlier. But, again, that's typical. You know, sometimes it's days before, and then they finally say, hey. I'm here.

Q So now that we've looked at Defendant's Exhibit 1 and it appears that there was another traffic stop that night, let me re-ask. Mr. Towe's car was not the only car that was passing through or passed the park that night, was he?

A It was after this 12:21 text.

Q Okay. From the time you got out there as part of your investigation, do you know how many cars passed through the park?

A I have no idea.

Q Do you know how many cars you ordered to be stopped?

A Well, this truck, but as you've pointed out, it looks like there was another investigation, and that car was stopped prior to that.

Q So earlier your testimony was Mr. Towe was the only one, and I've now shown you Defendant's 1. We're acknowledging that there's a second stop.

A Right.

Q Was it—

A He was the only one stopped after the 12:21 mark.

Q I understand that. Were there any other stops from the time you got out there that night as a part of this investigation, other than the two that we've identified?

A Not as part of this investigation, no.

Q Okay.

MR. TWYMAN: Those are all of my questions.

THE COURT: Any redirect?

MS. GIULIANI: Briefly.

#### REDIRECT EXAMINATION

BY MS. GIULIANI:

Q Investigator Pledger, do you have a copy of your incident report?

A I do.

Q Okay. Now, you actually have two incident reports; correct? There's one labelled case intel, and then there's one with just a case number?

A That's correct.



Q Okay. Would you read the case intel number into the record, please?

A The intel number is intel 230100033PD.

Q All right. And then your actual case number?

A The actual case number is 221100014PD.

Q All right. And what is the external agency number that is listed on Defendant's 1?

A It is 221000523PD.

Q All right. So this traffic stop, based on case numbers, had nothing to do with Mr. Towe?

A No, nothing at all.

Q Okay.

MS. GIULIANI: I don't have anything further, Your Honor.

MR. TWYMAN: Nothing further.

THE COURT: All right. Thank you, ma'am. You may step down.

THE WITNESS: Thank you, sir.

MS. GIULIANI: I don't have any reason she needs to stay.

THE COURT: Okay. Your—

MS. GIULIANI: Unless Mr. Twyman—

THE COURT: Any objection?

MR. TWYMAN: No objection.

THE COURT: All right. You are excused.

THE WITNESS: The exhibits?

THE COURT: I guess just—just leave them there.  
We'll get them in a minute.

MS. GIULIANI: Your Honor, the State has no further witnesses.

MR. TWYMAN: No witnesses.

THE COURT: All right. So the State rests?

MS. GIULIANI: Yes.

THE COURT: And do you wish to introduce any evidence or call any witnesses?

MR. TWYMAN: No, Your Honor.

THE COURT: All right. None of your exhibits are in.  
You understand that?

MR. TWYMAN: Oh. I'm sorry. Before I close the evidence—

THE COURT: Well, they're all up here. I'm not trying to inject myself in the hearing. It's just that what occurs to me is I've got these exhibits sitting up here, and I'm wanting to know if anybody wants to consider them.

MR. TWYMAN: I do want you to consider them, and I would move to admit 1 through 3.

THE COURT: Any objection?

MS. GIULIANI: No.

THE COURT: Okay. Thank you.

(Defendant's Exhibits 1 through 3 were tendered and admitted.)

MR. TWYMAN: Is that one still clipped? If it's not, I have got a clipped one. I don't want it to be out of order.

THE COURT: Okay. Just make sure I get in what's supposed to be in. Okay. Thank you for coming up. I didn't mean to put you to work.

All right. So the evidence is closed. Do y'all want to be heard? Do you want to brief anything? I don't want to put you to extra work. Anything?

MR. TWYMAN: What does the Court prefer?

THE COURT: I don't have a preference. I mean, I think I know where y'all are, but based on—now that we've heard this testimony, do y'all want to tell me what you think? Or—you kind of already told me your position initially, but maybe it's a little bit different. The facts are a little bit more developed now. So—

MS. GIULIANI: I guess—who would you like to hear from first? I never know who goes first.

THE COURT: It's your burden, so go ahead.

MS. GUILIANI: Okay.

THE COURT: But I'm going to hear from y'all—as many times as y'all want to talk, I'm going to let you.

MS. GIULIANI: Your Honor, I think—I definitely think that this case is distinguishable from the *Baggett* case primarily—

THE COURT: Do you want to distinguish it from the *Baggett* case? It was affirmed.

MS. GIULIANI: Well, I do for a couple of reasons. I think that the Court in the *Baggett* case was a little leery of the initial—whether or not the truck being in the Midway Park in the morning hours—this was about 10 o'clock in the morning—

whether the truck being there was suspicious in and of itself. So I would like to distinguish these facts from *Baggett* in the fact that Mr. Towe's vehicle was seen at the Lindale Park just after midnight. So I think that, in and of itself, is more suspicious than a truck being at a park while it's open.

I think that this case is also distinguishable from *Baggett* in the fact that the officers did not have to follow the truck for an extended period of time before initiating a traffic stop. It was made almost contemporaneously from Investigator Pledger observing the truck and when Officer George and Officer Lanier stopped it. The vehicle in *Baggett* was stopped a couple of miles from the park.

I think that's all I have unless you have any specific questions.

