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March 11, 2015

Mr. Taylor G. Clark  
923 Philadelphia Street, Apartment #2  
Covington, KY 41011

RE: 16-CR-26

Dear Taylor,

Attached with this letter please find the Commonwealth Attorney's office final offer for a negotiated plea. As you know, you have been formally charged and arraigned on a one-count indictment charging you with Rape in the First Degree, a class B felony. As we have discussed, the penalties for this offense are between 10 and 20 years in the state penitentiary and lifetime registration, once you are released from prison, as a sex offender.

Previously, the Commonwealth offered to amend this charge to Sexual Abuse, First Offense, a Class D felony, on February 1, 2016. Per your instructions, and upon my advice, this offer was rejected at our last court date.

The Commonwealth has now made the following offer which I now strongly encourage you to consider and approve. The Commonwealth will move to amend your charge of Rape 1<sup>st</sup>, Class B Felony, to Assault 4<sup>th</sup>, a class a misdemeanor, and Attempted Sexual Misconduct, a Class B misdemeanor. The charges carry **no** registration requirement, and both charges **can be** expunged from your record. Further, the Commonwealth is **not seeking any jail time** as part of their offer.

If you decide to go forward and proceed with a jury trial based on the proposed offer, you are exposing yourself to a conviction as charged on the indictment of Rape, or the lessor included crime of Sexual Abuse, and significant confinement in the state penitentiary. Additionally, a conviction on either charge carries with it the requirement to register as a sex offender upon your release from prison, for life. As we have discussed, if you are forced to register as a sex offender, this will adversely affect your ability to gain future employment, secure housing, and other facets of your life too numerous to list here.

As you, and I have discussed, this matter will come down to your testimony vs. Ms. Kincer's testimony. If the jury believes that she was too intoxicated to give a valid consent, regardless of your level of intoxication, they may very well convict you of the crime as charged. Rape and Sexual Abuse cases are a hot-button and politically charged issue right now. The public has become increasingly aware of the issue of sexual abuse/rape with regard to intoxication as illustrated by the ongoing issues surrounding Bill Cosby and the public perceptions arising from that case.

For these reasons I urge you to accept the Commonwealth's offer, confer with Ms. Melton and any other outside Counsel you wish, and let me know the outcome of your decision by our Court date on Monday March 14, 2016 at 1:30 p.m. as the offer expires at that time.

Sincerely,

/s/ David R. Steele

David R. Steele, Esq.