NO. 99062-0

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

REECE BOWMAN,

Respondent.

SUPPLEMENTAL BRIEF OF PETITIONER

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A. ISSUES PRESENTED[1]

1. Michael Schabell was a confidential informant who identified Bowman as his drug supplier to Agent Dkane. Schabell gave Agent Dkane consent to search his phone, which contained evidence that Bowman sold methamphetamine. Agent Dkane, posing as Schabell but using a different phone, then arranged a drug transaction for which Bowman was arrested and ultimately convicted.

a. Has Bowman failed to show that his voluntary conversation with law enforcement was a "private affair" since Agent Dkane employed a constitutionally permissible ruse?

b. Has Bowman failed to show that the intangible concept of a relationship between a drug buyer and seller is a "private affair?"

c. Even if, *arguendo*, Bowman's relationship with Schabell was a "private affair," did Schabell's voluntary cooperation with law enforcement terminate any privacy interest Bowman had?

d. Does Bowman's logic lead to absurd results?

[1] Bowman also challenges the imposition of several legal financial obligations. The State relies on its briefing to the Court of Appeals to address these issues.

B. STATEMENT OF THE CASE[2]

Agent Dkane arrested Michael Schabell during a previous narcotics operation unrelated to Bowman.[3] RP 30. Schabell agreed to become a confidential informant and identified Bowman as one of his drug suppliers. RP 30-31. Schabell later gave Agent Dkane permission to search his cell phone. RP 31. Schabell unlocked his phone for Agent Dkane and they went through its contents together. RP 31. Agent Dkane found a series of text messages showing that Schabell had recently purchased methamphetamine from Bowman. RP 32, 51.

Using an agency phone maintained specifically for undercover operations, Agent Dkane sent Bowman a series of text messages in which he posed as Schabell. RP 32; CP 94. "Schabell" told Bowman he had gotten a new phone to explain why his texts were coming from a strange number. RP 33-34. When Bowman asked "Schabell" to call him, Agent Dkane demurred, saying he was "with my old lady." CP 4, 100. Bowman nevertheless continued the conversation and arranged to meet "Schabell" at a 7-11 parking lot to sell him $500 worth of methamphetamine. RP 34-

[2] These facts are taken from testimony presented at the CrR 3.6 hearing, which the trial court relied on to make its evidentiary ruling. A summary of the trial testimony can be found in the Brief of Respondent.

[3] Although Dkane was a federal agent, the "silver platter" doctrine does not apply because he was conducting a joint operation with the Seattle Police Department. CP 3; State v. Johnson, 75 Wn. App. 692, 699-700, 879 P.2d 984 (1994).

35. This specific sale location was chosen because the real Schabell had purchased drugs from Bowman there in the past. RP 35.

Bowman was arrested when he arrived to consummate the transaction. RP 37. Police later searched Bowman's vehicle and found approximately two ounces of methamphetamine. RP 40. Bowman gave a post-Miranda confession admitting that "he had around six or seven…customers that he sold drugs to." RP 41.

The trial court denied Bowman's motion to suppress, finding Agent Dkane's conduct permissible because he had used his own phone to communicate with Bowman. RP 98-99. A jury then convicted Bowman of possessing methamphetamine with intent to deliver. CP 91.

The Court of Appeals reversed in a published opinion. State v. Bowman, No. 79023-4. The court found that Agent Dkane's ruse invaded a constitutionally protected privacy interest that Bowman had in his relationship with Schabell. Id. at 7. Next, the court held that Schabell lacked any authority to consent to Agent Dkane's conversation with Bowman because he was not a participant. Id. at 8. Finally, the court concluded that "even if Schabell had authority to consent to Dkane impersonating him," he did not give such consent. Id. at 9.

C. ARGUMENT

This case turns largely on whether this Court's decision in State v. Hinton, 179 Wn.2d 862, 319 P.3d 9 (2014), applies to the present facts. It is therefore helpful as a preliminary matter to summarize the holding of Hinton, as well as the limitations to that holding.

The police in Hinton arrested Daniel Lee and seized his cell phone. Id. at 865. A detective then searched Lee's phone and found text messages from Hinton that contained "drug terminology." Id. at 866. Posing as Lee and using Lee's phone, the detective then arranged a drug deal with Hinton via text message. Id. All of this occurred without a warrant or Lee's consent. Id. This Court held that Hinton maintained a privacy interest in the text messages he sent to Lee's phone, even though anyone with possession of the phone could have read them. Id. at 873.