THE COURT: I don't think so. I might after I hear from Mr. Twyman. I might have questions for both of you.

MS. GIULIANI: Okay.

THE COURT: I mean, I have my thoughts, but—

MR. TWYMAN: I, too, am going to distinguish the *Baggett* case, but—

THE COURT: The biggest distinguishing factor is the type of park to me.

MR. TWYMAN: That's—well, and that's one. But Ms. Giuliani just mentioned something, I think, that needs to be addressed as well. And so I will start with what I agree is the biggest factor. The

*Baggett* case takes place at the Midway Park, and you heard testimony about it and the confirmation from Investigator Pledger. There's one way—it's a dead end. You pull down that road, and you are definitely in the park. So if someone says, I'm coming in a blue Mazda and they show up in an F-150 that's green and they're turning into that park and there are no other people in the park, that's different than riding around the park, a park that is encased by four public streets. And the testimony from—

THE COURT: Yeah. I—you don't have to beat that.

MR. TWYMAN: Okay.

THE COURT: I mean, I agree with you. There's no question that that is a different dynamic. Okay.

MR. TWYMAN: So here is another important and distinguishing factor, and I think it kind of expounds on something that Ms. Giuliani said about the *Baggett* case. Not only do they turn down the one-way road. It's a truck. When it gets toward the park, the case law—evidence in that case says it turns toward the—

THE COURT: Dump.

MR. TWYMAN: —dump and makes a quick U-turn, and the officers recognized that there—it's—there's nothing in the bed of the truck. Ms. Giuliani says, well, but that one is different than this one because the stop actually happens down the road. The case goes on to say, yes, it happens 15 minutes later, but there's a reason for it.

THE COURT: Traffic.

MR. TWYMAN: Traffic. The case law—the case actually says—

THE COURT: I don't—I don't really think that—I mean, honestly, I don't think my analysis here really is affected much by whether they got him five feet out of park or two miles out of park—

MR. TWYMAN: Right.

THE COURT: —really because I don't think that really helps me much.

MR. TWYMAN: No, but—and the only point about the 15 minutes, I think, is the—the stop was ordered immediately. It was a conscious decision in traffic to let the time pass for whatever reason. So I thought that was—that would be an important distinguishing factor.

I also want to point this out about *Baggett*. It starts out as an ineffective claim, but the focus of the opinion is really on whether or not he's pulled over too long. If you look at the rest of that opinion, the question becomes whether or not the stop was not dilatory, whether it was too long and expanded, and that's really not the issue here. I think the fact that he stays on this road, that he's on the public surface, along with the fact that they have absolutely no idea who is in the white truck or that Mr. Towe is coming in a white truck. I think that the undisputed facts are the first time they know it's Mr. Towe is after he has been blue lighted, a registration has been run, and they have his license. And so then the question becomes whether or not the circling—

THE COURT: Let me ask you this.

MR. TWYMAN: Yes.

THE COURT: And I can go back in here, and I've got a rough transcript in front of me. But the—the record is not clear as to exactly when they were supposed to meet, and I don't know that it matters. We know that it's 10:21 or some time thereafter, they had a communication. So they're still talking about planning to meet at that point or at least there was a communication back and forth between them. What exactly—time was this stop again? Was it 10:28 or something like that?

MR. TWYMAN: No. 10:28 was the—

THE COURT: Well, he wasn't stopped until 12:21.

MR. TWYMAN: It was 12:40.

THE COURT: 12:40. Okay. So it was at—

MR. TWYMAN: a.m.

THE COURT: —it was at 12:21 that they had another communication? I'm getting my—

MR. TWYMAN: 12:21 is when we see a timestamp—

THE COURT: Not 10:21.

MR. TWYMAN: Yeah. 12:21 a.m., we see the timestamp in Defendant's Exhibit 3.

THE COURT: Right. So there was communication, text communications, that went both ways at 12:21?

MR. TWYMAN: Correct.

THE COURT: And then the stop is at 12:28.

MR. TWYMAN: No. 12:42.

THE COURT: 12:42. Okay.

MR. TWYMAN: Correct.

THE COURT: Okay.

MR. TWYMAN: The—the 28—that 10:28 p.m. is the first stop.

THE COURT: The first stop. That's what—I got confused. I didn't mean to go there. That confused me.

MR. TWYMAN: But that's—but the first stop is important for this reason. As much as Officer Pledger tries to say, well, that's not this case, that's not the case, it was Officer Lanier who said the only reason he was out there stopping vehicles that night was part of the Towe investigation, that he—

THE COURT: Did he say that?

MR. TWYMAN: He did. He said the only reason that he was at the school that night was as part of the investigation regarding Mr. Towe because that caused me to ask him—

THE COURT: I remember him saying that he was told Mr. Towe's name.

MR. TWYMAN: Right.

THE COURT: I remember he was told that he was out there stationed at the school to—for the investigation. I may have missed him saying that that was only related to this one individual.

MR. TWYMAN: And I got into a discussion with him about why he would know Mr. Towe's name. And then, he says when they were called to the investigation, that was the name that they were given. And I wanted to clarify that he didn't—he



was given that name well before he made the traffic stop, and he didn't have any other way to know what Mr. Towe would be driving.

