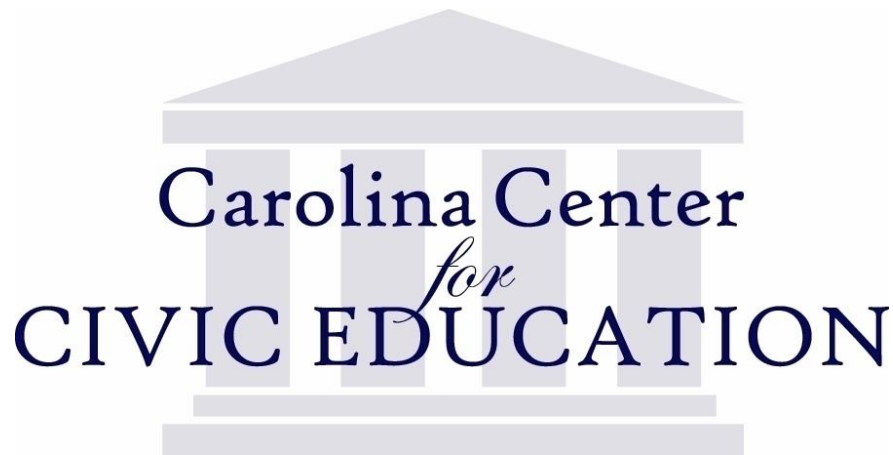


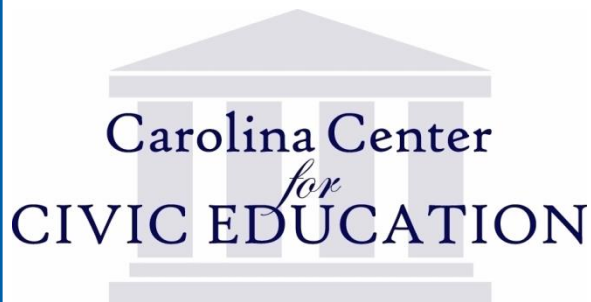
2017-2018 Competition Case



PRESENTS THE

North Carolina Advocates for Justice High School Mock Trial Competition





State of Utopia *v.* *Alex Buckley*

SPONSORED BY THE CAROLINA CENTER FOR CIVIC EDUCATION

The Carolina Center for Civic Education wishes to thank those involved in the creation of this year's criminal case. The case, co-authored by Elise Wilson and CCCE State Coordinator Susan H. Johnson, was the brainchild of Elise Wilson, a 1L law student at the University of Georgia School of Law. Elise participated in mock trial at Hoggard High School in Wilmington before attending UNC-Chapel Hill, where she competed in mock trial all four years as both a witness and an attorney and served on the Executive Board. The authors also thank Michael D'Ippolito for his extensive comments, as well as Ben Felder, Kevin Harrison, David Yasinovsky, and CCCE Case Committee members Brooke Schmidly, Brad Bannon, and Chair Gordon Widenhouse for their expertise and insights in refining this mock trial case.

AVAILABLE WITNESSES

Prosecution Witnesses	Defense Witnesses
Dakota Pope, student Lupe Rodriguez, guidance counselor Emerson Burke, APD Division Chief & CSI	Alex Buckley, defendant Misha Vadim, store owner Kennedy Felder, forensic psychologist

CASE DOCUMENTS

Legal Documents

1. Indictment
2. Statutes
3. Stipulations
4. Available Case Law
5. Jury Instructions

Affidavits and Reports

Prosecution

1. Affidavit of Dakota Pope
2. Affidavit of Lupe Rodriguez
3. Report of Emerson Burke

Defense

6. Affidavit of Alex Buckley
7. Affidavit of Misha Vadim
8. Report of Kennedy Felder

Exhibits

1. Arcadia Police Department Report
 - A. Arrest Report
 - B. Addendum: Witness Interview Summaries
2. Arcadia Police Department photographs taken on May 20, 2017
 - A. Spaller Dormitory
 - B. Gasoline can recovered from the scene
 - C. Uniform worn by Alex Buckley at the time of Buckley's arrest
3. Gas 'N Go Receipt, May 19, 2017
4. Map of Arcadia Forest Preparatory Academy
5. Text messages recovered from the phone of victim Carly Walsh
6. Emails between Lupe Rodriguez and Alex Buckley
7. Arcadia Forest Preparatory Academy Incident Report

**SUPERIOR COURT FOR THE STATE OF UTOPIA
ST. THOMAS MORE COUNTY**

STATE OF UTOPIA,

Prosecution,

v.

ALEX BUCKLEY,

Defendant.

**CRIMINAL ACTION
DOCKET NO. 17-CRM-0803**

**INDICTMENT FOR VIOLATION OF
U.P.C. §§ 6.3.1 & 15.2.1**

**FIRST DEGREE ARSON
FIRST DEGREE MURDER IN
PERPETRATION OF A FELONY**

COUNT 1

THE GRAND JURY DOES HEREBY CHARGE:

On May 19, 2017, in St. Thomas More County, State of Utopia, ALEX BUCKLEY did commit the act of ARSON IN THE FIRST DEGREE by maliciously, intentionally, and without justification, burning an occupied dwelling house. To wit, the accused poured one or more gallons of gasoline on or near the door and hallway of room 321 of Spaller Dormitory and set the gasoline alight, burning said dormitory in violation of U.P.C. §15.2.1.

COUNT 2

THE GRAND JURY DOES HEREBY CHARGE:

On May 19, 2017, in St. Thomas More County, State of Utopia, in the commission of a felony, ALEX BUCKLEY caused the death of a living person, thereby committing the act of FELONY MURDER. To wit, during the commission of an act of arson in the first degree, the accused proximately caused the death of a living person, Carly Walsh, in violation of U.P.C. §6.3.1.

A TRUE BILL OF INDICTMENT

Madux Bayog

Foreperson of the Grand Jury, St. Thomas More County, Utopia

July 24, 2017

Date

UTOPIA PENAL CODE

(Selected provisions)

PART I. GENERAL PROVISIONS

Article 2. General Principles of Liability

SECTION 2.01. General Requirements of Culpability

- (1) *Minimum Requirements of Culpability.* A person is not guilty of an offense unless he acted purposefully, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.
- (2) *Kinds of Culpability Defined.*
 - (a) *Purposefully.* A person acts purposefully with respect to a material element of an offense when, if the element involves the nature of his conduct or a result thereof, it is his conscious objective to engage in conduct of that nature or to cause such a result.
 - (b) *Knowingly.* A person acts knowingly with respect to a material element of an offense when, if the element involves the nature of his conduct or is the result thereof, he is aware that his conduct is of that nature or that it is practically certain that his conduct will cause such a result.
 - (c) *Recklessly.* [Omitted.]
 - (d) *Negligently.* [Omitted.]

PART II. DEFINITION OF SPECIFIC CRIMES

Article 6. Criminal Homicide

SECTION 6.1. Criminal Homicide

- (1) A person is guilty of criminal homicide if he or she purposefully, knowingly, recklessly, or negligently causes the death of another human being.
- (2) Criminal homicide is murder, manslaughter, or negligent homicide.

SECTION 6.2. Murder

- (1) Criminal homicide constitutes murder when it is committed purposely or knowingly, or committed recklessly under circumstances manifesting extreme indifference to the value of human life.
- (2) Murder is a Class A felony.

SECTION 6.3. Murder, Degrees of.

- (1) *Murder in the first degree.* A criminal homicide constitutes murder in the first degree when it is perpetrated by any kind of willful, deliberate, intentional, and premeditated killing, or committed in the perpetration or attempted perpetration of any arson, sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon.

Article 15. Arson and Other Burnings

SECTION 15.1. Arson

- (1) A person is guilty of arson if he or she purposely and without justification burns a dwelling house, defined as a house, apartment, dormitory, or similar structure that is the permanent, temporary, or seasonal residence of some person, or burns any other kind of permanent building or structure.
- (2) Arson in the first degree is a Class D felony.

SECTION 15.2. Arson, Degrees of.

- (1) *Arson in the first degree.* A person commits arson in the first degree if he or she
 - (i) burns a permanent building or structure;
 - (ii) the structure is a dwelling house;
 - (iii) the structure is the dwelling house of someone other than the one who burned it;
 - (iv) the dwelling house was occupied, that is, some other person was physically present in the structure at the time of the burning; and
 - (v) the person maliciously, intentionally and without excuse burned the structure.

**SUPERIOR COURT FOR THE STATE OF UTOPIA
ST. THOMAS MORE COUNTY**

STATE OF UTOPIA,

Prosecution,

v.

ALEX BUCKLEY,

Defendant.

**CRIMINAL ACTION
DOCKET NO. 17-CRM-0803**

Judge Lucy Ridgeway

STIPULATIONS

COME NOW the parties and agree to the following stipulations:

1. The case of *State v. Buckley* has been bifurcated. This trial concerns only the guilt phase. No evidence that goes solely to the extent of the penalty faced by Buckley may be presented by either party.
2. Alex Buckley has entered a plea of not guilty to all indicted charges and has not indicated intent to raise any affirmative defense.
3. Carly Walsh died at 9:47 a.m. on May 20, 2017. Her death was caused by sepsis and multi-organ failure due to full-body third degree burns.
4. Jurisdiction, venue, and chain of custody of all evidence are proper and may not be challenged.
5. A witness must be formally tendered to the Court in accordance with Rule 702 of the Rules of Evidence before testifying in the form of an expert opinion.
6. Both parties waive all objections and motions based on the Constitution of the United States. Both parties also waive all objections and motions based on privilege.
7. All witnesses reviewed their affidavits and reports immediately prior to trial and were given an opportunity to revise them. None did so. All witnesses affirm the truthfulness of everything stated in their affidavits. When preparing and reviewing their sworn statements, all witnesses were instructed to include everything that they know may be relevant to their testimony.
8. All documents, signatures, and exhibits included in the case materials are authentic; no objections to the authenticity of any documents will be entertained. Both parties must still lay proper foundation prior to entering evidence, and both parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
9. All electronic timestamps contained within exhibits are authentic and accurate.

10. All objections to Exhibit 1.A, the Arrest Report prepared by the arresting officer of the Arcadia Police Department, have been waived. If offered, it is admissible by either party at any time the record is open without further foundation. However, both parties reserve the right to object to Exhibit 1.B, the addendum to Exhibit 1.A, regarding witness interviews.

11. Alex Buckley waived the right against self-incrimination under the Fifth Amendment to the United States Constitution and will testify. Either party may refer to Buckley's decision to testify throughout trial.

12. No witness currently possesses any physical injury relating to or resulting from the events of May 19, 2017 or any other events materially relevant to this case.

13. Todd Larkin is currently studying abroad in an exchange student program through Eden University and was not able to be subpoenaed to testify. He has been declared unavailable as a witness.

14. Alex Buckley was taken into custody at 12:01 a.m. on May 20, 2017 in the parking lot adjacent to Spaller Dorm on the Arcadia Forest Academy campus.

DATED: AUGUST 22, 2017

IT IS SO ORDERED

Lucy Ridgeway

LUCY RIDGEWAY

Judge of the Superior Court

APPLICABLE CASE LAW

All decisions were rendered by the Utopia Supreme Court

Criminal Trials

State v. Bayog

In a criminal case, the burden of proof lies solely on the State to prove every element of each charge beyond a reasonable doubt. The State may rely on both direct and circumstantial evidence to do so. This burden, however, does not apply to every individual fact alleged. Instead, it requires that the cumulative effect of all presented evidence must convince the finder of fact beyond a reasonable doubt that the State has proved each element. The defendant bears no burden of proof except in cases in which the defendant raises an affirmative defense.

State v. Pugh

In Utopia, criminal trials may be bifurcated, where guilt is decided in one phase of trial and sentencing (if applicable) in the next. During the guilt phase of a bifurcated trial, it is improper for either party to comment on prospective sentencing. Such evidence is irrelevant under Rule 401 of the Rules of Evidence, and any attempts to elicit or comment on such evidence may be grounds for a mistrial.

State v. Way

Even if the State chooses not to discuss a charge at trial, as long as the State included the charge in the indictment, the defendant may still elect to present evidence to rebut it. The State may not argue the relevance of such rebuttal evidence simply because the State chose not to present evidence supporting that charge at trial.

State v. Wilson

While motive may be relevant circumstantial evidence for consideration by the jury, proof of motive is not an essential element in any criminal charge. If the jury is convinced beyond a reasonable doubt that a defendant committed the crime, the defendant may be convicted even without proof of motive.

Charges

State v. Gomez

While malice is an essential element of arson in the first degree, malice does not necessarily mean ill will; conduct that is (1) intentional and (2) without justification or excuse is sufficient to constitute malice.

State v. Winget

If the defendant's willful conduct constitutes a felony and is the proximate cause of the death of another individual, the defendant may be charged with first degree felony murder. Proximate cause in such a murder case has two elements: (1) that but for the

defendant's conduct, the death would not have occurred; and (2) that the death was a reasonably foreseeable result of the defendant's conduct.

State v. D'Ippolito

Intent to cause a death is not required for the felony murder rule to apply. During a convenience store robbery, a Class D felony, the defendant unintentionally dropped a loaded handgun on the floor. The gun discharged, shooting and killing a store clerk. Because the store clerk's death was a reasonably foreseeable consequence of the defendant's conduct of using a loaded gun during the attempted robbery of the store, the defendant's felony murder conviction was upheld.

State v. Michael

A victim's pre-existing condition does not break the causal chain for felony murder. Defendant kidnapped and restrained the victim, leaving her unattended in the trunk of a car for a five-day period. This constituted a Class C felony. During that time, the victim - who had previously been diagnosed with chronic epilepsy - died of a grand mal seizure. Defendant's felony murder conviction was upheld despite the victim's pre-existing medical condition because the victim's death was a reasonably foreseeable consequence of the defendant's conduct of restraining the victim in such circumstances.

Preliminary concerns

Romain v. Fox

Under Rule 104(b) of the Rules of Evidence, the court recognizes that some evidence may only be relevant if some other fact exists. In cases where a party seeks to introduce such evidence, the court may admit the evidence conditionally, meaning that the party introducing the evidence may lay the foundation after the evidence is admitted. However, during trial, that party must introduce evidence that would allow a jury to find that the contingent fact is more likely than not true. If the party fails to do so, the court shall strike the conditionally admitted evidence from the record provided that the opposing party renews its objection.

