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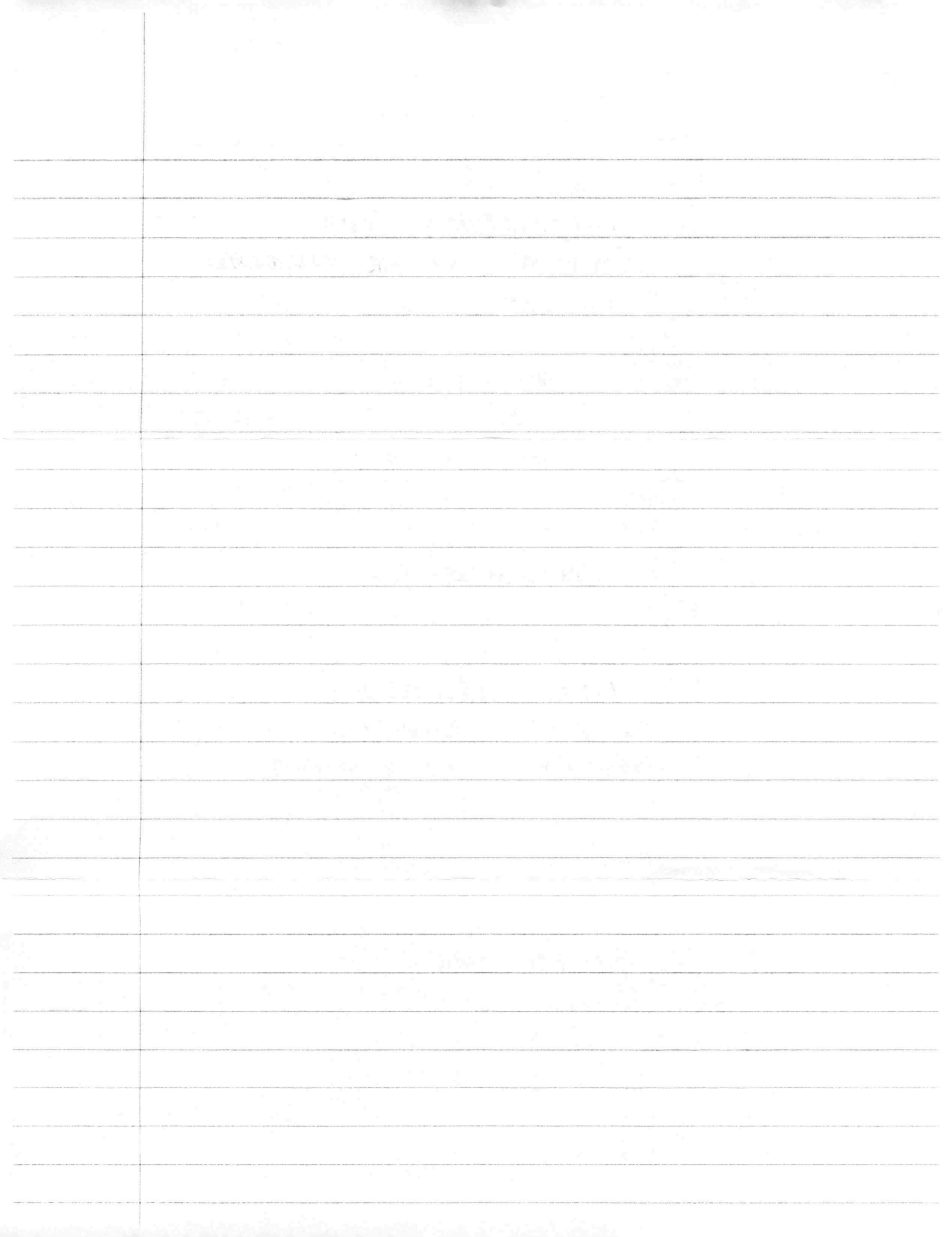
IN THE CIRCUIT COURT OF THE SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA  
VS.  
KRISTOPHER HENRIQSON