After Hinton, criminals need not worry that the government has forcefully commandeered an acquaintance's device without a warrant. Id. at 877. However, they still "certainly" assume the risk that an associate might voluntarily cooperate with police. Id. at 874. This assumption of risk did not save the conviction in Hinton only because Lee had *not* in fact cooperated; his phone was seized and used against his will. Id. at 865-66.

As explained, *infra*, Hinton does not control the facts of this case.

1. BOWMAN'S CONVERSATION WITH AGENT DKANE WAS NOT A "PRIVATE AFFAIR."

Article I, section 7, of the Washington constitution provides that "[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law." This provision safeguards all privacy interests, not just physical property. State v. Myrick, 102 Wn.2d 506, 513, 688 P.2d 151 (1984). An alleged violation of article I, section 7, triggers a two-part analysis. State v. Miles, 160 Wn.2d 236, 243-44, 156 P.3d 864 (2007). The reviewing court must first determine whether the government intruded upon a "private affair." Id. If the court determines that a protected privacy interest was disturbed, it then asks whether the action was justified by the "authority of law." Id.

"Private affairs" are defined as "those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant." Myrick, 102 Wn.2d at 511. However, "[a] privacy interest must be reasonable to warrant protection even under article 1, section 7." State v. Goucher, 124 Wn.2d 778, 784, 881 P.2d 210 (1994). To determine if something is a "private affair," the court may consider "the historical treatment of the interest being asserted, analogous case law, and statutes and laws supporting the interest asserted." State v. Athan, 160 Wn.2d 354, 366, 158 P.3d 27 (2007).

The defendant bears the burden of showing that the State intruded upon a private affair. State v. Young, 135 Wn.2d 498, 510, 957 P.2d 681 (1998). If no private affair was disturbed, the analysis ends. State v. Puapuaga, 164 Wn.2d 515, 522, 192 P.3d 360 (2008). Any unchallenged factual findings from a suppression hearing are verities on appeal.[4] State v. Smith, 165 Wn.2d 511, 516, 199 P.3d 386 (2009). This Court reviews the trial judge's conclusions of law *de novo*. Id.

Conversations can be private affairs, but "there is no expectation of privacy under our State Constitution where one party consents to the conversation being recorded." State v. Clark, 129 Wn.2d 211, 221, 916 P.2d 384 (1996). In this case, Agent Dkane, a participant in the text conversation at issue, consented in any relevant regard.[5]

Agent Dkane's search of Schabell's phone was justified by Schabell's consent. See State v. Samalia, 186 Wn.2d 262, 272, 375 P.3d 1082 (2016) (noting that cell phone searches can be justified by exceptions to the warrant requirement). No search of Bowman's phone was conducted, nor was its internal data accessed. The only other messages revealed to Agent Dkane were those sent directly to him by Bowman.

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[4]There were no disputed facts at the CrR 3.6 hearing. CP 96; Bowman, No. 79023-4 at 5.

[5] Whether these facts implicate Washington's Privacy Act is an entirely distinct issue that Bowman did not raise on appeal.

Bowman's text messages were sent voluntarily despite not fully understanding who he was speaking to, and thus no search occurred. See State v. Hastings, 119 Wn.2d 229, 235, 830 P.2d 658 (1992) ("The lack of knowledge on the part of the person who opened the door…that those who entered were actually police has no bearing on whether the entry was consensual."). "If no search occur[red], then article 1, section 7 [was] not implicated." Young, 123 Wn.2d at 181.

Bowman also asserted that Agent Dkane unlawfully trespassed by sending him unsolicited text messages. As explained in the Brief of Respondent, this contention relied on authority that is plainly inapplicable. Bowman's suggestion that Agent Dkane's text messages trespassed by putting data on his phone is absurd; this is no more a trespass than placing an unsolicited letter in a mailbox. Notably, the statute creating civil liability for electronic impersonation specifically excludes acts "[p]erformed by a law enforcement agency as part of a lawful criminal investigation." RCW 4.24.790(4)(d).

This case is also different from occasions where the police took information without the owner's knowledge. State v. Muhammad, 194 Wn.2d 577, 451 P.3d 1060 (2019). Unlike the "ping" in Muhammad, Bowman had a choice to respond to or ignore Agent Dkane's messages.