Heath v. Harrison

The fact that a piece of evidence has the mere potential to be used in an improper manner does not render it inadmissible. As long as the proponent of a piece of evidence relies on a valid path to admissibility in accordance with the Rules of Evidence, the evidence may be admitted for whatever purpose the Rules allow. Judges who believe jurors are likely to use evidence in an improper manner not intended by counsel may issue a limiting instruction to prohibit improper evidence use; judges who believe counsel intends an improper purpose should exclude the evidence entirely.

State v. Parizo

As the State of Utopia does not provide for rebuttal witnesses, in all criminal homicide cases, notice is required before a party presents character evidence in accordance with Rule 404(a)(2)(a). Prior to trial, the defense must notify the State of its intent, specifically

indicating the pertinent character trait(s) about which they intend to enter evidence. Pursuant to Rule of Evidence 405, if the Defense gives the required prior notice, either party may introduce opinion or reputation evidence on direct examination, and specific instances of conduct on cross examination, to prove or rebut the alleged character or character trait.

State v. Hirsch

The mere fact that a defense team gives notice of intent to enter evidence of the defendant's pertinent character trait does not automatically render that evidence admissible. Pertinent trait evidence must still be presented in accordance with Rule of Evidence 405. In a first-degree murder case, the trial court properly applied Rule 405(a) by preventing the defense from introducing evidence of specific instances of the defendant's conduct relating to the defendant's peacefulness on direct examination, even though the defense properly provided notice of intent to offer this evidence prior to trial. During the direct examination of a defense witness, the scope of character evidence testimony was correctly limited to the witness's opinion of the defendant's peacefulness and the defendant's reputation for peacefulness in the community.

Expert Testimony

Frankford's Shrimp Shack v. The Oceanic

Trial judges serve as the gatekeepers of expert testimony, and as such, are tasked with ensuring that scientific testimony is reliable. As the judge makes this determination, they may consider the expert's qualifications, data, and methods, but not the expert's conclusions themselves. When a party attempts to tender an expert, they have the burden of proving, by a preponderance of the evidence, that the expert satisfies each section of Rule 702 of the Rules of Evidence.

Hudson v. Ridgeway

When assessing methods under Rule 702(c) of the Rules of Evidence, judges may consider factors such as: (1) whether the theory or technique has been or can be tested; (2) whether it has been peer reviewed and published; (3) whether it has gained widespread acceptance within the field; and (4) whether it has a known, calculable error rate. However, there is no definitive checklist of what must or must not be present for admission; judges must apply the rule based on the totality of the circumstances.

Kleinschmidt v. Bunce

Rule 703 of the Rules of Evidence does not allow experts to act as conduits to hearsay who merely repeat what others tell them. Experts may only present otherwise inadmissible evidence once they relate such evidence to some specialized knowledge on the expert's part, as required under Rule 702 of the Rules of Evidence.

State v. Price Psychology Services

Testimony by profilers has become increasingly common in modern criminal cases. While Rule 704(b) of the Rules of Evidence prohibits witnesses from stating an opinion about whether the named defendant did or did not possess a mental state that constitutes an element of the charged crime, it does not prohibit a properly tendered expert from presenting a psychological profile of (1) the defendant; (2) an unnamed perpetrator of a specific type of offense; or (3) an individual other than the defendant in the case.

Hearsay

Allen v. Williams

Unlike many evidentiary rules, Rule 801(d)(2) of the Rules of Evidence may be invoked in only one direction. Under this rule, when the plaintiff or the State conducts an examination, they may offer statements by the defendant, regardless of which party called the witness being questioned. Rule 801(d)(2) does not permit the defense to offer the defendant's statements, even if the opposing party has already elicited such statements in a preceding examination.

State v. Schmidly

In a criminal case, a victim, police officer, or other officer of the state is not a party-opponent or agent of the party-opponent of the defense for the purposes of Rule of Evidence 801(d)(2), even if such a person has been designated as a party representative.

Belgium's Best Waffles v. Great American Cookie Company

While practices may differ in other jurisdictions, in the state of Utopia, the definition of "hearsay" may include any declarant's out-of-court statement, even if the declarant is on the stand or scheduled to testify in trial.

Burke's BBQ v. Phil's Dixie Queen Diner

The fact that a witness is not present in court does not, in and of itself, make the witness unavailable under Rule 804(a) of the Rules of Evidence. In addition, while Rule 804(b) provides several exceptions to the rule against hearsay that apply only when a declarant is unavailable, the mere fact of a declarant's unavailability pursuant to Rule 804(a) is not itself an exception to hearsay. Unless a statement meets an exception under Rule 804(b), it may be excluded as hearsay, even if its declarant is considered to be unavailable, pursuant to Rule 804(a).

Glazier v. Yasinovsky

As various rules of evidence are applied, the ruling sometimes turns to who made a particular statement. If the proponent of a statement produces evidence that would permit a reasonable jury to find, by a preponderance of the evidence, that a specific person made a statement, then the statement may be attributed to that person for admissibility purposes in accordance with Rule of Evidence 104(b). For instance, absent evidence to the contrary, statements in text messages may be attributed to the owner of the phone from which the messages were sent.

JURY INSTRUCTIONS

At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following.

[Please note: These instructions may NOT be tendered to the mock trial jury or used as an exhibit during the competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]

PRELIMINARY INSTRUCTIONS

I. Role of the Jury

Now that you have been sworn, and before the presentation of evidence, I have the following preliminary instructions for your guidance as jurors in this case.

You and only you will be the judges of the facts. You will have to decide what happened. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be. My role is to be the judge of the law. I will make legal decisions during the trial, and I will explain to you the legal principles that must guide you in your decisions.

Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them and in this way decide the case.

II. Evidence

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other items received as exhibits; and
3. Any facts that are stipulated – that is, formally agreed to by the parties.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence presented in court. Do not let rumors, suspicions, or anything seen or heard outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves.

Certain rules control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. An objection simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. Objections to questions are not evidence. You should not be influenced by the objection or by my ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

A. Direct and Circumstantial Evidence

Evidence may either be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You may decide the case solely based on circumstantial evidence.

B. Credibility

In deciding the facts, you must determine what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility, or believability, of the witnesses. You may believe all, some, or none of a witness's testimony. In deciding which testimony to believe, you should use the same tests of truthfulness as in your everyday lives, including the following factors:

1. The ability of the witness to see, hear, or know the things the witness testifies to;
2. The quality of the witness's understanding and memory;
3. The witness's manner and behavior while testifying;
4. The witness's interest in the outcome of the case or any motive, bias, or prejudice;
5. Whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence; and
6. How reasonable the witness's testimony is when considered in the light of other evidence that you believe.

Inconsistencies or discrepancies within a witness's testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness's testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like a person's failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. More important is how believable the witnesses were, and how much weight you think their testimony deserves.

You will now hear opening statements by the parties and the presentation of evidence. At the conclusion of the evidence, I will instruct you on the law that you are to apply to the facts.

POST-TRIAL INSTRUCTIONS

I. Duty of Jury; Apply the Law

Members of the jury, you have seen and heard all the evidence and the arguments of the lawyers. It is your duty to find the facts and to render a verdict reflecting the truth. You should consider all the evidence, the arguments, contentions and positions urged by the attorney(s), and any other contention that arises from the evidence. All twelve of you must agree to your verdict.

My role now is to explain to you the legal principles that must guide you in your decisions. You must not substitute or follow your own notion or opinion about what the law is or ought to be. You must apply the law that I give to you, whether you agree with it or not.

II. Presumption of Innocence; Reasonable Doubt; Burden of Proof.

The defendant, Alex Buckley, pleaded not guilty to the offense charged. The fact that the defendant has been indicted is no evidence of guilt. The defendant is presumed to be innocent. The presumption of innocence means that Alex Buckley has no burden or obligation to present any evidence at all or to prove that s/he is not guilty.

The entire burden or obligation of proof is on the government to prove that Alex Buckley is guilty. This burden stays with the government throughout the trial. In order for you to find Alex Buckley guilty of the offenses charged, the government must prove each and every element of the offenses charged beyond a reasonable doubt.

Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or to a mathematical certainty. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt.

If, having now heard all the evidence, you are convinced that the government proved each and every element of a charged offense beyond a reasonable doubt, you should return a verdict of

guilty for that offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

III. Arson – First Degree. (Based upon U.P.C. §§ 15.1 & 15.2)

The defendant has been charged with first degree arson. To find the defendant guilty, you must find that the following five elements have been proved beyond a reasonable doubt:

First, that the defendant burned a permanent building or structure;

Second, that the structure is a dwelling house, defined as a house, apartment, dormitory, or similar structure that is the permanent, temporary, or seasonal residence of some person;

Third, that the structure is the dwelling house of someone other than the defendant;

Fourth, that the dwelling house was occupied by some person other than the defendant at the time of the burning; and

Fifth, that the defendant maliciously, intentionally and without excuse burned the structure.

IV. Murder – First Degree in Perpetration of a Felony. (Based upon U.P.C. §§ 6.2 & 6.3.1)

The defendant has been charged with the offense of first degree murder in perpetration of a felony, first degree arson. To find the defendant guilty of first degree murder under the felony murder rule, you must find that the following three elements have been proved beyond a reasonable doubt:

First, that the defendant committed first degree arson;

Second, that while committing first degree arson, the defendant killed a living person; and

Third, that the defendant's conduct was a proximate cause of the living person's death, meaning that (1) but for the defendant's conduct, the death would not have occurred; and (2) the death was a reasonably foreseeable result of the defendant's conduct.

If you find from the evidence beyond a reasonable doubt that the defendant (1) committed first degree arson; and (2) the defendant's commission of first degree arson was the proximate cause of death of Carly Walsh, a living person, it is your duty to return a verdict of guilty of first degree murder under the felony murder rule.

If you do not so find, or have a reasonable doubt as to one or more of these things, it is your duty to return a verdict of not guilty of first degree murder under the felony murder rule.

You may now retire to the jury room to deliberate.

AFFIDAVIT OF DAKOTA POPE

1 My name is Dakota Pope. I just graduated from Arcadia Forest Preparatory
2 Academy this spring, and I'll be attending Rollins College in Florida this fall. I know
3 Rollins isn't the most famous college in the world, but it has a beautiful campus and
4 small classes, and they're giving me a good scholarship. And honestly, after everything
5 that happened to Carly Walsh, I'm glad to leave Utopia.

6 Carly was my best friend. She was really competitive in everything she did. She
7 was the captain of the girls' soccer team for two years, and she joined the mock trial and
8 Science Olympiad teams. Despite how hard she pushed herself, Carly was a really nice
9 person. She went out of her way to be friends with everyone. If there was a big exam,
10 she'd organize a study group and buy all the pizza, or if there was a school dance, she'd
11 invite all the girls over to get ready. Her parents paid extra for her to have a single room
12 in Spaller Dorm, so it was a great place to hang out with other students. Our student
13 IDs give us access to all campus buildings until 10 p.m. on weekdays and 11:30 p.m.
14 Friday to Sunday. No one without an active student ID can get in, and outside those
15 hours, students can only get into their own dorms.

16 Until the start of our senior year, the only person I can think of who was ever
17 mean to Carly was her ex-boyfriend, Todd Larkin. Todd was a year older than Carly
18 and me, and he dated her for half of our sophomore and most of our junior year. At
19 first, Todd seemed like the perfect boyfriend for Carly since he was captain of the
20 football team and very popular. They were quite an "item" at all the school dances and
21 social events. But by the end of our sophomore year, things had changed. For one thing,
22 Todd wasn't much of a student. He seemed to be okay with earning C's, and he forced
23 Carly to skip study groups to spend time with him. Todd was controlling like that in
24 most aspects of their relationship. He would get mad at her for speaking to or texting
25 other guys. Once he even accused her of cheating on him. Sometimes I noticed bruises
26 on Carly's arms, but when I asked her about them, she said she got them playing soccer.

27 I'd watched some of the games and they did get pretty physical, and I didn't think
28 Carly would lie to me.

29 Over the summer, I thought things between them were getting better. Carly and
30 Todd were both taking classes in summer school, and they spent a lot of time together.
31 Carly sent me photos of them swimming and going to cookouts, and I couldn't see any
32 bruises, though Carly had put filters on the pictures. But when I came back to school in
33 the fall and the bruises were back – months away from soccer season – I confronted her.
34 This time she admitted it was Todd. She said Todd would sometimes grab her too hard
35 or even hit her, but she insisted it was deserved or they were just playing and Todd
36 didn't know his own strength. I wasn't so sure, and I told her that she needed to go to
37 the school administration, but she said no. She said Todd would get upset if she told
38 anyone, and she begged me to keep it to myself. I never actually saw Todd grab her or
39 treat her roughly our junior year, so I did as Carly asked. But when he graduated in
40 2016 and Carly ended the relationship, I was glad.

41 Todd didn't take it too well at first, and he even sent her some pretty scary texts
42 that summer, which Carly showed to me. But as far as I know, no one at Arcadia Forest
43 heard from him after he left for college at Eden University, four hours away from
44 Arcadia. I'd been friends with Todd on Facebook since my sophomore year, and I still
45 read his posts sometimes. In early December of 2016 Todd posted photos of his new
46 girlfriend at Eden University. One week later he posted, complaining that his dad had
47 taken away his car because he'd gotten a DUI and had lost his license for 6 months. His
48 relationship status was unchanged, though. I was relieved on both counts – Todd had
49 no reason to come back to Arcadia Forest, and now he had no way to get here. But just
50 as everything with Todd was resolved, Alex Buckley started acting crazy toward Carly.

51 Every semester when grades were released, the school posted GPA and class
52 rank data on the student portal of the school website. At the end of our junior year,
53 Carly found out she was in the running to be our class's valedictorian and receive the
54 Williamson Scholarship. I'm not sure who Mr. Williamson was, but he must've been a
55 pretty big deal. His scholarship gives the class valedictorian a free ride to the college of

56 their choice every year. I didn't have the grades to care much about it, but I know Carly
57 did. She talked about it all the time; whenever there was a project, a test, or even a
58 homework assignment, Carly would shut herself in her room studying, saying that was
59 the only way she could earn the Williamson. She didn't need the money -- her family
60 was well-off. I assumed she just saw it as another competition to win.

