



**American  
Mock Trial Association**

**2013-2014 CASE PROBLEM**

**STATE OF MIDLANDS**

**v.**

**WHIT BOWMAN**

**A CRIMINAL CASE BY**

**THE AMTA CRIMINAL CASE COMMITTEE**

## **ACKNOWLEDGMENTS**

The AMTA Criminal Case Committee would like to thank the American Law Institute, whose Model Penal Code continues to serve legal education.

## **DISCLAIMER**

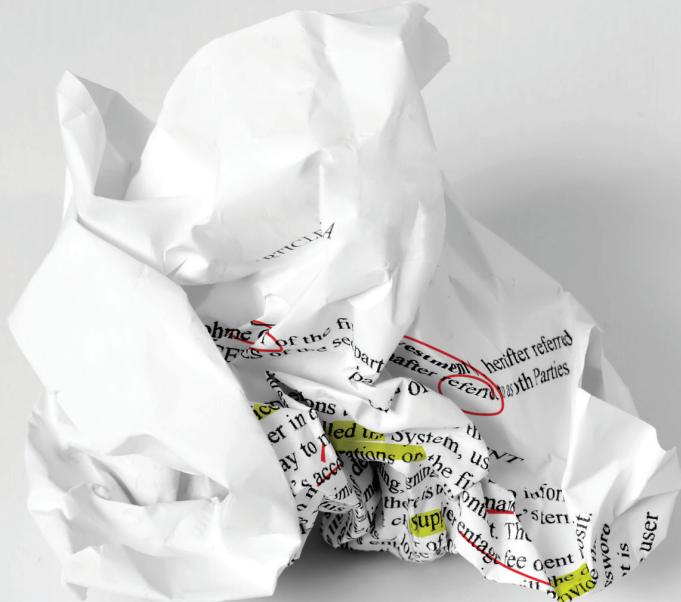
This case is a work of fiction. All characters appearing in this work are fictitious. Any resemblance to real persons, living or dead, is purely coincidental.

## **CASE SUMMARY**

On August 30, 2012, a robbery occurred at RacheterWorld (pronounced ROCK-ter) Amusement Park in Midlands. Following the robbery, a chase ensued, and former police officer and current RacheterWorld security guard Winston Thomas was struck by the front car of the “Tunnel of Terror” ride. Thomas suffered serious injuries and went into a coma, in which he remains on the date of trial.

The robber whom Thomas was chasing through the park escaped and remains at large, his whereabouts unknown. Police, however, have arrested Whit Bowman, a park employee whom they believe took part in the commission of the crime. Bowman faces multiple charges related to the August 30 incident and related alleged criminal activities.

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### AFFIDAVITS

1. **Billie Isaacs**, former RacheterWorld employee
2. **Whit Bowman**, defendant
3. **Haley Floyd**, bookkeeper at RacheterWorld
4. **Tyler Hartman**, season ticketholder
5. **Jackie Hunter**, former RacheterWorld employee
6. **Charlie Kaminsky**, driver for AAAA Luxury Transportation
7. **Francis Kimball**, detective, Breckinridge County Police Department
8. **J.C. Longstreet**, owner of RacheterWorld
9. **Rory Shelton**, mascot at RacheterWorld

## **SPECIAL INSTRUCTIONS**

### **1. Witness Availability.**

- a. The following witnesses are available only to the Prosecution:  
J.C. LONGSTREET, Owner of RacheterWorld  
FRANCIS KIMBALL, Police Officer
- b. The following witnesses are available only to the Defense:  
WHIT BOWMAN, Defendant  
JACKIE HUNTER, Former Employee
- c. The following witnesses are available either to the Prosecution or Defense:  
CHARLIE KAMINSKY, Limousine Driver  
RORY SHELTON, Park Mascot  
TYLER HARTMAN, Season Ticketholder  
BILLIE ISAACS, Ride Operator  
HALEY FLOYD, Bookkeeper

### **2. Witness Call Order.**

Witnesses shall be selected at Captain's Meeting in the following order:

**P – P – D – D – D - P**

### **3. Party Representatives at Counsel's Table.** The prosecution may have Officer Francis Kimball at counsel's table regardless of whether Kimball is called as a witness. The defense may have the defendant, Whit Bowman, at counsel's table regardless of whether Bowman is called as a witness. No other witness or character in the case is permitted to be present at counsel's table throughout the trial.

### **4. Witnesses Not Present.** At captain's meeting, after the witness call is complete:

- a. If the defense has not called Whit Bowman and will not have Whit Bowman present in the courtroom, the defense must notify the prosecution whether Bowman is male or female; then
  - b. If the prosecution does not call Detective Francis Kimball and will not have Detective Kimball present in the courtroom, the prosecution must notify the defense whether Detective Kimball is male or female.
5. **Bifurcated Trial.** The trial has been bifurcated pursuant to Midlands Law, and sentencing is not at issue in this proceeding.

## 6. Indictment / Lesser Included Offenses.

- a. The charging instrument (often called the “grand jury indictment” or “trial information”) in most jurisdictions does not contain what are commonly referred to as “lesser included offenses.” Lesser included offenses are less severe conviction options that could be supported by the facts once all evidence has been entered. They are often sought by the defense for strategic reasons at the close of proof, prior to closing arguments. Since attorneys in Midlands may not argue for particular jury instructions, all potential lesser included offenses have been incorporated into the Indictment, Jury Instructions, and Verdict Forms.
- b. The prosecution must pursue the charges of Robbery 1 and Theft by Deception. The prosecution is not, however, required to pursue Robbery 1 against each stated victim. That is, the prosecution may pursue Robbery 1 based on the injuries to Officer Thomas or the prosecution may pursue Robber 1 based on the threat of injury using a dangerous weapon against Haley Floyd or the prosecution may pursue Robbery 1 based on both victims. Regardless of which victim the prosecution may use in its pursuit of Robbery 1 charges, the prosecution may not “concede” or object as irrelevant competing evidence offered by the Defendant to suggest that the indictment that references Robbery 1 charges as to the other victim lacks evidence. Regardless of which argument for Robbery 1 the Prosecution chooses to pursue, the Prosecution may not alter or amend the indictment or otherwise suggest that the Defense is not permitted to defend against all allegations against all victims stated in the indictment.
- c. The defense is free to argue for the defendant being not guilty of all criminal charges, or for the defendant being not guilty of Robbery 1 but guilty of Robbery 2 and Theft by Deception, or for the defendant being not guilty of robbery but guilty of Theft by Deception. Regardless of the defense’s trial strategy, the defense cannot claim that a certain element of the prosecution’s case is irrelevant because the defense has chosen not to contest a given charge.

## 7. General Rules Regarding Case Materials.

- a. A witness whose affidavit or report states that the witness is familiar with a particular document or exhibit must acknowledge, if asked, that he or she is familiar with that document or exhibit, and that the document or exhibit referenced in the affidavit or report is the same version as the corresponding document in the current case materials. This does not relieve the party offering the document or exhibit of its obligation to provide sufficient foundation to establish admissibility.
- b. The only judicial decisions that may be referenced by competitors during a round are those included in the case packet. The portions of the Midlands statutes provided in the case packet under “Midlands Penal Code” represent all of the relevant statutes for this case.
- c. Revision dates in italics that may appear at the top of some documents indicate the dates on which AMTA issued that revision of the document in question. The

revision date does not indicate, for purposes of the trial, anything else about the history of that document. (For example, the revision date on an affidavit cannot be offered as evidence that the witness provided an earlier version of the affidavit and subsequently changed his or her testimony in the revised version.)

- d. Teams may use color or black-and-white copies of any photographs, exhibits, or diagrams at trial, and no objection may be raised to an exhibit or demonstrative on the ground that it has been altered by printing a color document in black-and-white.
- e. The parties have raised all objections arising under the United States Constitution prior to trial in motions in limine and preserved them for appeal. Accordingly, no party may raise any objections specifically related to the United States Constitution at trial. Any such objections have previously been overruled, and no motion for reconsideration is permitted pursuant to AMTA Rule 8.11, which forbids parties from making motions other than a motion to strike or a motion to sequester witnesses at trial. Nothing in this rule precludes the making of timely objections during trial based on the Midlands Rules of Evidence.

## 8. Jury Instructions/Verdict Forms.

- a. **Origin of Jury Instructions/Verdict Forms.** It is presumed that the Jury Instructions/Verdict Forms included in the case packet are the product of the typical court and counsel interplay (often referred to as charging hearings) and that any objections to their final form have been preserved. No changes to the provided Jury Instructions/Verdict Forms may be sought or made.
- b. **Use of Jury Instructions/Verdict Forms.** For purposes of this trial, the judge will be presumed to have read the Jury Instructions/Verdict Forms included in the case packet to the jury after both sides have concluded their cases-in-chief and before either side presents its closing argument.
  - i. **Before closing arguments.** At any time before closing arguments, attorneys may reference case law and statutory law (e.g., in objection arguments). Attorneys may not reference the Jury Instructions/ Verdict Forms before closing arguments.
  - ii. **During closing arguments.** When referring to matters of law during closing arguments, attorneys should reference the law as set forth in the Jury Instructions/Verdict Forms, not the case law or statutory law in the case packet.
- c. **Providing copies of Jury Instructions/Verdict Forms.** Either party (or both) may, but is not required to, provide complete, unedited copies of the Jury Instructions/Verdict Forms to the judges/jurors prior to closing arguments, and no objection to their being given to judges/jurors may be raised (except, of course, if the jury instructions/verdict forms being offered are not a complete and accurate copy of the Jury Instructions/Verdict Forms included in the case packet).

9. **Calculators**, as used by attorneys/witnesses during trial in the context of this case, do not violate the “Electronic Visual Aids” prohibition of AMTA Rule 8.5(2) as long as they do not project an image onto a screen or wall. This does not, however, allow the use of wireless devices prohibited under AMTA Rule 7.1(2).

**10. Use of Defendant’s Affidavit During Trial.**

- a. In an actual criminal trial, a defendant cannot be compelled to provide an affidavit because of the Fifth Amendment provision regarding self-incrimination. In mock trial, such an affidavit is necessary to define and confine the defendant’s testimony and knowledge. Thus the defendant’s affidavit cannot be referenced during the testimony of a witness other than the defendant, nor at any other time during either party’s case-in-chief except during direct or cross-examination of the defendant. Use of the defendant’s affidavit during direct and cross-examination of the defendant is subject to the normal restrictions on affidavit use defined by the AMTA Rulebook and the Midlands Rules of Evidence. This rule does not prohibit reference during closing arguments to any impeachment of the defendant.
- b. If the defendant is not called as a witness, the defendant’s affidavit is presumed not to exist, and defense counsel is presumed to have no knowledge of any of the testimony therein (e.g., defendant’s admissions of criminal acts).

**11. Audio Exhibit.**

An MP3 audio file (downloadable by both Macs and PCs) is available as an exhibit in this case. Assuming admission, publication of the audio file exhibit at trial is regulated as follows:

- a. The only audio recording that may be introduced at trial is Exhibit 1(a), the voicemail recording available for download on the AMTA case page.
- b. Exhibit 1(b) is the transcript of that audio recording. The transcript may be provided to judges/jurors to read along with the recording while it is being played, but the transcript itself may not be entered into evidence.
- c. The exhibit must be burned onto a compact disc (CD) and played on a portable stereo (a.k.a. “boombox”).
  - i. The portable stereo used to play the recording must be run on internal battery power, even if the device has an AC power cord. (This is designed to eliminate the risk that a team will unplug courthouse equipment to plug in its audio device.)
  - ii. The equipment may not exceed 2 feet in any dimension (not counting the AC cord).
  - iii. Other types of audio or audiovisual equipment (e.g., portable MP3 players with external speakers attached, computers, media carts, or any audiovisual equipment designed to “closed-caption” or synchronize a video representation of the transcript of the recording to the audio file) are not permitted.

iv. The audio file may not be edited (professionally or otherwise), mixed, remixed, or truncated. (This instruction does not prevent a party from playing the exhibit in part, subject to the limitations detailed in the judge's ruling on the recording in the Order on Motions in Limine.)

v. If both parties wish to use the audio recording as evidence, the prosecution will provide the copy of the recording and audio equipment for both parties, unless both parties agree to use the defense's copy and/or audio equipment.

vi. Time spent setting up the audio exhibit will be treated the same as any other demonstrative at trial (i.e., there are no "timeouts" in the event of difficulty operating the audio equipment during a round).

12. Photograph of Officer Winston Thomas.

a. The prosecution may provide a photograph of the victim, Winston Thomas, but must show that photograph to the defense at captain's meeting prior to the trial if the prosecution intends to use it for any purpose at trial.

b. The photograph may not contain any other person specifically identified in the case materials (e.g., a witness) in addition to Winston Thomas, or any specific detail designed to evoke specific locations within or around RacheterWorld (e.g., the Tunnel of Terror ride) or events or items specifically mentioned or described in the case.

c. The person portraying Winston Thomas in the photograph must appear to be male, reasonably close to Thomas's age on August 30, 2012 (i.e., approximately 50-60 years old), and must not show any signs of death or injury. Additionally, nothing in the photograph of Winston Thomas should imply or be used to imply or argue that Officer Winston was physically incapable of performing the acts described by the witness affidavits.

d. Any dispute about the restrictions listed herein must be addressed at the captains' meeting. At trial, the defense may not raise objections based on the restrictions listed herein, but may still raise objections based on the Midlands Rules of Evidence.

**IN THE CIRCUIT COURT OF BRECKINRIDGE COUNTY, MIDLANDS  
CRIMINAL COURT DIVISION**

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**STATE OF MIDLANDS,**

**Plaintiff,**

**v.**

**CASE NO. CR-13-1030**

**WHIT BOWMAN,**

**Defendant.**

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**INDICTMENT**

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**THE GRAND JURY DOES HEREBY CHARGE:**

COUNT I: On or about August 30, 2012, in Breckinridge County, State of Midlands, Whit Bowman committed the offense of Robbery in the First Degree in that Whit Bowman acting alone or in complicity, with the intent to commit a theft, either caused physical injury to Haley Floyd, a person who was not a participant in the crime; was armed with a deadly weapon; or used or threatened to use a dangerous instrument upon Haley Floyd, a person who was not a participant in the crime.

COUNT II: On or about August 30, 2012, in Breckinridge County, State of Midlands, Whit Bowman committed the offense of Robbery in the First Degree, in that Whit Bowman acting alone or in complicity, with the intent to commit a theft, either caused physical injury to Winston Thomas, a person who was not a participant in the crime; was armed with a deadly weapon; or used or threatened to use a dangerous instrument upon Winston, a person who was not a participant in the crime.

COUNT III: Between April 30 and August 30, 2012, in Breckinridge County, State of Midlands, Whit Bowman committed the offense of Theft

by Deception, in that Whit Bowman acting alone or in complicity obtained money in the amount of \$500 or more, the property of RacheterWorld, by creating a false impression.

A TRUE BILL OF INDICTMENT

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Dated

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Foreperson of the Grand Jury  
Breckinridge County, Midlands

**MIDLANDS PENAL CODE**  
**(Selected Provisions)**

**SECTION 1.2. General Requirements of Culpability.**

- (1) Minimum Requirements of Culpability. Except as otherwise provided, a person is not guilty of an offense unless he acted purposely, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense.
- (2) Kinds of Culpability Defined.
  - (a) Purposely. A person acts purposely with respect to a material element of an offense when:
    - (i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and
    - (ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes that they exist.
  - (b) Knowingly. A person acts knowingly with respect to a material element of an offense when:
    - (i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and
    - (ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.
  - (c) Recklessly. A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation.

- (d) Negligently. A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

## **SECTION 2.1. Liability for conduct of another -- Complicity.**

- (1) A person is guilty of an offense committed by another person when, with the intention of promoting or facilitating the commission of the offense, he:
- (a) Solicits, commands, or engages in a conspiracy with such other person to commit the offense; or
  - (b) Aids, counsels, or attempts to aid such person in planning or committing the offense; or
  - (c) Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.
- (2) When causing a particular result is an element of an offense, a person who acts with the kind of culpability with respect to the result that is sufficient for the commission of the offense is guilty of that offense when he:
- (a) Solicits or engages in a conspiracy with another person to engage in the conduct causing such result; or
  - (b) Aids, counsels, or attempts to aid another person in planning, or engaging in the conduct causing such result; or
  - (c) Having a legal duty to prevent the conduct causing the result, fails to make a proper effort to do so.

## **SECTION 2.2. Liability for conduct of another -- Facilitation.**

- (1) A person is guilty of criminal facilitation when, acting with knowledge that another person is committing or intends to commit a crime, he engages in conduct which knowingly provides such person with means or opportunity for

the commission of the crime and which in fact aids such person to commit the crime.

- (2) Criminal facilitation is a Class D felony when the crime facilitated is a Class A or Class B felony or capital offense; a Class A misdemeanor when the crime facilitated is a Class C or Class D felony; or a Class B misdemeanor when the crime facilitated is a misdemeanor.

### **SECTION 2.3. Liability for conduct of another -- No defense.**

In any prosecution for an offense in which the criminal liability of the accused is based upon the conduct of another person pursuant to Section 2.1 or Section 2.2, it is no defense that:

- (1) Such other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense, or has an immunity to prosecution or conviction for such conduct; or
- (2) The offense in question, as defined, can be committed only by a particular class or classes of persons, and the accused, not belonging to such class or classes, is for that reason legally incapable of committing the offense in an individual capacity.

### **SECTION 4.1. Robbery in the first degree.**

- (1) A person is guilty of robbery in the first degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he:
  - (a) causes physical injury to any person who is not a participant in the crime; or
  - (b) is armed with a deadly weapon; or
  - (c) uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.
- (2) Robbery in the first degree is a Class B felony.

## **SECTION 4.2. Robbery in the second degree.**

- (1) A person is guilty of robbery in the second degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.
- (2) Robbery in the second degree is a Class C felony.

## **SECTION 4.6. Theft by Unlawful Taking or Disposition.**

A person is guilty of theft by unlawful taking when he unlawfully takes, or exercises control over, the property of another with the intent to deprive him thereof.

## **SECTION 4.7. Theft by Deception.**

- (1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally:
  - (a) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind;
  - (b) Prevents another from acquiring information that would affect judgment of a transaction; or
  - (c) Fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship.
- (2) Theft by deception is a Class A misdemeanor unless the value of the property is five hundred dollars (\$500) or more, in which case it is a Class D felony.

## **SECTION 9.1. Penalty Matrix.**

- (1) **Capital Offenses.** [OMITTED]
- (2) **Class A felonies** carry no less than 20 nor more than 50 years in a Midlands correctional facility, or life without the possibility of parole for 20 years in a

Midlands correctional facility. An offender is eligible for parole after serving 85% of his sentence.

- (3) **Class B felonies** carry no less than 10 nor more than 20 years in a Midlands correctional facility. An offender is eligible for parole after serving 85% of his sentence.
- (4) **Class C felonies** carry no less than 5 nor more than 10 years in a Midlands correctional facility. An offender is eligible for parole after serving 20% of his sentence.
- (5) **Class D felonies** carry no less than 1 nor more than 5 years in a Midlands correctional facility. An offender is eligible for parole after serving 20% of his sentence.
- (6) **Persistent Felony Offenders.**
  - (a) **PFO 1.** An offender convicted of a prior felony of any level within the past 5 years is enhanced by 1 movement up the penalty matrix.
  - (b) **PFO 2.** An offender convicted of 2 or more prior felonies of any level within the past 5 years is enhanced by 2 movements up the penalty matrix.

## MIDLANDS CASE LAW

### BURDEN OF PROOF

#### **State v. Monarch** (1904)

In a criminal case, the burden of proof is on the State and never shifts to the defendant. The burden of proof in a criminal case is beyond a reasonable doubt with respect to each and every element of the offense(s) alleged.