THE COURT: But there is evidence from which I could conclude that there was, in deed, another investigation with another case number and another stop; right?

MR. TWYMAN: There is.

THE COURT: Okay.

MR. TWYMAN: There is.

THE COURT: All right. Go ahead.

MR. TWYMAN: And so the question, then, becomes what is enough for reasonable suspicion to justify the traffic stop? And the State jumps up and down about the fact that he went around the park three times.

THE COURT: That's kind of a big factor, isn't it?

MR. TWYMAN: It's kind of a big deal, except that there are Georgia cases that talk about, in the totality of the circumstances, activity which would be—which the State was claiming was suspicious, such as making a stop after a tip that a particular car was coming that was slowly circling around a gas station before making two other brief stops at the location was insufficient, and that would be *Baker v. The State*, 277 Georgia App. 522. In *Adkinson v. The State*—and these are separate from what I've already cited in my brief. In *Adkinson v. The State*, 322 Georgia App., page 1, 2013 case, held that officers did not have sufficient facts to give rise to a reasonable

suspicion of criminal activity based on the defendant's presence in a high crime area, and his behavior, which was consistent with a general pattern of illegal activity. That is quoted from the opinion, and in this case, just because he's—

THE COURT: I haven't read that opinion, but most of those opinions that deal with that issue are a little different in that they don't have a communication going on with somebody that's supposed to be there.

MR. TWYMAN: Correct.

THE COURT: And so that kind of is a distinguishing characteristic. In my mind—in my mind, this thing sort of comes down to this. The factors that the State—I think that the State would advance, and I'm not giving them a chance to do that again, but I will. But, in my mind, it's the issue of is it enough if it's after midnight, it's circling three times around a closed park after dark, after midnight, within 25 minutes or so of communications about someone being there, and the fact that this is the only vehicle at that particular time. That's the evidence, isn't it?

MR. TWYMAN: That is the evidence.

THE COURT: Okay.

MR. TWYMAN: That is the evidence. And—

THE COURT: Is that enough?

MR. TWYMAN: Is that enough for—

THE COURT: Is there any other factor, other than those factors, that weigh in favor of the State?

MR. TWYMAN: Right. And so there's one last factor that I think cuts completely against them.

THE COURT: Okay.

MR. TWYMAN: And it's Investigator Pledger's answer to why she ordered Mr. Towe to be pulled over. She expressly stated it was not because he circled three times. It was because she believed it was Mr. Towe.

THE COURT: Well, but she—she did, but then when you asked the next follow-up question, she said I believed it based upon the fact that he circled the park three times and all of the other things that she said at that time. So.

MR. TWYMAN: So the question is, is that just—is that more than a hunch, or is it a reasonable suspicion?

THE COURT: Right.

MR. TWYMAN: And that's what the case comes down to.

THE COURT: That's what it comes down to.

All right. I understand.

Ms. Giuliani, do you want to follow up on that?

MS. GIULIANI: Um.

THE COURT: You don't have to. I'm just giving you a chance to have the last word.

I do think that's what it comes down to. Is it enough?

MS. GIULIANI: Yeah. I think it does come down to is it enough, but, again, it's totality.

THE COURT: Yep. Right. It is. It's a very close case. I do think it's a very close case. I think if this same—under these same facts at Midway Park, it's a tougher case for the State—or for the defendant, rather, because there's—maybe that's just because I'm familiar with Midway Park having played baseball over there before. And there's not a lot of reasons to be back there, other than—in the middle of the night. There's no walking trails back there. Let's put it that way. Whereas, the dynamic at—at the Lindale Park is kind of in a neighborhood of sorts, and people are going by there that aren't really going to the park per se.

But all right. Well, I'll read the cases that are cited in the brief. If y'all want to give me anything else, you need to give it to me quickly. You don't have to. And I will read the cases that are cited here orally, and I'll do my own research and have Ms. Silver, who will do a little research, who is on the screen listening. And then we'll try to get an order out. But it won't be today.

MR. TWYMAN: Your Honor, I had two cases that I quoted from. I didn't cite them. I can give them to you now.

THE COURT: Sure.

MR. TWYMAN: One is *Baker v. The State*.

THE COURT: You gave me that 277-522.

MR. TWYMAN: I did.

THE COURT: Okay.

MR. TWYMAN: Or 520. I'm sorry.

THE COURT: 520. Okay.

MR. TWYMAN: And *Lewis v. The State*, 323 Georgia App. 709.

THE COURT: All right.

MR. TWYMAN: And then the other cases that are already cited in the brief.

THE COURT: And then *Adkinson*, you gave me that one as well.

MR. TWYMAN: Yes.

THE COURT: Okay. Well, it's certainly—I certainly understand why you filed the motion. It's not a slam dunk either way, and I'll give it its due consideration. And I will issue an order on it as soon as I possibly can. And then we'll see where we are.

Thank y'all.

MR. TWYMAN: Thank you, Judge.

(Proceedings concluded at 11:56 a.m.)

