

Operation Net Nanny Cases and Laws:

April 2021 (v1.3)

Various Operation Net Nanny Cases:

There have been 294 Operation Net Nanny arrests between August 2015 – January 2020. Below are ten standout cases related to injustice and how far law enforcement and prosecutors will go towards pursuing these “easy to prosecute and win” sting cases with no victims. These stings continually violate the WA State Privacy Act (**RCW 9.73.230**) by not getting a Warrant prior to the contact because they have NO probable cause. Continue reading to see the injustice of these non-targeted sting operations.

State of Washington vs. Kenneth W. Chapman (15-1-01040-7)

Net Nanny: #1

Date & Location of Sting: August 2015, Kitsap County

Status: Lost at Jury Trial, Sentenced to 121.5 Months, Won Appeal, resentenced to 3 months (time served).

Summary: Mr. Chapman failed to get entrapment at his initial trial and lost. During his appeal the court overturned the verdict saying he should be allowed to use the entrapment argument. He was released after serving 2 years in prison and a new trial date was established. Mr. Chapman’s lawyer got two charges dismissed without a trial but was still left with the Communication with a Minor for Immoral Purposes (RCW.68A.090(2)) charge which has resulted in 10 year SO registration and 12 months Community Custody.

State of Washington vs. Darcy Racus (15-1-05086-1)

Net Nanny: #2

Date & Location of Sting: Dec 2015, Pierce County

Status: Lost at Jury Trial, Sentenced to 69.75 Months

Summary: The first Net Nanny case which went to trial. “[Guilty as Charged](#)” was the WSP press release after this trial. Mr. Racus lost his appeal with a strong argument related to the violation of Washington State’s Privacy Act ([RCW 9.73.030\(1\)](#)). The appeal court reasoned Mr. Racus gave implied consent (no privacy) by communicating via text on a cell phone. This ruling pretty much closed the door for all further arguments on the subject of privacy for these Net Nanny cases.

State of Washington vs. Robert E. Collins (17-1-00383-2)

Net Nanny: #6 – “[Operation Be My Felontine](#)”

Date & Location of Sting: February 2017, Clark County

Status: Took a reduced plea, Sentenced to 13 Months

Summary: Robert decided to take a plea of 13 months for a charge that typically has a 3 month sentence (Communication with a Minor for Immoral Purposes ([RCW.68A.090\(2\)](#)). He was an expert at using Craigslist for hookups and got caught up in this sting operation. The cops responded to one of the (30+) ads he posted and he engaged in a conversation, showed up, and was arrested. This case is unusual for two reasons, 1) Mr. Collins was very familiar with Craigslist and arranging hook-ups and 2) he took an exceptional sentence which reduced the conviction from Felony B to C but increased the time in Jail/Prison from a likely 90 day max to 13 months.

State of Washington vs. Douglas Virgil Arbogast (17-1-00752-1, Appeal No. 36250-7-III)

Net Nanny: #8

Date & Location of Sting: July 2017, Benton County

Status: Lost at Jury Trial, Sentenced to 90 Months, Won Appeal for entrapment, awaiting possible retrial

Summary: Mr. Arbogast was 70 years old at the time of his arrest with no prior history. He used that fact during his trial along with “lack of predisposition” but was not allowed to present evidence or allowed the entrapment instruction. The appellate court rejected the *Trujillo’s* case standard applied and noted that Mr. Arbogast was **WRONGLY** prevented from presenting a “lack of predisposition” during his trial. They reversed the lower court’s decision and remanded for a new trial (or plea re-negotiations). The county prosecutor didn’t like this and now has a petition out before the Supreme Court in WA State to decide if the Appellate court got the decision correct. We await a decision by the Supreme Court to hear the case or not in April 2021. This case has the potential to set precedence for many current and soon to follow Net Nanny cases still pending. The allowance of “lack of predisposition” and entrapment give these cases a fighting chance during trial and possibly the potential for better plea deals.

State of Washington vs. Yasir M. Majeed (17-1-00793-9, Appeal No. 36591-3-III)

Net Nanny: #8

Date & Location of Sting: July 2017, Benton County

Status: Lost at Jury Trial, Sentenced to 42 Months, Won Appeal of one charge and resentenced to 3 months

Summary: Mr. Majeed went to trial with at least three charges and was looking at a 90+ month sentence. At trial the jury was hung on the Attempted RC2 charge but found him guilty of the other two charges. The prosecutor dismissed the Attempt RC2 and sentenced Mr. Majeed on the other two charges to 42 months. The Appeal court reversed and dismissed his “Commercial Sexual Abuse of a Minor” charge because it was not possible on a fictitious child. Had the prosecutor made the charge an “attempt” crime it would NOT have been dismissed. His argument for communicating with a minor was strong but the Appeal court did not dismiss. Going forward, this sets precedence that all sting cases charging “CSAM” will have to be an attempt crime, otherwise the charge will have to be dismissed. Prosecutors are onto this and changing charges accordingly! Mr. Majeed was released with time served but still has a felony charge, 12 months of community custody and a 10 year SO registration on his record.