#### **State v. Sarobe** (1981)

Per State v. Monarch, the State's burden of proving its case beyond a reasonable doubt applies to each and every element of the crime charged. This burden, however, does not operate on the many subordinate, evidentiary, or incidental facts as distinguished from proof of the elements of the crime or of an ultimate fact. Where, however, the State relies in whole or in part on circumstantial evidence to prove an element of a crime, although each link in the chain of evidence to support it need not be proven beyond a reasonable doubt, the cumulative impact of that evidence must, in order to support that inference, convince the finder of fact beyond a reasonable doubt that the element has been proven.

#### **Richey v. Bartlett** (2002)

In all trials, fact finders may rely on both direct and circumstantial evidence. Direct evidence is testimony by a witness about what that witness personally did, saw, or heard. Circumstantial evidence is indirect evidence from which the fact finder may infer that another fact is true. Neither type of evidence should be given categorically more weight than the other.

#### **State v. Tamase** (1972)

It is up to the fact finder to determine the credibility of each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony. At all times the fact finder may consider the witness's interest in the outcome of the case.

#### **State v. Lowe** (1985)

A criminal defendant's decision to exercise the constitutionally protected right not to testify in his or her own defense may not be commented upon by the State either explicitly or implicitly. However, if the defendant does choose to testify, his or her credibility is to be judged like that of any other witness.

## **CRIMINAL CHARGES**

### **State v. Tenant** (1976)

Though both complicity and facilitation are theories of accomplice liability, they are separate and distinct. To act in complicity means to take part in a scheme to advance the scheme's goal, whereas to act in facilitation means to take part in a scheme without the level of intent carried by the scheme's principal actor. Criminal complicity constitutes principal-level culpability and thus makes defendant guilty of the underlying substantive offense, whereas criminal facilitation constitutes a lesser degree of culpability for that offense.

### **State v. Everett** (2003)

The distinction between first- and second-degree robbery depends upon physical injury or the involvement of a weapon that by its very nature is deadly, or an instrument that may be employed as a weapon to the same effect.

### **Birdsong v. State** (2004)

Defendant's intimidating conduct, even without an explicit threat of bodily harm to a person, was sufficient to constitute a threat of physical force on another person, supporting a conviction on a second-degree robbery charge. Defendant had entered a bank wearing a bandana, had yelled at patrons and the bank teller while giving orders, and had thrown numerous inanimate objects, including a laser printer, from a nearby shelf onto the floor.

### **Bruggenthies v. State** (2006)

Defendant's conviction on robbery charge was appealed on the ground that no evidence was presented to show that the victim was in fear. On appeal, the conviction was upheld because defendant's actions – grabbing hold of the victim, pulling open the victim's overcoat, and taking his wallet from his pocket – constituted sufficient force in the taking of property to satisfy the robbery statute.

### **Simmons v. State** (2007)

A defendant's attire (e.g., wearing a mask) and non-verbal behavior may alone be sufficient to meet the second-degree robbery statute's requirement of immediate threat of the use of physical force.

### **Pohlmann v. State** (1996)

If a defendant uses force against a victim, but does not do so with the intent to accomplish theft, no robbery has occurred.

**Simpson v. State** (1989)

Attempted theft, even if the defendant failed to obtain the property sought, is sufficient to support a charge of robbery if all other elements of the crime are met.

**State v. Benton** (1975)

To sustain a conviction for robbery, all elements of theft or attempted theft must be proven, plus the additional element that, in course of committing that theft, there was either use or threat of immediate use of physical force upon another person with the intent to accomplish that theft.

**State v. Wagoner** (1999)

During an attempted escape from a convenience store after pickpocketing a customer, defendant's use of physical force against the store owner, who was blocking the exit, was sufficient to support a conviction for second-degree robbery.

**State v. Smith** (2009)

The victim of theft by deception may be an individual, a group of individuals, or a business.

## **EXPERT TESTIMONY**

**Davis v. Adams** (1993)

Under the Midlands Rules of Evidence, trial judges must ensure that any and all scientific testimony or evidence admitted is not only relevant but reliable. In determining whether expert testimony is sufficiently reliable to be admitted, judges should consider only the methods employed and the data relied upon, not the conclusions themselves.

**Tarot Readers Association of Midlands v. Merrell Dow (1994)**

In assessing reliability under Davis v. Adams, judges should consider, among other factors, whether the theory or technique has been or can be tested, whether it has been subjected to peer review and publication, whether it has a known error rate, and whether it has gained widespread acceptance within the field. These factors, while relevant, are not necessarily dispositive. For example, lack of publication does not automatically foreclose admission; sometimes well-grounded but innovative theories will not have been published. Indeed, there is no definitive checklist in making a preliminary assessment of whether reasoning or methodology underlying expert testimony is scientifically reliable. Judges must make such assessments based on the totality of the circumstances, and the proponent of such expert testimony must meet the threshold proof requirement of a preponderance of the evidence.

**Kane Software Co. v. Mars Investigations (1995)**

Prior to trial, the party offering an expert must provide the identity of the expert, identify the sources of information underlying the expert's conclusions (including but not limited to affidavits, depositions, and/or written reports), state the basis of the expert's conclusions and the conclusions themselves, and identify all relevant expertise that qualifies the witness to testify to such conclusions. If such disclosure to opposing counsel is not made prior to trial, or if the expert's testimony at trial is so materially different from that disclosed prior to trial that admitting it would result in unfair surprise or trial by ambush, the court may exclude the offending portion(s) of the expert's testimony at trial.

**Richards v. Mississippi BBQ (1997)**

Midlands Rule of Evidence 703 does not afford an expert unlimited license to testify or present a chart in a manner that simply summarizes the testimony of others without first relating that testimony to some "specialized knowledge" on the expert's part as required under Midlands Rule of Evidence 702. The court must distinguish experts relying on hearsay to form scientific conclusions from conduits who merely repeat what they are told. The testimony of the former is admissible; that of the latter is not.

## OTHER EVIDENTIARY ISSUES

### **State v. Capaldi** (1987)

In a criminal case, a police officer is not considered a "party opponent" for the purpose of admissibility of a statement made by that officer under Midlands Rule of Evidence 801(d)(2). This does not preclude the admissibility of the officer's statement under other applicable provisions of the Midlands Rules of Evidence.

### **State v. Beckett** (2007)

Threatening text messages received by the victim on a cell phone were properly authenticated when circumstantial evidence provided adequate proof that the messages were sent by the defendant.

### **State v. Parsons** (1983)

In the guilt phase of a bifurcated trial, evidence is not relevant if it is directed solely to the penalty to be given to the defendant if found guilty.

### **State v. Campbell** (2007)

In Midlands, all criminal trials are bifurcated with a guilt phase followed by a penalty phase. It is improper for an attorney to comment on sentencing or discuss potential penalties during the guilt phase of the trial. Such conduct is grounds for a mistrial and may constitute conduct for which sanctions are appropriate.

**IN THE CIRCUIT COURT OF BRECKINRIDGE COUNTY, MIDLANDS  
CRIMINAL COURT DIVISION**

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**STATE OF MIDLANDS,**

**Plaintiff,**

**v.**

**CASE NO. CR-13-1030**

**WHIT BOWMAN,**

**Defendant.**

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**STIPULATIONS**

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1. The parties agree that the transcript of the audio recording, Exhibit 1(b), is authentic, accurate, and complete for the purpose of its being provided to judges/jurors to follow along with the audio recording itself, Exhibit 1(a), when the audio recording is published to the jury at trial. All objections to either party's providing the transcript to the judges/jurors for that limited purpose, and only for that limited purpose, are waived. The parties agree that the transcript will not be entered into evidence.
2. Mr. Winston Thomas is currently in a coma as a result of multiple injuries sustained on August 30, 2012, when the front car on the Tunnel of Terror ride collided with Thomas as he was chasing an individual through a tunnel that comprised part of the Tunnel of Terror ride.
3. Despite the efforts of both parties in preparation for this trial, Cameron Poole has not been located, and Mr. Poole is thus unavailable as a witness at this trial.

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Attorney for the State of Midlands

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Attorney for Defendant

**IN THE CIRCUIT COURT OF BRECKINRIDGE COUNTY, MIDLANDS  
CRIMINAL COURT DIVISION**

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**STATE OF MIDLANDS,**

**Plaintiff,**

**v.**

**CASE NO. CR-13-1030**

**WHIT BOWMAN,**

**Defendant.**

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**ORDER ON MOTIONS IN LIMINE**

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This matter came to be heard on the 15<sup>th</sup> day of August, 2013, upon pre-trial motions by counsel in the above referenced case. Upon review of the facts and the arguments of counsel, the Court finds and orders as follows:

**A. Defendant's Motion for Change of Venue.**

1. All of the alleged conduct listed in the State's indictment occurred within Breckinridge County and venue in this jurisdiction is proper.
2. One of the injured parties in this case is a retired police detective with the Midlands Police Department for Breckinridge County. Defendant has moved for a change of venue due to the nature of the victim and the victim's relationship to this venue.
3. In considering a Motion for Change of Venue, the Court is compelled to balance the factors of convenience of the parties and witnesses and the interest of justice which includes a consideration of 1) the location of the Defendant, 2) the location of possible witnesses, 3) the location of events likely to be in issue, 4) the location of documents and records likely to be involved, 5) disruption of defendant's business unless the case is transferred, 6) the docket of

each district and division involved, 7) the location of counsel, 8) relative accessibility of the place of trial, 9) expense to the parties, and 10) any other special elements which may affect the transfer. *See Platt v. Minn. Mining & Mfg. Co.* 376 U.S. 240, 244-45 (1964).

4. This Court is persuaded by arguments from the Government that these factors on balance weigh in favor of retaining venue in Breckinridge County. The only persuasive argument by the Defense for moving this case is that the victim, Officer Thomas, is a former officer in this jurisdiction. This factor weighs equally, however, in favor of the Government because in the event that Officer Thomas's current medical state (comatose) were to change and he were, however unlikely, be able to testify or provide evidence at trial, his proximity to his home and health care providers is a factor in favor of denying a change of venue. Further, Defendant's arguments are not sufficiently persuasive in light of Court's conclusion that the other witnesses, documents, and surrounding events are located in or related to this venue. Therefore, Defendant's *Motion for Change of Venue* is hereby **DENIED**.

B. Defendant's Motion to Exclude Audio Recordings.

1. In its pretrial disclosures of evidence, the Government provided Defense counsel with the audio recording of a call made to Midland's Emergency Services 9-1-1 number from cellular phone 555-272-7376, registered to Vanessa Sullivan, a Midlands Wireless Subscriber. The call came in at approximately 8:19 p.m.

2. Upon the sworn declaration of Casey French, employee and record keeper with 9-1-1 Emergency Services, the phone call was recorded and kept in accordance with department policy prior to the disclosure of the call to Defense counsel. This was confirmed by Detective Kimball who spoke to witnesses at the scene and confirmed the call was made by Vanessa Sullivan.

5. Defendant has raised several objections to the introduction of this evidence by the Government at trial including: lack of authentication, hearsay, and danger of undue prejudice. Upon consideration of these objections by the Defense, this Court finds as follows:

a. The Government has satisfied the requirements of proper authentication under M.R.E. 901 et. seq. Specifically, the Declaration of Casey French is sufficient to meet the standard for authentication of telephone and business records required by M.R.E. 901(b)(6) and that the phone call was made from a number belonging to Vanessa Sullivan. As such, the Defendant's objections that the audio recording lack foundation for authenticity are DENIED.

b. Defendant's objections to the statements and sounds within the recording under M.R.E. 801 are wholly without merit. Shortly after the incident at RacheterWorld, Vanessa Sullivan was killed in an unrelated car accident. The Government has, therefore, established that Ms. Sullivan is unavailable for trial under Midlands Rules of Evidence 804. Ms. Sullivan's unavailability is not, itself, enough to establish an exception for hearsay, rather her unavailability provides the Government the option to pursue exceptions under either Rule 803 or 804. It is this Court's opinion, based upon the arguments of counsel, that numerous exceptions stated under Rule 803 allow for admissibility of the statements on the recording. First, the Government has persuasively established through the call itself that there has been a startling or exciting event sufficient to establish admissibility under Rule 803(2). Additionally, the Government has effectively provided, using the audio itself, sufficient foundation that the content of the statements were describing the event as it was being perceived, sufficient for admissibility under 803(1). As such, the objections to the audio on the basis of hearsay are DENIED.

c. Defendant also objected to the introduction of the recording under M.R.E. 403 claiming that probative value of the jury hearing the recording is substantially outweighed by the danger of unfair prejudice. This Court is not persuaded that there is a substantial danger of unfair prejudice in hearing what happened inside the park Tunnel of Terror where Cameron Boone allegedly fled, by contrast the Court finds the evidence highly probative and relevant to the issues in this case. In finding that any danger of unfair prejudice does not substantially outweigh the probative value, the audio may not be excluded in its entirety on that basis alone and Defendant's motion is DENIED. Defendant further requests an instruction that the entire audio recording must be played, rather than shortened or stopped, based on similar arguments of prejudice and completeness. Rather than affirm an instruction on how the audio be played, whether in whole or in part, this Court finds that the Judge at trial is better positioned to evaluate how much of the audio file should be played, given the specific use and time constraints involved in the trial itself. Therefore, Defendant's motion requiring that in all cases the full audio file must be played is DENIED and the matter is referred to the judge at trial.

WHEREFORE, Defendant's Motion to Exclude the Audio Recording is hereby  
**DENIED.**

C. Defendant's Motion to Exclude Character Evidence Under Rules 404 and 609.

Defendant has reserved the right to object to any evidence put forth by the Government regarding the past actions by the Defendant, including past instances of alleged theft, put forth in an effort by the Government to show action in conformity therewith. The Government responded that any attempts to use such evidence would be permissible under the exceptions to Rule 404(b) to the extent such use would demonstrate knowledge, intent, or lack of mistake. Additionally, the evidence may be permissible should the Defendant choose to introduce

elements of Defendant's own character under Rule 404(a). Should Defendant introduce evidence of Defendant's character under Rule 404(a) through reputation or opinion evidence, the Government would be entitled to both cross examine those traits through specific instances of conduct as well as introduce evidence of general character through additional witnesses. The Government, therefore, has requested notice from the Defense of any character evidence of the accused that the Defense intended to offer under M.R.E. 404(a). Defendant objects to the Government's request.

The jurisdiction of Midlands is unique in its design in that it prohibits the Government from calling rebuttal witnesses. Normally, the Government's use of specific instances of conduct in the manner proscribed by the state would be appropriate in rebuttal form once the Defendant has alleged counter evidence. Similarly, the Government would be able to recall witnesses to respond to any attempts by the Defendant to demonstrate general traits for carefulness, non-recklessness, or other traits relevant to the charges. However, since there are no rebuttal witnesses, for the purpose of this trial, the Court orders as follows:

1. The Defense must provide the Government with notice of any intent by the Defense to offer evidence of the character of the defendant related to the Defendant's general character for truthfulness, honesty, or other relevant traits related to the charges. This notice must be provided prior to the start of trial and must be signed by lead counsel for each party.
2. The Government must offer similar notice to the Defense regarding its intent to use specific instances of conduct for modus operandi, knowledge, lack of mistake, intent, or any other permissible reason set forth in 404(b).

3. Upon receipt of notice by Defendant that the Defense intends to offer evidence under 404(a), the Government may pursue “preemptory rebuttal evidence” of competing traits during its case-in-chief and during cross-examination of relevant witnesses. If the Defendant does not provide notice of its intent to offer 404(a) evidence, *neither party* may introduce such evidence at trial.
4. If the Defendant elects not to sign an intent to offer character evidence under 404(a) but the Government has signed the intent to offer 404(b) evidence, the Government is permitted to pursue 404(b) evidence. The Defendant, however, is still prohibited from introducing any character traits not previously disclosed on the character evidence form.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED.**

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Hon. Parker Butler

State of Midlands

August 16, 2013

**IN THE CIRCUIT COURT OF BRECKINRIDGE COUNTY, MIDLANDS  
CRIMINAL COURT DIVISION**

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**STATE OF MIDLANDS,**

**Plaintiff,**

**v.**

**CASE NO. CR-13-1030**

**WHIT BOWMAN,**

**Defendant.**

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**JURY INSTRUCTIONS**

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Under the evidence presented to you in this case, you shall find the Defendant, Whit Bowman, not guilty under these Instructions unless you believe from the evidence beyond a reasonable doubt that Whit Bowman is guilty of one or more of the following offenses:

1. Robbery in the First Degree, as set out in Instruction No. 1;

**OR**

2. Robbery in the Second Degree, as set out in Instruction No. 2;

**AND/OR**

3. Robbery in the First Degree, as set out in Instruction No. 3;

**AND/OR**

4. Robbery in the Second Degree, as set out in Instruction No. 4;

**AND/OR**

5. Theft by Deception, as set out in Instruction No. 5.

**INSTRUCTION NO. 1: ROBBERY IN THE FIRST DEGREE**

You will find the Defendant, Whit Bowman, guilty of Robbery in the First Degree under this Instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

- A. That in this county on or about August 30, 2012, Whit Bowman, acting alone or in complicity, used or threatened the immediate use of physical force,
- B. Upon Haley Floyd,
- C. With intent to accomplish the theft, AND
- D. Caused physical injury to Haley Floyd, OR
- E. Was armed with a deadly weapon, OR
- F. Used or threatened the immediate use of a dangerous instrument upon Haley Floyd.

OR

**INSTRUCTION NO. 2: ROBBERY 2 – COUNT 1**

You will find the Defendant, Whit Bowman, guilty of Robbery 2 under this Instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

- A. That in this county on or about August 30, 2012, Whit Bowman, acting alone or in complicity, used or threatened the immediate use of physical force,
- B. Upon Haley Floyd,
- C. With intent to accomplish the theft.

AND/OR

**INSTRUCTION NO. 3: ROBBERY 1 – COUNT 2**

You will find the Defendant, Whit Bowman, guilty of Robbery in the First Degree under this Instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

- A. That in this county on or about August 30, 2012, Whit Bowman, acting alone or in complicity, used or threatened the immediate use of physical force,
- B. Upon Winston Thomas,
- C. With intent to accomplish the theft, AND
- D. Caused physical injury to Winston Thomas, OR
- E. Was armed with a deadly weapon, OR
- F. Used or threatened the immediate use of a dangerous instrument upon Winston Thomas.

OR

**INSTRUCTION NO. 4: ROBBERY 2 – COUNT 2**

You will find the Defendant, Whit Bowman, guilty of Robbery 2 under this Instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

- D. That in this county on or about August 30, 2012, Whit Bowman, acting alone or in complicity, used or threatened the immediate use of physical force,
- E. Upon Winston Thomas,
- F. With intent to accomplish the theft.

### **INSTRUCTION NO. 5: THEFT BY DECEPTION**

You will find the Defendant guilty of Theft by Deception under this Instruction if, and only if, you believe from the evidence beyond a reasonable doubt all of the following:

- A. That in this county on or about August 30, 2012, Whit Bowman, acting alone or in complicity, intentionally deprived RacheterWorld of property or cash,
- B. Valued at \$500 or more,
- C. By creating a false impression.

### **INSTRUCTION NO. 6: LIABILITY FOR ANOTHER'S CONDUCT, COMPLICITY**

A person acts in complicity with another person to commit an offense when, with the intention of promoting or facilitating the commission of the offense, he:

- (a) Solicits, commands, or engages in a conspiracy with such other person to commit the offense; or
- (b) Aids, counsels, or attempts to aid such person in planning or committing the offense; or
- (c) Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

When causing a particular result is an element of an offense, a person who acts with the kind of culpability with respect to the result that is sufficient for the commission of the offense also acts in complicity with another to commit that offense when he:

- (d) Solicits or engages in a conspiracy with another person to engage in the conduct causing such result; or
- (e) Aids, counsels, or attempts to aid another person in planning, or engaging in the conduct causing such result; or
- (f) Having a legal duty to prevent the conduct causing the result, fails to make a proper effort to do so.

