

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

STATE OF FLORIDA)
) Case No. 31-2013-CF-000197-A
-VS-)
)
Kaitlyn Ashley Hunt)
Defendant)

NOTICE OF VIOLATION OF CONDITIONS OF PRETRIAL RELEASE

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and hereby notifies this Honorable Court that the defendant has violated conditions of her pretrial release. As grounds, the State offers the following:

1. The Defendant has been charged in this case by information with the following offenses:

COUNT 1: LEWD OR LASCIVIOUS BATTERY which occurred between December 1, 2012 and December 31, 2012.

COUNT 2: LEWD OR LASCIVIOUS BATTERY which occurred between January 1, 2013 and February 16, 2013.

2. The defendant has been on pretrial release for the above-listed offenses. This Court has been assigned to preside over the criminal trial of the defendant.

3. On February 17, 2013, the defendant appeared before the Honorable Paul B. Kanarek, Circuit Judge. On that date, the court found probable cause existed for the offenses and set bond for the defendant in the amount of \$2,500 per count and ordered as a condition of bond that the defendant was to have no contact with the child victim, C.S., a child under 16 years of age.

4. On February 27, 2013, this court entered an order clarifying the "no-contact" order, stating, "the defendant shall have no contact, directly or indirectly, with C.S., the alleged victim in this case. The defendant shall remain at least 500 feet from C.S. at all times with the following exception: if the School District of Indian River County permits the defendant to continue to attend Sebastian River High School, the defendant shall remain at least 100 feet from C.S. at all times when on campus. A violation of the terms of this order may result in the revocation of the defendant's bond, criminal contempt, or both."

5. The state has recently come into possession of evidence that proves the defendant violated the conditions of her bond by having direct and indirect contact with the victim. This contact was in the form of electronic messages, actual personal contact, and contact through third parties. The contact was at times intended to obstruct the judicial process and was harmful to the child victim.

Direct Electronic Contact

6. On March 1, 2013, the defendant's last day of school at Sebastian River High School. After having been ordered to have no contact, the defendant placed an iPod into the child victim's locker. Over the course of the following months, the defendant used the iPod to contact the child victim almost daily

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using text messaging and FaceTime. The State is in possession of approximately 20,000 text messages between the defendant and the child victim, all of which were sent after the defendant was ordered by two circuit judges to have no contact.

7. It is apparent from the messages that the defendant was consciously and intentionally violating the court's order. On or about May 25, 2013, the defendant texted the child victim, "I'm out of jail on bond. That's part of my bond. I'll sit in jail until trial starts." The defendant then tells the child victim, "Keep the fuck quiet."

8. On or about May 25, 2013, the defendant texted the child victim, "Does anyone know you have that Ipod...(B)e careful."

9. On or about May 26, 2013, the defendant texted the child victim, "(N)o matter what if they find out we talked I'm going to jail until trial starts."

10. On or about May 29, 2013, the defendant texted the child victim, "If my mom finds out we're talking I'm blaming it on you."

Transmission of Lewd and Lascivious Material to Child Victim

11. The state is also in possession of over twenty-five lewd and lascivious photographs the defendant sent the child victim. These photographs are explicit and depict the defendant nude, sometimes engaged in sex acts such as placing her finger inside her vagina.

12. The state is further in possession of lewd and lascivious videos the defendant sent the child victim. At least one video explicitly depicts the defendant masturbating by rubbing her vagina with her fingers while moaning.

13. Although all of the photographs and videos were sent after the defendant was ordered to have no contact, some of the photographs contain metadata. That metadata indicates that those particular photographs were shot on March 17, 2013 and April 3, 2013, well after the court's order.

Direct Personal Contact with Child Victim

14. The defendant coordinated secret meetings with the child victim where the child would leave her home and get picked up by the defendant. The defendant would drive the child to a remote location where they would have intimate physical contact. During these meetings, the defendant was intentionally within 500 feet of the victim in violation of the court's order. The child victim has stated to Detective Jeremy Shepherd that these meetings have taken place as recently as two weeks ago.