**DEFENDANT EXHIBIT 1  
FLOYD COUNTY E-911 LOG  
(OCTOBER 31, 2022)**

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FLOYD COUNTY E-911

CFS - Command Log

Printed on March 13, 2024

CFS# 22-0140847

Call Taker KATE JACOBS

Location 110 GARDEN AVE SE, LINDALE, GA  
30147 (GILBREATH CENTER)

Location Details

Primary Incident Code 28: VEH REG CHK

Mod ROUTINE

Priori 3

Use Caution No

Primary Disposition ARREST

Additional Disposition(s) REPORT

Beat A4

Zone COUNTY

Call Time 10/31/22 22:28:15

Completed Time 10/31/22 23:24:55

Reporters
-----------

Unknown (Initial Reporter)

Sex DOB

Address

Report Time 10/31/22 22:28:15

How Reported OFFICER

From Phone Contact Phone Comments

Responders
------------

54 (Primary) – 54 – GEORGE, CODY FCPD (Primary)

56 – 56 – LANIER, CODY FCPD (Primary)

60 – 60 – O'BRYAN, CORY FCPD (Primary)

64 – 64 – BRAY, XAVIER – FCPD (Primary)

IR/External Agency Numbers
----------------------------

221000523PD PO: 81 – PLEDGER, MISTY

Command Log Filter: All Commands   Details: Hidden   Units: All Units   Revised Entries: Shown
---

10/31/22 22:28:15 | JACOBS, KATE | 54 |  
28-VEH-REG-CREATES-NEW-CFS -11AB9AM

10/31/22 22:28:34 | JACOBS, KATE | LOG - ADV  
RETURNS

10/31/22 22:29:13 | JACOBS, KATE |  
60 | 23-ONSCENE

10/31/22 22:29:15 | JACOBS, KATE |  
56 | 23-ONSCENE

10/31/22 22:29:28 | JACOBS, KATE |  
56 | 27-1 DRIVERSLIC - 6119568

10/31/22 22:30:55 | JACOBS, KATE |  
60 | 8-AVAILABLE - NOT ON THIS CALL

10/31/22 22:33:34 | JACOBS, KATE |  
64 | 76-ENROUTE - PER 54

10/31/22 22:35:24 | JACOBS, KATE |  
54, 56 | CLEAR ALARMS

10/31/22 22:36:38 | JACOBS, KATE |  
54 | UC - HAVE LOYDS 1076

10/31/22 22:36:51 | JACOBS, KATE |  
54 | UC - CANCEL 1051 FOR NOW

10/31/22 22:44:58 | JACOBS, KATE |  
64 | LEAVING SCENE (Location: FCJ) -1095

## App.87a

10/31/22 22:55:17 | JACOBS, KATE |  
64 | ARRIVED AT (Location: C200)

10/31/22 22:55:23 | JACOBS, KATE |  
54, 56 | 8-AVAILABLE

10/31/22 23:12:36 | GRESHAM, ALISHA |  
06, 64, 70, 76 | UNIT DETAILS (Details: 3RD.)

10/31/22 23:24:55 | GRESHAM, ALISHA |  
64 | 8-AVAILABLE

11/01/22 00:21:48 | GRESHAM, ALISHA |  
LOG - LOYDS ADV @0021

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**DEFENDANT EXHIBIT 2  
FLOYD COUNTY E-911 LOG  
(NOVEMBER 1, 2022)**

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FLOYD COUNTY E-911

CFS - Command Log

Printed on March 14, 2024

CFS # 22-0140871

Call Taker

ALISHA GRESHAM

Primary Incident Code 28: VEH REG CHK

Mod

ROUTINE

Priority

3

Use Caution

No

Primary Disposition

ARREST

Beat

A3

Call Time

11/01/22 00:42:38

Completed Time

11/01/22 01:30:25

<b>Reporters</b>
------------------

Unknown (Initial Reporter)

Report Time

11/01/22 00:42:38

How Reported

OFFICER

<b>Responders</b>
-------------------

54 – 54 -

GEORGE, CODY – FCPD (Primary)

56 (Primary) – 56 - LANIER, CODY – FCPD (Primary)

Response Times
----------------

Assigned	11/01/22 00:42:38
Enroute	11/01/22 00:42:38
Arrived	11/01/22 00:42:38
Leaving	11/01/22 01:00:14
Arrived At	11/01/22 01:10:24
Completed	11/01/22 01:30:25

Command Log Filter: All Commands   Details: Hidden   Units: All Units   Revised Entries: Shown
---

11/01/22 00:51:57 | GRESHAM, ALISHA |  
LOG - LOYDS ADV

11/01/22 00:52:39 | GRESHAM, ALISHA |  
LOG - LOYDS YELLOW VEH

11/01/22 00:52:53 | GRESHAM, ALISHA |  
56 | UC - 1051 OC FOR WHT TRUCK

11/01/22 00:54:10 | GRESHAM, ALISHA |  
LOG - LOYDS UPDATED

11/01/22 00:54:53 | GRESHAM, ALISHA |  
LOG - AFFORDABLE ADV

11/01/22 01:00:04 | GRESHAM, ALISHA |  
54 | 23-ONSCENE

11/01/22 01:00:14 | GRESHAM, ALISHA |  
54 | LEAVING SCENE (Location: 76 JAIL) –  
1X WHT MALE

11/01/22 01:03:21 | SMITH, BERNITA |  
LOG - AFFORDABLE CALLED AND ADV HIS TK IS  
MESSED UP AND WILL NOT BE ABLE TO GET IT