### **INSTRUCTION NO. 7: LIABILITY FOR ANOTHER'S CONDUCT, FACILITATION**

A person does not act in complicity with another when, though he has knowledge that another person is committing or intends to commit a crime, he merely engages in conduct which knowingly provides such person with means or opportunity for the commission of the crime. Then he is merely a facilitator.

### **INSTRUCTION NO. 8: LIABILITY FOR ANOTHER'S CONDUCT, NO DEFENSE**

However, it is no defense to liability for the conduct of another that

- (1) the other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense, or has an immunity to prosecution or conviction for such conduct; or
- (2) the offense in question, as defined, can be committed only by a particular class or classes of persons, and the accused, not belonging to such class or classes, is for that reason legally incapable of committing the offense in an individual capacity.

### **INSTRUCTION NO. 9: DEFINITIONS**

**Evidence** means:

- first, the sworn testimony of witnesses, both on direct and cross-examination, regardless of who called the witness;
- second, the exhibits admitted by the Court;
- third, any facts to which the lawyers have agreed or stipulated or which the court has directed you to find;

- fourth, circumstantial evidence, which is evidence from which you may logically find other facts according to common knowledge and experience.

None of these types of evidence is necessarily better or worse than another. Any type of evidence can prove a fact. Anything you may have seen or heard outside the courtroom is not evidence, although you may take into account matters of your common knowledge and your observations and experience in the affairs of life.

**Reasonable doubt** means a doubt based upon reason and common sense. It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack of evidence. It is not a doubt which is based on mere guesswork or speculation. A doubt which arises merely from sympathy or from fear to return a verdict of guilt is not a reasonable doubt. A reasonable doubt is not a doubt such as may be used to escape the responsibility of a decision.

**Theft** means the unlawfully taking or exercise of control over, the property of another with the intent to deprive him thereof.

#### **INSTRUCTION NO. 10: ARGUMENTS AND REMARKS OF COUNSEL**

Remarks of the attorneys are not evidence. If the remarks suggested certain facts not in evidence, disregard the suggestion. However you are to consider carefully the closing arguments of the attorneys. Ultimately you must draw your own conclusions from the evidence, and decide upon your verdict according to the evidence, under the instructions given you by the court.

### **INSTRUCTION NO. 11: PRESUMPTION OF INNOCENCE**

The law presumes a Defendant to be innocent of a crime and the indictment shall not be considered as evidence or as having any weight against him. You shall find the defendant not guilty unless you are satisfied from the evidence alone and beyond a reasonable doubt that the defendant is guilty. If upon the whole case you have a reasonable doubt as to guilt, you shall find the defendant not guilty.

### **INSTRUCTION NO. 12: RIGHT TO REMAIN SILENT**

The Defendant is not compelled to testify, and the fact that a defendant does not cannot be used as an inference of guilt. If, however, a defendant does testify, you shall judge his credibility as you would any other witness.

### **INSTRUCTION NO. 10: CREDIBILITY OF WITNESSES**

It is the duty of the jury to scrutinize and weigh the testimony of witnesses and to determine the effect of the evidence as a whole. You are the sole judges of the credibility, that is, the believability, of the witnesses and of the weight to be given to their testimony.

In determining the credibility of each witness and the weight you give to the testimony of each witness, consider these factors:

- whether the witness has an interest or lack of interest in the result of this trial;
- the witness' conduct, appearance, and demeanor on the witness stand;
- the clearness or lack of clearness of the witness' recollections;
- the opportunity the witness had for observing and for knowing the matters the witness testified about;
- the reasonableness of the witness' testimony;

- the apparent intelligence of the witness;
- bias or prejudice, if any has been shown;
- possible motives for falsifying testimony; and
- all other facts and circumstances during the trial which tend either to support or to discredit the testimony.

Then give to the testimony of each witness the weight you believe it should receive.

There is no magic way for you to evaluate the testimony; instead, you should use your common sense and experience.

#### **INSTRUCTION NO. 11: UNANIMOUS VERDICT**

The verdict of the Jury must be unanimous as to guilty or not guilty, and be signed by one of you as Foreperson.

DATE: \_\_\_\_\_

JUDGE

**IN THE CIRCUIT COURT OF BRECKINRIDGE COUNTY, MIDLANDS  
CRIMINAL COURT DIVISION**

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**STATE OF MIDLANDS,**

**Plaintiff,**

**v.**

**CASE NO. CR-13-1030**

**WHIT BOWMAN,**

**Defendant.**

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**VERDICT FORM**

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On Count One, we the Jury find Whit Bowman

- Guilty of Robbery in the First Degree for acting alone or in complicity with another
- Guilty of Robbery in the First Degree for acting to facilitate the offense
- Guilty of Robbery in the Second Degree for acting alone or in complicity with another
- Guilty of Robbery in the Second Degree for acting to facilitate the offense
- Not Guilty

On Count Two, we the Jury find Whit Bowman

- Guilty of Robbery in the First Degree for acting alone or in complicity with another
- Guilty of Robbery in the First Degree for acting to facilitate the offense
- Guilty of Robbery in the Second Degree for acting alone or in complicity with another
- Guilty of Robbery in the Second Degree for acting to facilitate the offense
- Not Guilty

On Count Three, we the Jury find Whit Bowman

- Guilty of Theft by Deception in an amount greater than \$500 for acting alone or in complicity with another
- Guilty of Theft by Deception in an amount greater than \$500 for acting to facilitate the offense
- Guilty of Theft by Deception in an amount less than or equal to \$500 for acting alone or in complicity with another
- Guilty of Theft by Deception in an amount less than or equal to \$500 for acting to facilitate the offense
- Not Guilty

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Foreperson

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Date

BRECKINRIDGE COUNTY EMERGENCY SERVICES  
TRANSCRIPT OF AUDIO RECORDING OF 911 CALL

RECEIVED FROM: 555-418-0557

DATE OF CALL: AUGUST 30, 2012  
TIME OF CALL: 8:13 PM

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OPERATOR: 911. What is your emergency?

CALLER: Well, um, hello, I'm calling to report an accident. Uh, there was this, this chase or something. I don't know. But a man is hurt. Will you please send someone?

OPERATOR: Ma'am, I need you to tell me where you are, please.

CALLER: Um, I'm - I mean, I'm at the park,- I'm sorry, at the amusement park - I, I can't remember its name - the, um, the purple

[crosstalk]

OPERATOR: Ma'am - ma'am - ma'am - are you calling from the RacheterWorld amusement park?

CALLER: Yes, yes! Yes, that's it. Um, are you sending someone out? I can't tell if he's breathing, um...

OPERATOR: We - we - we are, ma'am. I need you to try to stay calm.

CALLER: Okay.

OPERATOR: You said someone was injured. Can you tell if this person is breathing?

CALLER: I'm - um - hang on - can you - is he breathing? Um - yes, sir, it seems like he's breathing, but it seems like he hit his head pretty hard. Um - we have him in our boat.

OPERATOR: Tell me what happened.

CALLER: Um, I don't know - there were two people on the ride, and we heard a loud noise, and - and some

shouting, and we saw some people. They were running in the tunnel and then the lights went out. Um... my friend says it's a man who's hurt. It may be a security guard? Um... hang on...

OPERATOR: Ma'am -

CALLER: Is he all right?

OPERATOR: Can you identify the man as security?

CALLER: He is wearing a uniform, yes. Um... and his badge says, "Officer Thomas." The people in the ride with me, they keep calling him "Officer." They know him, yes.

OPERATOR: All right, all right, all right. Ma'am, try to remain calm. We do have assistance on the way.

CALLER: Okay.

OPERATOR: Now I need you to stay on the line with me.

CALLER: Okay.

OPERATOR: Did you [crosstalk] anyone else in the area right now?

CALLER: Um, there are about six of us on the ride, and I can hear someone coming in the tunnel.

OPERATOR: All right. There is an officer on the scene, and that officer's heading toward the boat in the tunnel, so assistance is gonna be there pretty shortly.

CALLER: [unintelligible]

OPERATOR: Can you tell me how the man in the uniform was injured? Do you know?

CALLER: Um - I - I don't really know. I was - we hit him with our boat. The - the whole ride went pitch black, and we saw someone run out of the back door. It looked like maybe an emergency exit of some kind, but it was really hard to see because it was so dark, and then we hit something, and I think it was this man, and he got slammed against

a wall and he hit his head really, really bad and he's not moving.

OPERATOR: All right. Can you describe the other person? This is the one that you saw in the tunnel during the blackout.

CALLER: Um, it was too dark to really tell, but it just seemed like someone of average height and build. I, I - I think it was a man, but I don't know. They were - they were carrying something in their hand that was shiny. I don't know what it was, but there was something shiny in their hand, and they went out the back door, and then everything turned dark.

OPERATOR: All right, ma'am. You've done really well. I want you to stay exactly where you are until the officer gets on that scene.

CALLER: Okay.

OPERATOR: Now I don't want you to exit the ride. I want you to stay on the line with me, all right?

CALLER: Okay. He said not to exit the ride. Okay, we'll stay right here.

OPERATOR: All right, please hold.

## MIDLANDS CENTER POLICE DEPARTMENT

## ARREST REPORT

County  Park City  Midlands Center  Juvenile  Adult

Case No:	Arrestee's Name	(last, middle, first)	SS #	D.O.B
01161990-12	Bowman, C., Whit		xxx-xx-1013	04-20-1992
Arrestee's Address	(Number, Street, City, State, Zip Code)			
6234 Canyon Road, Midlands City, Midlands, 72012				
<b>Charges:</b>				
Robbery; Theft by Deception; Facilitation; Accessory to Robbery; Resisting Officer w/Viol; Reckless Endanger 14-31-1237;				
Occurred:	Date	Day of Week	Time	Location of Arrest (Number, Street, City, State, Zip Code)
	08-30-2012	Thurs	20:16	RacheterWorld Park, Park City, Midlands, 72013
<b>Defendant Booking Number:</b>				
03232012				

## Circumstances of Arrest

FCU Team: Det. Francis Kimball

Victim: Officer Winthrop Thomas

## Details:

On August 30, 2012, I was on site at the RacheterWorld Amusement Park as part of a routine follow-up on a prior investigation I had conducted at the request of park owner and operator J.C. Longstreet. On August 1, 2012, the FCU was contacted by Longstreet to investigate the Park's financial records as part of what Longstreet believed was an ongoing theft ring. On August 30, I stopped by the park to provide a copy of that report. While meeting with Longstreet, we heard a loud scream and yelling outside that required immediate assistance. I proceeded outside the office to Main Street, which runs through the center of the park. Once outside, I observed that park operations were still in effect and the park emergency alarm inside had not been triggered. I then observed two figures heading toward the back of the park in a heated and quick chase. After confirming with the screamer by the ticket stand, I proceeded in the direction of the fleeing suspects. As I was about halfway to the Tunnel of Terror ride, I heard a gunshot. Patrons of the park immediately dropped to the ground in the near vicinity of the noise, providing me with a clear view of the two people running. I shouted at the figures to stand down. Police were on the scene, but both continued to run toward and then enter the Tunnel of Terror ride. I shouted to the ride operator to shut it down. Next thing I knew, the ride was black but I could hear the cars moving. Upon entering the ride, we were able to get shut down correctly and restore lights. I identified one victim injured non-fatally but unconscious, and several shocked and distressed ride passengers. I directed the EMTs to work with the injured and those in the ride, and I began a series of interviews with people on the scene.

(continued on next page)

Arresting Officers:	Approved By:	Additional Report Numbers:
<u>Det. F. Kimball</u>	<u>Chief Lay</u>	FCU Case No: 01161990-12
Det. Francis Kimball	Chief Lay	

I spoke with several witnesses at the scene who informed me that the victim, Winston Thomas, had run through the park chasing someone. Witness accounts deviated on the size and gender of the person Thomas was chasing. At this time, I approached the suspect who, at this time, was standing outside the operator's booth for Tunnel of Terror. I asked suspect why the ride had initiated safety protocol. Suspect responded that Suspect received a call from the office to initiate protocol. When I informed Suspect that no other rides had closed and no protocol was initiated, Suspect informed me that Suspect observed two people running toward the ride and one was armed. Suspect recognized the other as Cameron Poole (Fugitive), who was another park employee and an acquaintance of Suspect's. Suspect claimed to have been concerned that Poole was in danger. I asked Suspect where Poole was at this time, and Suspect did not respond. At this time, I observed a smartphone sitting on top of the desk in Tunnel of Terror's operator booth. The smartphone had preview texting enabled and I was able to observe a text from "S-CAM" which read, in part, "I got out. Thks for the..." I asked Suspect to open the message so that I could review the rest of the message. Suspect stated that the phone did not belong to Suspect. I examined the phone and concluded that it was a prepaid phone because it was from MGK Wireless, which only offers prepaid phones.

The only text messages on the phone were those from "S-CAM" and no other contact was saved in the list. Upon reviewing the messages on the phone, I proceeded to place Suspect under arrest.

Arresting Officers:	Approved By:	Additional Report Numbers:
<u>Det. F. Kimball</u>	<u>Chief Lay</u>	FCU Case No: 01161990-12
Det. Francis Kimball	Chief Lay	

**MIDLANDS CENTER POLICE DEPARTMENT**  
**FINANCIAL CRIMES UNIT**

**SUPPLEMENTAL REPORT**

September 15, 2012

FCU Case No: 01161990-12

FCU Team 3

FCU Investigator: DETECTIVE FRANCIS KIMBALL

**Date of Incident:** August 30, 2012  
**Time of Incident:** 20:16  
**Location:** RacheterWorld Amusement Park, Park City, Midlands  
**FCU Officer:** Det. F. Kimball

### ***Narrative***

The Financial Crimes Unit was asked to investigate a series of thefts from the RacheterWorld Amusement Park located in Park City, Midlands. J.C. Longstreet, owner of the RacheterWorld Amusement Park, contacted me on August 1, 2012 after an employee, Haley Floyd, had noticed a substantial decline in revenue for the 2012 summer season. According to Longstreet, the park had failed to sell as many of the higher-priced World Tour tickets as it had in previous summers and, in fact, the total number of World Tour tickets had sharply declined. World Tour tickets entitled patrons to access exclusive, shorter lines for the various rides in the park. Despite failing to sell a substantial number of World Tour tickets, the park had not seen diminished crowds, and in fact the exclusive World Tour lines were as long or longer than in the past.

I agreed to examine Floyd's evidence and offer an opinion as to whether further investigation was warranted. I did not file an official report prior to my initial investigation on this matter. Upon reaching my initial conclusion that there was a discrepancy in the World Tour passes sold compared to prior years and overall park attendance, I filed an official report opening an investigation into the Park's ticket sales and accounting procedures. All of the information from that initial report is consolidated within this Supplemental Report, which follows an incident at the Park on August 30, 2012.

On August 29, Longstreet and I met to discuss my evaluation of Floyd's evidence. I informed Longstreet that based on my review of the sales figures for World Tour tickets, it did appear that something was amiss either in the accounting or in the sales department. As the park's accountant, Floyd assured me the error was on the sales side of things. Because this case was initially more of a favor than a full investigation, I did not submit the records to the department's forensic accountant; however, I have worked over 200 embezzlement cases as lead detective and I knew what to look for. I told Longstreet that Floyd was correct that sales had showed a steep and steady decline from April 2012 to August 1, 2012, in terms of World Tour tickets, while sales of general-admission tickets had increased. I also noted that the overall tickets sold for the 2012 season were higher than the park's previous three summer seasons. Typically, as Floyd indicated to me, an increase in park traffic would also see an increase in equal increments for each type of park pass. Additionally, operators for each ride at the park indicated that ride traffic had increased at a rate consistent with the increase of park attendees, but just as many people were jumping forward in line because of the World Tour pass. The lines for general admission had only seen minimal increases. This, coupled with what I knew of the park's bracelet system, raised a red flag for me. Patrons at the park are issued a colored bracelet depending on the level of access they purchase. The bracelets change daily in order to prevent re-use and the color of bracelet used is not determined until the start of the next day. Additionally, the bracelets are numbered so that Floyd can determine if the number of tickets sold according to the money earned at the end of the day matches the number of bracelets sold by bracelet number count. Ride operators can simply look to see what color bracelet a patron is wearing and direct the

patron to the appropriate line. Since operators had not seen a decrease in people wearing the World Tour bracelet, despite the reduction in official World Tour bracelet sales, I concluded there was an issue with the bracelets themselves. I told Longstreet not to inform any employees of Longstreet's concerns, but to purchase a new color bracelet for use at the park the following week and to take over sales in the ticket booth in order to confirm my suspicions. Longstreet agreed and asked if I would come to the park the next day in case there was any trouble. I agreed.

On August 30, Longstreet sent the regular ticket taker, Cameron Poole (Suspect #1), home and put Floyd in charge of running the ticket booth. Using a new, neon bracelet, Floyd reported that sales of World Tour bracelets were soaring, and when I checked in at noon, everything seemed to be going smoothly. It was my opinion that a week of new bracelets and new ticket takers would see similar results. I remained at the park for the rest of the day. Shortly before closing, I was in a meeting with Longstreet when I heard yelling coming from the ticket booth region. I ran toward the booth and encountered Floyd – who looked very shaken – yelling, “Stop him!”

Prior to working for the FCU, I had worked in the Department's robbery unit. One might even say I have a bit of an obsession with robberies. Immediately upon seeing Floyd, I knew a robbery had taken place. I immediately ran toward the direction indicated by Floyd and saw two people running. I saw the back of Poole's body running through crowd and a second figure chasing him. I called out to both people, “Stop! Police! I'm ordering you to stop.” Neither figure slowed down. A split second later, I heard a gunshot. After the gunshot, Poole stumbled slightly but then resumed running toward the Tunnel of Terror ride, followed by the second person. Both people entered the Tunnel of Terror which was, at the time, lit by a series of dim bulbs along the floor and ceiling.

Shortly after the two people entered the ride, the lights went out but the ride continued to move. I learned later this is referred to as a “blackout mode” or the version of the ride that runs late at night when the park mechanics are outside the ride examining it for flaws. The lights go black so that the park does not disturb the people in homes nearby, but the ride continues to function as normal. As I learned later, the ride should have gone into “emergency protocol,” which is the opposite of blackout mode. Under emergency protocol, the park ride stops and all emergency and floodlights come on. At this point, while in blackout mode, it was no longer possible to see inside of the ride. Approximately 2 seconds after the lights went out, I heard a shout followed by several screams. A door at the side of the ride opened, and a figure I assume to be Poole went through the door. I entered the tunnel with my flashlight and gun drawn. I saw buggies for the ride still in motion and I called for the operator to stop the ride. Upon the ride stopping, I observed a few ride buggies on the trail and a person lying slumped into the forward most buggy. I identified the person as Officer Winston Thomas, formerly of the MPD, currently head of security at the Park. I had radioed in my position at various intervals on my pursuit of Poole, and at the scene I learned that one of the patrons in the forward buggy had also contacted 911. At this time, I called Longstreet and ordered that the park be locked down until authorities could arrive.

### ***Witness Statement Summaries***

While at the park, I spoke with several witnesses on the scene:

**Haley Floyd:** Shortly after authorities and emergency personnel arrived on scene, I spoke with Floyd about what had occurred at the ticket booth. Floyd was still very shaken at the time of our interview, and it was difficult to get Floyd to tell a clear narrative of the encounter. Floyd kept repeating how hot the booth was and how difficult it had been to stay in the heat for the entire day. I tried to redirect Floyd to what happened shortly before closing. Floyd muttered, “He had a knife. What could I do? He had a knife. I could see it.” I asked Floyd to clarify who had a knife. Floyd responded, “It had a blue handle – It must have been Whit’s knife.” I asked Floyd who “Whit” was and whether “Whit” was the person who had come to the ticket booth. Floyd started shaking Floyd’s head and said, “No, no, no – Whit wouldn’t do that. Whit’s not like that.” I tried again to calm Floyd down, and Floyd then said, “He threatened me.” I asked, “Whit did?” Floyd said, “No, Poole did. Poole made me give him the money. No, Whit wouldn’t do that, but why did he have Whit’s knife?” At this time, I ended the interview and requested Floyd be evaluated by the EMTs.