61 Alex Buckley was Carly's biggest competition for the Williamson Scholarship.
62 Alex was on scholarship to Arcadia Forest, and Alex had retained the top spot in our
63 class for most of our first three years. Alex was a science buff, and Alex took every AP
64 course Arcadia Forest offered except AP Art. Alex managed to ace nearly every class,
65 join a few clubs, run cross country, and work a job at a gas station down the road all at
66 the same time, even if it meant sometimes going to school events in a work uniform.

67 Alex and I weren't great friends or anything, but we had a lot of classes together,
68 and Alex was clearly brilliant. The first couple years of high school, Alex would
69 sometimes come to Carly's study groups to help people out, which I really appreciated.
70 But when the class ranks were posted at the end of the 2016 spring semester, that all
71 changed. Carly and I were looking at the ranks on a computer in the library when Alex
72 walked up. Alex saw that Carly's GPA was just barely higher than Alex's and became
73 angry, glaring at Carly and kicking over a chair before stomping out of the room.

74 When the fall semester of our senior year began, Carly sometimes invited Alex
75 over to study as she always had. But Alex would say no because Alex "didn't want to
76 help Carly steal the Williamson," or because, "if Carly is really the best, she should be
77 able to ace the test without my help." As the year went on, Alex's comments became
78 more and more aggressive, and I started to feel uncomfortable just being around Alex.
79 Sometimes in AP Calculus, I saw Alex scowling angrily at Carly when Carly was looking
80 the other way. If Alex saw me watching, Alex would look down and start working on a
81 math problem. It was strange. In the spring, Alex even punched a wall after Carly scored
82 higher than Alex on one Calculus test. Alex had to wear a brace on Alex's right hand
83 until right around our final exams. Alex's attitude concerned Carly, but it also made her
84 want to work harder. Carly told me that even if Alex needed the money, Carly didn't

85 want the scholarship to go to someone who was so obsessed and hyper-competitive.

86 Carly's hard work paid off. Going into final exams in May, Carly had all A's, and
87 Alex was on the verge of getting a B in AP Calculus BC. Carly tried to be nice about it,
88 and she even invited Alex to a math and science study group at her room in Spaller Dorm
89 the Friday before finals. But, unsurprisingly, Alex turned down the invitation because it
90 might help Carly. Alex wasn't the only one to decline the invitation, though. Everyone
91 Carly invited bailed to go to the Finals Dance instead. It's a huge tradition, like a prom
92 but even better. It starts at 9 p.m. and ends at midnight, and almost every senior goes
93 since it's their last dance at Arcadia Forest. But Carly didn't want to attend. Carly's leg
94 had been in a cast since she broke it at the first soccer game in April, and she said if she
95 couldn't dance, she might as well study. I didn't want her to be stuck all alone, so I said
96 I'd come study, too. If only I'd known what would happen. I wish I'd convinced her to
97 meet in the library or go to the dance anyway; then maybe she'd still be here.

98 That night, May 19, I got to Carly's third floor dorm room just after 9 p.m.
99 Everyone else had already left for the dance; I didn't see or hear anyone else in the
100 dorm. We ordered a pizza, grabbed some sodas from the vending machines, and got to
101 work. By about 10:55, we had finished the pizza and were getting a little burnt out from
102 studying. Carly was sitting at her desk in the far corner nearest the door, while I was on
103 the other side of the room, beside the window. She called me over to watch a funny
104 video on her computer, and as I was getting up to go back to my chair, I started to smell
105 gasoline. I thought that maybe I was delusional because I was so tired, but then I saw
106 fluid coming under the door. Seconds later, everything ignited.

107 I didn't know what to do. We didn't have any water or any way to put the fire
108 out, and my phone was dead so I couldn't call for help. The fire alarm started blaring,
109 but the sprinklers didn't come on immediately. I pulled the window open in the hopes
110 that we could escape. I could hear Carly coughing a lot from the smoke, and I reached
111 for her hand and motioned to the window. I told her to jump first, and then I would
112 jump and make sure we both got away safely. It was a long way down, but there was
113 grass outside the window, and we had no other option. Carly shook her head no,

114 motioned to her leg, and told me through her coughs to take her unlocked phone, get
115 out and call for help. That was the last thing she ever said to me, possibly to anyone.

116 I did what Carly said. I jumped out the window. I landed really hard on my right
117 side, and I felt an immediate pain in both my right leg and my right wrist. I tried to get
118 up and find Carly's phone to call 911, but it hurt too much to move. Panicking, I looked
119 around for someone to help me, and I saw a person walking rapidly away from the
120 dorm toward the parking lot. They were wearing a yellow collared shirt and dark pants,
121 and they were carrying a bright red object that looked like a plastic gas container. The
122 clothes looked a lot like the uniforms they wear at the gas station where Alex Buckley
123 works. The person was far enough away that I couldn't see their face, but they were the
124 same height and had the same hair color as Alex. I called out to them for help, but they
125 didn't turn around. They seemed startled because they tripped over the curb, dropped
126 the gas can, and got up and ran into parking lot, ducking behind a dark colored SUV.

127 A few seconds later, I heard voices. It was two juniors, Ana Gandhi and Don
128 Zacek, running toward me, dressed like they'd been at the dance. They told me that
129 they had called 911 and help was on the way. I couldn't stand up, so Ana and Don
130 found Carly's phone, grabbed under my arms, and pulled me farther away from the
131 building. It hurt like crazy, but the fire was growing quickly, so we needed to get as far
132 away as we could.

133 It took the firefighters five whole minutes to arrive, and at least another minute
134 for police and the paramedics. It seemed like an eternity. A firefighter asked me if I
135 knew of anyone still in the building, and I frantically told them Carly was trapped
136 inside because of her leg. Then EMTs put me on a gurney and took me to an ambulance,
137 where a cop asked if I had any idea what happened. I told him about the gasoline and
138 the person in the yellow shirt and gave him Carly's phone. Right then the firefighters
139 ran up with a person they'd just pulled out of the building. The person was burned
140 from head to toe and so disfigured that I couldn't immediately tell who it was. But I
141 could see the remnants of a cast on their right leg, and I knew that it was Carly.

142 The EMTs surrounded her while the ambulance rushed us to the hospital. We
143 were both taken right into surgery. The next thing I knew, I woke up in the recovery
144 room with casts on my right leg and wrist. I tried asking about Carly, but no one would
145 talk with me. I later learned that she died a few hours after we got to the hospital. The
146 doctors tried everything to save her, but she was too badly burned. I never even got to
147 say good-bye. If only I'd made Carly go through the window first. I'm not sure I can
148 ever forgive myself.

149 When I got out of the hospital a few days later, I heard that they had arrested Alex
150 Buckley for Carly's murder. Some people thought it could have been Todd Larkin, but I
151 know it was Alex. Alex always got so angry when Carly did well, and Alex talked about
152 the Williamson as "my scholarship and no one else's." Besides, Todd is at least half a foot
153 taller than Alex; I would have recognized Todd if he had been in the parking lot that
154 night. At least Alex's plan didn't work: the school cancelled exams and donated the 2017
155 Williamson award to charity in Carly's honor. But that's not enough. I want Alex to pay
156 for what happened to Carly, and I hope Alex rots in jail for the rest of Alex's life.

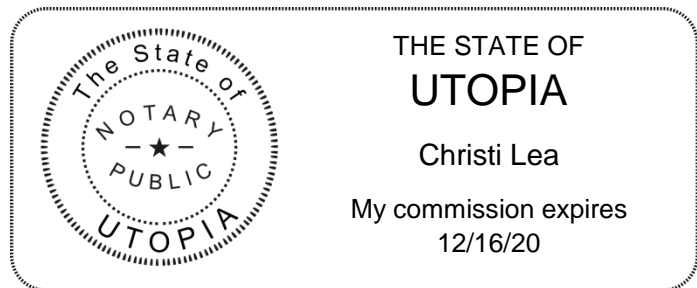
157 Of the available exhibits, I am familiar with the following and only the following:
158 Exhibit 2.B looks like the gas canister I saw the person carrying on May 19. Exhibit 4 is a
159 map of Arcadia Forest Preparatory Academy and the surrounding area. Exhibit 5 is an
160 accurate screenshot of texts Carly received during the summer of 2016, which she
161 showed to me at that time. I have also reviewed the statements attributed to me in
162 Exhibit 1.B, and they appear to be a fair and accurate characterization of my
163 conversation with the police on May 19.

Dakota Pope

SIGNATURE

Christi Lea

Christi Lea
Notary Public



Date: August 3, 2017

AFFIDAVIT OF LUPE RODRIGUEZ

1 My name is Lupe Rodriguez. I am a guidance counselor at Arcadia Forest
2 Preparatory Academy, a prestigious high school in Arcadia, Utopia. I was the person
3 responsible for selecting Alex Buckley as a scholarship student to attend Arcadia Forest,
4 and I was also Alex's academic advisor.

5 I've been an advisor at Arcadia Forest since 2008. On average, 450 students attend
6 Arcadia Forest each year, divided evenly among me and the two other advisors. As a
7 guidance counselor, I have many responsibilities. I help students resolve social conflicts if
8 any arise, navigate stress or anxiety if they feel it, and regain good academic standing if
9 they lose it. The biggest part of my job is helping students plan for college.

10 At a private school like Arcadia Forest, advertising is everything, and one of our
11 most important selling points is that we get results. Parents choose Arcadia Forest
12 because we take pride in our students' accomplishments and are invested in their success.
13 It is my job to see that each student graduates and attends their best fit college. With such
14 a large student body, this is a huge responsibility, and one that I take very seriously.
15 When a student enters their senior year, I help them prepare their college applications
16 and even arrange practice interviews if they request them. I encourage our highest
17 achievers to apply to the top universities in the nation. If I see that a student is less skilled
18 academically, I steer them toward universities where they can still achieve success.

19 Finding the right programs and colleges for everyone takes a lot of time and can be
20 a bit stressful. I've never seen this happen at Arcadia Forest, but I've definitely heard of
21 advisors at prep schools losing their jobs when an assigned student doesn't go to college
22 or doesn't graduate. Thankfully, most of our students (or, more accurately, their parents)
23 are extremely self-motivated and don't need a lot of help.

24 One of my favorite parts of my job is getting to know and assist our scholarship
25 students. While most students pay a hefty price to attend this school, each year we admit
26 between eight and twelve low-income students on merit-based scholarships. I helped
27 start this program in 2010 after Arcadia Forest got some bad press about lack of diversity,

and I have been a big proponent of it ever since. I think the program benefits everyone: these students help our school by adding socio-economic diversity, and we help them by giving them a first rate education.

As a result of my hard work, every single one of our scholarship students has graduated with honors and attended a four-year university. The program's success has generated lots of good press for the school and even resulted in a significant raise for me a few years ago. The only hiccup we've ever had is with Alex Buckley.

Alex started school in the fall of 2013. Alex came from a single parent household, and Alex's mother was tasked with caring for both Alex and a younger sibling. From what I gathered, Alex's mother tried to provide Alex with support, but due to stress and finances, she was unable to offer Alex the kind of encouragement and financing necessary to put a child through college. Despite Alex's circumstances, however, Alex was excelling in public school, so when I received Alex's application, I decided that Alex would be a perfect scholarship candidate.

Alex's transition from public school to boarding school was a little bumpy, and Alex did have one small incident during freshman year. Alex had joined the Science Olympiad team and was enthusiastic about Alex's robotics project. But when it came time for the regional competition, Alex finished in fourth place, just shy of advancing to the next level. Alex kicked over one of the advancing students' projects, and it caught on fire. Thankfully, no one was hurt. But the project was so damaged that the other student dropped out of the competition, and Alex, now in third place, was allowed to advance. While this helped to foster Alex's interest in science, Alex's teacher advisor and I agreed that Alex's behavior was unacceptable. As a result, I met with Alex once per week for the rest of the semester to talk about anger management and coping strategies. Alex seemed to progress well with my counseling, so at the end of the year, I signed off for Alex to continue at Arcadia Forest without further intervention.

Alex excelled academically even as a freshman at Arcadia Forest, proving that I was right to select Alex for our diversity program. Alex not only held the top position in the class, but Alex also joined a few clubs and started a volunteer organization that

encouraged our students to serve as tutors at low-income elementary schools in Arcadia. When Alex turned 16, Alex even picked up a job at a gas station nearby to earn some extra money, and Alex's grades were not affected at all. Alex wanted to study chemical engineering at Stanford, and based on Alex's first two years, I believed Alex could do it.

In fact, by the middle of Alex's sophomore year, it was clear that Alex might be a contender for the Williamson scholarship. The Williamson is the only full-ride college scholarship we offer, and it is awarded to each class's valedictorian. I knew that if Alex won, not only would Alex benefit, but Alex's success would result in positive publicity for Arcadia Forest and my diversity program. But of course, if someone else won, Alex still had the grades to get into Stanford and could apply for other scholarships.

When I told Alex about the Williamson award, Alex was excited – almost too excited – about the prospect of a full merit scholarship. Every time report cards and class ranks came out, Alex would come into my office and ask, "How's my scholarship?" or "No one's beating me for the Williamson, right?" Each time, I assured Alex that Alex's top class rank seemed secure. By Alex's junior year, Alex started to act somewhat arrogant about it. When Alex declined to take AP Art, an "easy A" course that most juniors at Arcadia Forest take, I reminded Alex that doing well on AP courses is the best way to maintain top class ranking. But Alex didn't listen. That decision allowed Carly Walsh, another junior, to just barely pass Alex in the class rankings. I didn't know Carly very well because she wasn't assigned to me, but I had heard good things about her from her teachers and her advisor.

When the rankings came out in spring of 2016 and Alex was no longer first, Alex immediately started scrambling to get back to the top position. I helped Alex plan the best senior schedules I could, but I made it clear that with the extra AP course, Carly might have an edge over Alex no matter what. Alex seemed furious. I tried to convince Alex to apply to other scholarships and reminded Alex that Stanford has generous need-based aid programs, but Alex said, "No, I have to stop Carly. If I don't, I can kiss Stanford goodbye. All my hard work will be for nothing. I'll be stuck in menial jobs the rest of my life. The Williamson is my only way out! I have to do whatever it takes to get back on

top.” Alex’s response concerned me, but I thought Alex just planned to put even more effort into getting good grades. I didn’t think Alex intended to do anything rash.