11/01/22 01:06:02 | SMITH, BERNITA | LOG -  
AFFORDABLE ADV HE DOES NOT HAVE ANYONE  
ELSE TO CALL JUST HAVE TO ROLLBACK

App.90a

11/01/22 01:06:32 | GRESHAM, ALISHA |  
54 | CLEAR ALARMS

11/01/22 01:10:24 | GRESHAM., ALISHA |  
54 | ARRIVED AT (Location: C200)

11/01/22 01:11:05 | GRESHAM, ALISHA |  
LOG - CALLING ROME AUTO 706-936-5159  
NEG ANSWER X2

11/01/22 01:13:16 | GRESHAM, ALISHA | 56 | UC -  
WILL BE USING LOYDS 10-4 PER 06 AND LOYDS

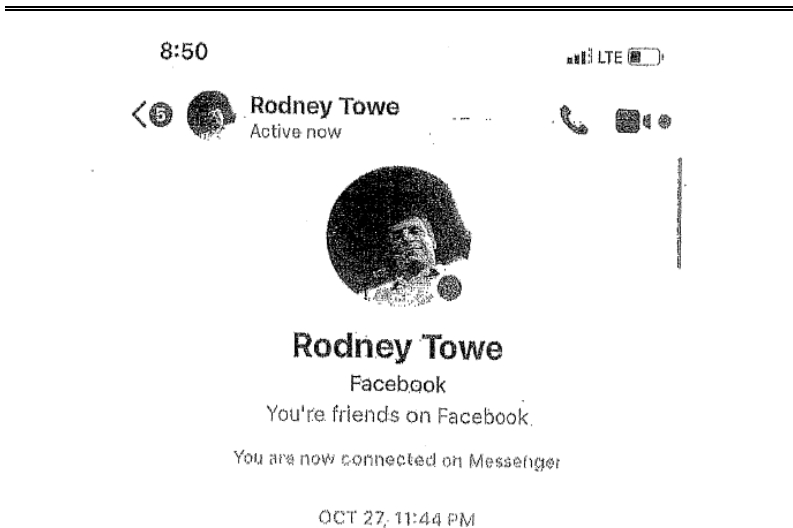
11/01/22 01:30:13 | GRESHAM, ALISHA |  
54 | 8-AVAILABLE

11/01/22 01:30:25 | GRESHAM, ALISHA |  
56 | 8-AVAILABLE

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**DEFENDANT EXHIBIT 3  
MESSAGES BETWEEN TOWE AND  
OFFICER POSING AS CARLEY**

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Rodney Towe	Officer (Carley)
Hey carley	
	Hey
Wydt	
	Chillin U
Just bore too death. Lol	
	Me to

Rodney Towe	Officer (Carley)
You live in lindale	Yea, U
West Rome	
	Cool
Maybe one night we could hang out	
	Frfr
What	
What that mean	
	For real



Rodney Towe	Officer (Carley)
Why not	
For real.	



	How old r u
Aww you look awesome	
You look young 16	
I am right. Lol	


Rodney Towe	Officer (Carley)
	No lol I wish
	I'm 14
43.	
Really	
14	
	Yes lol
Well can I txt you.	
Your dad and mom would shoot me. Lol	
What you think about just txting. Carley	
	That's fine lol
	I only got a mom
Sorry hear that. I am sure your mother is great	
	She's aight


Rodney Towe	Officer (Carley)
Dag it. I wish you little older. I bit you slot fun hang out watch a movie?	
	That'd be cool
	I'd be down
What a movie	
	Yea
Your mom would put me jail. Lol	
	Lol I don't let my mom in my business
Your mom always know V want going on. Lol	
	Nah
Plus she want too know where are you going.	
You be ay home probably 8 clock misd lindale	
You get pretty eyes for sure	
	What



Rodney Towe	Officer (Carley)
What time you get home at night	Thx
	I'm home now
Lol. I figure that	
What time your mom make you be at home	
	Oh she don't really say
	She works some nights
Ok	
Well you get bore txt me if you want. Maybe I see your walk around lindale movie is . . . to you carley.	
You sure you 14	
You must be busy you not said much	
	I'm falling asleep lol
Oh ok. Sorry keep you awake. txt me if you	



Rodney Towe	Officer (Carley)
want talk sum more about movie or whatever on your mind	
Take other picture of yourself send me. What you wore too bed.	
Good night	
No nide picture lol	
Hey Carley	
	Hey
Wydt	
	Chillin
	Wyd
Chilling out. Watching tv.	
	Cool
You get any more pictures I can see of you	
That was awesome	

Rodney Towe	Officer (Carley)
	
One	
It hard believe you only 14.	
You get biki picture I can see or a picture close to it.	
	No lol
Dang it. Lol	

Rodney Towe	Officer (Carley)
	I don't know u like that yet
I hope you not mad at me for asking	
	No
How about vedio [sic] chat on phone one day	
	Maybe
Awesome	
Meet you somewhere?	
	Idk when
You live close to park in lindale	
Maybe we call do vedio [sic] chat if you want to one day	
	Yea
	