**Billie Isaacs:** I also spoke with Billie Isaacs, who was responsible for running the Tunnel of Terror ride. When I first approached the booth, Isaacs was not beside the controls. Instead I found Whit Bowman (Suspect #2) standing by the operator’s controls. Bowman told me that Isaacs was responsible for the ride but that Isaacs had already left the park. I retrieved Isaacs’s phone number from Longstreet, and upon speaking with Isaacs, I learned that Isaacs is the person regularly scheduled to run the Tunnel of Terror ride and was working as the ride’s operator that evening. Isaacs informed me that Bowman had told Isaacs that Longstreet requested Bowman take over the ride for the rest of the shift until closing. Isaacs claimed to have hesitated initially, but according to Isaacs, Bowman had insisted that Longstreet had requested the shift change. Isaacs did not appear to know what had occurred at the park and I did not inform Isaacs of the events at this time. I asked Isaacs about how to shut down the ride. Isaacs told me there is an emergency switch which causes the ride to shut down in a safe location and all of the lights to come on. Isaacs then said there is a blackout mode for the ride which causes all of the lights on the ride to go out, but that this only happens if you hit the “disconnect” button. I asked Isaacs if this is how the ride is shut down at the end of a shift and Isaacs responded, “No. You use the regular emergency/off switch which turns on the lights, so that you can check that the ride is clear before you shut everything down. Why? Am I in trouble or something? What did Whit do?” At this time I ended the interview.

**Rory Shelton:** In addition to multiple park employees, I spoke with the park’s mascot, Rory Shelton. When I first started my interview, Shelton refused to remove the headpiece of the costume, citing a “dedication to the craft.” After I explained my “dedication to arrest for obstruction of justice,” Shelton reluctantly complied. Shelton had been working at the park for three years prior to the incident as the park mascot, “Donny the Dinosaur.” Prior to RacheterWorld, Shelton had worked at Ruel’s River Town in South China, Midlands. While working at the park in South China, Shelton worked with Poole and Bowman. Shelton indicated that at River Town both suspects had been fired after Buttons Conroy, the park owner there, discovered they were stealing from one of the park games. Shelton said that the two suspects had left quietly upon Buttons’s promise not to call the cops. Shelton was surprised to see Bowman again a year later at RacheterWorld. Shelton said everyone at the park liked Bowman a

lot, the customers seemed to be happy, and everything went well last summer, but Shelton was extremely disappointed to see Poole show up this year because once Poole and Bowman were back together, it was “like the same thing all over again.” I asked what Shelton meant by that and Shelton explained, “I started noticing that when people would come up and get a picture with me, which is part of the World Tour experience, they kept complaining that the bracelets they had felt flimsy and the color would wash off on them when they got wet. I knew that had not been a problem in the first two years I worked at the park, so I started to wonder what was going on. Longstreet is a penny pincher – won’t even put AC in the ticket booth despite employees nearly having a heat stroke – and so I chalked it up to Longstreet buying a cheap knockoff bracelet. But then I noticed none of the regular pass people had that problem and I saw it was Poole manning the ticket booth, so I figured it was the Ring Toss all over again.” I asked Shelton if Shelton had noticed anything unusual around the ticket counter on the day of the incident. Shelton responded that earlier in the day, Shelton had seen Floyd and Longstreet fighting about something, and then later Longstreet was talking to Poole even though Poole had said he was leaving for the day. “About an hour later, I saw Poole go up to Floyd and I saw a flash of something shiny in Poole’s hand, but I had to take a picture so I turned away. Next thing I know, there was screaming and a bunch of people running.” At this point, I terminated the interview.

**J.C. Longstreet:** I spoke with Longstreet just prior to the incident at the ticket booth to discuss how sales figures had changed on the first day of the experiment and to determine if any further problems had occurred since my check at noon. Longstreet said that the World Tour ticket sales on the first day of the Festival were on target with last year’s. Longstreet also mentioned that Floyd had complained a lot about being in the ticket booth, and wanted to know if Longstreet could fire Poole, the regular ticket taker, and bring in someone else. I advised Longstreet that we should wait until the end of the week to fire Poole and Longstreet admitted that Longstreet had already done so earlier in the day. When asked why, Longstreet said that Poole had come back to the park after being sent home and was threatening to make a fuss about working conditions, so Longstreet told Poole to leave and not come back. At this point, our discussion was interrupted by the screams at the ticket booth. We resumed our interview after authorities arrived on scene and I had spoken to both Floyd and Billie Isaacs. I learned from Isaacs that Isaacs had been assigned to the Tunnel of Terror, but that Bowman had taken over shortly before the incident. When I told Longstreet that, Longstreet stated that Longstreet never allowed employees to swap assigned ride duties without Longstreet’s permission, and that the policy was written in the employee manual. Longstreet then gave me a copy of the manual. I asked Longstreet if Longstreet recalled Bowman’s asking Longstreet for permission to take over a ride that day; Longstreet said that Bowman did come “bothering” Longstreet earlier that day a short while after Longstreet fired Poole, but Longstreet didn’t have time to talk, and Longstreet didn’t recall discussing anything with Bowman about switching rides. I then asked if it was typical for park security to carry weapons during shifts, Longstreet looked surprised and said that it was not policy, but also that sometimes if the guards have concealed-carry permits, they show up with their own protection.

### **Tyler Hartman**

Tyler Hartman was riding the Tunnel of Terror ride shortly before the incident with the blackout. According to Hartman, Hartman heard what sounded like a gunshot just before the ride started

and Hartman claimed to have called out to Bowman, who was running the ride, that they should go into emergency mode. As I learned during the course of our interview, Hartman is a former employee of the Park and quite a park enthusiast. I believe Hartman was wearing a dated, faded employee uniform at the time of our interview. Hartman said that just a minute or so after the gunshot sound, the riders could hear people enter the tunnel, and then a second later, the tunnel went black. Hartman then said a figure was observed leaving through an emergency door in the back and then the buggy Hartman was riding in struck the victim, causing him to hit his head on the wall of the tunnel.

### **Whit Bowman**

Bowman spoke to me and indicated that Longstreet had given Bowman permission to take over the Tunnel of Terror ride for Isaacs, who routinely needed to leave the park early to make a second job. According to Bowman, Isaacs had approached Bowman because Isaacs had someplace to be later that night, and Bowman was happy to help out. Once the commotion started, Bowman observed two people running toward a park ride that was already in operation. Bowman claims no gunshot was heard by Bowman, but Bowman did see a gun in the hand of one of the runners, Officer Thomas. Bowman also recognized the other runner as Cameron Poole. Bowman indicated that Bowman only knew Poole from the park this summer and did not know Poole well. Bowman claims that the disconnect button was hit, tripping the blackout mode, by accident because Bowman had never run that mode on that ride before. According to Bowman, Bowman was just trying to get the ride shut down before anyone was hurt. Bowman did seem upset about what had happened to the guard that got hurt, and Bowman asked if the guard was going to be okay.

**Charlie Kaminsky:** Shortly after concluding interviews with various park attendees, I called into the Department to get the registration on a Lincoln Town Car, license tag DD4LFE. Attendees who were positioned near the park exit had recalled seeing the town car parked near the park entrance about five minutes before the Tunnel of Terror ride had shut down. Upon finding the car was registered to Charlie Kaminsky, a local driver, I visited Kaminsky the next day. Kaminsky informed me that Poole had requested a ride from the park around closing time on August 30. Kaminsky said this type of arrangement was not unusual, although typically Kaminsky only drove Longstreet that late in the evening. Kaminsky said that Poole requested to be dropped at the Midlands Marina and had taken two phone calls while on the ride. Kaminsky did not recall the names of the people Poole spoke to, but did say the calls were related to the incident at the park.

**Jackie Hunter:** At the scene, I received a call from Jackie Hunter, a local reporter for a magazine. Hunter was not at the scene of the robbery but claimed to have information about meetings taken among Poole, Floyd, and Longstreet. Hunter then began to ask a series of questions regarding whether I had investigated Longstreet's business practices and whether it was possible the entire event was an inside job. I have encountered Hunter on several other cases and, in my experience, Hunter typically trades facts for sensationalism and is more concerned with getting a scoop or enticing angle, rather than understanding what actually happened. Seeing that Hunter was focused more on getting information from me rather than providing evidence of what had occurred, I terminated the interview.

## ***Evidence Collected***

The following items were obtained from the incident location and catalogued as follows:

Prepaid cell phone model 4Y, belonging to Suspect #2

RacheterWorld Employee Manual

RacheterWorld Park Map

RacheterWorld World Tour Ticket Revenues: Three Year Summary

Click Count Spreadsheet

Park Profit & Loss Spreadsheet

Rolls of RacheterWorld admission bracelets recovered from Poole's employee locker

At my direction, the crime scene, Poole's suspected path of escape, and Poole's locker were swept for any sign of the knife or cell phone that witnesses said Poole had, but neither has been found to date.

## ***Conclusions***

In summary, it is the opinion of this officer that the following events occurred:

1. Suspect #1 and Suspect #2 have a long history of collusion in petty-theft-by-deception schemes.
2. Suspects worked together in a ticket-sales scheme at RacheterWorld designed to sell World Tour fares to customers paying cash, while recording the sales as General Admissions sales. This scheme would allow suspects to keep the extra \$15 charged. Suspects then provided customers with a knockoff wristband supplied from a personal stash of wristbands, rather than the numbered park wristbands. This prevented the park from noticing that the numbered wristbands did not match the intake of funds received.
3. Suspects created a fail-safe plan in the event they were ever caught. When Poole realized on August 30 that Longstreet was suspicious of activity occurring in ticket sales, Poole decided to initiate the fail-safe plan and informed Bowman that the plan was in motion. Bowman then assisted Poole in Poole's escape from the park after Poole robbed the ticket booth of the entire day's cash sales.
4. Bowman was aware of Poole's plan to rob the ticket counter and assisted Poole in the execution of the robbery by supplying Poole with the knife used in the robbery.
5. Bowman took over the Tunnel of Terror ride operation because Bowman was aware the ride had a door that allows escape from the park, and based on prior plans made with Poole, knew that Poole was likely to take this path to exit the park after the robbery.
6. Bowman deliberately initiated the Tunnel of Terror blackout mode in order to give Poole time to escape and avoid capture by Officer Thomas.
7. Bowman's decision to "black out" the Tunnel of Terror ride created a substantial and unjustifiable risk to the safety of others and, in fact, caused Officer Winston Thomas to sustain life-threatening injuries as a result of being hit by one of the ride's buggies.

# RACHETERWORLD AMUSEMENT PARK

## EMPLOYEE MANUAL

REVISED SUMMER 2010



Revised by Haley Floyd and J.C. Longstreet

## Employee Dress Code

- ⑧ Always Dress in your RacheterWorld Best!
  - At your arrival on site, you should take a bite out of fashion in our Employee Lounge where you will find your very own RacheterWorld Cast Member Costume!
  - Ride Operators should always maintain a tucked-in Team Raptor Polo Shirt and Pressed Khaki Slacks.
    - Count your fingers and toes! A raptor's claw may tear through metal and human flesh but your human feet are no match for our mechanical rides, so wear heavy boots or sneakers!
  - Ticket Sales and Game Conductors should always look ready to run and play in the striped barber tee and white clamdiggers.
  - Donny, our Dino-mite Star, should always wear the full Donny the Dinosaur costume, including the headpiece (side note: Children are scared of headless Raptors! Don't hurt the children, wear the head piece!)
  - Security personnel should always maintain appropriate attire to be identified as Park Security. This includes the official black slacks and white oxford shirt with black tie, badge and name tag clearly visible.

## Employee Duties

- ⑧ Did you know that Dinos are extinct, probably due to their very own form of global warming? It's true. Therefore all RacheterWorld employees should strive to preserve our Raptor's life by refraining from smoking or drinking or otherwise polluting our bodies and our park.
- ⑨ Ticket Sales and Game Operators are permitted to take one 5-minute break every 2 hours and are permitted to take one 30-minute food break for each 4-hour shift. No eating in the park! For example, Raptors only eat meat. How would it look to a child to see Donny having a salad? Not very good!
- ⑩ Ride Operators may take beverages to their ride but may not have food at the ride at any time. Ride operators may take one 15-minute break every 3 hours for snacks. If a Ride Operator works a shift longer than 6 hours, the Ride Operator is permitted one 30-minute food break.
  - It is imperative that the ride be closed during all operator breaks. The lines will wait and be patient for you if you hurry. Under **no circumstances** should an employee fill in for another employee on any ride.
  - **DO NOT LEAVE YOUR RIDE FOR ANY REASON UNLESS YOU ARE ON OFFICIAL BREAK. NEVER LEAVE YOUR RIDE OPERATIONAL WITHOUT SUPERVISION FOR ANY REASON.** While real dinosaurs would have relished the free meal, we do not leave our customers unattended and dangling

from dangerous objects at any time. This isn't your bedroom.

- ⑧ Raptor: You are to walk around the park during the day and night to greet families, ride rides at their request and take photos with our World Tour ticket holders and try not to annoy or scare anyone.

### Emergency Protocol

- ⑨ In the event of a park emergency (thunder/lightening, inclement weather, homicide, ride malfunction or death, employee suicide, or fire) all park employees should institute emergency protocol:
- Ticket Sales: You must lock the forward gates and alert security
  - Main office: Hide people from the park inside the building and direct those who could not fit to the nearest concrete building
  - Game Sales: Secure all funds taken in a safe location; if possible attempt to salvage all prizes; hide under game booth
  - Ride Operators: Initiate emergency protocol on your ride. This button is located in a different position on each ride so it is imperative you familiarize yourself with your own rides and never find yourself in an emergency running another ride for any reason. The emergency switch will be bright red and say "STOP". This button will cause the lights on the ride to all come on (even the domes) and the ride will stop

in a safe location near an exit of the ride. Do not, under any circumstances, hit the blue lever marked "maintenance". This blue level will cause the ride to blackout. This is purely for our maintenance staff as they need the rides to function without lights for mechanical tests that do not make sense to the rest of us. Just don't touch it!

- Raptor: Do not break character in an emergency. Even if a tornado is coming straight for you, you keep your costume on! Children prefer to see friendly faces in times of crisis so give them your friendly(ish) face in all emergency situations.

Messages

## S-Cam

Edit

10:36 A.M.

Got 2 Get box. Let me  
in. It's time.

ToT 12:45. Be Cool.

Wait for me.

K. But Hurry.

8:19 P.M.

I'm out. TTYL. TKS.

Where are you??? Call  
me NOW



Send

*Revised 9/2/13*

# RacheterWorld

## World Tour Ticket Revenues 3-Year Summary

*Revised 9/2/13*

# 2010

Month	Standard Revenue	World Tour Revenue
April	\$248,598	\$153,952
May	\$265,446	\$186,944
June	\$291,078	\$222,272
July	\$307,026	\$229,056
August	\$353,052	\$275,552
Total	<b>\$1,465,200</b>	<b>\$1,067,776</b>

*Revised 9/2/13*

# 2011

Month	Standard Revenue	World Tour Revenue
April	\$209,070	\$113,408
May	\$283,806	\$197,248
June	\$303,084	\$260,435
July	\$354,760	\$262,185
August	\$428,260	\$296,555
Total	<b>\$1,578,980</b>	<b>\$1,129,831</b>

*Revised 9/2/13*

# 2012

Month	Standard Revenue	World Tour Revenue
April	\$299,552	\$165,025
May	\$318,320	\$202,136
June	\$353,786	\$227,332
July	\$380,190	\$228,942
August	\$438,886	\$279,416
Total	<b>\$1,790,734</b>	<b>\$1,102,850</b>

# RACHETERWORLD PARK PROFIT/LOSS SHEET, 2010-2012

PARK P&L - 2010	April	May	June	July	Aug/Sept*	TOTAL
Admissions (Standard)	13,811	14,747	16,171	17,057	19,614	81,400
Price (Standard)	\$18	\$18	\$18	\$18	\$18	
	\$248,598	\$265,446	\$291,078	\$307,026	\$353,052	\$1,465,200
Admissions (World Tour)	4,811	5,842	6,946	7,158	8,611	33,368
Price (World Tour)	\$32	\$32	\$32	\$32	\$32	
	\$153,952	\$186,944	\$222,272	\$229,056	\$275,552	\$1,067,776
Expected Ticket Booth Revenue	\$402,550	\$452,390	\$513,350	\$536,082	\$628,604	\$2,532,976
Actual Ticket Booth Revenue	\$389,413	\$433,763	\$509,680	\$536,056	\$628,640	\$2,497,552
Midway Revenue	\$99,827	\$112,752	\$134,977	\$135,137	\$146,775	\$629,468
Concessions	\$110,107	\$123,077	\$140,737	\$143,150	\$166,100	\$683,171
Payroll	\$282,738	\$289,166	\$301,986	\$336,045	\$343,217	\$1,553,151
Marketing	\$13,500	\$13,500	\$13,500	\$13,500	\$13,500	\$67,500
Maintenance and Municipal	\$162,550	\$173,221	\$252,222	\$185,000	\$231,022	\$1,004,015
Miscellaneous	\$131,194	\$31,290	\$78,012	\$64,992	\$81,822	\$387,310
<b>TOTAL REVENUE</b>	<b>\$599,347</b>	<b>\$669,592</b>	<b>\$785,394</b>	<b>\$814,343</b>	<b>\$941,515</b>	<b>\$3,810,191</b>
<b>TOTAL EXPENSES</b>	<b>\$589,982</b>	<b>\$507,177</b>	<b>\$645,720</b>	<b>\$599,537</b>	<b>\$669,561</b>	<b>\$3,011,976</b>
Notes	Legal fees - licensing issues		Replace breaker panel, related refunds		End-of-year cleanup and sanitation fee	

\* - Aug/Sept 2010 totals include all of August and first 6 days of September 2012

PARK P&L - 2011	April	May	June	July	Aug/Sept*	TOTAL
Admissions (Standard)	11,615	15,767	16,838	17,738	21,413	83,371
Price (Standard)	\$18	\$18	\$18	\$20	\$20	
	\$209,070	\$283,806	\$303,084	\$354,760	\$428,260	\$1,578,980
Admissions (World Tour)	3,544	6,164	7,441	7,491	8,473	33,113
Price (World Tour)	\$32	\$32	\$35	\$35	\$35	
	\$113,408	\$197,248	\$260,435	\$262,185	\$296,555	\$1,129,831
Expected Ticket Booth Revenue	\$322,478	\$481,054	\$563,519	\$616,945	\$724,815	\$2,708,811
Actual Ticket Booth Revenue	\$322,345	\$479,033	\$561,225	\$612,092	\$724,776	\$2,699,471
Midway Revenue	\$73,938	\$109,991	\$125,097	\$130,477	\$140,788	\$580,291
Concessions	\$101,299	\$140,778	\$140,815	\$158,728	\$176,008	\$717,628
Payroll	\$286,980	\$289,110	\$305,915	\$336,045	\$343,217	\$1,561,267
Marketing	\$18,500	\$18,750	\$19,150	\$18,375	\$20,100	\$94,875
Maintenance and Municipal	\$210,430	\$173,220	\$204,012	\$200,291	\$306,090	\$1,094,043
Miscellaneous	\$68,040	\$184,012	\$48,012	\$114,992	\$75,250	\$490,306
<b>TOTAL REVENUE</b>	<b>\$497,582</b>	<b>\$729,802</b>	<b>\$827,137</b>	<b>\$901,297</b>	<b>\$1,041,572</b>	<b>\$3,997,390</b>
<b>TOTAL EXPENSES</b>	<b>\$583,950</b>	<b>\$665,092</b>	<b>\$577,089</b>	<b>\$669,703</b>	<b>\$744,657</b>	<b>\$3,240,491</b>
Notes	Legal fees - licensing issues		Replace breaker panel, related refunds		End-of-year cleanup and sanitation fee	