State of Washington vs. Timothy J. Rondeau (18-1-00073-16)

Net Nanny: #11

Date & Location of Sting: March 2018, Jefferson County

Status: Acquitted by Jury Trial of one charge, 2nd charge from hung jury dismissed

Summary: Rondeau is the second Net Nanny case to be acquitted. Rondeau was experienced with the app (Badoo) that was being used to meet other women and in two years of usage had over 250 contacts from Adult Women and only met face to face with 2 or 3 of them, none in a sexual nature. Law enforcement responded to his ad and he continued the conversation (original posting said 19 year old). Rondeau was allowed to utilize the entrapment argument which help lead to victory.

State of Washington vs. David L. Sprague (18-1-00069-16)

Net Nanny: #11

Date & Location of Sting: March 2018, Jefferson County

Status: Dismissed. Had two trials with hung jury was awaiting a potential third trial before dismissal

Summary: Had a trial in February 2020 with 6/6 hung jury. Retrial in Jun 2020 with 7/5 to acquit hung jury. Mr. Sprague’s attorney argued this case using the role play (RP) argument. The case was dismissed prior to a third trial. One other case, Skyler Barkdull (19-1-00949-18) also had two trials before being resolved via plea deal.

State of Washington vs. Junjie Gong (18-1-02954-8)

Net Nanny: #13

Date & Location of Sting: August 2018, Pierce County

Status: Lost Jury Trial, Sentenced to 76.5 months

Summary: Mr. Gong is Chinese. This case is similar to many others where a language barrier is present. Had conversation, noticed picture was not of 13 year old continued conversation, showed up, said to undercover, “*you are not 13*” and was arrested, prosecuted, went to trial and was found guilty. No one has yet to win a trial case in Pierce County.

State of Washington vs. Andrew Rankin (18-1-00402-19)

Net Nanny: #14

Date & Location of Sting: December 2018, Kittitas County

Status: Dismissed July 2020 prior to Trial

Summary: Dismissed due to Incompetency. It took eighteen months for the prosecutor and court to figure this out before dismissing the case. Many cases have had arguments and evaluations for competency but this is the only case to be dismissed. Prosecutors continue to pursue these cases regardless of obvious mental deficiencies.

State of Washington vs. Quentin M. Parker (19-1-00354-34)

Net Nanny: #15

Date & Location of Sting: February 2019, Thurston County

Status: Dismissed March 2020, prior to Trial

Summary: This the first of the Net Nanny cases to be outright dismissed prior to a trial. It was dismissed “*in the interest of justice.*” The brief facts are the lead sergeant, Carlos Rodriguez, deleted text from the conversation that was critical to the case where the Role playing topic DDLG was introduced. Not having the deleted text favored law enforcement. At a motion to dismiss hearing the judge did **NOT** allow for a dismissal, in fact the judge would have allowed the trial to move forward without the evidence to support the defendant’s argument. It was the prosecutor whom dismissed the case likely to not impact the reputation of the sergeant whom has been a star witness for most of these cases. The transcript from this case reveals in depth questioning about the violation of the Privacy Act ([RCW 9.73.030\(1\)](#)) and complete disregard to the RCW ([RCW 13.60.110\(4\)](#)) in soliciting funding. The Outrageous Conduct of deleting evidence (texts) makes this case the GOLDEN GOOSE of all Operation Net Nanny cases showing the extreme lengths that law enforcement will go to secure a conviction on anyone—even those with no prior criminal history like Mr. Parker. There is now a lawsuit / tort case pending in Thurston County (21-2-00214-34) regarding the unlawful arrest and prosecution of Mr. Parker.

State of Washington vs. Matthew E. Sanchez (19-1-00958-18)

Net Nanny: #16

Date & Location of Sting: July 2019, Kitsap County

Status: Dismissed Feb 2021, prior to Trial

Summary: Another one of the few cases to be dismissed. This one is similar to the Parker case above. Apparently there was missing/lost evidence and/or sloppy investigation documentation and this was dismissed “*In the Interest of Justice*” just like the Parker case. It took a NEW lawyer and a bit of leg work to accomplish this. Matthew was very close to taking a plea deal prior to dismissal; his original lawyer didn’t do his due diligence in researching his case or fighting for his client.

Net Nanny Deaths:

There have been a total of nine (9) deaths attributed to Operation Net Nanny.

1. **Dan Lawrence Press** (15-1-01042-3): NN#1, Kitsap County. Suicide.
2. **Christopher Luman** (16-1-02645-2): NN#4, Spokane County. Killed in jail.
3. **Leslie Joe Vopat** (16-1-01550-34): NN#5, Thurston County. Suicide.
4. **Douglas S. Peetz** (17-1-00403-1): NN#6, Clark County. Suicide.
5. **John F. Schliep** (17-1-01576-0): NN #7, Pierce County. Suicide.
6. **Jinend Kumar** (17-1-01553-7): NN#9, Kitsap County. Death unknown.
7. **Thomas E. Gale** (18-1-00072-16): NN#11, Jefferson County. Suicide.
8. **John C. Lidral** (18-1-00403-19): NN#14, Yakima County. Death unknown.
9. **Jesse D. Jones** (19-1-00351-34): NN #15, Thurston County. Suicide.