Alex worked harder than any student I have ever seen during senior year. Looking back, perhaps I should have asked Alex more questions or checked in more often, but I always saw Alex as a driven student and I didn’t want to do anything to harm Alex’s work ethic. However, in the spring, when Alex punched a wall from stress and fractured a hand, I decided to step in. I scheduled a meeting with Alex at the end of April to try and talk about what Alex was feeling.

Alex came by for a few minutes on April 26, still wearing a brace. I tried to talk through what happened and get Alex to open up about the anger Alex was experiencing, but it felt like I was getting nowhere – Alex had become irrationally angry about the scholarship and was having a lot of trouble calming down. Although Alex seemed on edge, Alex finally agreed to my game plan: I would give Alex information on three additional scholarship programs, and Alex would complete the applications and meet up with me in three weeks. I thought Alex was likely to receive a good portion of Alex’s college tuition if Alex put work into these applications. I reminded Alex that I was always available to read essays, look over resumes, or just talk. Even though Alex seemed irritated, Alex nodded, so I thought Alex would do as I recommended. But Alex was muttering as Alex left. I couldn’t make out all the words, but I am certain that I heard Carly’s name.

I didn’t see or hear from Alex during the three-week period. I sent a check-in email on May 10 but received no response. Alex skipped our appointment on May 17. I tried to schedule another meeting with Alex, but Alex’s email made it clear Alex wanted no part of that. Based on Alex’s emails, I hoped Alex had applied for the other scholarships. However, after investigating further, I couldn’t find records of Alex requesting the official transcripts or written teacher recommendations that most scholarships require. Alex could have sent unofficial transcripts, which are available for free online, and requested teacher recommendations in-person instead of through my office. But I don’t think that’s likely. Alex had always requested through my office in the past, which leads me to

believe that Alex never filled those applications out. I did not have a chance to speak with Alex about it before the horrifying events of May 19.

On May 20, I was absolutely devastated when I learned that Carly Walsh had been killed in a dorm fire. I was even more shocked to learn that Alex had been arrested when Officer Krishnamurthy interviewed me. I want to believe that Alex is a good person and would never commit such a heinous act, but the way Alex talked about Carly was definitely extreme. I wish I had done more to help Alex; perhaps if I had been more proactive, I could have intervened and prevented this tragedy.

I know people have been talking about Todd Larkin as someone who could have been involved. I wasn't Todd's advisor, but I had seen him come into the advising office before. He wasn't the brightest student, and his grades frequently fell so low that he lost academic eligibility to play sports. His father, who is a generous donor to the school, protested (unsuccessfully) to more than one of my colleagues to get Todd's eligibility back. That being said, I never heard of Todd being reported for any physical abuse or violent altercations. With his family's reputation in the community, I don't know how amenable Arcadia Forest students would be to filing a report about Todd, but if one had been created, it would have passed through my office.

Of the available exhibits, I am familiar with the following and only the following: The statements attributed to me in Exhibit 1.B appear to be a fair and accurate summary of my conversation with the police on May 20. Exhibit 2.A shows Spaller Dorm after that terrible fire. Exhibit 4 is a map of the school. Exhibit 6 accurately reflects my email correspondence with Alex Buckley during April and May. Exhibit 7 is the disciplinary report I filed during Alex's freshman year; it is the only report in Alex's disciplinary file.

Lupe Rodriguez

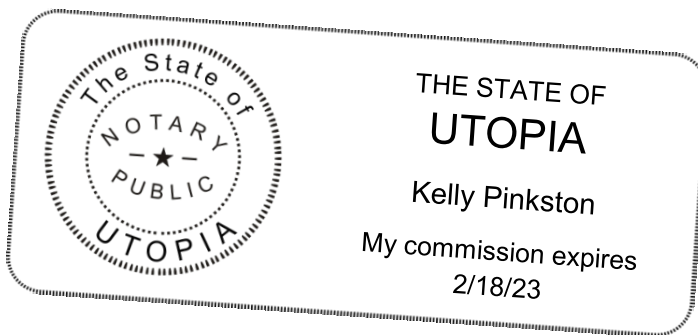
SIGNATURE

Kelly Pinkston

Kelly Pinkston

Notary Public

Date: Aug. 7, 2017





ARCADIA POLICE DEPARTMENT CRIMINAL INVESTIGATION DIVISION INVESTIGATIVE REPORT

Division Chief: Emerson Burke
Date: July 28, 2017
RE: Case No. 17CR050624

SUMMARY

Carly Walsh, a senior at Arcadia Forest Preparatory School, died as the result of burns sustained in a fire deliberately set outside her dorm room (321 Spaller Dormitory) on the night of May 19, 2017. Alex Buckley, a classmate of Walsh, threatened Walsh as Buckley grew concerned that Walsh would earn the Williamson Award, a full-ride college scholarship, in Buckley's stead. All evidence points to Buckley as the perpetrator who set fire to Walsh's dorm room, and Buckley has been charged with arson and felony murder.

CREDENTIALS

I am the Division Chief of the Criminal Investigation Division of the Arcadia Police Department ("APD"), a position I have held since June of 2015. I earned my Bachelor of Science with Honors in chemistry from Cornell University in 1995 and then attended the University of Illinois at Chicago, earning my Masters of Forensic Science in 1997. I worked for the Chicago Police Department as a forensic specialist from 1997 until 2007, during which time I conducted DNA, fingerprint, and blood spatter analysis for more than 300 cases. From 2004-07 I continued working while I obtained my Masters in Forensic Psychology online from Southern New Hampshire University. In 2007, I accepted a detective position in the APD. Admittedly, some of my colleagues in Chicago considered this move a step backward in my career, but I wanted to raise my family in a smaller, safer environment. In 2011 I was promoted to Chief Investigator, and in 2015 I assumed the role of Division Chief in the Criminal Investigation Division of the APD.

Since 2007 I have attended more than 200 hours of Continuing Professional Education seminars on topics covering the best practices in arson investigations, fingerprint, DNA, and bloodstain pattern analysis, and examination of the criminal mind. I am a member of the American Academy of Forensic Sciences, the International Crime Scene Investigator's Association, the International Association of Crime Analysts, and the American Society of Criminology.

As Division Chief, I am responsible for overseeing all APD criminal investigations. I analyze or review all evidence relating to major crimes, including, but not limited to, homicide, kidnapping, rape, armed robbery, and arson. This case was no exception, as I personally conducted the investigation into the death of Carly Walsh.

BASES OF OPINIONS

I relied on the following evidence to reach my conclusions:

- Police report filed by Officer Benjamin Krishnamurthy, including summaries of the interviews Officer Krishnamurthy conducted at the scene (Exhibit 1.A & 1.B)
- Physical evidence at or near the crime scene, including (1) fragments of wood and carpet from Spaller Dormitory; (2) the gasoline can located near the dorm; and (3) the clothing that Buckley wore at the time of Buckley's arrest (Exhibits 2.B & 2.C)
- Fingerprint analysis of the gasoline can found at the scene (Exhibit 2.B)
- Gasoline receipt time-stamped 22:34:46 on 5/19/17 from the Gas n' Go station located at 1791 Arcadia Forest Dr., Arcadia, Utopia 40422 (Exhibit 3)
- Texts retrieved from Walsh's cell phone (Exhibit 5)

I visited the scene on May 20, 2017 to gather physical evidence from Spaller Dormitory. The photos in Exhibit 2.A accurately depict the building on that day, and Exhibit 4 accurately portrays the campus. I did not conduct my own interviews of eyewitnesses to the events of May 19, relying instead on the accounts that Officer Krishnamurthy provided.

To come to my conclusions, I analyzed (1) the composition of various materials found at the crime scene; (2) the fingerprints found on the gas container; and (3) the interview notes recorded by Officer Krishnamurthy. The methods I used are standard within the field of crime scene analysis and are used by crime scene investigators globally.

INVESTIGATION

1. Fire accelerant analysis

According to eyewitness Dakota Pope, the fire began in the vicinity of room 321 in Spaller Dormitory. Photographs of the scene were taken on May 20 after the fire chief declared the building safe to enter. At that time, I obtained samples of carpet, wallboard, and flooring from the vicinity of room 321 and the surrounding area. I sealed the samples in airtight metal containers to prevent evaporation of any accelerants used to start the fire.

I also mapped the areas where the damage was most extensive in order to determine the origin of the fire. My mapping revealed that the charring was most intense outside room 321, confirming that the hallway just outside the door to room 321 was the place of origin.

Back at the lab, I analyzed the samples using the “passive headspace” method: I inserted carbon strips into the metal cans containing the samples. Next, I warmed the cans and debris, driving the accelerant residue from the debris into the top, or “headspace,” of the containers, where it was absorbed by the carbon strips. The carbon strips were removed from the cans and washed with solvents to release the trapped material; then the solvents were injected into a gas chromatograph to analyze their chemical composition. This method is extremely sensitive and can detect one one-thousandth of a drop of an accelerant. My tests revealed that regular grade gasoline (87 octane) was poured under and on the outside of the door of room 321 and subsequently ignited.

The burn pattern indicates that approximately one gallon of gasoline was used as the accelerant. The gasoline quickly caught fire, spreading into the room and igniting the surrounding rooms. Due to the presence of thick industrial carpet in the hallway and in the room itself, smoke quickly engulfed the room and the hallway, making it difficult for anyone in the vicinity to see or to breathe. The fire spread quickly throughout the top floor but was contained by the eventual activation of the sprinkler system and the quick response of the Arcadia Fire Department before extensive damage to the lower floors.

Gas chromatography analysis of miniscule amounts of gasoline remaining in the gas can at the scene revealed that it contained detergents and other additives consistent with both the accelerant used in the fire and the regular gasoline sold at the Gas n’ Go station on Arcadia Forest Drive. The station owner, Misha Vadim, provided a cash receipt for one gallon of gasoline purchased at the station approximately 30 minutes prior to the ignition of the fire. The composition of the sample is also consistent with regular gasoline sold by Sheetz, Wawa, and Exxon stations within a two-mile radius of the school, so it is not possible to definitively conclude that the gasoline was purchased at the Gas n’ Go on Arcadia Forest Drive. However, receipts from those three stations during the hours of 9 to 11 p.m. on May 19 did not reveal any purchases of one single gallon of gasoline.

2. Fingerprint analysis

Fingerprint analysis compares prints obtained from physical evidence with prints from known individuals, analyzing them for similarities or differences in patterns (arch, loop, whorls) and minutia (ridge endings, bifurcation, and short ridges). Ridge endings are the points at which a ridge, or line, terminates; bifurcations are points at which a single ridge splits in two; short ridges are significantly shorter than average. Our laboratory uses pattern-based algorithms to compare two prints. While the FBI does not require a specific number of matching characteristics to declare a match, the greater the number of points in common, the more reliable the result. Some experts in the field require only 12 points in common to declare a match, while other experts require 20 points in common. Our standard is to declare a match if two samples have 16 or more points in common.

Four fingerprints (three full and one partial) were found on the gasoline container retrieved from the scene. I compared those prints against the prints obtained from Alex Buckley during booking. I determined that two of the prints found on the gasoline container matched those of Buckley: (1) A full print from the handle of the container was a 20-point match for the left middle finger of Buckley; and (2) A full print from the screw-on lid of the container was an 18-point match for Buckley's left index finger. A partial print, also taken from the lid of the can, was a seven-point match with Buckley's left thumb.

One additional full print was obtained from the lid of the can. This print did not match the prints from Alex Buckley, and no match was obtained when the print was run through the federal IAFIS ("Integrated Automated Fingerprint Identification System") database. Several unidentifiable partial smudges were obtained from the handle and body of the container.

3. Interview analysis

Officer Benjamin Krishnamurthy interviewed key eyewitnesses as part of his investigation; summaries of those interviews are included in his report (Exhibit 1.B).

The interviews revealed several key facts that implicate Buckley in this fire. First, Buckley believed that Walsh was about to earn the full-ride college tuition Williamson Award, an award Buckley had demonstrated substantial interest in receiving. Second, Buckley had demonstrated threats of and tendencies toward violence, with respect to property and Buckley's own person. Finally, Buckley had access to gasoline – the accelerant used to start the fire – at Buckley's job at the Gas n' Go station located one mile from the school.

Based on his investigation at the scene, Officer Krishnamurthy apprehended Alex Buckley just after midnight on May 20, 2017 to prevent Buckley from fleeing the area.

CONCLUSIONS

The evidence demonstrates that Alex Buckley set the fire in Spaller Dormitory on May 19, 2017, that led directly to the death of Carly Walsh. Accordingly, on May 20, Alex Buckley was arrested and charged with arson and felony murder.

While no eyewitness definitively placed Buckley at the scene, the physical evidence and the testimony of Dakota Pope make it extremely likely that Buckley was present at Spaller Dorm on May 19 when the fire was set. Pope attests that an individual wearing a yellow shirt and dark pants, believed to be the perpetrator, fled the scene in a suspicious manner soon after the fire was set. When apprehended, Alex Buckley was wearing a uniform matching that description: a Gas n' Go yellow polo shirt and dark cargo pants. Pope also reported that the alleged perpetrator dropped the gasoline can that was found at the

scene, a can that contained Alex Buckley's fingerprints.

Admittedly, the timeline makes it a bit difficult for Buckley to reach the scene in time. Buckley clocked out at work from the Gas n' Go at 10:40, and the fire was reported at 11:01 by a call to 911 (so it may have begun several minutes prior). Buckley does not own a car, and buses do not run between the gas station and the school at that hour on Friday evening. Still, it would have been possible for Buckley, a member of the school cross country team, to walk briskly or to jog from the gas station to the school in 15 minutes, arriving in time to set the fire.

Buckley claims that Walsh's former boyfriend, Todd Larkin, purchased one gallon of gasoline at the station on the night of May 19, using a loaner container from Gas n' Go. As already stated, station owner Misha Vadim provided a receipt proving that such a gasoline purchase was made – but since it was a cash purchase, the buyer cannot be corroborated. Security cameras at the station were not working on the night in question, so no videos exist to prove that Larkin made the purchase in question. Although our investigation revealed that Larkin had sent threatening texts to Walsh in late spring and summer of 2016, no other witnesses report seeing Larkin in Arcadia after Larkin graduated in May of 2016 and left for Eden University, four hours from Arcadia.