\* - Aug/Sept 2011 totals include all of August and first 5 days of September 2012

PARK P&L - 2012	April	May	June	July	Aug/Sept*	TOTAL
Admissions (Standard)	14,978	15,916	17,689	19,010	21,944	89,537
Price (Standard)	\$20	\$20	\$20	\$20	\$20	
	\$299,552	\$318,320	\$353,786	\$380,190	\$438,886	\$1,790,734
Admissions (World Tour)	4,715	5,775	6,495	6,541	7,983	31,510
Price (World Tour)	\$35	\$35	\$35	\$35	\$35	
	\$165,025	\$202,136	\$227,332	\$228,942	\$279,416	\$1,102,850
Expected Ticket Booth Revenue	\$464,577	\$520,456	\$581,118	\$609,132	\$718,302	\$2,893,584
Actual Ticket Booth Revenue	\$464,577	\$520,456	\$581,113	\$609,132	\$718,302	\$2,893,579
Midway Revenue	\$111,076	\$122,408	\$136,597	\$149,983	\$172,783	\$692,847
Concessions	\$133,637	\$146,972	\$163,967	\$177,100	\$198,039	\$819,715
Payroll	\$286,980	\$289,110	\$316,170	\$387,050	\$390,260	\$1,669,569
Marketing	\$24,000	\$22,050	\$22,050	\$20,050	\$25,500	\$113,650
Maintenance and Municipal	\$220,104	\$168,044	\$302,100	\$140,221	\$301,666	\$1,132,135
Miscellaneous	\$90,003	\$98,725	\$87,250	\$99,102	\$115,040	\$490,120
<b>TOTAL REVENUE</b>	<b>\$709,290</b>	<b>\$789,836</b>	<b>\$881,677</b>	<b>\$936,215</b>	<b>\$1,089,124</b>	<b>\$4,406,142</b>
<b>TOTAL EXPENSES</b>	<b>\$621,087</b>	<b>\$577,929</b>	<b>\$727,570</b>	<b>\$646,423</b>	<b>\$832,466</b>	<b>\$3,405,474</b>
Notes	Legal fees - licensing issues		Replace breaker panel, related refunds		End-of-year cleanup and sanitation fee	

	<b>Regular</b>	<b>World Tour</b>	<b>Total</b>	<b>Percentage</b>	<b>Notes</b>
Thornhill's Tower	8/2/12	602	412	1014	41% am shift
	8/3/12	884	630	1514	42% am shift
	8/4/12	808	622	1430	43% am shift
	8/10/12	602	450	1052	43% me - am shift
	8/11/12	918	760	1678	45% me - am shift
	8/12/12	798	728	1526	48% me - am shift
Moon Watcher	8/2/12	710	448	1158	39% pm shift
	8/3/12	810	612	1422	43% pm shift
	8/4/12	808	590	1398	42% pm shift
	8/10/12	594	366	960	38% pm shift
	8/11/12	602	448	1050	43% pm shift
	8/12/12	550	406	956	42% pm shift
Mind Eraser	8/2/12	350	202	552	37% am shift
	8/3/12	402	240	642	37% am shift
	8/4/12	396	248	644	39% am shift
	8/10/12	380	202	582	35% am shift
	8/11/12	510	324	834	39% am shift
	8/12/12	458	296	754	39% am shift
H. H. Wheel	8/2/12	960	680	1640	41% pm shift
	8/3/12	1050	900	1950	46% pm shift
	8/4/12	1000	900	1900	47% pm shift
	8/10/12	990	920	1910	48% pm shift
	8/11/12	1130	1000	2130	47% pm shift
	8/12/12	1110	1010	2120	48% pm shift
Longboat Launcher	8/2/12	514	398	912	44% am shift
	8/3/12	576	428	1004	43% am shift
	8/4/12	550	424	974	44% am shift
	8/10/12	526	408	934	44% am shift
	8/11/12	590	480	1070	45% am shift
	8/12/12	572	444	1016	44% am shift



## AFFIDAVIT OF BILLIE ISAACS

1 After being duly sworn upon oath, Billie Isaacs hereby deposes and states as follows:

2 My name is Billie Isaacs. I was born and raised in Ellenwood, Midlands. I currently  
3 work as a bartender at Chuggie's Bar. The folks at Chuggie's are pretty understanding about the  
4 fact that I might have to go testify in this case, which is really nice of them. I haven't worked at  
5 Chuggie's very long. I used to work at the RacheterWorld amusement park, but I got fired after  
6 everything that went down on August 30, 2012. I like it better at Chuggie's anyway, so I don't  
7 hold a grudge.

8 I started working at RacheterWorld in the spring of 2012. I am a people person, and I  
9 figured being around the crowds that descend upon RacheterWorld to experience its mediocrity  
10 each spring and summer would be a great fit for me. At the instruction of the park's owner, J.C.  
11 Longstreet, I was "trained" to work almost every ride at the park. Operating the rides is not  
12 rocket science, but I can't say that we had the world's most robust safety training. As a new  
13 employee, I was often shifted around between rides. I knew the basics – how to start and stop  
14 the rides – but I can't say for sure I knew much more than that. On August 30, 2012, I was  
15 working the Tunnel of Terror.

16 The Tunnel of Terror is not nearly as terrifying as it sounds, and it is kind of a snooze to  
17 work. The two biggest challenges to operating the Tunnel of Terror are making sure that  
18 teenaged kids keep it PG on the ride and making sure that other teenaged kids don't gain free  
19 entry to the park by sneaking in the employee access door that connects to the parking lot. The  
20 ride was originally designed as a "tunnel of love" to move from carnival to carnival, and I guess  
21 Longstreet could not help himself from turning it into something more sinister. The ride  
22 basically involves small cars that look like boats running through a tunnel with all sorts of

23 “scary” (yeah, not really) figures appearing along the way. I did get in trouble for making a  
24 boneheaded mistake, once. My first day operating the ride, I accidentally hit the “disconnect”  
25 switch instead of the “off” switch at the end of the day because I was not really paying attention.  
26 Instead of the lights coming on and the cars all coming to the end, which happens when I turn the  
27 ride off at the end of the night, the ride went pitch dark and the cars kept moving. Luckily, no  
28 one was on the ride except for a few park employees who wandered by for a last ride. I  
29 remember Cameron Poole and Whit Bowman being on the ride when I made that mistake with a  
30 few of their other friends from the park. Bowman talked about how awesome it would be to  
31 make the occasional blackout a feature of the ride.

32 August 30 was a strange day at the park even before all of the commotion that I  
33 understand happened later in the day. I showed up early and was called into Longstreet’s office.  
34 Longstreet does not necessarily oversee the park all that carefully, so it was a definite surprise.  
35 Longstreet was standing with Haley Floyd, the park’s accountant, and they said that they had a  
36 few questions for me. They started pulling out all of these wristbands that park guests buy and  
37 quizzing me on whether I would accept certain ones for my ride. I thought they were trying to  
38 trick me because all of the wristbands looked the same to me. Then, they started asking  
39 questions about Cameron Poole. I have to say that I did not know Poole that well. We just did  
40 not cross paths that often. They were really pressing me on whether I thought Poole was  
41 trustworthy. The only thing I was really able to tell them was that I knew Poole hung out with  
42 Bowman, both at the park and occasionally down at Chuggie’s after work, and I know Whit is a  
43 really good person. I have a lot of things going on at home and sometimes I need to leave a few  
44 minutes early to make sure I am at the house when needed. Whit would often cover for me and  
45 pick up the slack at my ride at the end of the night when I sneaked out. Longstreet made me

46 promise not to tell anyone about our conversation and sent me off to work a full day operating  
47 the Tunnel of Terror.

48 Working the rides wasn't as glorious as it sounds. Mainly you're a traffic cop – World  
49 Pass holders to the left, regular-admission riders to the right. I have to say that I was never too  
50 careful at checking to see if people had the right wristband for the right line. They are basically  
51 like hospital bracelets – you know, the kind that you can get at any old fair. They are brightly  
52 colored and say RacheterWorld on them. They use a different color every day and the ones that  
53 are for the special passes say WorldTour. I can't say I really bothered to keep up with which  
54 color means which each day, though. I figured that if they had paid enough to get in the park and  
55 nobody complained, everything went a lot smoother if I didn't worry too much about the  
56 wristbands. But I was being a little more careful that day because I thought Longstreet and  
57 Floyd might be investigating me for letting too many people on the ride. On top of all of the  
58 complaints, the employee access door kept opening up and closing like a ghost was out there.  
59 Bowman swung by my ride to see how things were going pretty often that day and told me he  
60 had also seen the door acting like that recently, but Longstreet was too cheap to fix it and I  
61 should not think anything of it. Usually, Bowman would come see me during a break or two  
62 during the day and we would talk about Midlands University sports or something fun like that.  
63 On August 30, Whit must have stopped by my ride seven or eight times.

64 Bowman asked me at least three times during the afternoon whether I might want to leave  
65 early to take care of things at home. While that was a kind offer, I was enjoying being outside at  
66 the park on such a beautiful day and did not need to rush home for once. I told Bowman that I  
67 was in good shape and did not need anyone to replace me. Bowman is usually helpful, but I

68 can't remember any previous time where Bowman insisted on finishing my shift; I usually went  
69 to Bowman and asked. Nevertheless, I didn't think much of it at the time.

70       Later in the evening, I finally did see a shadow by the employee-access door. Since I was  
71 on a short break from the ride, I was able to sneak around to see what was going on. When I got  
72 there, I peered around the corner and I saw Poole nearby fumbling through his pockets. He  
73 pulled out what looked like a pocket knife – I remember it because it had a bright blue handle –  
74 then put it back in his pocket once he found his cell phone. Poole started to type a message on  
75 the phone. I was close enough to get a glimpse of the phone - it looked to me like the name  
76 Bowman was displayed in the “to” field, but I can't be sure because I only saw it for a moment.  
77 I had no idea what was happening, but I decided I would leave strange enough alone, and I also  
78 needed to get back to work.

79       It could not have been five minutes later that Bowman showed up at the ride again. Whit  
80 told me that Longstreet had asked Whit to take over the ride until the park closed at 9 p.m. and  
81 that I could go home early with full pay for the day. That seemed a bit strange to me and had  
82 never happened before, but I'm not one to look a gift horse in the mouth. Bowman asked me  
83 whether I had tried the blackout feature of the Tunnel of Terror again since I accidentally made  
84 that happen before. I told Bowman that, while it seemed fun, I got warned that I would get in big  
85 trouble if I made that mistake twice. Bowman shrugged and I was on my way.

86       I went to the locker room at the front of the park to grab my bag to head home, and I was  
87 planning to drop by to thank Longstreet for letting me off early. I actually heard Longstreet  
88 talking to Haley and I did not want to interrupt Longstreet. I overheard Longstreet asking Haley  
89 whether Haley was sure that nothing bad would happen if the police saw RacheterWorld's  
90 accounting records. Haley assured Longstreet, “I've done this before, and it will work out just

91 fine. You have nothing to worry about.” Longstreet told Haley sternly, “You better be right  
92 because we’re going to have big problems if you aren’t.” I wanted to keep eavesdropping, but I  
93 walked out the door with my bag. Strangely enough, I saw Poole lurking in the general area of  
94 the front of the park. Poole said “hello” to me and asked if Bowman was handling my ride for  
95 the rest of night. I told Poole that Bowman was handling the Tunnel of Terror for me and asked  
96 Poole how he knew. Poole smiled nervously and mumbled something about how Poole thought  
97 that happened from time to time. Poole was right, and I did not think anything more of it until  
98 after the police asked me about five hours of questions about Poole and Bowman when I  
99 “volunteered” to come into the station.

100 The next morning, when I showed up for work, Longstreet was waiting for me.  
101 Longstreet took me into Longstreet’s office and fired me for leaving early. I told Longstreet that  
102 Bowman had told me that it was Longstreet who had said I should go home early, but Longstreet  
103 was having none of it. I was sent packing before I had any chance to explain myself. Longstreet  
104 told me on the way out to mind my own business in the future. Maybe Longstreet saw me  
105 eavesdropping on the conversation with Haley.

106 Like I told you, I work at Chuggie’s Bar now. As you might imagine, a number of my  
107 former co-workers from RacheterWorld come by from time to time. I actually saw Longstreet  
108 and Haley walk into the bar together one night a few weeks after I was fired from RacheterWorld  
109 and sit in a booth way in the back. It was not my section, and I wanted nothing to do with  
110 Longstreet or Haley, especially because I wanted to keep my job at Chuggie’s and can’t believe  
111 that Longstreet fired me for following Longstreet’s instructions! Strangely enough, someone the  
112 same height and build as Poole walked in and made a beeline for the back corner with Longstreet  
113 and Haley. I only caught a glance from the side, but I am 50 or 60 percent sure it was Poole. I

114 heard on the news that Poole had fled the country, so this was strange to me. The person who  
115 looked like Poole did not stay for long and then left with a bag from under the table where  
116 Longstreet and Haley were sitting. I still have no idea why the three of them would be meeting.  
117 Maybe it had to do with whatever Longstreet was worried about the police finding in  
118 Longstreet's accounting records.

119 I am sad to hear about what happened to Officer Thomas. He is a really nice man.  
120 Everybody knows him as "Winnie" and he has been a fixture at the park for many years. It's a  
121 shame that he got hurt like that. He used to always bring me drinks in the middle of the day  
122 because he knew us ride operators got only a few breaks. Jordan, the bartender at Chuggie's, has  
123 given Winnie Chuggie's highest honor, a special shot named after him. I hope one day Winnie  
124 wakes up from his coma and I can buy him one.

125 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
126 Employee Handbook, the RacheterWorld Map, and the RacheterWorld Bracelets. I am not  
127 familiar with any other exhibits or any affidavits other than my own.

128 I hereby attest to having read the above statement and swear or affirm it to be my own  
129 and consistent with the testimony provided during my grand jury testimony. I also swear or  
130 affirm to the truthfulness of its content. Before giving this statement, I was told to include  
131 everything I knew that could be relevant to the events described related to these charges. I also  
132 understand that I can and must update this affidavit if anything new occurs to me until the date of  
133 the trial in this case. I have also read and am familiar with the statements I provided to police  
134 officers and law enforcement officers related to these events and confirm that all documents  
135 showing my signature reflect my genuine signature.

136

137

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138

Billie Isaacs

139

Subscribed and sworn before on this, the 23<sup>rd</sup> day of September, 2012.

140

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141

Eric Chad, Notary Public

## AFFIDAVIT OF WHIT BOWMAN

1 After being duly sworn upon oath, Whit Bowman hereby deposes and states as follows:

2        My name is Whit Bowman. I live in a small apartment in Breckinridge County,  
3 Midlands – or at least I did until the prosecutors put the blame on me for what happened  
4 to that rent-a-cop at RacheterWorld. Now my apartment's even smaller than the half-  
5 finished basement I used to live in; my mail is forwarded to the Breckinridge County Jail,  
6 where I currently reside.

7        I didn't grow up in Midlands – far from it. As a kid, I bounced around all over  
8 the place, following my dad from one exotic (or often not-so-exotic) locale to the next.

9        After I figured out that college and I weren't going to get along, I took advantage of my  
10 ability to blend into different locales, headed on a never-ending road trip with my friend  
11 Cameron Poole, and traveled for almost three years. Eventually our luck – and our ability  
12 to secure enough money to stay sheltered and fed – ran out, and we found our way back  
13 to Midlands. We went our separate ways once we got back.

14        I found myself looking for work in April 2011, and I saw a "help wanted" ad for  
15 multiple seasonal positions at the RacheterWorld amusement park. RacheterWorld has  
16 been around for about 20 years. You might say I was familiar with the park, having  
17 managed to sneak in any number of times the summer before. I left the "sneaking in"  
18 part out when I interviewed with the person in charge, J.C. Longstreet. Longstreet was  
19 pretty much what you'd expect from a third-rate amusement park – definitely a used-car  
20 salesperson vibe – but word on the street was that the work was easy and the paychecks  
21 didn't bounce. It wasn't my first time working at a park like this. Back when we were  
22 making our way through most of the U.S. and back, Cameron and I took on summer jobs

23 at this little water park out in the boonies, Ruel's River Town. The owner there was a  
24 real whack job, though. She called herself Buttons, for crying out loud, and she couldn't  
25 remember the days of the week, let alone when we had last been paid. At some point she  
26 decided Cameron reminded her of her ex-boyfriend, and she accused Cameron of stealing  
27 from her. Cameron had been running one of the ring-toss games and I made the mistake  
28 of mentioning how easy it would be to keep some of the customers' cash because there  
29 was no way for anyone to tell how many people played in a day. I thought Cameron  
30 might have taken me seriously when he started buying me lunch every day. Anyway,  
31 when Buttons called him out, Cameron got really upset and told me he wanted to do  
32 something about it, but I managed to calm Cameron down long enough to get our final  
33 paychecks and get out of town. I knew if Cameron blew his top, I was likely to go down  
34 with him. I had made good money at that job, so I was unhappy to leave but excited to  
35 get the chance to work at another park. When Longstreet offered me a job, I was happy  
36 to accept and started the next week.

37 Longstreet assigned me to the main ticket window, which had its advantages and  
38 disadvantages. On the positive side, I had a place to sit in the shade all day. On the  
39 negative, I had to sit in one place all day, and the booth wasn't exactly climate-controlled.  
40 At the old park, at least I got to move around a bit and take longer breaks without anyone  
41 really noticing. Behind the ticket window, though, you constantly have to work. One  
42 thing you realize quickly when you're working the ticket window is that even a third-rate  
43 amusement park like RacheterWorld rakes in a ton of cash, especially during the summer  
44 months. It's not like I was working on commission, though, so all those ticket sales just  
45 meant I was taking tickets like crazy for my minimum-wage paycheck.

46       Summer came and went, and by the fall, I had saved enough money to buy myself  
47       a used car – sure, the floor was rusted through, but you could probably stop Flintstone-  
48       style in a pinch, which was a good thing since the brakes hardly worked. By the next  
49       spring, that car was dead and I was right back where I started, needing enough money to  
50       buy another set of wheels.

51       In about mid-March, I had a surprise visit from my old friend Cameron. We had  
52       gone our separate ways and hadn't spoken for almost two years. We spent a couple of  
53       hours catching up, and Cameron asked me what my plans were for the summer. The job  
54       market wasn't any better than the previous year, so I said I was getting ready to head  
55       back to RacheterWorld for another summer of sweltering in the park for pennies.

56       Cameron asked if RacheterWorld would be hiring for the summer, and I said sure – it's a  
57       seasonal operation, so there are very few full-time employees and most of the summer  
58       workers find themselves very motivated to find a better gig elsewhere after spending a  
59       summer working for Longstreet. Cameron filled out an application and managed to pass a  
60       background check – probably because Longstreet is too cheap to actually follow through  
61       on checking someone's background, and because I knew old Buttons wouldn't have  
62       pressed charges as long as we stayed away – and we both found ourselves at the staff  
63       orientation a few weeks later, in mid-April.

64       As a returning worker, I got first pick for which station I'd work during the  
65       summer. I chose to do ride operation. I figured that unlike the ticket counter, at least the  
66       rides would be outdoors so that I could catch the occasional breeze, and I'd get a few  
67       minutes between rides where I didn't have to be taking money from customers. Usually  
68       the ride operators stick to just one or two rides, but we get trained on all of them. I

69 always wanted to work the “Tunnel of Terror” ride, even though Billie Isaacs was the  
70 primary person in control of it. It had a cool vibe, was pretty new to the park, and  
71 popular, but it also was a pretty long ride which meant I had more time to myself between  
72 starts and stop. Whenever Billie needed to cut out early, which was all the time, I would  
73 volunteer to take over. Nobody throws up on the (perhaps ironically named) Tunnel of  
74 Terror. It’s an upgrade from the two rides I usually get stuck with, Hammock’s Hamster  
75 Wheel or the Mind Eraser. Only little kids and crazy people like to ride the Wheel and  
76 the Mind Eraser is just gross. Whenever I could swap, believe me, I took it. Still, being  
77 at the rides was far better than in the booth.