App.100a

Rodney Towe	Officer (Carley)
	I don't like video chat
Oh ok	
I was just figure out way get too know if you want too	
	Yea I'd be down
May be you figure out a way to see you	
	Like chill
	I'd be cool wit chillin if u wana
Sure what you mean by that if may ask you	
	Lol like hang out or whatever ig
Super. How we going hang out and where.	
Pick you up one day	
	Ai mean ig u can scoop me at the park




Rodney Towe	Officer (Carley)
	
With my hands or hand truck. Lol	
	What
You said u can scoop me how you want me do it. lol	
	I mean pick up lol
Yes mam by hand  when you ready if you want too.	
	lol
	u can probably pick me up like that frfr
Truck seat up high. You might need help get in.	
	lol
That ok with you?	
	Yea lol

App.102a



Rodney Towe	Officer (Carley)
You at home	
	Yea
You in your bedroom	Not in
Dang it. Ok	
	Y
Y?	
You might take normal picture of yourself	Y do u want me to be in my room
That all.	

Rodney Towe	Officer (Carley)
	
	Me rn
Your eyes are just amazing. Why you get your normal clothes on. I figure you have your bed clothes on lol	
	Lol I was cold so I put a hoodie on
No way you too hot looking for being cold.	
	Lol




Rodney Towe	Officer (Carley)
	
	
Trying keep up you	Ur hot to tho
	
With	


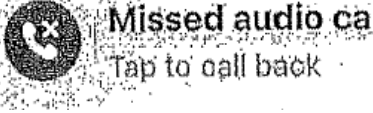
<b>Rodney Towe</b>	<b>Officer (Carley)</b>
Tho mean	
My neck sore can you help me lol	
	How
Good question lol	
Put a tattoo on it	
	I'm nor a good drawer
I take my chances with you. lol	
What is you good at.?	
	Everything else lol
What is your flavor thing too do.	
	Chill wit my friends as smoke
Are you good with your hands lol	
	Yea lol
Ok member that lol	

Rodney Towe	Officer (Carley)
How about your lips?	
You good with you lips.	
	
	Duh
Duh mean what	
	yea
Yes too me about your lips lol	
	
When lol	
	When what
It later. You better go to bed.	
See how good are you with your lips.	I'm not tired lol

Rodney Towe	Officer (Carley)
	I mean by mom be at work rn
I better go before I ask you wrong thing. I going get in trouble if I keep talking because I want ask you like doing one thing with your mouth. Lol	
Take a picture you in your jumbo you wore too bed or you just wore a t-shirt, pant...lol	Ask it lol
	I'm not in bed yet
Lady first you tell me lol I think you due	
Take one when you go bed.	
	What
Do you like doing that	
	What
Do you like doing that	

Rodney Towe	Officer (Carley)
	Using my lips
	Lol yea
You thinking same thing I am	
	Lol what u thinking tho
Two letter. Lol women sometimes due it too guys lol	
	Bj?
Bj?	
	Hahaha
	
Funny face for that lol	
	I'm good at that js
You wore jumbo too bed. it bed time take picture.	
	Lol
	Nah imma stay up

<b>Rodney Towe</b>	<b>Officer (Carley)</b>
Good at that is What is mean lol	
	Just saying
Ok you going get in trouble lol	
	Hahaha
	Jus don't snitch on me
Ok	
I think you look better in t-shirt/panties then jumbo.	
	What's jumbo
What wore when you go to bed	
You	
	Usually a shirt
How I am going snitch too about bj. Lol	
	Idk lol
How about panties lol it might get cold poor little kitten cat lol	

Rodney Towe	Officer (Carley)
	
	Yea panties
	I don't mean to call u
It fine	
	
You ok	
	Yea
	lol y
Why you didn't answer	
	What
Call you back	
No answer	
	I'm not getting anything

App.111a

Rodney Towe	Officer (Carley)
Can you due me a flavor take that picture of you in your t-shirt/panties so I can sleep tonight on my mind now heavy lol	
I tell Santa cause being you big Christmas gift.	
	Lol
	Nope
	I don't wanna wait till Christmas
Ok. What you want	
It long time until I see you lol	
	Y
Million lol	
Fri right	
	What
What it take for that picture beside arm and leg lol	
	I don't like to do pics tho
You be in school tomorrow	
	Yea




App.112a

Rodney Towe	Officer (Carley)
You freshman	
	Yep
You like bj but no picture in t-shirt.?	
You sure you a freshman	
	Yea
	I jus don't like send pics to people I don't kno in real life
I understand	
Maybe you know little better what you think about that	
You look awesome	
	Ok
	Thx
	U to
Maybe you let me took one lol	
	Maybe
What you like smoke	
	Whatever
Cigs?	
Other things	


App.113a

Rodney Towe	Officer (Carley)
	Both
I do not smoke myself	
Sorry dear	
	Ok
	I don't in the reg just when someone has something
You look your pussycat be.....	
I just said I am good.	
	What
You like your kitty cat to be e.....	
Good night too many questions asking you	
	Lol
	To be what
Eating?	
	Never done that
Aww I feel Stupid now sorry.	
	Lol y
I am talking too much you get my mind races lol	