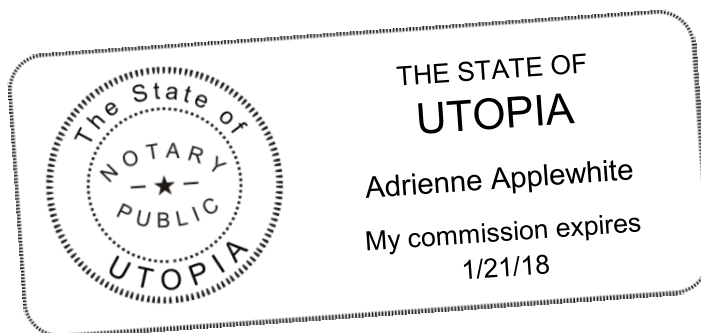
Our investigation did confirm that Larkin got into trouble during his first year at Eden U. He failed several courses and was arrested in December 2016 for underage drinking and DUI. Larkin's license was revoked for six months, and Larkin was ordered to complete a 20-hour substance abuse course and pay a \$1,500 fine. As a first-time offender, Larkin's charges were dismissed after successful completion of these requirements. But because of his arrest, Larkin's fingerprints are in the IAFIS database. The prints were tested and determined not to match the prints from the gasoline can obtained during this investigation. Additionally, Larkin was scheduled to move into a summer school dorm the weekend of May 19 - 21, 2017, to repeat courses failed during Larkin's freshman year. Because of this information, Larkin was not considered to be a viable suspect.

Emerson Burke

SIGNATURE

Adrienne Applewhite

Adrienne Applewhite
Notary Public



AFFIDAVIT OF ALEX BUCKLEY

1 My name is Alex Buckley. I was born on April 25, 1999, and I have lived in
2 Utopia my whole life. I used to be a senior at Arcadia Forest Preparatory Academy. I
3 was weeks away from graduating and winning one of the highest honors in the whole
4 school, but then I was arrested for this crime that I did not commit.

5 Growing up, I never thought I would be a prep school kid. My dad left when I
6 was pretty young, and my mom worked two jobs to support me and my little brother.
7 We always had food and a place to stay, but we never had money to buy more than the
8 essentials. My mom told me that if I worked hard in school, I could earn a scholarship,
9 go to college, and get a good job. I'm districted to Arcadia High, but it's a pretty
10 dangerous place and they don't offer a lot of advanced classes. So I decided to apply to
11 the scholarship program at Arcadia Forest Prep. After loads of essays and interviews,
12 they let me in, so I packed up my few belongings and went off to boarding school.

13 Arcadia Forest was a complete culture shock. Almost everyone there came from
14 money, and I didn't always fit in. I didn't have a new cellphone like most people, and
15 while I could get texts and send emails, I could never afford data plans that let me text
16 constantly. I mainly used the phone for school, to call my mom, or in emergencies.

17 I saw a lot of people at Arcadia Forest taking the school for granted: missing
18 homework assignments, slacking on projects, or even skipping class. I didn't have that
19 luxury. My mom wouldn't yell at an administrator if I didn't get an A, so I had to work
20 for my grades. And I wanted to make the most of my opportunity. I've always wanted to
21 be an engineer, so I joined the Science Olympiad club. That got off to a rough start after I
22 accidentally knocked over another student's robotics project. It caught on fire, so the
23 student quit the competition. Because of what happened, my guidance counselor forced
24 me to sit through anger management training. But despite all that, I ended up advancing
25 to state finals my freshman year, and Science Olympiad became my favorite club. I made
26 friends there, and those friends even convinced me to join cross-country to get in shape.

27 Sometimes it was hard to balance it all, especially because I had to pick up a job at

28 a Gas 'N Go station near campus. The station is open 24/7. I usually worked 20 hours a
29 week, mostly on weekends. I didn't have a car, but my boss, Misha Vadim, understood if
30 I was a little late because the bus wasn't on time. By the middle of my senior year, I even
31 got a promotion! The only bad thing was that the station was about a mile from campus.
32 Some nights when I was scheduled until 10:30 p.m., I wouldn't get off work until 11:00
33 p.m. By that time, the buses wouldn't be running. While the 15 to 20-minute walk to my
34 dorm wasn't bad during the day, it felt a lot longer when I had to do it alone at night.

35 I always thought that I would get the Williamson Scholarship to pay for college. The
36 Williamson – given to the valedictorian – is the most prestigious award at the school. The
37 competition is intense. Every time class ranks are posted, everyone checks to see where they
38 stand. Until my junior year, I had stayed in the top position for our class, and I hoped that I
39 would be a shoo-in to win. But as junior year began, Carly Walsh started catching up to me.
40 She was able to take one more AP course that year than I was, and her GPA in May of 2016
41 was a couple hundredths of a percent higher than mine.

42 I never had anything personal against Carly; we took most of the same rigorous
43 classes and she always seemed to work hard. But I knew that she had the money to go
44 anywhere she wanted without debt – even Harvard or Yale. I wanted to attend Stanford
45 for chemical engineering, but unless I got a huge scholarship, it wouldn't be an option. I
46 tried not to hold it against Carly, but it hurt to watch her trying to take away my future
47 just because she liked being competitive. When she wasn't focused on beating me,
48 though, Carly could be nice. We were in Science Olympiad together for two years, and
49 we even studied for AP exams together during junior year. AP exams don't factor into
50 your GPA, so there was no need to be competitive, and Carly actually helped me out.

51 That being said, Carly and I were not friends, especially not senior year. After
52 Carly passed me in class rank, she was actually pretty rude to me. If she outperformed
53 me, she would laugh at me or call me a "sore loser," and once after an AP Calculus test
54 she made me so angry that I punched a wall in the hallway and fractured a couple of
55 bones in my right hand. After the doctor said to avoid writing, typing, and other hand
56 activities for the next month, I realized that I needed to do something about how Carly

57 was making me feel. My school counselor, Lupe Rodriguez, offered to meet with me
58 and help me apply for other scholarships, but I wanted to focus my efforts on the
59 Williamson award. I started working even harder, staying in the library late at night
60 and even bringing textbooks to read behind the counter at work if business was slow. I
61 had never felt this stressed about school in my life, but I didn't want to let Carly take
62 my dream away from me.

63 By the middle of May of 2017, I was feeling pretty good. I had gotten my
64 Stanford acceptance letter, I had studied endlessly for AP Calculus, and I knew that AP
65 Chemistry would be a breeze. My hand was feeling better, too - I hardly ever had to
66 wear the brace the doctor had prescribed. Exams would be exhausting, but I was going
67 to get through them, and I was feeling prepared. Then, on May 19, everything fell apart.

68 That Friday was the last day of spring classes, and exams were scheduled to start
69 the next Monday. But instead of worrying about exams, everyone was talking about the
70 Finals Dance. It's an Arcadia Forest tradition, the last big event seniors can go to before
71 graduation. My friends had been pestering me to go, but honestly, I don't like dances.
72 Carly was hosting a study group, but I wasn't interested. In any case, I was scheduled to
73 work until 10:30 p.m. Even if I wanted to go to the dance, it would have taken me at least
74 an hour to walk home, shower and change, and then walk to the gym. Even if I got off
75 work on time, I would miss all but the last half hour of the dance - unless I went in my
76 silly work uniform. My uniform is an eyesore; I didn't think I would have too much fun
77 in a yellow polo and black cargo pants, so I told everyone I was booked for the night.

78 That day, I got out of class and immediately started getting ready for work since
79 my shift started at 4:30 p.m. The night shift worker often came in late, so I knew I might
80 not get out on time at 10:30 p.m. But that didn't bother me too much; I didn't usually
81 make plans for after work, and I was honestly thankful for the extra time on the clock.
82 Plus, it's unusual to get a bunch of customers that late, so it was pretty easy work.

83 At any rate, that's where I was on May 19 - at work. It was a weird shift right
84 from the start. The station had blown a fuse during a storm earlier that week, and the
85 security cameras weren't working. Misha was in the office on the phone, trying to get

86 the security company to fix them. Ever since the storm, Misha had been telling every
87 employee to be hyper-vigilant if they saw anything out of the ordinary. At some point
88 that evening, Misha told me the night shift worker had called in sick, so Misha would
89 take his place. By 10:35 p.m., I was ready to be done with customer surveillance and go
90 home, but Todd Larkin walked in.

91 I hadn't seen Todd in almost a year, but he was hard to forget: he was loud and he
92 was huge -- at least half a foot taller than I am. He graduated from Arcadia Forest when I
93 was a junior, and from what I know, everyone was happy to see him go. He comes from a
94 really wealthy family in Eden -- his dad owns the Utopia Unicorns NBA team -- and he
95 gets away with basically everything. Carly Walsh dated him for almost two years. I never
96 really understood it; no one did. He treated her terribly. Every time I saw them together,
97 he berated her about not being smart or pretty or thin enough. Sometimes, she even came
98 to class with bruises on her arms, which I assumed were from Todd. Carly ended things
99 when he graduated, and he took it badly. Until May 19, 2017, I thought he had gone off to
100 college and found someone else -- I'd seen pictures he posted on Instagram in early
101 November of 2016, kissing another girl in front of the Eden University football stadium.

102 When Todd came in, he asked if we had any empty gas containers so that I could
103 sell him a single gallon of gas. I was pretty wary of dealing with him alone in the middle
104 of the night, so I tried to make the sale and get him out of the station as quickly as
105 possible. I grabbed the red loaner gas container we keep as a courtesy for customers,
106 charged him for a gallon, and then sent him outside to fill the container. He paid in cash.
107 I don't remember what he was wearing; I didn't notice it, so it probably wasn't anything
108 too out of the ordinary. As I saw Todd turn out of the parking lot, I straightened up the
109 service counter, clocked out in Misha's office, and left.

110 I thought about going to the dance or walking to a fast food place for a quick bite,
111 but I checked my phone, and it was already 10:45 p.m. So I decided to stop by the
112 vending machines at the student union instead. I do that a lot, so I don't remember what I
113 got. Then I headed back to my dorm, Roberts Hall. On the way, I heard sirens. I assumed
114 it was a false alarm -- that someone had burned their popcorn too much and set off the

115 detector – but then I started to smell smoke from the direction of the Spaller Dorm quad. I
116 thought about going to look, but I was tired from work and decided to just go home. All
117 of a sudden, a police officer approached me and asked to see my phone. I had nothing to
118 hide, so I unlocked it and handed it to him. Suddenly he told me I was being taken into
119 custody, handcuffed me, and threw me into the back of a police car. I was completely
120 caught off guard; I had no idea what the police could possibly want with me! The next
121 day, I was shocked when they charged me with arson and felony murder. It’s absolutely
122 insane that they think I’d do this!

123 I have no idea how the fire started or who would do that to Carly. The police
124 should be trying to find the real killer. It was probably Todd Larkin – if anyone wanted
125 to hurt Carly, it was him. But when I tried to tell the police that, they wouldn’t listen.
126 They probably know that Todd’s rich family would make sure he got away with it, so
127 they decided not to even look for him. They only want to lock someone up, and I’m an
128 easy target. I have to admit, I’m pretty scared.

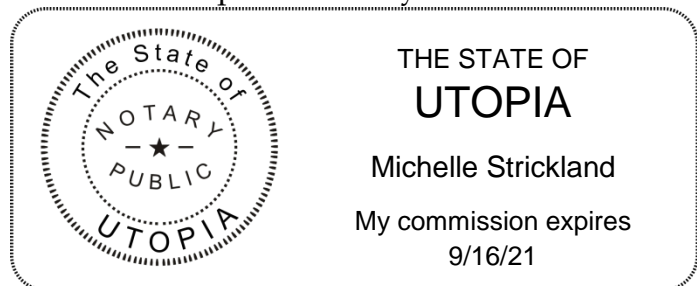
129 Of the available exhibits, I am familiar with the following and only the following:
130 Exhibit 2.A is a photo of the dorm shown to me by the police. Exhibit 2.B looks like the gas
131 container I loaned to Todd Larkin, though I can’t be sure it’s the exact same one. Exhibit
132 2.C is my work uniform at Gas ‘N Go. Exhibit 3 looks like the receipt I printed out for the
133 station’s records when I sold the gas to Todd. Exhibit 4 is a map of Arcadia Forest’s
134 campus. Exhibit 6 shows emails between me and my guidance counselor, Lupe Rodriguez.
135 Exhibit 7 is a disciplinary report from my freshman year that I had to sign. I have also
136 reviewed the statements attributed to me in Exhibit 1.B, and they appear to be a fair and
137 accurate characterization of my conversation with the police on May 19-20.

Alex Backley

SIGNATURE

Michelle Strickland

Michelle Strickland
Notary Public



Date: July 26, 2017

AFFIDAVIT OF MISHA VADIM

1 My name is Misha Vadim. I have lived in Utopia since I was a teenager. I was not
2 born in the United States, but I am proud to say that I became a citizen on September 11,
3 2011. The 10th anniversary of 9/11, "Patriot Day," just seemed like the right time to act.

4 I'm proud, now, to call America my home. Where else could a poor immigrant
5 family start from nothing and after a few years own more than 40 gas stations across five
6 states? My parents sacrificed a lot to bring our family to this country, and I am grateful
7 every day that they did. Watching them start the Gas 'N Go business taught me that hard
8 work, diligence, and integrity are the path to success. Growing up, my parents made sure
9 that I learned what it meant to work hard. They had me rotate through every job in the
10 stores before I went off to Utopia University, where I earned my business degree with
11 honors. After I graduated in 2009, my dad made me the manager of our store in Eden.
12 Three years later he promoted me to regional manager for five stores in St. Thomas More
13 County, where I've tripled the overall sales in just five years.

14 As regional manager, I oversee the hiring and training of our store managers,
15 develop our regional marketing plan, and make sure that each store is running efficiently.
16 I also lead quarterly trainings for all of our employees, including part-timers. Our
17 cashiers are the face of our brand, so I want to make sure they're a good fit and uphold
18 our company motto: "We go the extra mile so you don't have to." Also, employee morale
19 is important to me. I want our employees to know that we care about them, so I chat with
20 them individually when I visit the stores each week.