Tampering With Child Victim

15. On or about May 21, 2013, the defendant learned that the child victim had disclosed to her parents that she had been communicating with the defendant through a third party, Julia Gilmore. The defendant became enraged and texted the child victim, "Fuck you...You're stupid...You want me to go in jail...You're such a messed up person...You snitched on me. God only knows what you'll do when pressured in court. Bye." The defendant continued on to tell the child victim that she hated her, that she tells too easily, and that she has "messed up" from the beginning.

16. Also on or about May 21, 2013, the child victim texted the defendant, "(The Assistant State Attorney) asked me today if anyone saw us in the bathroom when we would do stuff. Should I have said names?" The defendant responded, "No! Say nobody."

17. On or about June 4, 2013, the defendant texted the child victim, "So you aren't going to lie for me.." The child victim responded, "Kaitlyn, seriously, I was mad last night when I said that & you know that."

18. The child has stated, under oath to Detective Shepherd, that the defendant instructed her to lie when she testifies at trial.

19. In addition to the contact by the defendant, the state is in possession of text messages from the defendant's mother, Kelley Hunt Smith, sent to the child victim on March 26, 2013. These messages were sent after the court issued the "no contact" order. From the context of the messages, the defendant's mother learned of the unlawful contact and thereafter initiated improper, ostensibly illegal, contact with the child victim. In the messages, the defendant's mother tampered with the child victim. She solicited the child victim to obstruct the judicial process, instructing her to destroy the evidence of unlawful contact. Specifically, Kelley Hunt Smith texted the child victim, "Delete EVERYTHING....My # is 512-924-4145 my email is Kelley.smith76@gmail.com PLEASE delete everything and make sure NO ONE finds out you've spoken to Kate at all."

Evidence of Illegal Drug Use While on Pretrial Release

20. On or about July 29, 2013, the child victim texted, "chill out, I'm fucking with you..babe, you need to like, smoke a black and mild or something." The defendant replies, "KK rolling our blunt now." At the time, the defendant was with "KK" and Marquita Bellany, a listed defense witness.

Legal Authority

This court has authority to enforce its orders. Florida Statute 903.041 applies to the revocation of an existing bond. Barns v. State, 768 So.2d 529 (4th DCA 2000). The statute reads, in relevant part:

The court may order pretrial detention if it finds a substantial probability, based upon the defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any one of the following circumstances exist:

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process.

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community

from the risk of physical harm to persons.

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial.

A "lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years" is a "dangerous crime" as defined in F.S. 907.041(4)(a)(14).

Florida Statute 847.0138 prohibits the transmission of material harmful to minors, making the transmission of images such as those described above a felony of the third degree. Sheriff's detectives are actively investigating the circumstances of this misconduct and new felony charges may be forthcoming.

Pursuant to Florida Statute 903.0471 and Parker v. State, 843 So.2d 871 (Fla. 2003), the court may revoke bond without an adversarial hearing on a finding of probable cause to believe that defendant committed a new crime while on bond for another offense.

It is apparent from the defendant's past and present patterns of behavior that she does not care that two circuit judges have ordered her to stay away from her victim. She has covertly contacted her victim thousands of times, had continued intimate contact with her victim, threatened to blame her victim if her own misconduct is discovered, instructed her victim on what to say to the prosecutor, solicited her victim to lie for her, and in general sought to obstruct the judicial process. She has sent numerous lewd and lascivious images and videos to the child victim, images that are by definition "harmful to minors" per Florida statutes. As if her misconduct were not egregious enough, her mother has solicited the victim to cover up the defendant's misconduct by destroying evidence. It is apparent that the misconduct of both the defendant and Kelley Hunt Smith is severely threatening the integrity of the judicial process.

WHEREFORE, the State of Florida hereby notifies the court of the defendant's numerous violations of the conditions of bond in this case and moves this court to enforce its order.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail to A. Julia Graves, 2205 14th Av, Ste 201, Vero Beach, FL 32960, Attorney for the Defendant, on this 15th day of August, 2013.

RESPECTFULLY SUBMITTED,
BRUCE H. COLTON, State Attorney

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