Net Nanny Standard Operating Procedures:

The Missing & Exploited Children Task Force (MECTF) is a part of the Washington State Patrol (WSP) Investigative Assistance Division (IAD). This division does have a [Standard Operating Procedures Manual](#) which they must follow. Specifically, as taken from the September 2017, IAD Standard Operating Procedures Manual:

7.00.010 Procedures

- B. All members of the task force are required to comply with all procedures as set forth in this or any other official document as it pertains to the task force and specific or related duties.

7.01.000 Responsibilities

- I. RCW 13.60.110 - Task Force on Missing and Exploited Children
- B. The chief of the state patrol shall seek public and private grants and gifts to support the work of the task force.

Section 06 - Internet Crimes Against Children (ICAC)

7.06.000 Policy Purpose/Statement

- A. The purpose of this policy is to establish responsibilities and guidelines regarding MECTF's response to reports of the exploitation of children, and the possession and distribution of child pornography using computers.
- B. Policy Statement: It shall be the policy of the MECTF to adhere to strict guidelines with respect to investigations of computer related child exploitation. The standards adopted pursuant to this policy mirror those prescribed by Office of Juvenile Justice and IAD Standard Operating Procedures Manual Delinquency Prevention's (OJJDP) Internet Crimes Against Children (ICAC) Task Forces, and ensure compliance with those protocols accepted by the Federal Bureau of Investigations (FBI), U.S. Immigration Customs Enforcement (ICE), and the U.S. Postal Inspector's Office.

7.06.010 Case Management

- D. Undercover Investigations
 1. Carefully managed undercover investigations conducted by well-trained detectives are among the most effective techniques available to law enforcement for addressing ICAC offenses. Undercover investigations,

when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. However, **these investigations can trigger serious legal and ethical considerations because of concern that inappropriate government conduct may induce an otherwise innocent citizen into committing a crime.**

2. All undercover investigations shall be conducted in a manner consistent with the principles of due process. Investigators shall avoid unlawful inducement of any individual not otherwise disposed to commit the offenses being investigated, and shall not engage in conduct that is shocking or offensive to notions of fundamental fairness as described in case law. See, for example, Jacobson v U.S., 503 U.S. 540 (1992); U.S. v Archer, 486 F .2d (2nd Cir.1973).
3. Investigators should always be aware that their actions, in addition to those of the offender, might be at issue in deciding if charges are brought, whether by referrals to other law enforcement agencies are acted upon, and in determining the guilt or innocence of the offender at trial. Therefore, it is critical that you work closely with local or federal prosecutors when investigating ICAC offenses.
4. Accordingly the following minimum standards apply to all undercover investigations:
 - a. Only sworn, on-duty investigative personnel shall conduct ICAC investigations in an undercover capacity. Private Citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in an online undercover capacity.
 - b. Employees shall not, under any circumstances, upload, transmit, or forward pornographic or sexually explicit images.
 - c. Other than photographs of law enforcement officers who have provided their informed written consent, no human images shall be uploaded, transmitted, or forwarded by MECTF personnel involved in an ICAC investigation.
 - d. Other than authorized above, images considered for uploading shall be approved by a supervisor and reviewed by the MECTF commander. Images uploaded for investigative purposes shall be non-human and encrypted. Sexually suggestive titles shall not be used.
 - e. During online dialogue, undercover officers should allow the investigative target to set the tone, pace, and subject matter of the online conversation. The target shall initiate image uploading.

Note: This WSP, MECTF, IAD does follow the [ICAC Operational and Investigative Standards](#) from September 2017. Section 8.6 of the ICAC Standards notes:

- 8.6 Absent prosecutorial input to the contrary, during online dialogue, officers shall allow the Investigative target to set the tone, pace, and subject matter of the online conversation
 - 8.6.1 The above section (8.6) shall not be construed to prohibit Investigators from performing any of the following activities when initiating or conducting an Investigation: (a) posting information including visual depictions (image or video/printed or digital) to establish an online presence, (b) placing advertisements or posts, or (c) sending messages.
 - 8.6.2 Members shall familiarize themselves with relevant state and federal law, including but not limited to those regarding the defense of entrapment, and should confer with relevant prosecutors for legal consultation, as needed.
 - 8.6.3 Members planning large-scale (multi-target) operations shall advise the Commander and shall consult relevant prosecutors regarding the operation.

The **key point** in all of this is there are Operational standards and these standards **MUST be followed**. We are seeing a violation of these standards in the Net Nanny cases. It is the detectives whom are leading the target, setting the tone, pace, and subject matter (children & sex). The detectives are essentially inducing an otherwise innocent citizen into committing a crime (entrapment). This should be obvious in looking at these standards and following the conversations. We are also seeing a violation of the Washington Privacy Act ([RCW 9.73.230](#)) with law enforcement NOT getting a Warrant prior to the contact because they have No probable cause and are simply in the process of creating a crime.