21 My favorite store is the one on Arcadia Forest Drive in Arcadia. It's not too far from
22 the interstate, so it's open 24/7. It's also only a mile from that expensive boarding school,
23 Arcadia Forest Preparatory Academy. Students from the school are frequent customers.
24 Many drive expensive cars I could never have afforded at their age. They dress in designer
25 clothes and spend ridiculous amounts on snack food and energy drinks. I'll bet they
26 receive an allowance from their parents and never have to earn their own money.

27 In the second week of April this year, the store manager at the Arcadia Forest
28 Drive store went on maternity leave for two months, so I picked up many of her shifts.

29 That's when I really got to know Alex Buckley, a high school student we hired in 2015.
30 Alex impressed the store manager from the start, and I could see why. Alex asked lots of
31 questions at the quarterly trainings and was eager to learn. Whenever I visited that store,
32 I could see that Alex was a hard worker and great with the customers.

33 Alex started working as a cashier right after Alex turned sixteen. I was surprised
34 that a student at the prep school applied for a job, but then I learned that Alex was
35 attending on a full scholarship. The number of activities on Alex's resume impressed me,
36 and Alex's reference, a teacher named David Gray, said Alex was a model student with a
37 strong work ethic. When I got to know Alex, I agreed with the teacher's assessment.
38 Alex's mom was a single parent and unable to financially support Alex, so Alex wanted
39 to work as many hours as I would allow. Yet despite that tough background, Alex always
40 had a very upbeat, positive attitude. My family's encouragement had always been so
41 important to me that I wanted to "pay it forward" by helping Alex. In the years that Alex
42 worked for me, Alex became like family. Whenever I saw Alex, I would ask about Alex's
43 classes and other activities. Alex started showing me quarterly report cards and class
44 rank reports, and I was amazed -- Alex was first in the class in both 2015 and 2016! Alex
45 clearly could achieve anything, with the right resources and support.

46 Because of Alex's initiative and great attitude, Alex was quickly promoted from
47 cashier to head cashier. In December of 2016 the manager promoted Alex to shift
48 supervisor. This change meant that Alex supervised and trained other cashiers, counted
49 the registers as each cashier clocked out, and put the extra cash and checks in the store
50 safe. Alex did an excellent job with these new responsibilities.

51 Soon after I began filling in as store manager in mid-April, Alex reported to work
52 with one hand wrapped up in a brace. Alex told me that several bones were fractured
53 because "I lost my cool for a second." I was surprised by that. I offered to let Alex take a
54 few weeks off until the hand healed, but Alex reacted very strongly. "NO!! I mean, thank
55 you, but I really need to work if I can. I promise I'll still be able to do a good job." Alex
56 appeared stressed by the very thought of not working, so I dropped the subject.

57 During that time, I noticed that Alex also started bringing in textbooks to study
58 during slow periods. Alex had never done that before, so I made a joke about “Guess
59 you’re not succumbing to senioritis, are you?” Alex looked startled, so I quickly said, “It’s
60 a compliment! Most seniors slack off by now, don’t they?” Alex looked extremely upset,
61 saying, “I wish I could! If I keep my top class rank, I’ll get a full college scholarship. But if
62 someone else gets in my way and takes my money, I don’t know what I’ll do.” A customer
63 came in right then, so we didn’t talk any further. But the conversation stuck with me
64 because Alex looked pretty anxious about the whole thing.

65 Even so, I never saw Alex do anything violent, even when stressed. In fact, around
66 the station, Alex was known for being nice to everyone. Alex was cool, calm, and collected
67 when dealing with angry customers, and Alex went out of the way to help Alex’s co-
68 workers whenever they were given difficult tasks. It seemed to me like Alex’s
69 professionalism carried over into Alex’s academic life as well. Even though Alex talked
70 constantly about wanting to be the top student at Arcadia Forest, Alex always spoke
71 respectfully about Alex’s classmates. I remember once, Alex was talking about a classmate,
72 Carly something, who was competing against Alex for that top spot. Alex said she was the
73 nicest person Alex had met. More than once, Alex said how glad Alex was to have Carly
74 as a friend, even if she was smarter than Alex. Alex told me that the competition pushed
75 Alex to work harder, and that was why Alex brought so much schoolwork into the station.

76 On May 20, I was stunned when I heard Alex had been arrested and accused of
77 murdering another student by setting a fire in a dorm the night before. I was even more
78 shocked when I learned that the victim was Carly. That was just crazy! When the police
79 came to interview me, I told them they must be mistaken: Carly was Alex’s friend, and
80 besides, Alex was working at the store on the evening of May 19. Alex was scheduled
81 from 4:30 – 10:30 p.m. and was definitely at the station, manning a cash register, when I
82 arrived at 9:00 p.m.

83 I remember that night very clearly; I was aggravated to be at the station. Usually I’d
84 be home at that hour on a Friday, but I had to come in to deal with the company that
85 provides our security cameras. We have two cameras outside to cover the gas pumps, and

two cameras inside that view the entire store. Lightning had struck a nearby transformer a few days earlier, overheating the circuits and blowing out all the cameras. The security company kept promising to fix them, but no one had shown up yet. It was ridiculous. Even though the store was in a safe area, I paid good money to keep those cameras working, and I was tired of excuses. So I called up the company, asked to speak with a manager, then spent several hours getting passed around and playing phone tag. To add insult to injury, the night shift worker called in at around 9:45 p.m., claiming to be sick, and I had no one to fill in besides me. It was going to be a long night.

Around 10:15 p.m., while I was on hold with the security company, I let Alex know that I would take over at 10:30 p.m. and Alex could go home. I vaguely remember waving at Alex around 10:40 p.m. when Alex came into my office to clock out. I don't remember hearing anyone come into the store between 10:15 p.m. and when Alex left, but I had seen cars in the parking lot near the gas pumps. Around midnight, when I walked outside to take out trash, I smelled smoke and saw light in the direction of the prep school. I finally left for home at 6:30 a.m. My house is in the opposite direction, so I didn't learn about the fire at Arcadia Forest Prep until the police came knocking on my door that same day.

When the police spoke with me, they asked if Alex had ever purchased or taken gasoline from the station. I said no, not to my knowledge. I also told them that we try to keep one or two inexpensive red plastic gasoline containers at each of our stores to loan to motorists who run out of gas, but I couldn't seem to find the one for the Arcadia Forest Drive store. I didn't know if the store had one the night of the fire, since that's not something I'd confirmed when I began filling in as manager. In checking our cash register receipts for May 19, I found a receipt for one gallon of gas purchased inside the store just after 10:30 p.m. That was an unusually small purchase, and I have no idea who bought it since they paid with cash and we have no security video footage from that night.

Like everyone in town, I was horrified to hear that a student died in the fire. The news reports say that Carly was a senior and one of the brightest students in the school – maybe even the top student in the class. What a tragic loss! I cannot imagine what her family and friends are going through. Given how Alex spoke about Carly, I'm sure Alex

115 was just as devastated by her loss as anyone in Arcadia. I hope the police catch the
116 person who did it – because there’s just no way it was Alex.

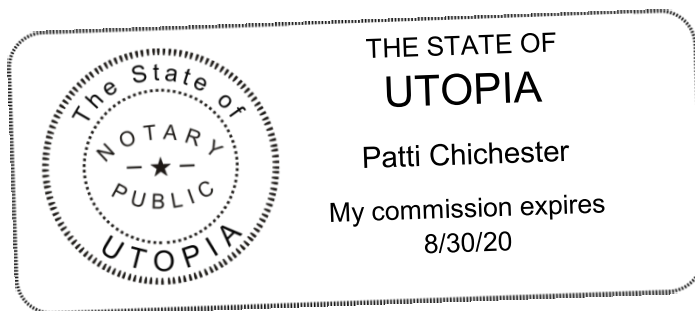
117 Of the available exhibits, I am familiar with the following and only the following:
118 Exhibit 2.B looks like the type of gas container we usually keep at our stores (although I
119 cannot confirm that it’s from any of the stores I manage). Exhibit 2.C looks to be the
120 uniform that all Gas n’ Go employees are required to wear. Exhibit 3 is a receipt for one
121 gallon of gasoline purchased on May 19, 2017, and it is the only receipt for such a small
122 amount of gasoline that the station collected between 10:00 p.m. and 11:00 p.m. that
123 evening. Exhibit 4 is a map of Arcadia Forest Preparatory Academy; it also gives
124 information about the direction and distance to the Gas N’ Go gas station my family
125 owns near the school. I have also reviewed the statements attributed to me in Exhibit
126 1.B, and they appear to be a fair and accurate characterization of my conversation with
127 the police on May 20.

Misha Vadim

SIGNATURE

Patti Chichester

Patti Chichester
Notary Public



Date: August 8, 2017

REPORT OF DR. KENNEDY FELDER

State v. Buckley: Findings and Conclusions

August 15, 2017

Retention and Compensation

The defense asked me to examine the evidence surrounding Carly Walsh's death, to develop a criminal profile for the perpetrator, and to see how well that profile fit with Todd Larkin, a person of interest in this case who was only cursorily investigated by the Arcadia Police Department. I spent a total of 45 hours on case preparation, for which I was paid my standard defense consulting rate of \$500/hour. If I testify, I will earn an additional \$5,000 to cover my time and expenses.

Background and Qualifications

I am a criminal profiler. In 1982 I received my BA in Criminal Justice from the University of Georgia. To pursue my interest in criminal psychological profiling, I earned my PhD in psychology at the University of Virginia in 1987. I then applied to work at the FBI. After completing the FBI's training program and working as a field agent for five years, I was promoted to a profiler position at the National Center for the Analysis of Violent Crime ("NCAVC"). There, I honed my skills and investigated hundreds of cases involving abduction, homicide, arson, terrorism, and other violent crimes.

After 21 years as a profiler, I decided to step back from fieldwork and accept a teaching position with the NCAVC. Since 2013, I have taught criminal investigation and profiling to new FBI recruits looking to join the NCAVC. When asked, I consult for the State or the defense, and I frequently testify as an expert witness in those cases. My consulting rate of \$500/hour only applies when I consult for the defense, as any work done on behalf of the State is considered part of my job with NCAVC. Since 1995, I have testified as an expert at least 45 times, of which approximately 30 were for the defense.

Rationale and Methods

While generating a criminal profile isn't an exact science, it can be an extremely useful tool in an investigation. Creating a profile essentially involves deductive reasoning. Each element of a crime enables profilers to infer facts about the perpetrator based on crime trends, similarity to other cases, and criminal psychology. An accurate profile can help investigators narrow down their suspect pool, targeting their efforts toward those most likely to have committed the crime. Profiling can help officers stay smart and safe as they apprehend violent or dangerous criminals.

Criminal profiling is generally a five step investigative process in which a profiler analyzes all available evidence in a case to develop a profile of the likely perpetrator of the crime. First, a profiler considers the specific type of criminal act, comparing it to similar

crimes in the past. Next, the profiler conducts a detailed analysis of the crime scene in order to determine how the crime was committed. Factors such as the offender's movements and positioning during the crime, as well as their use of any weapons or physical substances to aid in commission of the crime, clue us into the criminal's thought process during the event. Next we evaluate the victim's activities, contacts, and background to find connections to potential suspects and possible motives for their targeting. In the process, we analyze physical and testimonial evidence with the objective of determining possible and probable motives. Finally, putting it all together, we produce a full profile of the criminal. Depending on the extent of the evidence, the profile may include information about height, build, background, intelligence, drug use, or a host of other factors specific to the probable perpetrator.

I began my research in this case by investigating the fundamental details of the crime. First, I gathered information about the criminal act itself, reviewing Exhibits 1.A & 1.B (Police report), Exhibits 2.A, 2.B & 2.C (Crime scene photographs), and Exhibit 4 (Map). This evidence revealed that this incident was an act of arson that specifically targeted Carly Walsh, and that the fire was started with an accelerant, gasoline.

From there, I reviewed as much information as I could about the victim. I read the statements of Dakota Pope and Alex Buckley, Exhibit 5 (Text messages recovered from the phone of Carly Walsh) and Exhibit 6 (emails between Alex Buckley and Lupe Rodriguez). Next, I reviewed the forensic evidence associated with the case, including the report of CSI Burke and Exhibit 3 (Gas receipt from Gas n' Go). Finally, I contacted Arcadia Forest Prep and asked for all student disciplinary reports associated with fire. They provided me with only one report, Exhibit 7, a report about Alex Buckley. I asked both the school and Buckley's attorneys for any other reports filed about Buckley and Larkin, and the school provided none. Upon completing my review of the material facts in this case, I was able to create a criminal profile of the perpetrator.

Findings and Conclusions

A. Type of Arson

The first step in profiling an arson case is to classify it based on mode, motive, and destruction. People light destructive fires for many reasons, from pyromania (an irresistible impulse to set fires) to insurance fraud. In this case, based on the choice of victim and the level of destruction, I was able to conclude that this crime constituted "spite" or "revenge" arson. In cases driven by revenge, fire damage is typically extensive but is focused on the site occupied by the victim. A revenge arsonist's goal is to cause as much harm as possible to the victim, so it is not uncommon for these fires to claim lives. This motivation and the resulting damage distinguish revenge arson from other types of arson. Most arsonists either feel indifferent about harming others or try to avoid it, while revenge arsonists' primary goal is to inflict harm.

B. Profile of Revenge Arsonist

A thorough profile includes information about the perpetrator's probable background, intelligence level, prior bad acts, modus operandi, and relationships with others. Revenge arsonists typically come from a lower to lower-middle class household. They are also typically of lower intelligence; they rarely succeed in school and often have lower IQs. In this case, where no measures were taken to hide or destroy physical evidence such as the gas container, it is unlikely that the perpetrator possesses a high degree of intelligence. Despite their relative lack of intelligence, however, revenge arsonists typically have at least 10 years of formal education.

Revenge arsonists typically display a history of minor violence. People who prefer fire as a weapon tend to light smaller fires earlier in life as a way to get out their anger. Typically they also lash out at friends or loved ones when stressed. In most cases, we look for someone with either a criminal record or a history of violent behavior. In many instances, these actions will coincide with use or abuse of alcohol or other drugs.