78 Cameron snagged the ticket booth, even though I’d told him that it was probably  
79 one of the busier jobs in the park. I asked Cameron why he wanted to work there, and he  
80 said, “I like people,” which seemed odd since Cameron was about as far from a “people  
81 person” as anyone you’d ever meet. More than a few times I had seen him blow his top  
82 over the littlest thing. He got into a lot of fights in school and might have even done a  
83 stint in juvie, but he wouldn’t talk about it and I don’t think there he had an official  
84 record or anything. Still, he wasn’t exactly a choirboy.

85 Cameron and I would try to take breaks at the same time. Cameron seemed  
86 fascinated by the whole RacheterWorld operation, and we’d often end up talking shop  
87 while taking a breather. Cameron wanted to know everything about how the park  
88 functioned. We talked about the main ticket-booth setup. There were two levels of  
89 admission – the \$20 standard park admission and the \$35 “World Tour” pass, which  
90 came with a couple of vouchers for the midway games and let you use special VIP lines  
91 for all the rides except for a couple of premium attractions like “Haughey & Herron’s

92 House of Horrors.” The park used different colors of snap-on bracelets for each level of  
93 admission on different days, so that you could tell if someone was trying to reuse an old  
94 bracelet. The park had five different colors of each bracelet, though we’d mix up the  
95 order to keep anyone who was trying to pull a fast one guessing. They’re pretty basic,  
96 but it makes it easy on the operators of the rides to just glance at someone’s arm to see if  
97 they are in the right line.

98 When I first explained the system, Cameron smiled and I realized that he hadn’t  
99 selected the ticket booth by chance. Cameron had an idea for how to get a little extra cut  
100 of the park revenue beyond the minimum-wage paychecks. Pretty much anything is  
101 available on the Internet these days if you know where to look. Within about five minutes  
102 of searching, Cameron found a supplier that made bracelets almost identical to those used  
103 at RacheterWorld. They were a bit more faded than the real ones and didn’t have the  
104 sideways numbers that the real ones did, but I knew that the ride operators didn’t get paid  
105 enough to care. Less than a week later, Cameron had a stash of “upgrade” bracelets.  
106 Cameron would charge the customer \$35 and issue one of our stash of “World Tour”  
107 knockoff bracelets, while ringing it into the system as a \$20 standard admission, allowing  
108 Cameron to skim off \$15 a pop. It only worked on cash purchases, of course, since  
109 punching in the lower total on the credit-card reader would have been a smoking gun. But  
110 there were enough cash customers that Cameron had plenty of opportunities to skim.  
111 Cameron appreciated my help in setting up the job, so Cameron made sure that I didn’t  
112 pay for many meals as the summer went on. I didn’t feel great about it, but it wasn’t like  
113 the customers were hurt or anything and Longstreet didn’t exactly give out bonuses. I  
114 figured a few extra rides to some customers weren’t that big of a deal, and I knew

115 Cameron needed the money. Heck, I needed the money too. Growing up in a  
116 neighborhood like ours, everyone needed extra cash.

117 Cameron started small – just a handful per day – to avoid being noticed by  
118 Longstreet. But as May turned into June and then July, Cameron began to get greedy,  
119 eventually handing out “upgrade” bracelets to almost every cash customer. Longstreet  
120 may not be the sharpest tool in the shed, but Longstreet wasn’t born yesterday either. On  
121 August 30 – a Thursday, which kicked off RacheterWorld’s big “Fall Fun Festival” –  
122 Cameron and I arrived at the park to find Longstreet sitting in the main ticket booth. I  
123 knew that wasn’t a good sign, so I hurried to the Mind Eraser station and waited to hear  
124 from Cameron.

125 About an hour later, I got a text from Cameron that said, “Got 2 get box. Can u let  
126 me in back?” I texted Cameron back, “TOT 12:45”, meaning that I’d prop open the back  
127 gate behind the Tunnel of Terror on my lunch break at 12:45 p.m. The Tunnel of Terror  
128 has an exit in the back that leads to the outside. One of the employees showed it to me  
129 when I first started working at the park because it was a great way to get in and out  
130 without having to go through the regular gates. Every once in a while, the park  
131 employees would stay out a little too late after work and someone would sleep in. Rather  
132 than risk having Longstreet see you walk in the front after the park opened, you could  
133 just slip in the back by the Tunnel of Terror and nobody would even know you were late.  
134 I figured Cameron wanted to avoid seeing Longstreet since he wasn’t in the booth and  
135 Tunnel of Terror was as good a place as any to meet. I tried to get Billie to switch rides  
136 with me so I could sneak Cameron into the park, but Billie was being a real pain and  
137 didn’t want to risk getting stuck at a lamer ride. I started getting Officer Thomas, one of

138 the security guards, to keep taking Billie free sodas in the hope that eventually Billie  
139 would leave to go to the bathroom. Finally, a little before 1 p.m., Billie's bladder gave  
140 out and Billie put up the "ride closed, be right back" signs and left to go to the employee  
141 locker room. Once the booth was free, I ducked into the tunnel and propped open the  
142 door to find Cameron waiting behind the Tunnel of Terror platform. "What happened?" I  
143 asked Cameron.

144 Cameron said that when he went to go into the booth earlier that morning,  
145 Longstreet met him at the door and told Cameron, "I don't need you today. Why don't  
146 you take the day off?" Cameron replied, "What do you mean? I've got the booth today,"  
147 and Longstreet replied, "No, you don't. I'll handle it. I think you should take the day off."  
148 Poole left angrily and drove around the parking lot a few times to have time to think.  
149 Cameron realized that the bracelets we had been using were still hidden in his employee  
150 locker, which was alongside Longstreet's office by the front entrance. When Cameron  
151 told me that, my heart stopped. Both of our fingerprints were all over that box and the  
152 bracelets. I asked Cameron, "What are we going to do?" Cameron said, "You're not  
153 going to do anything. I'm going to wait, and then I'm going to take care of things. For  
154 now, you just be cool – and keep your phone on." Cameron wandered off along the back  
155 of the Tunnel of Terror tracks, and I went back to work.

156 The park was very busy that day, which was probably good because there was no  
157 way Longstreet would have let the police snoop around with so many customers present –  
158 bad for business. It also kept me from worrying about what would happen once the park  
159 closed at 9 p.m. I didn't hear anything else from Cameron that day, and I figured that  
160 Cameron had probably already left the park well before closing. I had gone back to work

161 at the Mind Eraser but by the end of the day, and too many reverse lunches later, I  
162 couldn't take it anymore and I went to see if I could finish my shift at the Tunnel of  
163 Terror. Isaacs likes to duck out early so I thought I could spend the last bit of my shift  
164 watching couples laze through the tunnel and maybe get my appetite back by the time I  
165 left. The last passengers of the day were just starting the Tunnel of Terror ride when I  
166 heard a commotion in the direction of the front gate. It was starting to get dark, so I  
167 squinted and tried to see what was happening.

168           Suddenly there was Cameron sprinting right toward me, followed closely behind  
169 by Officer Thomas, who was yelling "STOP" at Cameron. Officer Thomas is a really  
170 nice guy, but he has a tendency to overreact to just about anything. I think as much as he  
171 loved the park and the people in it, he missed being on the real force. Next thing I knew,  
172 Officer Thomas had fired a shot toward Cameron! I couldn't believe he would fire a gun  
173 not only at one of our employees, but into an active ride! I thought maybe the old man  
174 had finally lost it. I saw both Officer Thomas and Cameron run into the tunnel, and I just  
175 knew that Officer Thomas was going to end up killing someone or himself. I panicked. I  
176 hit what I thought was the emergency cutoff on the ride, but in all the commotion I guess  
177 I hit something else instead, because instead of the ride stopping and the lights coming on  
178 like it should have done, the tunnel went totally black. I was scrambling to try and find  
179 the right switch but the next thing I knew, I heard a bunch of horrible screams and a  
180 sickening thud. I finally found a different switch and the lights came on.

181           Pretty soon the park was crawling with EMTs and police officers. I remember  
182 having a conversation shortly after everything messed up with someone named Detective  
183 Kimball. I wasn't thinking very clearly and I was just worried about whether Cameron

184 was okay. Kimball asked me for my phone and I handed it to the Detective. The  
185 Detective told me I wasn't required by law to hand it over, but I felt I had nothing to  
186 hide. After the detective looked at the phone, though, I started getting all these questions  
187 about why I had a prepaid phone with only one contact. Look, when you work odd jobs  
188 like I do, you don't exactly have an 800 credit score. I may have walked out on some late  
189 rent in a couple of places. Besides, who needs the hassle of a contract? I don't have  
190 contacts because I don't like to be bothered. Cam got my number, though, and started  
191 randomly calling. I programmed his number in so that I could know when he was calling  
192 or needed me. Sometimes I'm the only one who can convince Cam to calm down or play  
193 it cool, so it made sense to keep him on speed dial. I've seen the screenshot the Detective  
194 took of my phone. That screenshot is of the messages Cam and I sent that day, and those  
195 were the only messages on my phone. I usually delete text messages as soon as I get  
196 them. I've seen too many stories about Congressmen who don't realize that anyone can  
197 get into your phone at any time. Why would I leave something incriminating on my  
198 phone? I'm not stupid. So yeah, I don't keep any photos or extra texts on there. I would  
199 have deleted Cam's messages from that day if I thought anything would happen or they  
200 would have mattered, but I was so busy I didn't think about it at the time. That's the only  
201 phone I've got, though.

202         Anyway, shortly after that, I got taken down to the station for questioning. I told  
203 them I knew my rights and I wasn't talking anymore until I spoke to a lawyer. Next thing  
204 I knew, I was being booked for multiple charges including armed robbery. I couldn't  
205 believe it! How do you get charged with armed robbery when you weren't armed and  
206 didn't rob anybody?

207       Later I found out that Cameron supposedly went into the ticket booth, held up the  
208      person in the booth with a knife, and took all of the cash from the register and safe.  
209      What's worse, supposedly Cameron used a knife that looked like mine, with a turquoise  
210      handle. I did have a knife that looked like that – it was a cheesy thing I bought in South  
211      China, Midlands, a while back, and it had some scratched-out inscription on the handle.  
212      But I hadn't seen it for weeks before the incident. I figured it had been stolen but never  
213      reported it because I really didn't think much of it at the time.

214       I never knew Cameron would pull a stunt like what happened that night. Even  
215      when stuff went bad with Buttons, the worst I thought Cameron would do was punch  
216      someone or set something on fire, and I'd always been able to calm him down before.  
217      We'd been through a lot on our trip, and even when stuff got bad in some out-of-the-way  
218      places, the worst I'd ever seen Cameron do was take a swing at someone. When stuff  
219      went bad with Buttons, Cameron talked about setting the water park on fire, but that was  
220      just Cameron blowing off steam – nothing ever came of it. I just had to talk Cameron  
221      down a little bit sometimes. This was supposed to be just a harmless little skimming  
222      operation, and once Longstreet kicked Cameron out of the main booth, it should have  
223      been over. Instead Cameron got greedy and went nuts. I can't be held responsible for  
224      that, and I certainly didn't mean to hurt Officer Thomas. He used to always bring me  
225      coffee in the morning. I really liked him. I was just trying to help by turning off the ride.

226       What's worse, Cameron apparently ran off with all the money from the ticket  
227      booth and fled Midlands and perhaps the country entirely. Nobody's heard a peep from  
228      Cameron since that day, and I've been left to take the rap for Cameron's crimes. The

229 police didn't get the job done in finding Cameron, so they're throwing the book at me  
230 instead. It's not fair, and I hope the jury sees that.

231 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
232 Employee Handbook, the RacheterWorld Map, the RacheterWorld Bracelets, and the  
233 Text Message Screenshots from my own phone. I am not familiar with any other exhibits  
234 or any affidavits other than my own.

235 I hereby attest to having read the above statement and swear or affirm it to be my  
236 own and consistent with the testimony provided during my grand jury testimony. I also  
237 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
238 to include everything I knew that could be relevant to the events described related to  
239 these charges. I also understand that I can and must update this affidavit if anything new  
240 occurs to me until the date of the trial in this case. I have also read and am familiar with  
241 the statements I provided to police officers and law enforcement officers related to these  
242 events and confirm that all documents showing my signature reflect my genuine  
243 signature.

244

245

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246 Whit Bowman

247 Subscribed and sworn before me on this, the 24th of September, 2012.

248

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249 Arthur C. Stanley, Notary Public

## AFFIDAVIT OF HALEY FLOYD

1 After being duly sworn upon oath, Haley Floyd hereby deposes and states as follows:

2 My name is Haley Floyd. I have lived all over the world. You could say I'm  
3 from everywhere and nowhere, all at the same time. People always tell me I sound funny  
4 no matter where I go. Right now, I live at 109 Myers Street, an apartment building. I  
5 don't make a lot of money at my current job, but I am good at saving and investing, so I  
6 get by okay. I graduated from Wagoner College back in 2007 and received my master's  
7 degree in accounting from Midlands State University in 2009.

8 I keep hoping the economy is going to turn around, but so far, no such luck. It's  
9 been impossible to find a job. FreeTaxFiling.com and all those sites have practically put  
10 good old-fashioned accountants like me out of business. I was really grateful that I was  
11 able to get a job working at RacheterWorld as a bookkeeper. RacheterWorld does not  
12 use a lot of fancy programs or data-analysis systems to keep track of its sales – it is  
13 strictly an Excel spreadsheet kind of place – but I like working with numbers and enjoy  
14 the people. I'm trying to get the park's owner, J.C. Longstreet, to invest in some new  
15 ventures in order to really expand the brand, but Longstreet isn't too fond of spending  
16 money. I also run a small Internet business on the side, selling my grandmother Momma  
17 Bloch's paintings, but I'm still waiting for that to really take off.

18 RacheterWorld is practically a Midlands institution. I did not live in Midlands  
19 when I was a kid, but my parents would bring me to the park when we came to town to  
20 visit Momma Bloch. I have a whole collection of Racheter Raptors that I want to sell on  
21 eBay once word of this trial, and my testimony, gets out. I think people would really like

22 having something once owned by a celebrity, and who is more of a celebrity than a star  
23 witness in a trial these days?

24 When I started working for RacheterWorld, my first task was to try to organize  
25 the park's financial records. Longstreet was not always the best when it came to tracking  
26 how much money came into the park each day. Longstreet preferred to "guesstimate,"  
27 Longstreet's silly name for a system where Longstreet would count the number of  
28 "guests" who rode each ride and then "estimate" from that number how many people had  
29 bought tickets – World Tour fares and general admission – and how much money (cash  
30 and credit-card receipts) was in the ticket booth by the end of the day. I almost died.  
31 First of all, no self-respecting accountant would ever use a word as tacky as  
32 "guesstimate" to describe an accounts-receivable system, and second, I had seen how  
33 attentive the park operators were about keeping logs of customers. Care to guesstimate  
34 how careful? Half the time I think they just wrote down the number of teeth they still  
35 had.

36 I told Longstreet that this "guesstimate" system was as dead as Wendell Tucker  
37 and from now on, the park would log each ticket sold by using numbered wristbands. At  
38 the start of each shift, the ticket taker would write down the starting number of each roll  
39 of tickets (for example, 2001). At the end of the shift, the ticket taker would take the roll  
40 of tickets, along with the cash and credit receipts from the booth, and turn them in to the  
41 park vault. World Tour tickets cost \$35 and regular passes cost \$20. Each pass came  
42 with a different colored wristband and we changed the colors and combinations every day  
43 so that park customers could not reuse a wristband for a second day at the park. Using  
44 this system, we would be able to track how many of each pass the park sold and how

45 many customers had visited the park on a given day. As an added bonus, it would  
46 guarantee that we would always know that the ticket takers had accurately deposited all  
47 the money taken by the booth because the cash and credit receipts would have to match  
48 the number of each wristband sold. I told Longstreet this would also make it a lot easier  
49 to file taxes at the end of each quarter and I could swear Longstreet frowned!

50 Fortunately, I am very persuasive when I put my mind to it, and I got Longstreet to agree  
51 to a test run.

52 After the first season with the new system, in 2010 Longstreet agreed that I was  
53 onto something. Because we were able to track the number and types of tickets sold,  
54 Longstreet was able to figure out where slumps in sales came from and what kinds of  
55 rides we should include in the World Tour to maximize profit. For example, we have this  
56 ride called the Thornhill Tower that is meant to make you feel like you are about to crash  
57 in an elevator. We knew that including Thornhill Tower in the World Tour led to an  
58 increase in World Tour tickets sold because everyone really likes that ride – well,  
59 everyone but me. I hate being scared. I prefer the Moon Watcher. Floating on a giant  
60 swan is more my idea of a good time. Some rides we did not include in the World Tour,  
61 either because they were so popular people would ride them over and over until the  
62 World Tour lines were as long as the regular lines, or because they physically didn't have  
63 room to set up the extra lines. Anyway, the point is, the new system made it much easier  
64 to target promotions and figure out what days were most popular for each type of  
65 customer, and the park ended up making a lot more money. Longstreet kept promising  
66 me a raise, but three years later I'm still making the same amount – probably because  
67 those jerks found a way around the system and Longstreet still blames me.

68       The 2012 season was the third season that we used my new system. At first, in  
69       April when the park season started, everything seemed to be on track. Then in May I  
70       started to notice a slow decline in sales of World Tour tickets and an increase in regular  
71       passes. The total number of people at the park was increasing each season and this year  
72       was no different, but the number of people in each category was not growing at the same  
73       rate. At first I thought this might be because the old rides were no longer as exciting and  
74       we had increased both fares by a few dollars in the middle of the 2011 season. I talked to  
75       Longstreet and suggested we try adding a premium ride, like the Tunnel of Terror, to the  
76       World Tour. Thankfully, Longstreet agreed.

77           I started having a couple of the ride operators keep a tally of how many rides each  
78       type of customer took on their regular shifts. I also lied to the operators and told them  
79       that we had a scanner that would also be keeping track of the customers, in the hope that  
80       they would report more honest figures. I am not sure they believed me, but I like to think  
81       I can tell a pretty good story when I need to, and I definitely needed them to be honest. I  
82       entered all of their tallies into a spreadsheet, and when I checked their logs against the  
83       ticket counts at the booth, I was shocked. There was no way the ride operators could be  
84       recording the numbers accurately. There were just too many people in the “World Tour”  
85       lines and not enough in the regular lines. According to the monthly reports, we were  
86       selling fewer than 30 percent “World Tour” bracelets, but close to half of the rides on  
87       some of the attractions were World Tour riders..

88           I figured they must be recording the numbers wrong, so I set myself outside  
89       Thornhill’s Tower to tally the riders myself. I did this every morning for a whole  
90       weekend and, lo and behold, the miscreants at the rides had gotten it right for once. Their

91 numbers matched mine, and neither of our numbers matched the ticket booth. This had  
92 to mean the problem was with the ticket booth system. I knew Longstreet would be  
93 angry if it looked like my system had caused any loss of money, so I had to figure out  
94 someone to point to when Longstreet found out what was going on. I knew that Cameron  
95 Poole was working the booth and always seemed a little shady. Poole didn't have any  
96 friends besides Bowman, and had not been at the park the two previous seasons. I figured  
97 that Poole had to have done something to mess up the system; the only question was  
98 what. That's when the Raptor gave me the gift of a lifetime.