CASE NUMBER: 25-00152CE

MOTION TO HAVE ADMITTED INTO  
THE CASE FILE AN INTERCEPTED ORAL  
COMMUNICATION FOR THE PURPOSE OF IMPEACHMENT

SUBMITTED BY:  
KRISTOPHER HENRIQSON  
FLAGLER COUNTY DETENTION CENTER



INTRODUCTION:

THE DEFENDENT, KRISTOPHER HENRIKSON, REQUESTS THAT THE COURT ALLOW AN INTERCEPTED ORAL COMMUNICATION FOR ITS USE IN THE IMPEACHMENT OF THE VICTIM. THE COMMUNICATION IS AN AUDIO RECORDING OF A CONVERSATION BETWEEN THE VICTIM, AND MS. [REDACTED] MADE WITHOUT THE KNOWLEDGE NOR CONSENT OF THE VICTIM. AS <sup>IS</sup> WELL UNDERSTOOD, AND BASED ON FLORIDA STATUTE 934.06, THIS RECORDING WOULD RARELY BE ALLOWED INTO EVIDENCE. AS THE COURT ALSO UNDOUBTEDLY KNOWS, THIS RECORDING COULD POSSIBLY BE USED FOR IMPEACHMENT PURPOSES.

IN THIS MOTION, AND AT THIS TIME, THE DEFENDENT SEEKS APPROVAL FROM THE COURT FOR INTRODUCTION OF THIS AUDIO FOR IMPEACHMENT. SECONDARILY, THE DEFENDENT WOULD LIKE TO SIGNAL THE COURT THAT HE MIGHT WISH TO SEEK INTRODUCTION OF THIS RECORDING INTO EVIDENCE, ON CONDITIONS THAT ARE EXPLAINED LATER IN THIS MOTION.

THE DEFENDENT HAS STEADFASTLY MAINTAINED HIS INNOCENCE, AND BELIEVES THAT THE VICTIM'S ENTIRE STORY OF SEXUAL ASSAULT VISITED UPON HER BY THE DEFENDENT IS FALSE, AND THAT THIS BELIEF WOULD <sup>BE</sup> ACCEPTED BY A JURY AFTER LISTENING TO THIS RECORDING. THE DEFENDENT IS CONVINCED THAT THIS RECORDING, ALONG WITH THE CPT NURSE MEDICAL RESULTS AND CONCLUSIONS BASED ON HER EXAMINATION OF THE VICTIM WOULD BE MORE THAN SUFFICIENT TO EXONERATE THE DEFENDENT. THE MEDICAL REPORT CLEARLY STATES THAT THE VICTIM HAS NEVER BEEN SEXUALLY ASSAULTED IN ANYWAY.

BELOW, THE DEFENDENT OUTLINES TWO POSSIBLE WAYS IN WHICH THIS RECORDING MIGHT BE INTRODUCED INTO THIS CASE, THE FIRST BEING FOR <sup>IMPEACHING</sup> ~~IMPEACHING~~ THE VICTIM, AND THE SECOND FOR INTRODUCTION AS EVIDENCE, THOUGH IN A SEPERATE BUT RELATED CASE. THIS SECOND CASE HAS NOT YET BEEN FILED. ~~CREATED~~ THE DEFENDENT'S OBJECTIVE IS TO PRESENT THIS RECORDING TO THE JURY IN SUPPORT OF HIS CLAIM THAT NONE OF THE VICTIM'S STATEMENTS IN THIS CASE CAN BE BELIEVED. THE DEFENDENT IS REASONABLY CONFIDENT THAT THE COURT WILL ALLOW THE DEFENSE TO USE THIS RECORDING FOR IMPEACHMENT PURPOSES.

AS SUCH, THERE SHOULD BE NO NEED FOR THE DEFENDENT TO ARGUE FOR THE RECORDING TO BE PLACED INTO EVIDENCE THROUGH ~~THE~~ <sup>AN</sup> INDIRECT ROUTE. THIS ARGUMENT WOULD ONLY BE CONSTRUCTED SHOULD IT BECOME NECESSARY.