Revenge arsonists almost always follow a similar pattern in the method they use to commit their crimes. Usually these perpetrators set the fires in or around the community where they live. Yet even if they reside close to the crime scene, revenge arsonists tend to stay away from the site once they start the fire. Typically, they use a personal vehicle to get to their intended burn site, and they leave in that vehicle almost immediately after setting the fire. Unlike pyromaniacs or thrill seeking arsonists, these arsonists do not watch their fires. Instead, they light the fire and flee the scene for hours to days after the incident, and they usually focus on developing a strong alibi.

Finally, revenge arsonists follow a similar pattern in their relationships, both with the victim and with others. These individuals see the world as constantly cheating them, and their relationships are typically unhealthy and short-lived. They value a high degree of control in their relationships and may tend to exhibit abusive behaviors for the duration of any relationship. When they view their victim as having hurt or cheated them, arson serves as a way to vengefully harm the victim; they see it as a *quid pro quo*. Because these arsonists target a specific individual and don't necessarily idolize fire itself, they pose a low threat of committing a series of similar acts in the short term.

C. Application to Todd Larkin

Todd Larkin fits the profile of a revenge arsonist in a number of significant ways, so I am concerned by the Arcadia Police Department's ("APD's") quick dismissal of Todd as the possible perpetrator. While I understand the arresting officer's reluctance to believe a detainee's claim about an alternative suspect, I found no evidence that the APD made any real attempt to verify or disprove that Larkin was present at or near Arcadia Forest Preparatory Academy on May 19. The APD reported that Larkin was presumed to be in Eden moving into his summer school dorm on the weekend of May 19-21, but no witness

confirmed that assumption. Larkin could have been in Arcadia on May 19 and driven to Eden on May 20 or 21.

Larkin lost academic standing due to failing grades and had to enroll in summer school at both Arcadia Forest and Eden University to maintain a passing average. Larkin's academic difficulties correspond to the intelligence level I would expect to see in a revenge arsonist. In addition, Larkin's criminal record includes a recent DUI, which signals alcohol abuse, and statements about Larkin reveal a history of violence. Larkin also had access to a vehicle – a dark SUV like the one seen by Pope – and was not found near the site of the fire afterward, two important revenge arsonist profile factors.

Larkin's relationship with the victim is even more troubling, as it is laden with both psychological and physical abuse. Larkin used a number of stereotypical abuse and control tactics during his relationship with Walsh. He isolated her from her friends; he constantly criticized her, undermining her self-esteem to make her dependent upon him; and when those tactics failed to control Walsh, Larkin apparently escalated to physical abuse.

Larkin's manipulative, domineering behavior stems from the same type of personality that seeks revenge when a relationship ends. Larkin's texts indicated Larkin's perception that Walsh wronged him by ending their relationship. Since it appears that the APD did not bother to corroborate Larkin's whereabouts on the night in question, I cannot rule out the possibility that this fire was Larkin's attempt at revenge.

D. Application to Alex Buckley

Although the defense only asked me to focus my investigation on Todd Larkin, having generated this profile, I cannot help but evaluate its application to Alex Buckley. While I must admit that some parts of the profile fit Buckley, several red flags raise serious questions about whether Buckley could be the arsonist. First, Buckley's intelligence level is significantly higher than I would expect of the person who started this fire; it would be highly unusual for a revenge arsonist to graduate second in their high school class. In addition, Buckley's relationship with the victim doesn't immediately give cause for concern; Buckley seemed to have a functioning relationship with Walsh as a colleague in school, if not as a friend. In fact, Buckley seemed to have close, functioning relationships with many of Buckley's peers and with Buckley's boss, another deviation from the profile.

In addition, Buckley's behavior at the time of the fire is very different from that of a typical revenge arsonist. Such perpetrators almost never remain at or near the scene of the crime immediately afterward. Instead, these arsonists generally try to place themselves in highly crowded areas that are far from the crime scene, where multiple people can corroborate their alibi. While I can't say with certainty whether or not Buckley's alibi of walking alone to the student union after work is to be believed, I can say that the story Buckley is telling does not fit the typical criminal profile for a revenge arsonist.

152 It is true that there are multiple accounts of Buckley responding violently when
153 Buckley perceived that other students' achievements interfered with Buckley's own
154 success. However, Buckley's school record only included one documented instance of past
155 violent behavior – nearly four years prior – and Buckley claims the incident was purely an
156 accident. Buckley received anger management counseling as a result of that incident, and
157 Buckley's school counselor reported that Buckley learned coping strategies and was able to
158 move on. While Buckley's words to and about Walsh are certainly concerning, Buckley
159 does not fully fit the revenge arsonist profile. It is clear that the Arcadia Police Department
160 rushed to judgment in arresting Buckley within an hour of the incident.

161
162 **E. Oath**

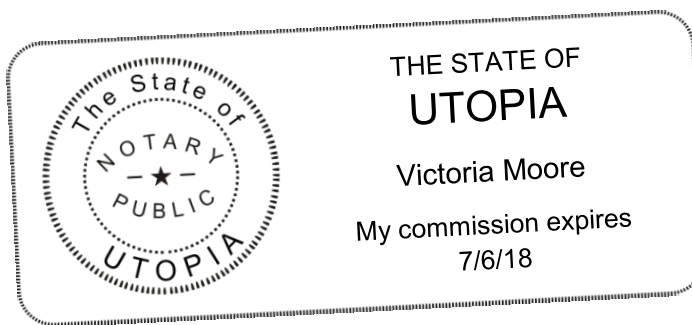
163 I understand I have a duty to update this report if I receive any additional relevant
164 information or reach any additional conclusions prior to trial. I understand that I also have a
165 duty to be truthful and complete in this report, and I have upheld that obligation.

Kennedy Felder

SIGNATURE

Victoria Moore

Victoria Moore
Notary Public



ARCADIA POLICE DEPARTMENT RECORDS			
Arrest Report			
St. Thomas More County		Case #: 17CR050624	
Arrestee's Name: (Last, first, middle)		SS#	D.O.B
Buckley Alex C.		xxx-xx-4723	04/25/1999
Charges:	Booking Number:	Defendant status:	
Arson; felony murder	02073647	Adult	
Crime	Date	Time:	Location:
Occurred:	05/19/2017	23:01	Arcadia Forest Preparatory
	Friday		732 Arcadia Forest Dr.
			Arcadia, Utopia, 40422
Circumstances of Arrest			
Responding Officer:	Officer Benjamin Krishnamurthy		
Victim:	Carly Walsh		
Report of Responding officer:			
<p>On May 19, 2017, I was called to a fire on the campus of Arcadia Forest Preparatory Academy. When I arrived, the St. Thomas More County Fire Department was already on the scene. As Fire Captain Ty Gomez noted, this fire appeared to be deliberately set. Although it caused extensive damage to the dorm, his team was able to contain it before it spread to other buildings. I began interviewing witnesses and collecting evidence. I spoke with several Arcadia Forest students. Based on their accounts of Buckley's interactions with Carly Walsh, and Pope's description of the clothing, height, and hair color of the suspected perpetrator, I had enough evidence to bring Buckley in. I found Buckley in the parking lot near Spaller dorm, wearing the outfit Pope described. Buckley voluntarily gave me Buckley's phone. I then brought Buckley to the station for questioning. Buckley was held overnight and arrested the next day (5/20/17).</p>			

Forensic evidence (collected at the scene):

- A red gasoline container found in the parking lot near Spaller Dorm.
- Alex Buckley's cellular phone, voluntarily handed over to me. Relevant screenshots were catalogued and preserved.
- Carly Walsh's cellular phone, provided by Dakota Pope. Relevant screenshots were catalogued and preserved.
- The clothes Buckley was wearing when arrested were photographed and preserved as evidence.

Arresting Officer:	Approved By:
<i>Ben Krishnamurthy</i>	<i>J. Rosier</i>
Off. Benjamin Krishnamurthy	Chief Jadyn Rosier

Report Addendum: Witness Interviews

Recorded by Officer Benjamin Krishnamurthy

Dakota Pope: 11:15pm, 05/19/17 interviewed at the crime scene

Dakota Pope spoke with me at the scene of the crime. While Pope was visibly injured, Pope was not in critical condition. Pope seemed in shock at the time of the interview and continued to repeat the name "Carly," telling me we needed to "Get Carly out." Pope insisted that student Carly Walsh was still inside the burning building when Pope got out. Pope reported being in the dormitory building at the time it was set on fire. Pope stated that Spaller dorm was one of three dorms that housed female students and that Pope had been in the room assigned to Carly Walsh for a study session at the time the fire started. Pope recalled smelling gasoline and seeing a pool of liquid forming under the dorm room's door seconds before the fire started. Pope stated that Pope escaped the fire by jumping out the window, and that this jump was the source of Pope's injury. Pope described seeing someone rapidly flee the scene of the fire; that individual reportedly dropped a red gas canister. Pope noted that this suspect was wearing a yellow shirt and dark pants and compared their wardrobe to the work uniform of a student named Alex Buckley. Pope noted that Buckley had made threats towards Walsh in the past and insisted that I find and question Buckley.

Ana Gandhi and Don Zacek: 11:23pm, 05/19/17 interviewed at the crime scene

Ana Gandhi, the Resident Assistant ("RA") for Carly's floor of Spaller Dorm, spoke with me at the scene of the crime. Gandhi reported attending a school dance and seeing the fire as she was walking home with her date, Don Zacek. She reported seeing smoke and flames coming from the dorm starting at 11:00pm and immediately called 911. Gandhi reported seeing a victim, later identified as Dakota Pope, exit from the third floor window. Gandhi and Zacek moved Pope away from the fire to the location where the EMTs found the three of them. Gandhi indicated that only students could enter dorms because an access card is required, though she admitted that someone had propped the door open for a short time that afternoon. Zacek corroborated her story in full.

Alex Buckley: 12:25am, 05/20/17 interviewed at the police station

After being advised of Buckley's rights, Alex Buckley chose to speak with me about the fire. Buckley claimed Buckley worked at a convenience store about a mile from the Arcadia Forest campus, and that Buckley was working until 10:45pm on May 19. Buckley claimed that after work, Buckley walked to the school's student union, purchased food with cash at a vending machine, and then walked

EXHIBIT 1.B

toward Roberts dorm, where Buckley lived. Buckley denied being at or near the scene of the crime until 11:30 p.m., when the police found Buckley walking towards the dormitories and apprehended Buckley. At the time of the arrest and the interview, Buckley was wearing what Buckley identified as a convenience store uniform. The uniform included a yellow polo shirt with a small logo on the front and dark cargo style pants. Buckley was not wearing an arm brace at the time of arrest, although Buckley complained of pain in Buckley's right wrist and asked to retrieve a brace from Buckley's room prior to leaving the campus. This request was denied. When asked if Buckley's work required contact with red gas canisters, Buckley stated that the station had such canisters available to loan to customers in need. Buckley reported providing one to a customer, Todd Larkin, on the night of May 19. Buckley claimed that Larkin was a former boyfriend of the victim. Buckley voluntarily provided Buckley's cellular phone for examination. While the phone contained no text messages of material consequence, emails between Buckley and Lupe Rodriguez that discussed Carly Walsh were documented and preserved.

Misha Vadim: 10:04am, 05/20/17, interviewed at Gas n' Go

Misha Vadim reported being the regional manager and an owner of the establishment where Alex Buckley was employed. Vadim stated that Buckley was a model employee. Vadim recalled Buckley being present at the station on May 19, 2017 from 4:30 p.m. to about 10:40 p.m. When asked if the station carried red gas containers, Vadim stated that they did, and that one was unaccounted for. When asked about customers between 10 and 11pm on May 19, Vadim reported working in the store's office at that time and denied seeing or hearing any customers enter the station during that period. Vadim provided a receipt for a purchase of one gallon of gas in that time frame.

Lupe Rodriguez: 11:25am, 05/20/17, interviewed on the Arcadia Forest Preparatory campus

As someone with whom Buckley had discussed negative feelings about Carly Walsh, Lupe Rodriguez was interviewed about those communications with Buckley. Rodriguez, Buckley's academic advisor, explained that Buckley was in the running for a full college scholarship, and that Buckley saw Carly Walsh as Buckley's only competition. Rodriguez reported Buckley becoming enraged and aggressive about the prospect of not winning the scholarship, but stated that the only injury Buckley ever caused was to Buckley's own hand. Rodriguez also provided me with Buckley's full disciplinary history, which contained only one report.