Rodney Towe	Officer (Carley)
	Lol good
You like bj right	
	Yea they r fun
What you like to due, make you feel good	
	Idk
Good night tshirt dress	
	Lol goodnight then
Txt me when you want to talk	
	I mean I'm here blue
	Now
Who blue	
	I meant now
Ok what you want talk about.	
	Idk of ur tired u can go
No, I do not want to answer you wrong question you might be working for police	

App.115a

Rodney Towe	Officer (Carley)
	What
You just 14	
	Yea
	U don't like me then
No not that I do not want to go jail for talking to you	
	Y would u
	It's cool tho if u don't wanna ig
If I don't wanna ig what that mean	
	I guess
	Like I don't tell no one my business but if u don't wanna talk to be u ain't gotta
I am cool talking to you	
How about you	
	I like talking to u
Awesome	
We was talking about other things to lol	
	Lol yea
Park, meet hang out	

Rodney Towe	Officer (Carley)
	Jus don't tell no one
	
How about other thing.	
	What abt
You said you good do that...lol	
	I am
That's sound good	
	Yea
Where you go for that	
Moon lol	
	I mean I only did it a few time and I was at his house 1 time and in a car 1 time
	What's that mean
It was joking with you mean nothing	
Luck Person he flip out sure he did lol	
	Lol yea
	That's y it was fun

App.117a

Rodney Towe	Officer (Carley)
I like I said, you going get be in trouble	
	Lol how
You know how. Lol	
Just that.	
	O lol
Does it due anything to you when you doing it	
	Wym
Do you get into	
	Yes it's fun
I hope it more then fun lol	
	Wyd
What	
Wyd	
Going take a shower.	
	What you doing
	O ok
Wyd	
You getting for bed	
	Yea I'm getting tired ig
Ready	

<b>Rodney Towe</b>	<b>Officer (Carley)</b>
Picture you in bed	
Taking one	
Awesome	



Half Face lol	
Look like you black shirt on	
	No it's just dark
Does it turn you on when you gave a bj	
	Yeh
That you flavor word yeah lol	
	Lol sry
Lol	
Have any one blast a nut when you gave a bj in your mouth lol	

App.119a

Rodney Towe	Officer (Carley)
	Yea lol where they suppose to
Some lady do not like it	
	Really
I never have one before like that.	
You going get in trouble lol	
	How
???	
You know	
	No I don't
	How
Just get shower lying in bed	
	y
Out	
Picture are get better. I see real person keep sending me if you want too	
Hey bj girl lol	
	O wow
	Lol



App.120a

Rodney Towe	Officer (Carley)
I was in lindale today park check on a job	
	Cool
	Wish I knew
It was in lunch time	
You was in school. I guess lol	
	Oh lol
Your mom would kill me lol	
You bed cover up?	
You cold tonight	
	I'm abt to go hang wit my friends
Cool behavior you self no boys lol	
	Nah lol unless it's u
What time you get school	
	815
What	
What time you get out school	
Friday	
	315


App.121a

Rodney Towe	Officer (Carley)
OK free tonight	
Bj lol	
	Yea lol
Where	
	Ig park
You sure	
	Abt what
You up for it	
	Bj?
That your name right	
If that ok with bj lol	
	Lol no that's not my name
Ok lol	
What you wore tonight	

Rodney Towe	Officer (Carley)
-------------	------------------



Look ok lol	
You going put coat right	
How about your friend tonight	
You look awesome	
Turn around take one	
Picture lol	
	Lol Nope
Ok	
Friday lol	
You get clothes on lol	
	What's Friday

Rodney Towe	Officer (Carley)
You said, want meet Friday	
	Oh I thought tonight
What time tonight	
Like that swear shirt	
	Like 11 or later
What color your coat going be	
Your mom be at home	
You going get in trouble	
??	
	My mom at work
	I got a gray hoodie
	I'm not trynna get in trouble tho
Look like you not wore a bra underneath swear shirt lol	
	
What that means	
You mad	
	I'm not telling

App.124a

Rodney Towe	Officer (Carley)
Show me then lol	
You scare too tell me lol	
I Guess I google it that face lol	
	What
That cat face you send what it means	
	It was a Devil
Lol	
That means you not wore a bra underneath your shirt I was right	
	Idk maybe
You know just be honest me and you	
I can not see any thing anyway lol	
???????	
	OK
Make sure you put one lol	
	Y lol
It cold	
	I got a hoodie

App.125a

Rodney Towe	Officer (Carley)
I was talking about a bra lol	
	I kno
	I don't like them
I do not believe you lol	
You would not take a Picture of your but with pants on	
	Nope not abt that pics game
	I got in big trouble for that last year
No pic game Just like see you because you pretty and I do not know if I can see you	
	Wym
If See you phone. Noy good for me	
I do not your really want see me or not	
	I don't understand
Do you want see me	
	Yea if u wanna
You want to yea	

Rodney Towe	Officer (Carley)
	Yea
	It be fun
Park?	
How abt people there	
	I can walk over abs see if anyone there
Police might show up that time of night..	
	O
	Just Scoop abs we can ride around on something
Where we can go	
	Idk
	U got place
I do not know anything or anywhere in lindale go too	
	The park is dark
	I mean it's whatever tho
	If u don't wanna we aint't gotta
Talk and hangout	
	Aight