### DISCUSSION:

THERE EXISTS IN **BRUGMAN V. STATE OF FLORIDA AND SEAN CASEY (117 So 3d 39, 2013)** A ~~REVIEW~~ REVIEW OF THE CONDITIONS UNDER WHICH AN INTERCEPTED ORAL COMMUNICATION MIGHT BE INTRODUCED INTO THE TRIAL COURT EITHER AS SUBSTANTIVE EVIDENCE, OR FOR ITS USE TO IMPEACH A WITNESS. BASED ON THIS REVIEW, AND THE ANALYSIS OF SEVERAL ~~REFERED~~ <sup>REFERENCED</sup> CASES INCLUDING SOME THAT ARE ~~REFERENCED~~ <sup>REFERENCED</sup> IN 'BRUGMAN' (REFERENCES TO RELATED CASES CAN BE SUPPLIED TO THE COURT UPON REQUEST), THE DEFENDENT NOTES THE TWO POSSIBLE AND RELATED CONDITIONS BELOW.

- (1) STATEMENTS MADE BY THE WITNESS ~~██████████~~, AND AS RECORDED IN THE INTERCEPTED COMMUNICATION, DESTROYS THE VERACITY OF THE WITNESS AS IT RELATES TO THE SUBJECT MATTER OF THIS CASE, AND
- (2) THE WITNESS'S "ORAL COMMUNICATION" DOES NOT MEET THE FULL DEFINITION OF THIS TERM AS DEFINED IN SECTION 934.02 (2) OF THE FLORIDA STATUTES, THIS CLAUSE STATES THAT "ANY ORAL COMMUNICATION UTTERED BY A PERSON EXHIBITING AN EXPECTATION THAT SUCH COMMUNICATION IS NOT SUBJECT TO INTERCEPTION UNDER CIRCUMSTANCES JUSTIFYING SUCH EXPECTATION," AND AS SUCH IS PROTECTED UNDER CHAPTER 934.

THE DEFENDENT HAS BEEN PRIVY TO ONLY THE FOLLOWING STATEMENTS, WHICH CAN ONLY BE PARAPHRASED HERE, PURPORTEDLY MADE BY THE WITNESS ~~██████████~~, AND AS RECORDED DURING THE SUBJECT CONVERSATION:

- (1) 'I KNOW HOW TO CONVINCE PEOPLE OF THINGS I WANT THEM TO BELIEVE.'

(2.) 'I UNDERSTAND THE PROPER CONDUCT FOR COURT TO MAKE THINGS BELIEVABLE.'

(3.) 'I CAN SAY THINGS MANIPULATING ETHAN BUSSARD AND OTHER BOYS IN OUR NEIGHBORHOOD TO CONTROL THEM OR GET WHAT I WANT FROM THEM.'

THERE MAY BE MORE SUCH STATEMENTS IN THE RECORDING LIKE THIS. WITH THIS RECORDING, THE DEFENDENT IS REASONABLY CONFIDENT THAT HIS FIRST APPROACH WILL BE SUCCESSFUL.

THE DEFENDENT CANNOT ARGUE FOR THIS RECORDING TO BE INTRODUCED INTO EVIDENCE AT THIS TIME, AS HE HAS NOT YET LISTENED TO THE RECORDING. HOWEVER, THE DEFENDENT WOULD LIKE TO NOTE THAT [REDACTED] DID NOT BEGIN TO RECORD HER CONVERSATION WITH THE VICTIM UNTIL SHE BECAME ALARMED ABOUT SOME OF THE VICTIM'S STATEMENTS, AS REGARDS TO THIS CASE, AS SUCH, THE VICTIM MAY HAVE FORFEITED HER EXPECTATION OF PRIVACY GIVEN HER CONTEMPLATION OF LYING TO THE COURT ON THIS CASE AT SOME FUTURE TIME.