99       The Raptor (whose real name is Rory Shelton) and I had started at the park at the  
100 same time, so we were in orientation together. Since so few of us return each season, it  
101 was nice to have a friendly face around. One day, while eating at the Snack Attack Shop,  
102 Raptor mentioned that a few of the customers had noticed the lack of numbers on their  
103 World Tour wristbands and wanted to know if Longstreet had bought a cheaper brand to  
104 save money. Since I was in charge of purchasing the wristbands for the park, I knew that  
105 we had not switched unless Longstreet had gone behind my back. I asked the Raptor if I  
106 could sit in on some of the photo shoots that World Tour holders got to have with Donny  
107 the Dinosaur so I could see these wristbands for myself. Sure enough, the next day, I  
108 watched at least five sets of families come into the booth to take pictures. The first  
109 family to arrive was wearing what I know were the normal wristbands. I could see the  
110 numbers on the edge of the dad's band. The next two families were wearing the same  
111 color wristband, but theirs looked a little faded and I did not see any number. The last  
112 two families had regular, numbered wristbands on. I left the Raptor to the screaming

113 children (who models a mascot after a bloodthirsty monster?) and ran to the employee  
114 locker room.

115 I knew Longstreet would be upset at me, but I decided to open up Poole's locker  
116 without permission. Sure enough, I saw rolls of colored wristbands on the bottom of the  
117 locker, along with piles of discarded regular-pass wristbands that were the same ones we  
118 had used the previous day. I knew immediately what had happened. Poole had been  
119 switching out the wristbands! He was taking money for World Tour bands but ringing  
120 them in as regular admission, throwing away the regular admission band so it looked like  
121 the sales matched, and giving the customer a fake World Tour band instead. It was  
122 unbelievable, but I have to admit I was pretty impressed. It was a clever scheme – one I  
123 had previously thought of myself – but I never would have thought Poole would be smart  
124 enough to think of it. I knew I had to talk to Longstreet so that it was clear that the  
125 system wasn't flawed, just Longstreet's employee selection.

126 I thought Longstreet would be happy that I had figured out the problem, but  
127 instead Longstreet did not want to call the police or fire anyone right away. Longstreet  
128 claimed to have a friend on the force who could review what I had found and let us know  
129 how to proceed. I thought this was a little weird but I didn't say anything. Several weeks  
130 passed and we kept losing money, and I was about to bring the matter up again but then  
131 Longstreet said that the investigator agreed with me! Longstreet suggested that I start  
132 working in the booth for a week or so to see if things started to even out. I agreed. I was  
133 happy to prove the system I designed was not at fault, and I thought working in a booth  
134 among the people seemed like a fun adventure. I had no idea how wrong I was.

135       The next day, I waited until Longstreet met with Poole and told him that he  
136       wasn't needed at the booth that day. Poole always scared me a little; he never did  
137       anything specific, but he had that bad-guy kind of vibe. I was happy not to be in the booth  
138       when all that went down. Instead, I heard Longstreet tell Poole that Poole didn't need to  
139       go to the locker room and could just leave right then. Poole sounded really angry, and  
140       I'm sure it was because of the wristbands in Poole's locker, but Longstreet insisted Poole  
141       leave. Poole said angrily, "This isn't over. You can't push me out like this." A few  
142       minutes later, Longstreet came over and told me to take over the booth. Everything went  
143       well for the rest of the day. It was really hot inside the booth, but I had a little fan and a  
144       book, and all the numbers of tickets I sold matched up with what the sales should look  
145       like based on the first day of the festival the year before. We had also just added the  
146       Tunnel of Terror to the World Tour, so those wristbands were flying off of the shelves.

147           It was a good day, but I was exhausted and really excited as it was getting closer  
148       to 9 p.m., which was closing time. I was just checking the sales figures one last time  
149       when I saw Poole approaching the ticket booth. I was immediately scared and I grabbed  
150       my phone. Poole said, "Put that away or you will regret it." That's when I saw  
151       something shiny and bright blue sticking out of Poole's pocket. It looked a lot like the  
152       handle of a multi-tool knife I had seen Whit Bowman fiddling with on break just a week  
153       before – I'd actually asked Bowman about the knife then, but Bowman didn't want to talk  
154       about it or anything else. I couldn't figure out why Poole would have Bowman's knife  
155       and I thought maybe the setting sun was playing tricks on me. I said to Poole, "No. You  
156       aren't supposed to be here. Leave now or I will call security." Before I knew what had  
157       happened, Poole had the knife out, blade extended, in my face and was leaning in to

158 whisper, "Give me all the money or I'll carve up your face. This is your fault anyway." I  
159 couldn't see the handle anymore, but I was scared out of my mind. I just started shoving  
160 the piles of cash I had just been adding and bundling, hoping that someone would see.  
161 Poole put all of the cash in a RacheterWorld duffel bag and then ran.

162 As soon as Poole was gone, I started screaming and I saw Winston Thomas, one  
163 of the security guards, start to chase after him. I thought I saw Thomas pull out a gun but  
164 I know the guards at the park don't carry guns so I was confused. I know Officer  
165 Thomas used to be on the real police force – that's why we call him Officer – and maybe  
166 that's why he had a gun, but I was still shocked to see it, and I certainly didn't want  
167 anyone to get hurt. Longstreet came over to see if I was okay – I wasn't physically hurt,  
168 but I was really shaken up. I don't remember much specific about what happened right  
169 after that. The police and the ambulance arrived at the scene. Detective Kimball started  
170 asking me questions and I vaguely recalled meeting Detective Kimball before when we  
171 had discussed the wristband scheme. I tried to remember what I could, but at that time, I  
172 could not stop shaking. It is hard to remember what I told the Detective.

173 I just hope they find Poole and catch him. I don't think Bowman would have been  
174 involved in something like this on purpose, and I bet either Poole stole that knife or it was  
175 a different one than I had seen Bowman with before, or maybe Poole made Bowman give  
176 it to him. I just can't believe Bowman is a bad person. I guess I'm just a little biased. I  
177 can't help but feel a little responsible for what happened to Officer Thomas. He was  
178 trying to protect me and instead he's now the one hanging onto life by a thread. The park  
179 hasn't been the same without him.

180 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
181 Employee Handbook, the RacheterWorld Map, the RacheterWorld Bracelets, the  
182 RacheterWorld World Tour Revenues: Three Year Summary, the Park Profit and Loss  
183 Spreadsheet, and the Click Count Spreadsheet. I am not familiar with any other exhibits  
184 or any affidavits other than my own.

185 I hereby attest to having read the above statement and swear or affirm it to be my  
186 own and consistent with the testimony provided during my grand jury testimony. I also  
187 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
188 to include everything I knew that could be relevant to the events described related to  
189 these charges. I also understand that I can and must update this affidavit if anything new  
190 occurs to me until the date of the trial in this case. I have also read and am familiar with  
191 the statements I provided to police officers and law enforcement officers related to these  
192 events and confirm that all documents showing my signature reflect my genuine  
193 signature.

194

195

196 Haley Floyd

197 Subscribed and sworn before on this, the 15th day of November 2012.

198

199 Cole Dyer, Notary Public

## AFFIDAVIT OF TYLER HARTMAN

1 After being duly sworn upon oath, Tyler Hartman hereby deposes and states as follows:

2 My name is Tyler Hartman. I am proud to say that I grew up right here in Midlands. I  
3 still live in the house I grew up in and I never want to leave. I have had a lot of odd jobs in my  
4 time. I get distracted easily, so I like to keep things moving. Picking up different ways to make  
5 money here and there has been a great way to do what I want to do whenever I want to do it.

6 The best part is that I can schedule my jobs around the RacheterWorld festivals and special  
7 events, and I love me some RacheterWorld. I started going to RacheterWorld when I was a kid,  
8 which feels like ages ago. My dad took me for my first ride on Hammock's Hamster Wheel and  
9 I was hooked. At the top of that Ferris wheel, I can see practically all of Midlands.

10 I started going to RacheterWorld several times a week a few years ago, and every time it  
11 is more than worth it. I've known a few of the owners of the park over the years. As a regular at  
12 the park and a frequent WorldPass holder, I always get the VIP treatment. Heck, I've been taken  
13 out to dinner by the park's owner, J.C. Longstreet, at least three times. Sure, I was with 20 other  
14 people, but I felt a real connection. Longstreet is my hero. Imagine having a whole park – and  
15 not just any park, but RacheterWorld – all to yourself all the time? I would die happy, and  
16 hopefully they would bury me underneath the Hamster Wheel! I have a sizable collection of  
17 WorldTour bracelets at home. Every day you enter the park you get a different one and they  
18 rotate the colors, which makes them fun to collect. I've even bought general-admission passes a  
19 couple of times just to add to my collection, or when I'm a bit short on cash. They kind of look  
20 like the wristbands you get at concerts. They have a number and RacheterWorld stamped on  
21 them. I've almost got enough of those colorful wristbands to wallpaper my bathroom!

22        Because I've been going there my whole life, I think of myself as the foremost authority  
23      on the park. I even worked there for a few summers. I was a gofer. Not the animal kind – I  
24      don't know if they have any animals besides the dinosaurs at RacheterWorld. I mean that I used  
25      to get stuff for the office people – the staff, the security people, the ride operators. You name it,  
26      I would *go for* it. Ha! I did not get to know the park ownership back when I worked there – we  
27      weren't close like I am with Longstreet now. I'm not even sure if it was the same people. But  
28      the best part about being a gofer was getting to know all the little secret places in the park that  
29      regular people don't get to see. Even now, I sometimes like to go visit the tunnels, the locker  
30      room, and the employee shack. I still have my old uniform. It doesn't quite fit the same, but I  
31      think I make it work. It definitely helps me blend in.

32        I like to get to know the employees at the park, and they will often let me skip the line to  
33      get in first to my favorite rides or even stay late on occasion. Bowman was one of the best.  
34      Bowman came to the park a couple of years ago and was so nice. Bowman was smart too, which  
35      you typically don't think about when it comes to your average theme park employee. Bowman  
36      was pretty quick with numbers back when Bowman ran the ticket booth.

37        This year, Bowman started working on some of the rides and games. Sometimes  
38      Bowman would work the ball toss game, and I swear Bowman could talk anyone into anything.  
39      It was amazing. Once I swear a guy ended up spending \$50 to win this cheap little purple stuffed  
40      dinosaur for his girlfriend. Instead of punching Bowman – who I'm pretty sure was cheating by  
41      not stacking the pins as close as was required to knock them down – the guy ended up *thanking*  
42      Bowman for it!

43        Bowman was always pretty cool about giving me the VIP treatment. Sometimes,  
44      Bowman even let me in the booth with the controls to Hammock's Hamster Wheel just to give

45 me a rundown of how the ride mechanics worked, how to stop and start the ride, put it into  
46 emergency protocol, run a blackout mode – everything, really. I have a full collection of  
47 employee handbooks, so I knew all the terms and descriptions of each mode, but Bowman let me  
48 see it in action, which was awesome.

49 I stopped getting to spend as much time with Bowman last summer. Bowman spent more  
50 and more time in the employee break room with Cameron Poole. Sometimes they would hang  
51 out behind the ticket booth too. I would hang back and wait to talk to Bowman as soon as the  
52 break was over, and sometimes I would accidentally overhear things. This one time, in the  
53 beginning of May, I was hiding behind this tree, waiting for Bowman to finish talking to Poole  
54 during break, and I heard Poole talking about needing money for rent or something and how little  
55 the pay was. Bowman seemed to agree and started telling Poole that Poole should ask for a raise  
56 and mentioned that the ticket booth was practically uninhabitable with no air conditioning, and if  
57 Longstreet didn't give the Poole a raise, Poole could try threatening to file a claim to get better  
58 working conditions. Poole seemed confused and Bowman said, "On second thought, don't  
59 worry about it. I have a few other ideas about how you can get what Longstreet owes you. Let's  
60 talk later."

61 A few days before the robbery, I was using the restroom in the locker room when I heard  
62 someone come in. I climbed onto the toilet in the stall and kept really quiet and listened.  
63 Technically, I wasn't supposed to be in that locker room, but I figure when you've spent more  
64 time in the park than most of the employees combined, you earn a few special perks. I  
65 recognized Bowman's and Poole's voices. Bowman was talking to Poole about how Haley  
66 Floyd, the park's accountant, must have tipped off Longstreet about something or other, because

67 Longstreet had asked Bowman if Bowman had noticed more people than usual with the World  
68 Tour bracelets.

69 Poole started yelling about how he was “not going to go down for this” and Bowman said  
70 not to worry – Bowman had a plan. Bowman told Poole, “Keep your ears open. If anything  
71 happens, I have a little insurance policy here for you.” I was looking through the little slat in the  
72 stall door at the time, but it looked like Bowman was patting a knife handle that I could see  
73 sticking out of Bowman’s pocket. I had seen Bowman fiddling around with that knife before – it  
74 had a bottle opener and a pretty blue handle – and I assume it was the same one. Then Bowman  
75 took out the knife and put it in a locker and said, “You know where it is if you need it.” It  
76 looked like Bowman put the knife into the locker with Poole’s name on it but I can’t be sure  
77 because it was hard to see through that one gap in the stall door. I thought about checking the  
78 locker after they left, but I figured it didn’t matter and I wanted to get back on the rides right  
79 away.

80 I was so sad when I saw Officer Thomas get hurt. It was awful. I still have nightmares  
81 about it. I first met Winnie – whose actual name is Winston Thomas – when I started going to  
82 the park. Even back then, it seemed like Winnie knew everyone and everyone knew Winnie.  
83 He’s just so nice. Even though he was working security, he was always willing to stop and take  
84 pictures for families or check in on the employees. My dad used to talk about how he knew  
85 Officer Thomas when he was a real cop. I guess he got shot on duty and started working at the  
86 park because his wife made him take a safer job. I bet she never thought something like this  
87 would happen. I don’t think I ever heard anyone say a bad thing about him. He would  
88 sometimes joke around and pretend to arrest the park employees and all the kids loved it. I  
89 almost think they should have renamed RacheterWorld “WinnieWorld,” since he was probably

90 more of a mascot than that stupid person in a dinosaur suit that runs around the park these days.  
91 I know Winnie usually didn't do as much walking around now as when I was a kid, but I still  
92 wouldn't mess with him. I once saw an employee try and pocket some cash from the skee ball  
93 attraction and Winnie caught him. Whew, I've never seen Winnie so mad. It scared the pants  
94 off me and the employee too! (Not literally; being without pants is against RacheterWorld rules,  
95 per the employee manual. It's not that kind of park!) After that, I never saw the skee ball skeeze  
96 again.

97 The day of the robbery, I was at RacheterWorld just doing my thing. I started on the  
98 Hamster Wheel and began making my way around the park visiting my favorite rides. I was  
99 actually on the Tunnel of Terror ride – I had just climbed in – when I thought I heard the sound  
100 of a shot. I've only heard a gunshot once before, when I attended the debate for Governor  
101 Walton a few years back and that professor killed himself, and that's exactly what it sounded  
102 like. I thought the ride was going to stop and they would make everyone get out, but I'm not  
103 sure Bowman, who was working the Tunnel of Terror at that time, noticed. Instead we just  
104 started off down the tunnel.

105 Right before we slipped into the darkness, I thought I saw Poole running with Officer  
106 Winnie behind him. I called out to Bowman that maybe we should shut down the ride. I know  
107 from my days at the park that anytime there is a commotion or disturbance, all "dangerous" rides  
108 should initiate emergency protocol. That means the ride shuts down, the emergency lights go on,  
109 and everybody disembarks. Bowman didn't do that though. We just kept going through the  
110 tunnel.

111 Next thing I knew, I saw Poole and Winnie running into the tunnel from the exit side. I'd  
112 never seen anything like that before. Poole looked like he was heading to the emergency exit

113 located in the back of the tunnel. It isn't marked, but I knew where it was because I had  
114 overheard Poole and Bowman talking about an exit in the Tunnel a few days before. I had never  
115 heard of that in all my time at the Park so I went exploring. Sure enough, hidden in the back is a  
116 secret door that leads to a back parking lot. That seemed to be the exact spot that Poole was  
117 heading toward, but to get to the door, he was walking right in the path of our buggy! I started  
118 yelling, and all of a sudden the entire ride plunged into total blackness. I had been on the ride  
119 before during blackout mode so I knew the buggy wouldn't stop even though the lights were off.  
120 I saw a small beam of light appear as Poole slipped out the back door. A second later, I heard a  
121 yell and saw the outline of Officer Winnie falling against the front of our buggy as it hit him  
122 head on. The blow slammed Winnie back into the wall of the tunnel and it looked like Winnie's  
123 head hit really hard. I tried to drag Winnie into our buggy but he wasn't moving. When we got  
124 out, Detective Kimball was standing outside the entrance with a gun drawn. Detective Kimball  
125 ordered everyone out of the buggy.

126 Of the exhibits in this case, I am familiar with the following: the RacheterWorld Map, the  
127 RacheterWorld Employee Handbook, and the RacheterWorld Bracelets. I am not familiar with  
128 any other exhibits or any affidavits other than my own.

129 I hereby attest to having read the above statement and swear or affirm it to be my own  
130 and consistent with the testimony provided during my grand jury testimony. I also swear or  
131 affirm to the truthfulness of its content. Before giving this statement, I was told to include  
132 everything I knew that could be relevant to the events described related to these charges. I also  
133 understand that I can and must update this affidavit if anything new occurs to me until the date of  
134 the trial in this case. I have also read and am familiar with the statements I provided to police

135 officers and law enforcement officers related to these events and confirm that all documents  
136 showing my signature reflect my genuine signature.

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139

Tyler Hartman

140 Subscribed and sworn before on this, the 15th day of November 2012.

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L. M. Jehl Notary Public

## AFFIDAVIT OF JACKIE HUNTER

1 After being duly sworn, Jackie Hunter testified as follows:

2 My name is Jackie Hunter. I currently work as an intern at the Midlands Voice, the top-  
3 circulation free newspaper in the state. I've only been a journalist for about a year. Before that, I  
4 worked at RacheterWorld for four summers. The first summer I was on a cleanup crew. In fact,  
5 some days that summer I was the cleanup crew. J.C. Longstreet, the park's owner, was always  
6 cheap, so we were always understaffed.

7 I remember that first summer, in 2009, there was a ride called the Screwdriver, one of  
8 those rooms where you spin around and stick to the wall while the floor drops away. I think this  
9 one must have been around since the 1950s; it was all mechanical with no electronics, and the  
10 speed was adjusted with these gears. But nobody knew how to work the gears right, and when  
11 they got messed up, it would make people really nauseous.

12 Late that summer, when it got really bad, the other two people on the cleanup crew  
13 looked at their paycheck, looked at the mess, and just quit. I cleaned up the mess from that ride  
14 alone until August, when Longstreet closed it down. I don't think he did it voluntarily, either. I  
15 saw him arguing with someone with a clipboard near the ride just before it closed. I bet someone  
16 complained, and the person with the clipboard was a safety inspector or something.

17 In 2010, I got moved off janitor duty. I guess not many people come back from year to  
18 year, so you get to be senior pretty quick. I only came back because of Pat, who was working as  
19 a dancer in one of the park shows. We weren't exactly dating – we never saw each other outside  
20 work – but we did eat lunch at the same table a lot.

21 Anyway, I mostly worked as a “floating” ride operator in 2010, meaning that I filled in  
22 whenever one of the regular ride operators couldn't be there, covered for people on breaks, that

23 kind of thing. I got to know a lot of the rides that way. They were in terrible shape. Some of  
24 them, especially the little kids' rides, were really old, like from the 1920s or 1930s. I don't think  
25 Longstreet bought a new ride the whole time I worked there. The "new" rides were always  
26 someone else's used rides that they were getting rid of.

27 Still, the staff were a little happier in 2010 because Haley Floyd was there, which meant  
28 they had to deal with Longstreet less. Floyd was the park accountant, but was also the one who  
29 sent me on assignments, so I probably spent more time in the trailer that served as a park office  
30 than most employees. The place was always a mess. There were always boxes of admission  
31 bracelets just lying around in there, both general admission and WorldTour (the premium  
32 admission that allowed access to the VIP lines). There were a bunch of different colors of  
33 bracelets. Some of the World Tour bracelets were numbered sequentially, but some were not.  
34 Some of the workers used to grab them when they went to clock in or out and give them to their  
35 friends for the next weekend. One kid got caught and they fired him, but instead of cleaning up  
36 the place, they just moved the time clock to the other trailer where the employee lockers were,  
37 and said nobody could come into the office anymore. So people stopped stealing bracelets and  
38 started cheating on their time cards instead.