Id. at 582, n.1. Even if, *arguendo*, a trespass occurred, it is doubtful Bowman would be entitled to relief. See Athan, 160 Wn.2d at 377.[6]

The Court of Appeals and Bowman both state that Hinton created "a privacy interest in text message conversations with known contacts." Bowman, No. 79023-4 at 6; Resp. Cross Pet. at 6. This assertion misinterprets Hinton, which actually analyzed "[w]hether individuals have an expectation of privacy in the content of their [own] text messages" stored on an associate's device. Hinton, 179 Wn.2d at 867; see also id. at 873-75.[7] Hinton's privacy was violated not by conversing with an undercover police officer, but by that officer's warrantless search of his text messages on Lee's phone. Id. at 877-78.

The Court of Appeals also interpreted Hinton to create a "privacy interest in the conversation because [Hinton] 'reasonably believed' he was texting with a 'known contact.'" Bowman, No. 79023-4 at 6. The Court of

[6] Athan affirmed the defendant's conviction despite detectives violating a law that prohibited impersonating an attorney: "[p]ublic policy allows for a limited amount of deceitful police conduct…[a] violation of a criminal statute is not a per se violation of…due process…" 160 Wn.2d at 377; see also id. at 390 ("public policy permits law enforcement to engage in a limited amount of unlawful activity in order to detect and investigate crime.") (Alexander, J., concurring)).

[7] The five justices in the concurrence and dissent agreed that this was the scope of the Court's inquiry. Hinton, 179 Wn.2d at 879 ("The inquiry in this case…is narrower: we must determine whether an individual has a privacy interest in the actual text messages received by and stored on another individual's cell phone.") (C. Johnson, J., concurring); id. at 882 ("We are asked to consider only the narrow question of whether a person has a constitutionally protected privacy right in a text message received on a *third party's* cell phone.") (emphasis original) (J.M. Johnson, J, dissenting).

Appeals considered this language out of context. This Court was simply explaining why Hinton's voluntary participation in the conversation was not curative in that case. Hinton, 179 Wn.2d at 875. The Court clarified that the foundational error remained the detective's warrantless search of Lee's phone. See id. at 877.

Hinton did not hold that a pre-existing relationship automatically makes every communication a "private affair." Rather, Hinton found that "[f]orcing citizens to assume the risk that the government will confiscate…their associates' cell phones tips the balance too far in favor of law enforcement…" Id. at 877. The type of unlawful seizure that concerned the Hinton majority simply did not occur here.

State v. Athan, while not a perfect factual analogue, is helpful here. Athan was suspected of murdering a teenage girl in the 1980's, but his involvement could not be proven. Athan, 160 Wn.2d at 362-63. Decades later, advances in technology allowed detectives to isolate a DNA profile of the killer. Id. at 363. The police then devised a ruse to obtain a comparison sample from Athan. Id. Detectives, posing as attorneys in a fictitious law firm, mailed Athan an unsolicited offer to participate in an equally fictitious lawsuit. Id. Athan licked the envelope when he returned the letter, unwittingly providing a DNA sample identifying himself as the killer. Id. Athan argued the ruse violated article I, section 7, because

"communications with a person one believes is an attorney" are a "private affair." Id. at 366.

This Court rejected that argument and affirmed the conviction, observing that "this case is not about police intercepting mail addressed to someone else. The envelope…[was] addressed to and received by the SPD detectives, albeit through the use of a ruse." Id. at 369. No constitutional violation occurred in part because the envelope had not been diverted from its intended recipient. Id.

Bowman's incriminating text messages were not seized by the police while in transit. Instead, as in Athan, they were received by the same person he was conversing with. That the identity of the recipient was a ruse did not by itself create a constitutional violation. See id. at 371 ("The fact that [Athan] was not aware the recipient was a police detective does not vitiate [Athan's] consent.").

Hinton distinguished Athan on the basis that the detectives in Athan impersonated strangers as opposed to known associates. Hinton, 179 Wn.2d at 877. However, Hinton also found significant that the detective had used Lee's actual seized phone. Id. at 876. The Court noted that "individuals closely associate with and identify themselves by their cell phone numbers, such that the possibility that someone else will possess an individual's phone is 'unreflective of contemporary cell phone

usage.'" Id. at 871. Here, Agent Dkane used his own phone with a number different than Schabell's and declined Bowman's attempt to verbally confirm his identity.