Arresting Officer:

Ben Krishnamurthy

Off. Benjamin Krishnamurthy

Approved By:

J. Rosier

Chief Jadyn Rosier



Spaller Dorm, May 20, 2017



Spaller Dorm, photographed aerially, May 20, 2017



Blue circles mark locations of usable prints obtained from the can



GASNGO.UTOPIA.COM

GAS N GO
1791 ARCADIA FOREST DR.
ARCADIA
UTOPIA
40422

CASHIER: #018
CUSTOMER:

PURCHASE:

UNLEADED 87 GASOLINE \$2.24

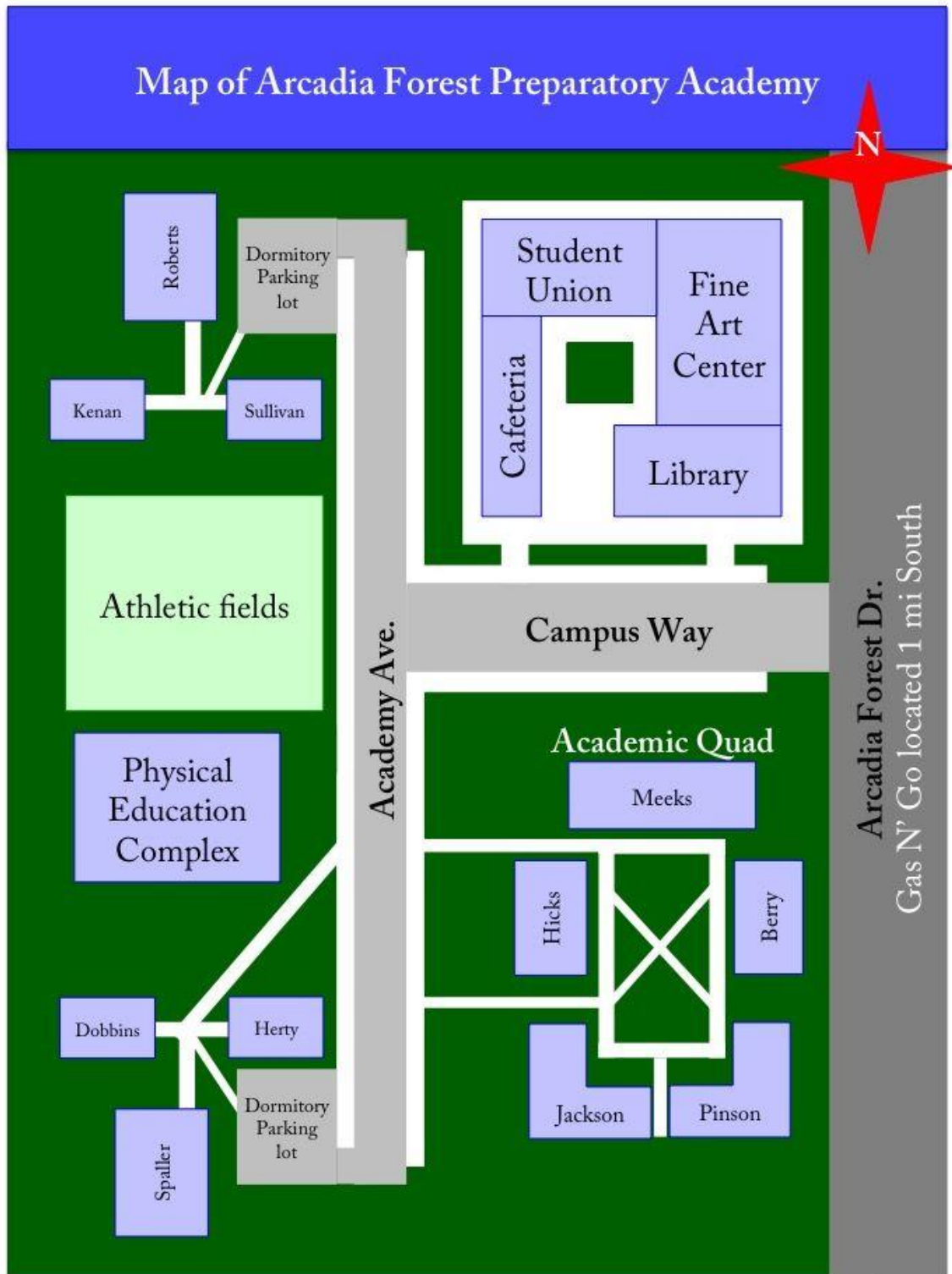
GST +18% TAX: \$0.29

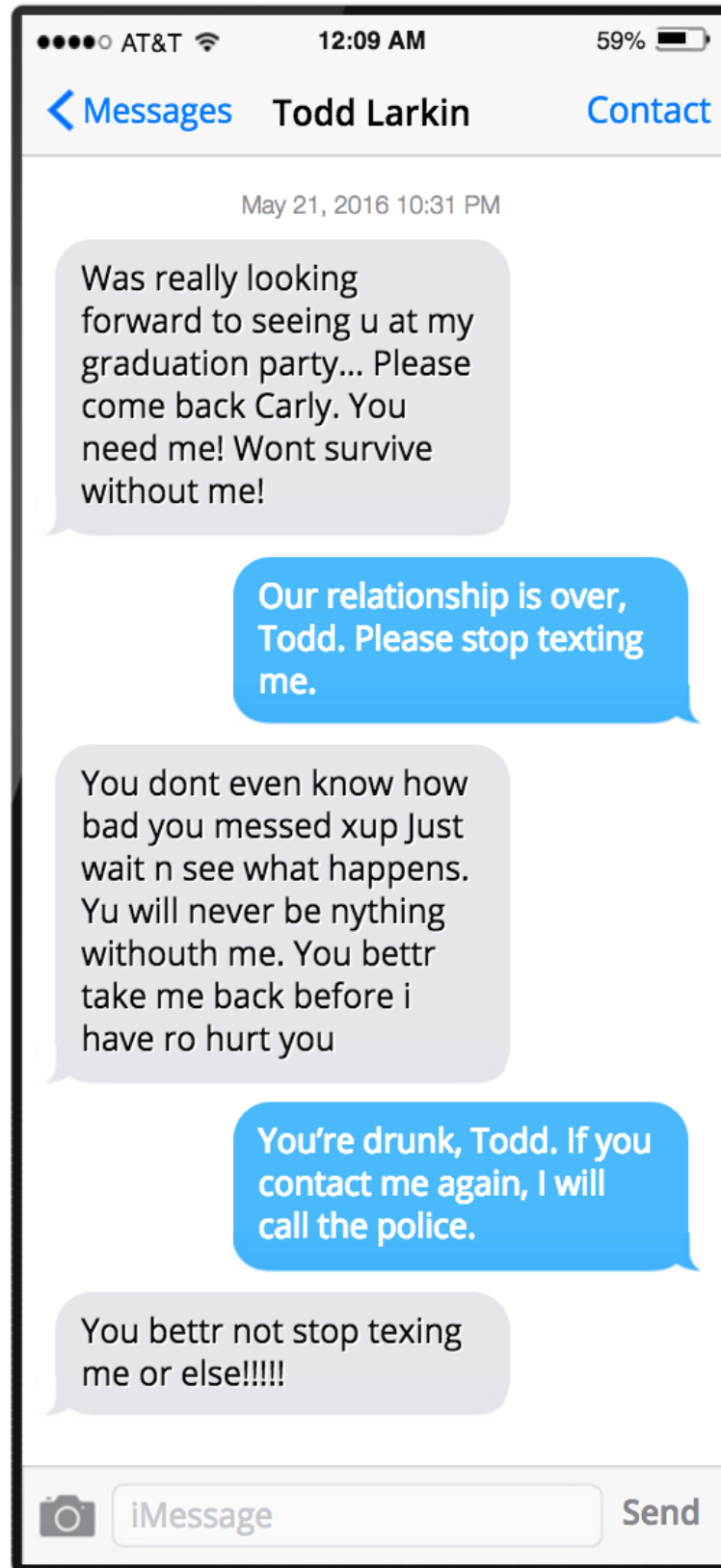
TOTAL: \$2.53

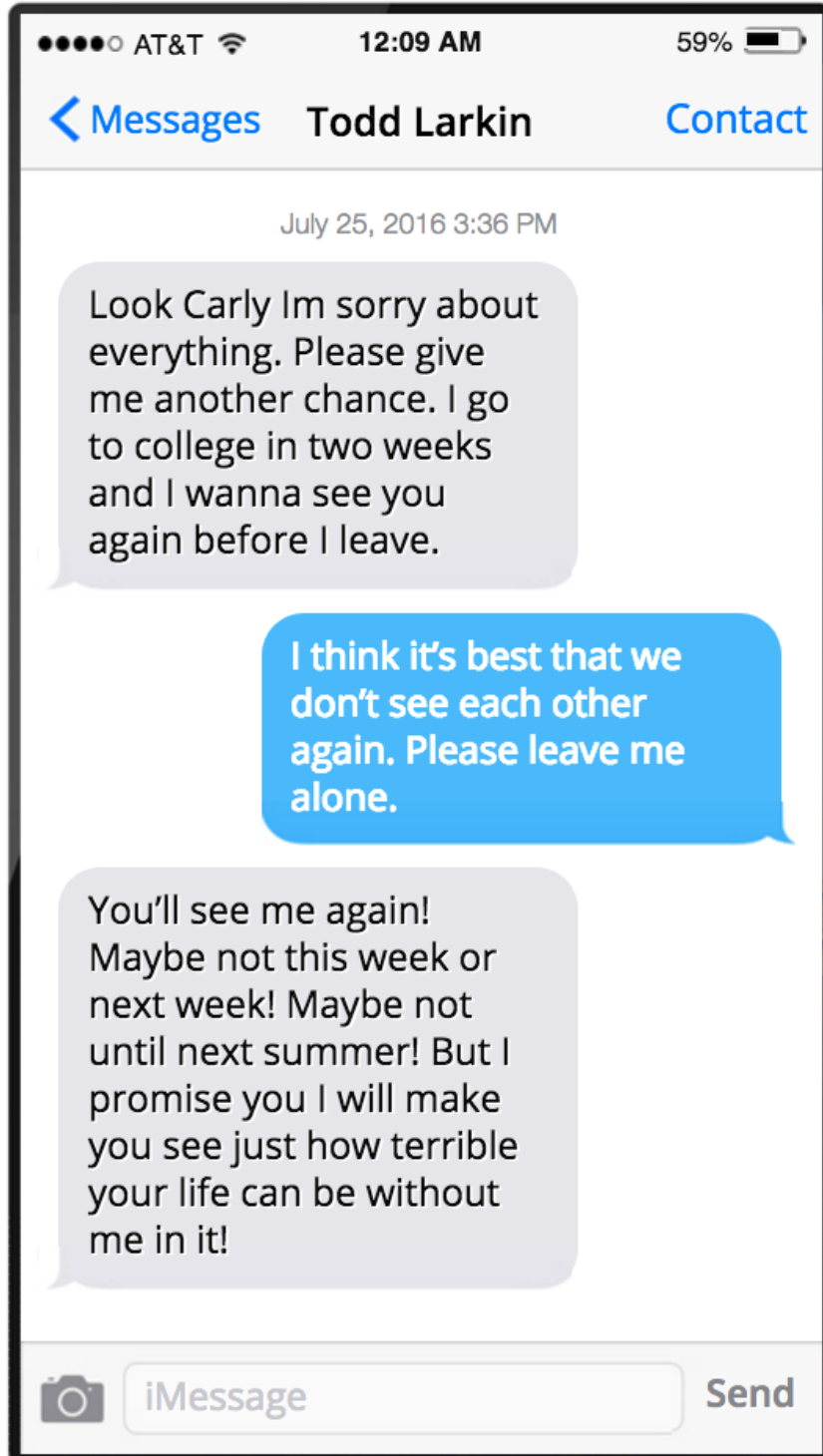
PAYMENT METHOD: CASH
TRANSACTION #1497297819 -001
DATE: 05/19/2017 10:34:46 PM

ALL SALES FINAL

THANK YOU







On 4/25/2017 at 10:35 AM, Alex Buckley <abuckley@afprep.org> wrote:

I can come by around 3:35. But unless you have a way to get Carly Walsh out of the picture, there isn't much to talk about.

- Alex

On 4/24/2017 3:10 PM, Lupe Rodriguez <lrodriguez@afprep.org> wrote:

I'd just like to chat. I know an injury can make this time of year difficult, especially when you are under stress.

Warmly,
Lupe Rodriguez

On 4/24/27 at 2:42 PM, Alex Buckley
<abuckley@afprep.org> wrote:

I can come in after class on Wednesday. But I am really fine. I just lost control for a bit.

- Alex

On 4/24/2017 9:35 AM, Lupe Rodriguez
<lrodriguez@afprep.org> wrote:

Alex,
I heard about your hand injury. I would love to make an appointment to discuss what happened and how to best move forward. If you are free anytime this week, please let me know.

Warmly,
Lupe Rodriguez

On 5/17/2017 at 8:57 PM, Alex Buckley <abuckley@afprep.org> wrote:

My scholarship is going to be fine. After this weekend, Carly Walsh won't matter to me at all. I spent too much time this year letting Carly get the best of me, when I really just needed to take matters into my own hands this whole time. No need to meet. I have work anyway.

- Alex

On 5/17/2017 4:13 PM, Lupe Rodriguez <lrodriguez@afprep.org> wrote:

Alex,

I noticed you missed our meeting today. Is everything going okay? How did the scholarships turn out? Do you have any time to meet this week? Maybe Friday during lunch or after school before the dance?

Warmly,

Lupe Rodriguez

On 5/10/2017 9:14 AM, Lupe Rodriguez
<lrodriguez@afprep.org> wrote:

Alex,

How are the scholarship applications going? Have you turned them in yet? If you need any help proofreading, my door is always open; if not, I will see you at 3:35 next Wednesday for our meeting.

Warmly,

Lupe Rodriguez

Student Incident Report

Arcadia Forest Preparatory Academy

Report date and time: March 10, 2014 3:45pm
Incident date and time: March 8, 2014 10:50am
Report filed by: Lupe Rodriguez

Student name: Alex Buckley
Date of birth: April 25, 1999 **Age:** 14 **Grade:** 9
Incident Location: Arcadia Forest physical education complex
Offense: Destruction of property
Parent notified: Yes **Police called?** No

Description of incident:

Alex competed in the Robotics event at the Science Olympiad Regional Competition hosted in the Arcadia Forest gymnasium. Alex was awarded fourth place. As the top three places were announced, Alex became resentful and angry. Alex punched at and then kicked the project built by the student who took second place. The project fell over, started to smoke, and eventually caught on fire. The fire alarm sounded and the building was evacuated. While Alex claims the incident was an accident and that Alex did not intend to harm the project, the teacher advisor for Science Olympiad, David Gray, disagreed. Mr. Gray called me during the alarm and said that Alex had intentionally harmed the project and ought to be suspended or punished.

Remediation/follow up recommended? Yes

Description of recommended remediation:

Alex should receive anger management counseling once per week for the remainder of the school year. Failure to complete the counseling sessions will result in Alex's expulsion. At the end of the school year, Alex should be re-evaluated and, pending advisor approval, be allowed to continue studying as a scholarship student at Arcadia Forest.

Signature of student: Alex Buckley **Date:** 3/10/14

Signature of counselor: Lupe Rodriguez **Date:** 3/10/14

Remediation completed? Yes

Date completed: May 15, 2014

Description of completed remediation:

Alex met with me each Thursday from March 13 – May 15, 2014. I worked with Alex on developing skills to handle stressful situations and deal with anger in a respectful manner. Alex had experienced some difficulty during the transition from a large public school to Arcadia Forest, and I have helped Alex learn to control the emotions resulting from this transition. Alex has made significant progress in the past two months, and based on that progress, I am fully comfortable signing off for Alex to continue studying at Arcadia Forest in our scholarship program.

Signature of counselor: Lupe Rodriguez **Date:** 5/15/14