THE DEFENDENT UNDERSTANDS THAT THIS SECOND APPROACH CANNOT BE PURSUED AT THIS TIME AS THE WITNESS HAS NOT BEEN CHARGED WITH A CRIME RELATED TO THE CONTENTS OF THE RECORDING. HOWEVER, THE DEFENDENT BELIEVES THAT THE VICTIM COULD BE CHARGED WITH SUCH A CRIME (SEE FLORIDA STATUTE 817.49, FALSE REPORTS OF COMMISSIONS OF CRIMES; PENALTY), BASED ON THE FACT THAT THERE IS NO MEDICAL EVIDENCE WHATSOEVER TO SUPPORT THE VICTIM'S CLAIMS OF YEARS OF BRUTAL ANAL AND VAGINAL SEXUAL ASSAULTS PERPETRATED BY THE DEFENDENT.

SECTION 817.49(4) STATES THAT "THE LEGISLATURE ENCOURAGES EACH STATE ATTORNEY TO ADOPT A PRO-PROSECUTION POLICY FOR THE FALSE REPORTING OF CRIMES AS PROHIBITED IN THIS SECTION." IF SUCH A CHARGE WAS ENTERED AGAINST THE VICTIM, THEN THE AUDIO RECORDING COULD BE ENTERED INTO EVIDENCE OF THIS NEW CASE, THUS PUTTING IT INTO THE PUBLIC DOMAIN. ONCE IN THE PUBLIC DOMAIN, IT COULD THEN BE USED BY THE DEFENSE IN THIS CASE.

### Summary:

IN THE CASE EXAMPLES THAT THE DEFENDENT WAS ABLE TO FIND, IMPERFECTMENT WAS ACHIEVED BY COMPARING SIMILAR STATEMENTS MADE BY THE WITNESS IN COURT WITH STATEMENTS SURREPTITIOUSLY RECORDED ELSEWHERE, THAT SHOWED THAT THESE COMPARATIVE STATEMENTS DIFFERED SUFFICIENTLY, THAT THE COURT STATEMENTS COULD NOT BE BELIEVED.

THIS IS NOT THE CASE HERE. THE VICTIMS' STATEMENTS APPARENTLY SPEAK SOLELY TO HER SELF-PROCLAIMED MASTERY TO CONVINC OTHERS OF WHAT SHE WANTS THEM TO BELIEVE. SHE USES, AS AN EXAMPLE, HER SELF-ASSESSED ABILITY TO CONVINC THE COURT OF FALSHOODS. NEVERTHELESS, THE CONCLUSION HERE REMAINS THE SAME. THE VICTIM HAS SHOWN THAT SHE HAS NO INTEREST IN, LET ALONE DEVOTION TO, TELLING THE TRUTH. SHE IS QUITE READY TO SACRIFICE THE TRUTH TO SERVE HER OWN ENDS, SHOWING, CONSIDERABLE CONFIDENCE IN HER ABILITY TO BE SUCCESSFUL IN SUCH ENDEAVORS. GIVEN HOW THIS CASE HAS BEEN UNFOLDING, SINCE THE DEFENDENT'S ARREST OVER NINE MONTHS AGO, THE VICTIM'S HIGH DEGREE OF CONFIDENCE IN HER ABILITY "TO CONVINC PEOPLE OF THINGS I WANT THEM TO BELIEVE" IS CERTAINLY JUSTIFIED.

# CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT A COPY HEREOF HAS BEEN FURNISHED TO:

- CLERK OF THE COURT, 7<sup>TH</sup> JUDICIAL CIRCUIT

[REDACTED]

- MELISSA CLARK, ASSISTANT STATE ATTORNEY

[REDACTED]

RESPECTFULLY,

*[Handwritten Signature]*

KRISTOPHER HENRIOS, J.D. #53831  
FLAGLER COUNTY DETENTION CENTER, FLORIDA

11/20/25  
DATE





Flagler Co. Inmate Facility  
I/M Name KRISTOPHER HENRIKSON  
I/M # 53831  
1002 Justice Lane  
Bunnell, FL 32210

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ORLANDO FL 328

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CLERK OF THE COURT  
7<sup>TH</sup> JUDICIAL CIRCUIT  
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