But more importantly, and as explained in greater detail, *infra*, the Hinton opinion was constructed around the framework of an unlawful search and seizure. Hinton's analysis of Athan was meant to explain why this constitutional defect was not cured by the voluntary nature of Hinton's statements. See id. at 874 (holding that the risk of betrayal by an accomplice "should not be automatically transposed into an assumed risk of intrusion by the government."). Athan can be applied in this context because no unlawful search occurred.

Bowman sent messages to a person identified as Schabell, and these messages were received by the same person he sent them to. While Bowman was deceived as to the recipient's true identity, this deception did not result from an unlawful seizure of Schabell's phone like in Hinton. Agent Dkane also did not "search" Bowman's phone by conversing with him. Because the conversation between Bowman and Agent Dkane did not implicate any search, no "private affair" was intruded upon.

This leaves only the potential argument that Bowman had a privacy interest in the intangible nature of his acquaintanceship with Schabell, something no authority known to the State has ever discerned.

Hinton's analysis concerned the defendant's privacy interest in a physical object – Lee's phone. Id. at 873. It did not hold that Hinton's conceptual relationship with Lee was itself a "private affair," nor did it consider the implications of using an entirely different phone in which Hinton had no privacy interest. Because no cognizable private affair was implicated in this case, Bowman's conviction should have been affirmed.

2. EVEN IF, *ARGUENDO*, AGENT DKANE'S RUSE IMPLICATED A "PRIVATE AFFAIR," SCHABELL'S COOPERATION PROVIDED THE AUTHORITY OF LAW TO JUSTIFY AGENT DKANE'S CONDUCT.

Article I, section 7, generally protects private conversations. But this privacy interest does not survive if one party intentionally divulges another's secrets to police. Thus, even if this Court concludes that a private affair was intruded upon, no constitutional violation occurred due to Schabell's cooperation.

Hinton held that article I, section 7, prohibits investigative ruses born of an unlawful search. But a person who controls a protected space generally has the authority to permit law enforcement to enter. Unlike the nonconsensual seizure of Lee's phone in Hinton, Schabell's cooperation and consent constituted the "authority of law" justifying Agent Dkane's entry into his relationship with Bowman.

The "authority of law" necessary to enter a constitutionally protected space can derive from, *inter alia*, recognized exceptions to the warrant requirement. State v. Olsen, 189 Wn.2d 118, 126, 399 P.3d 1141 (2017). Consent is one such exception. State v. Schultz, 170 Wn.2d 746, 754, 248 P.3d 484 (2011). The State bears the burden of showing an exception existed. Id.

Bowman plainly had the authority to expose text messages on his own phone, and detectives can generally contact suspects, even unsolicited. See Young, 135 Wn.2d at 511 ("…the police are permitted to engage persons in conversation…"). Thus, Bowman's argument requires the Court to find a privacy interest in his relationship with Schabell that was wholly distinct from Schabell himself. Furthermore, this interest was, in the Court of Appeals' view, inviolable regardless of Schabell's consent. Bowman, No. 79023-4 at 8.

Relationships are, by definition, joint ventures controlled by both participants. See Webster's Third New International Dictionary, 1916 (2002) (defining "relationship" in part as "a state of affairs existing between those having relations or dealings."). Because both members of a relationship possess the inherent ability to expose its confidences, precedent relating to common authority is instructive. "Common authority under article I, section 7, is grounded upon the theory that when a

person…has willingly relinquished some of his privacy, he may also have impliedly agreed to allow another person to waive his constitutional right to privacy." State v. Morse, 156 Wn.2d 1, 7-8, 123 P.3d 832 (2005).

While the state and federal constitutions are typically analyzed sequentially, the "common authority" rule combines them into a single inquiry. State v. Mathe, 102 Wn.2d 537, 543, 688 P.2d 859 (1984). A reviewing court asks "(1) [d]id the consenting party have authority to permit the search in his own right? And if so, (2) did the defendant assume the risk that the third party would permit a search?" State v. Vanhollebeke, 190 Wn.2d 315, 323-24, 412 P.3d 1274 (2017). This doctrine "does not rest upon the law of property," but rather on reasonable expectations of privacy. State v. Leach, 113 Wn.2d 679, 739, 782 P.2d 552 (1989) (quoting United States v. Matlock, 415 U.S. 164, 170, 94 S. Ct. 988, 39 L. Ed. 2d 242 (1974)).

a. Schabell Had The Authority To Expose His Relationship With Bowman To Agent Dkane.