Rodney Towe	Officer (Carley)
Sure it dark but they would check you out	
	Who
Police	
	Ugh I can't get in trouble
	My mom would kick me out
How long you can be gone before your mom get home	
	She get home in am like 7
I do not want get you in trouble Just sum fun	
	I don't wanna get in troubkkk lol e
	But I like fun lol
Can you fun me drive down road some time lol	
	What
You said you like having fun	
	I do
Have you ever have fun with person driving down road before	




<b>Rodney Towe</b>	<b>Officer (Carley)</b>
	Yea lol
You said I am good lol	
How many time you ever do that before guy driving down road	
	Just one time
How you not old enough for drive license	
	U said guy driving
How old your boyfriend	
	I ain't got one
Guy was driving	
Why not you too sweet lol	
	Oh like 20s
No way	
	What
How you get with him if he was 20 without your mom know about it	
	I told u I ain't tell her shit
How you get with him.	
	He was at parking at the store by my house

Rodney Towe	Officer (Carley)
How that happens Aww	
	We just flirted
	Her don't work there no more tho
Just flirting. Lol	
Oh men.	
	What lol
I just trying figure it out blow my mind lol	
	Lol Y
Was it fun like you Always said lol	
	Yea
What you going due if your mom get into your see our txt	
Phone	
	She ain't got my passcode
Ok. Just delete it better lol	
	Duh
What	
You like cute and hot, picture you sent me you laying in your bed cool	

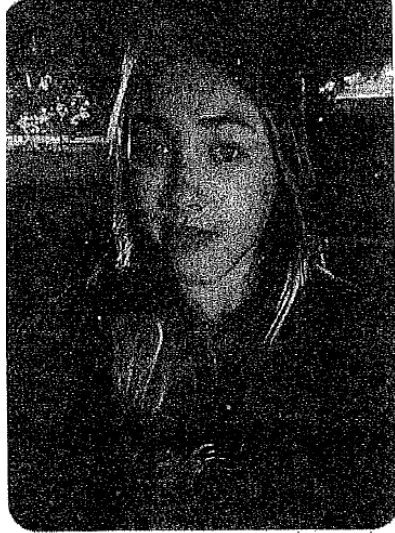
Rodney Towe	Officer (Carley)
You feeling more relax talking too me now	
You sleep	
Txt me when you ready	
	No lol
No to what	
	I'm not asleep
Oh, I thought you said no to meet me	
I want be that 20 guy you flirt with	
Can I be that guy lol	
	Ok sounds good
When you start no stopping you finish. Lol	
Until	
12?	
11:30	
	Lol ok
	There's still ppl at the park
	How longer it take u to get here

<b>Rodney Towe</b>	<b>Officer (Carley)</b>
Probably have to drive away	
Have you ever play with by a guy	
	Wym
Have guy play with your virgin	
	No
That good	
You to young. Lol	
	For what lol
For anything	
Lol	
	I'm almost ready
	U gonna come frfr
Have it cross your mind	
	What has
You know you get feeling down there lol	
	Yea lol
Do you get horny when you gave a bj too guy	
Lol	
Guess not lol	

<b>Rodney Towe</b>	<b>Officer (Carley)</b>
Are you horny lol	
Delete your laying down bed picture should have keep it	
I probably will not get other one.	
	R I gonna come scoop tho
You have not ask question lol	
	What question
Does it make you horny or wet When you gave guy a bj lol	Yea lol
You want to eat your pussycat?	
Lol	
	Yes will u lol
You not really mean it lol	
	I wanna know what it feels like
How...	
You get pants on lol	

Rodney Towe	Officer (Carley)
	
You going wore pants.	
	I mean it's cold
Show me you want me to due it to how it feels like	
No picture	
	How
	I'm ready off u wanna come
	No one is over there now
Ready off what	
Take a picture of park show me you stand in park.	
	Ok hold on let me walk over there
Look like a semi truck behind you	



Rodney Towe	Officer (Carley)
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	Lol it's the playground
	If u don't wanna it's cool frfr
You not a under cover police	
	Lol frfr
	Like on 21 jump st
	That would kinda be badass
You blow your cover	
	Lol
You feel relax talking to me	

Rodney Towe	Officer (Carley)
	What
You making it hard to not come	
	O lol
	I thought u wanted to
Do I make you nervous	
I do	
	I wouldn't talk to u if u did
	Should I be
Friday long time to wait	
No	
	O u tryнна come Friday not tonight
Come talk. How going get touch with you when I get there	
	I'm here now
That cool	
	What u mean
You going be walking around	
	Yea



Rodney Towe	Officer (Carley)
	Probably at the picnic tables
Ok	
	R u coming
	
	What's ur car look like
Black car.	
	Ok lookin for u
	How long till u get here
	I might walk up to store
	Nm thy just turned off the lights
	I'll be at picnic tables
	
Hang out and talk	
	Ok
	Ru close
No	
	O how long

Rodney Towe	Officer (Carley)
	I'm cold
15 Min	
	Ok lol
Go home for little bit	
	Ok
Txt me	
	I am
	Where u at
You there	
	No
	I can walk over
	
If you want to	
	Ok I'll go back
	Hurry tho it's cold
	Where u at
	R u in a truck

[...]