This Court's precedent strongly suggests that a private relationship loses its constitutionally protected character if one participant consents to a governmental intrusion. See State v. Salinas, 119 Wn.2d 192, 197, 829 P.2d 1068 (1992) (no constitutional violation were "one party…consents

to the contents of the conversation being recorded"); see State v. Corliss, 123 Wn.2d 656, 663-64, 870 P.2d 317 (1994) (reaffirming Salinas).

When two people have common authority over an area, the consent of one is effective against a nonconsenting partner. City of Seattle v. McCready, 124 Wn.2d 300, 306, 877 P.2d 686 (1994); Leach, 113 Wn.2d at 738. If one analogizes the relationship between Bowman and Schabell to a physical common space, Schabell had authority to consent to any "search." Id. at 739; Morse, 156 Wn.2d at 10.[8]

Once the State has authority to pierce the veil of a common relationship, the method by which it does so is generally immaterial. See State v. Jennen, 58 Wn.2d 171, 174, 361 P.2d 739 (1961) ("one party may not force the other to secrecy merely by using a telephone"). Any privacy interest Bowman had in his relationship with Schabell was the same whether Agent Dkane simply asked Schabell about his drug deals or posed as him in text messages. Salinas, 119 Wn.2d at 197. In either event Schabell could consent to the intrusion; cellular phones are susceptible to warrant requirement exceptions like any other type of evidence. See Samalia, 186 Wn.2d at 273 (cell phones subject to abandonment doctrine).

[8] Technically, a consenting individual can only unilaterally override an *absent* party's objection. Morse, 156 Wn.2d at 15. This principle does not apply here because Bowman was not physically present and did not object. Obviously, Bowman's physical presence would have rendered the ruse pointless.

The Court of Appeals held that Schabell lacked the authority to consent because he was not an active participant in the conversation. Bowman, No. 79023-4 at 8.[9] But if active presence within the protected communication is the constitutional touchstone, then Agent Dkane's consent would be dispositive. If Bowman had a privacy interest in his belief he was speaking with Schabell, it is unclear why this interest would survive Schabell's consent when similar privacy interests would be defeated. Salinas, 119 Wn.2d at 197.

The Court of Appeals made a tertiary holding that even if Schabell *could* have consented, he did not actually do so. Bowman, No. 79023-4 at 9. While Schabell consented to Agent Dkane learning information about his relationship with Bowman that formed the basis for the ruse, the Court of Appeals is correct that he never specifically consented to being impersonated. But this fact is immaterial because the privacy interest at issue belonged to the person being deceived, not the individual being impersonated. See Hinton, 179 Wn.2d at 873 (private affair at stake was Hinton's interest in his own text messages). The State has not found any authority requiring that someone expressly consent before police

[9] "But…Schabell was not a party to the subsequent text conversation between the police and Bowman. Schabell had no privacy interest in that conversation, and had no authority to consent to invasion of the privacy interest that…was held by Bowman." Bowman, No. 79023-4 at 8.

impersonate them while investigating a third party. While Schabell might have had a privacy interest in his own identity, Bowman does not have standing, automatic or otherwise, to contest a violation of someone else's rights. State v. Shuffelen, 150 Wn. App. 244, 255, 208 P.3d 1167 (2009).

Agent Dkane's ruse succeeded because he knew details of the relationship that only the real Schabell, or someone with access to his phone, would know. Bowman could reasonably expect that Schabell's phone would not be unlawfully seized. Hinton, 179 Wn.2d at 876. But Schabell's voluntary cooperation provided the authority of law necessary to defeat any privacy interest Bowman might have had. Corliss, 123 Wn.2d at 663.

b. Bowman Assumed The Risk That Schabell Would Voluntarily Expose His Illicit Conduct To Police.

Bowman and the Court of Appeals both relied heavily on State v. Hinton, *supra*. But Hinton did not consider whether the authority of law existed because it was not disputed that the search of Lee's phone was unauthorized. Hinton, 179 Wn.2d at 869. Hinton does not control the outcome here because the instant facts are materially distinguishable.

Because the inculpatory conversation in Hinton stemmed from an unlawful search, it was the fruit of a poisonous tree. Id. at 882 (Johnson, J., concurring). That Schabell voluntarily provided his phone to further

Agent Dkane's investigation in general, and to incriminate Bowman in particular, is a distinction that makes all the difference. See id. at 874 ("Hinton certainly assumed the risk that Lee would betray him to the police, but Lee did not consent to the officer's conduct."). The outcome in Hinton would likely have been different if Lee had given consent to use his phone. See id. at 879, n.3 (Johnson, J., concurring) ("The question presented here is whether the police illegally accessed the text message without a warrant.").

Agent Dkane sent text messages to Bowman himself, but he could just as easily have had Schabell send them while watching over his shoulder, a minor methodological variation that would defeat Bowman's proposed rule. The dispositive fact is not who actually typed out the text messages, but whether the knowledge Agent Dkane used to infiltrate the relationship was gathered through constitutionally permissible means. See State v. Duarte, 4 Wn. App. 825, 829-30, 484 P.2d 1156 (1971).[10] Because it was, Bowman's conviction should have been affirmed.

[10] "The petitioner was not relying on the security of the hotel room; he was relying upon his misplaced confidence that Partin would not reveal his wrongdoing." Duarte, 4 Wn. App. at 829 (quoting Hoffa v. United States, 385 U.S. 293, 301-02, 87 S. Ct. 408, 17 L. Ed. 2d 374 (1966)).

3. THE COURT OF APPEALS' LOGIC WOULD LEAD TO ABSURD RESULTS.

The holding in Bowman will inevitably lead to absurd results, which courts should avoid when interpreting the constitution. State v. Duran-Madrigal, 163 Wn. App. 608, 613, 261 P.3d 194 (2011).

The Court of Appeals stated that Schabell could not, as a matter of law, permit Agent Dkane to use his identity to deceive an acquaintance. Bowman, No. 79023-4 at 9. This creates the odd result that Bowman had a privacy interest in Schabell's identity *greater* than that of Schabell himself. This essentially disallows law enforcement from using any ruse implicating a real person's identity.

Such a rule will inevitably produce absurd results. Suppose, for example, that an adult formed a relationship with a 12-year-old girl in an Internet chat room and eventually asked to meet her for sex. Suppose also that the child contacted the police, and a detective obtained consent to use her cell phone and digital identity to investigate the defendant's conduct. According to Bowman, this would constitute a violation of article I, section 7, as our hypothetical offender believed he was having a private conversation with an actual acquaintance, and the child victim could not consent to the detective's conversation with the predator.[11]

[11] These are not unrealistic scenarios; fact patterns implicating the Bowman rule have occurred frequently in courts nationwide. See State v. Smith, 300 Or. App. 101, 102, 452

Even worse, our hypothetical detective might be constitutionally obliged to have the 12-year-old victim continue personally conversing with the sexual predator in order to investigate further. It is simply not possible that the drafters of article I, section 7, intended this result. Such limitations are both absurd and contrary to public policy.

D. CONCLUSION

The State respectfully requests this Court reverse the Court of Appeals and reinstate Bowman's conviction.

DATED this 5 day of February, 2021.

Respectfully submitted,

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P.3d 492 (2019) (offender who offered to "hook up" with young girl contacted police; police then impersonated the girl over text message); Commonwealth v. Cruttenden, 619 Pa. 123, 126, 58 A.3d 95 (Penn. Supreme Court 2012) (drug trafficker allowed police to text accomplice using his cell phone); Johnson v. State, 390 P.3d 1212, 1215 (Court of App. of Alaska 2017) (police officer pretended to be juvenile victim while texting with would-be molester); Brown v. State, 2012 WL 335851 (2012 Texas Court of App. Unpublished Decision) (detective and victim's father impersonated victim in text messages to child molester); State v. Abdulle, 193 Wn. App. 1033, 2016 WL 1627660 at *2 (2016 Unpublished Opinion) (detective posed as juvenile sex trafficking victim in text messages); Boyd v. State, 175 So.3d 1, 3 (Miss. Supreme Court 2015) (detective posed as young girl via text after the girl was targeted by sexual predator).

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