39 In 2011, I got a call from Floyd in the winter asking me if I planned to come back to  
40 work there next summer, which I thought was nice. When I got there in April, I was  
41 disappointed to learn that Pat wasn't there that summer, but I thought I might as well stay.

42 That was the worst summer. It seemed like Longstreet was in a bad mood all the time,  
43 and even Floyd, who was usually pretty nice, would yell at anyone who even stuck their head  
44 into the office trailer. Pretty soon it was clear that there was something shady going on. I saw

45 Longstreet and Floyd arguing a lot that summer, and sometimes I would see Longstreet arguing  
46 with guys I didn't recognize but who looked pretty threatening to me.

47 Other weird stuff started happening, too. Once I happened to see two full boxes of World  
48 Tour bracelets sitting in a dumpster. I took them to Floyd and offered to try to find out how they  
49 got there, but Floyd told me to mind my own business and said that Floyd and Longstreet would  
50 take care of it. I never did find out how that happened, even though I still asked around.

51 And another strange thing – the park had been getting more popular since Floyd got there  
52 and started to run sales and promotions and advertise more. Longstreet was always too cheap to  
53 discount anything. But in 2011, the discounts started to disappear. I thought the park seemed  
54 less crowded by the end of the summer than usual, but by then I was working mostly in the  
55 parking lot or behind the scenes helping with ride maintenance, so it's hard to tell.

56 I should tell you that I've always really wanted to be a journalist. I like asking questions.  
57 Some people say I'm nosy. I like to think of it as curious. During the 2011 season, I started  
58 looking around for a job as a reporter. I talked to the editor of the Voice and showed him a few  
59 things I wrote. He said he was really looking for something more scandalous. The Voice has a  
60 reputation as a muckraking kind of paper, always trying to take on the established power  
61 structure.

62 I told him about the sorry state of some of the rides at RacheterWorld, which I thought  
63 was pretty shocking, but he didn't think it was right for his paper. There was one girl who  
64 another worker told me had been pretty badly hurt by a ride a year or two before I started, but  
65 that was too old and nobody knew the girl's name or exactly what happened to her. Longstreet  
66 heard me asking some of the old carnies about it one day and I almost got fired, so after that I  
67 kept my mouth shut.

68        In 2012, I hadn't gotten anything published in the Voice yet, but I decided to head back to  
69    RacheterWorld and keep my eyes open. One day in early April, I saw Longstreet and Floyd  
70    arguing about something on the other side of the park, so I snuck into the office trailer. I found  
71    some really weird stuff. There were boxes of bracelets that weren't from the regular company  
72    the park gets bracelets from. There was a pile of plumbing invoices, even though I hadn't seen  
73    any plumbers in the park all summer, and they looked really expensive. That's strange in itself,  
74    because Longstreet hates spending money.

75        Most of all, there were two books on Floyd's desk. Both of them had the same date on  
76    the spine, but one of them also had some letters written underneath – I don't remember exactly  
77    what. As I was looking at them, Floyd came back, and in a few minutes I was out of the park and  
78    fired.

79        The Voice still didn't think there was enough for a story, but I'm hoping something will  
80    come out during the trial, and in the meantime I've been doing some freelance work for the  
81    paper, and even got a story published. I definitely think Longstreet and Floyd are up to no good  
82    and trying to pin it on Bowman. I worked with Bowman in 2012 for a little while, and I don't  
83    believe Bowman would steal. In fact, even though I know a lot of the employees would play fast  
84    and loose with the time cards – clocking each other in, clocking out late to get overtime, that sort  
85    of thing – I never saw Bowman or Poole do that. I guess Poole did often joke about sneaking  
86    cash out of the till or giving our friends free rides – I mean, a lot of us did. Bowman always  
87    looked really uncomfortable whenever we would make jokes like that, though, and never joined  
88    in. I never saw Bowman or Poole do anything dishonest.

89           Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
90       Employee Handbook, the RacheterWorld Map, and the RacheterWorld Bracelets. I am not  
91       familiar with any other exhibits or any affidavits other than my own.

92           I hereby attest to having read the above statement and swear or affirm it to be my own  
93       and consistent with the testimony provided during my grand jury testimony. I also swear or  
94       affirm to the truthfulness of its content. Before giving this statement, I was told to include  
95       everything I knew that could be relevant to the events described related to these charges. I also  
96       understand that I can and must update this affidavit if anything new occurs to me until the date of  
97       the trial in this case. I have also read and am familiar with the statements I provided to police  
98       officers and law enforcement officers related to these events and confirm that all documents  
99       showing my signature reflect my genuine signature.

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Jackie Hunter

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Subscribed and sworn before on this, the 15th day of November 2012.

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L. M. Jehl, Notary Public

## AFFIDAVIT OF CHARLIE KAMINSKY

1 After being duly sworn upon oath, Charlie Kaminsky hereby deposes and states as  
2 follows:

3 My name is Charlie Kaminsky. In attempting to bring the higher end services to  
4 Midlands, I now drive limousines and sedans for my own company, AAAA Luxury  
5 Transportation. I used to be a cab driver for the AAA Cab Company – “the first name in  
6 personal transportation services” – right here in Midlands Center. I guess they’re the  
7 second name in personal transportation services now. I have been driving people around  
8 for the last seven years while trying to go back and get my college degree. You can say  
9 that I had a falling out with the AAA Cab Company a few years back, and I decided it  
10 was time to work for myself. When I worked for AAA, I’d probably slept through more  
11 classes than I’d attended – not counting the classes I’d attended and slept through, that is.  
12 These days, my schedule is much more manageable. I got a great deal on a few cars from  
13 the Malone family, and I’ve been enjoying my new life. I’m on track to get my degree  
14 soon, but I am not sure I want to leave the life of being a transportation entrepreneur.

15 My usual pickup spot during the night is at Butler’s Lounge right down the street  
16 from Chuggie’s. It’s a little on the nicer side, and I can’t say I am as welcome at  
17 Chuggie’s as I was a while ago. I’ve widened the net, though, and it’s been very  
18 lucrative. I’ll go almost anywhere within fifty miles of Midlands Center to pick someone  
19 up for the right price.

20 When I’m not busy with school or flexing my entrepreneurial muscles, one of my  
21 favorite places to go is RacheterWorld. I loved the place growing up, although I guess

22 people maybe think it is sketchy when a sharply dressed individual like me shows up at a  
23 children's amusement park alone. For that reason, I usually try to take a friend along.

24 As you might imagine, I deal in a lot of cash money. One day, when I was buying  
25 my ticket at the park with straight cash (per usual), I saw the person working the front  
26 gate use what appeared to be a sleight-of-hand maneuver to slip some of the money I had  
27 handed the person to somewhere other than the register. Then the employee, whose name  
28 tag said "Cameron," did not grab my bracelet from the usual stack, but pulled it out from  
29 a pile of wristbands that seemed to be hidden from view. When I put it on my wrist, it  
30 seemed a little more faded than usual, and it didn't have a number on it like it usually  
31 does.

32 No one was in line at the time, so I decided to ask Cameron what was up with the  
33 wristbands. Cameron tried to play it off like nothing strange was going on, but when I  
34 asked to trade my wristband for one in the stack, Cameron started to get a little nervous.  
35 I told Cameron that I'd driven the owner of the park, J.C. Longstreet, around a few times  
36 before and that Longstreet was a real jerk and a lousy tipper, so Cameron did not need to  
37 worry about me reporting Cameron. Cameron told me that I was right, that Longstreet  
38 was always shorting the employees' pay as well, and that Cameron thought that  
39 Longstreet was cooking the books to make it seem like the employees needed to  
40 "sacrifice" to keep the park open. Cameron told me that he and a few friends were taking  
41 a cut of the cash profits and distributing them to park employees, who could barely live  
42 off of their wages. I said, "Thanks, Robin Hood," and promised I would not tell anyone.  
43 Seeing a small opportunity for me, I handed Cameron a stack of business cards and asked  
44 if he could do me a favor by handing out my cards to folks who seemed to be appropriate

45 clientele. It must have worked. Before I knew it, I was picking up another ride or two a  
46 week from RacheterWorld, which was perfect.

47 I have to say that one of my absolute favorite things to do at RacheterWorld was  
48 to figure out which ride Whit Bowman was operating and hop on it. I know Bowman  
49 because, like me, Bowman thinks RacheterWorld is great but could use a little more  
50 excitement. Bowman would often turn up the ride speed beyond the “safe” maximum to  
51 add to the thrill or make little “modifications” here and there to the rides, which made  
52 them more exciting and less predictable.

53 On August 30, 2012, I was at RacheterWorld when I received a text message from  
54 a number I had not seen before asking whether I could pick the person up that night in a  
55 grocery-store parking lot about a mile from RacheterWorld. I was not planning to work,  
56 but I figured I was already in the area so it would be fine. I texted back asking, “Who is  
57 this and what time?” The response I received was, “I’ll pay you \$300 cash if you can be  
58 there twenty minutes after I ask. I’ve sent you plenty of business from the park.” I know  
59 it sounds sketchy, but \$300 cash won out in my mind, and I agreed.

60 I must have waited for hours to get another message, and I was starting to think it  
61 was a scam. My limousine was gassed up and ready, so I had no need to do anything  
62 other than hang out and drive over to that parking lot if the message ever arrived.  
63 Bowman was working that day, although Bowman appeared to be distracted. In fact,  
64 Bowman even closed down Bowman’s assigned ride a few times during the day and  
65 completely abandoned it to operate the Tunnel of Terror near closing time. Poor  
66 scheduling and management, I guess.

67           Finally, about an hour before the park's closing time (9 p.m.), I got a text from my  
68       patron for that evening to be at the grocery store in 15 minutes. Whit Bowman was  
69       operating the Tunnel of Terror at that point, which I was going to ride to see what  
70       “modifications” Bowman might make this time, but I hopped out of line and went  
71       straight for the exit.

72           On my way to the exit, things started to get very strange. I saw a person who  
73       looked a lot like the ticket-window person, Cameron, running away from the front gate  
74       toward where I had just left. Some person – maybe a security guard, although I can't say  
75       for sure – was chasing after Cameron, and it looked like the security person was holding  
76       a gun. I heard the person with the gun yell, “I'm going to end you, Poole!” The person  
77       with the gun sounded pretty angry, and it did not look like the person who was running  
78       was armed. I was worried, but there was nothing I could do about it. I remembered that I  
79       had a job to do and left the park.

80           It probably took me seven or eight minutes to get to my car, and I made it to the  
81       grocery-store parking lot just in time. I did not see anyone who appeared to be waiting  
82       for me. Then, lo and behold, I saw Cameron walk out of the woods, walk inside the store  
83       for a few seconds, and casually walk out to my car. When Cameron approached, I rolled  
84       down the window and told Cameron that I was waiting on a client. Cameron looked  
85       around, appeared satisfied that no one was watching, and reached into a bag and handed  
86       me a stack of cash that was easily \$400 instead of the \$300 I had been promised.  
87       Cameron said, “Your client is here,” and I opened the back door of the car. Cameron told  
88       me to drive him to the Midlands Marina. Cameron then asked if I would put up the  
89       privacy screen in the car so that he could make a few phone calls. I did what he asked,

90 but after all I just saw, curiosity got the best of me. I left open the “speaker” that allows  
91 passengers in the back of my limousine to talk to me when the privacy screen is up.

92 Cameron was on speakerphone, and I heard a voice that sounded an awful like the  
93 one I’d heard early that day operating rides. I think it must have been Whit Bowman,  
94 which makes sense because Bowman and Cameron worked at the park together.

95 Bowman asked Cameron what Cameron had done. I don’t remember every word  
96 verbatim, but I think Cameron responded with something like, “Things got crazy, and we  
97 were going to get caught. I had your knife and told Floyd that I was going to carve Floyd  
98 up with it if Floyd didn’t fill the bag with cash right away. Then I dashed. Don’t worry –  
99 I got rid of your blade. Nobody will know you had anything to do with it.” I heard  
100 Bowman say something like, “I didn’t! I told you I never wanted anything like this to  
101 happen! You promised ...” before I think Cameron took the phone off speaker. I heard  
102 Cameron say, “You knew this might happen. You’ll get your share someday, but for  
103 now, just keep your eyes open and your mouth shut.” That was the end of that call.

104 I’m still not sure I understand the next call. Cameron was no longer on  
105 speakerphone, so I don’t know who Cameron was calling, but it was still pretty  
106 interesting based on the side of the conversation I heard. Cameron told the person on the  
107 other end that Cameron had smoothed things over with Whit and that Whit would stay  
108 quiet in hope of getting the cash until the money and Cameron were long gone. Cameron  
109 told the person that Cameron would stay out of sight until they were supposed to meet up  
110 at the bar. I was getting pretty uncomfortable by that point and turned off the speaker.

111 We pulled into the Midlands Marina a few minutes later, and Cameron walked out  
112 the door and told me that he had another \$500 for me if I would not tell anyone about the

113 ride. That seemed like a good deal to me until the police showed up at my door. I guess  
114 someone at the grocery store thought that my limousine was a bit out of place and called  
115 it in. The last thing that I need as an entrepreneur is to spend another full year dealing  
116 with a trial like what happened to one of the other drivers when I worked for AAA. I told  
117 the police everything I knew, though I'm still not sure what to make of all of it.

118 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
119 Map and the RacheterWorld Bracelets. I am not familiar with any other exhibits or any  
120 affidavits other than my own.

121 I hereby attest to having read the above statement and swear or affirm it to be my  
122 own and consistent with the testimony provided during my grand jury testimony. I also  
123 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
124 to include everything I knew that could be relevant to the events described related to  
125 these charges. I also understand that I can and must update this affidavit if anything new  
126 occurs to me until the date of the trial in this case. I have also read and am familiar with  
127 the statements I provided to police officers and law enforcement officers related to these  
128 events and confirm that all documents showing my signature reflect my genuine  
129 signature.

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131

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Charlie Kaminsky

133 Subscribed and sworn before on this, the 15th day of November 2012.

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Sarah Shelton, Notary Public

## AFFIDAVIT OF FRANCIS KIMBALL

1 After being duly sworn upon oath, Francis Kimball hereby deposes and states as follows:

2 My name is Francis Kimball. I am employed as a detective in the Breckinridge  
3 County Police Department. I graduated at the top of my class from the Breckinridge  
4 County Police Academy ten years ago, and I joined the force shortly thereafter.

5 I had always dreamed of being a police officer since childhood. My dad and his  
6 two brothers and younger sister were all cops. My grandfather was a cop. It was all I  
7 ever wanted to be. My dad was killed on the job when I was still in middle school. He  
8 busted up a robbery with his partner, Winston Thomas, and it just happened. Winnie  
9 (that's what everybody called Officer Thomas) took a bullet too. I still remember the  
10 speech he gave at my dad's funeral.

11 When I was first recruited to the academy, I was so excited to join the force and  
12 make my dad proud. But that same month, my mom got really sick and I knew the idea  
13 of my joining the force would be too much for her to handle. Plus things at home got  
14 really tight moneywise. To make ends meet, I put off going to the academy and I started  
15 moonlighting as a security guard at RacheterWorld. It didn't pay all that well, but it beat  
16 working at Target on the weekend. I actually got the job because Winnie had started  
17 working there after his injury. J.C. Longstreet, the owner of RacheterWorld, likes having  
18 an officer with a badge on the security team. When Winnie told Longstreet that I was a  
19 future member of Midlands finest, Longstreet said, "You never know when you will need  
20 a friend like that," and hired me on the spot.

21 Longstreet even gave me my pick of hours, allowing me to duck out whenever I  
22 needed to help at home. Winnie was always great about helping pick up the slack too.  
23 Other than my dad, Winnie is the best guy I've ever known. When my mom's health

24 picked up the following year and I finally told her about the academy, Winnie was the  
25 first one to congratulate me. Longstreet was the second. Longstreet even threw me a big  
26 party at the park and everything. I don't know if I would have made it to where I am  
27 today if it hadn't been for Winnie and Longstreet. I owe them both so much.

28 It came as quite a shock, then, that once I finished the academy and joined the  
29 force, I started to discover a less friendly side of the park. RacheterWorld has always  
30 been more than a bit shady. The MPD ends up down there more weekends than not  
31 during the summer season. Usually it's petty stuff – teenagers sneaking in without a  
32 ticket, drunk college kids causing trouble near closing time, that sort of thing.

33 I was surprised, however, when I got a call from Longstreet about something  
34 going on in the financial dealings of the park. While RacheterWorld wasn't quite the  
35 "happiest place on earth," I never had the sense that Longstreet or any of the managers  
36 were wrapped up in anything that wasn't above board. I had been working in the police  
37 department's Financial Crimes Unit (FCU) since I started the force, and RacheterWorld  
38 had never come up on my unit's radar. Longstreet mentioned that there wasn't anything  
39 definite and that Longstreet didn't want an official police investigation or to get anyone  
40 in trouble until things were a little clearer, but Longstreet asked if I would mind looking  
41 over some of the park financials to see if there were any red flags that might raise  
42 eyebrows in an audit. I asked Longstreet if there was something specific that Longstreet  
43 was concerned about and I suggested that if there was any indication of an inside job, we  
44 needed to report it. Longstreet insisted that it was not a big deal, just a slightly  
45 overanxious accountant in all likelihood, but Longstreet wanted to avoid embarrassing  
46 any of the park staff with something like charges until it was certain anything was wrong.

47 I can understand that. A lot of the kids that work at the park don't have the most glowing  
48 resumes, and I didn't want to undermine anyone's attempt to make an honest living by  
49 accusing them of something without proof, so I told Longstreet I would come down and  
50 check things out.

51 Most of the things I discovered are outlined in my Report. In my review of the  
52 records of the park financials over the last three years, which were compiled by the park's  
53 accountant, Haley Floyd, I noticed something odd about the decline of World Tour ticket  
54 sales compared to an influx of overall park attendance. I spoke with several of the park  
55 employees and learned that customers had been complaining about some of the  
56 wristbands seeming cheap and flimsy. I also observed some of the rides themselves and  
57 I noticed, although I did not keep specific count, that there seemed to be a large number  
58 of people wearing World Tour bracelets riding the popular rides. This was enough for  
59 me to feel confident in telling Longstreet that a more thorough and formal investigation  
60 into the park's ticket sales was warranted. As I mention in my Report, I told Longstreet  
61 that Longstreet should switch out the primary person working in the booth and suggested  
62 that Floyd take over, since Floyd was the one who brought the discrepancy to  
63 Longstreet's attention and could therefore be trusted. I also suggested that Longstreet  
64 tread carefully with the current staff and avoid raising any alarms, but I could tell that  
65 Longstreet was really angry. I opened an FCU case file on the investigation and filed a  
66 preliminary report with my initial findings. The preliminary report has now been  
67 incorporated into my Supplemental Report, which contains a full explanation of my  
68 involvement in this case.

69 I went to RacheterWorld on Thursday, August 30, the first day of the park's  
70 annual "Fall Festival of Fun" and the start of Floyd's new career as a ticket salesperson.  
71 A little after 8 p.m., less than an hour before the park was scheduled to close, I was just  
72 finishing up a meeting with Longstreet when I heard what sounded like yelling from the  
73 direction of the ticket booth. I then heard what sounded like Floyd's voice scream, "Stop  
74 him!" By the time I made it to the booth itself, Floyd had collapsed on the ground and  
75 looked very shaky and upset. Floyd just kept repeating, "Stop him!" I figured it had to  
76 have been a robbery from the fact that it was the main ticket booth, where the park would  
77 have had a lot of cash on hand at the end of a busy day. I saw a man running away from  
78 the booth, and I sprinted after him in an effort to catch up.

79 As I neared the Tunnel of Terror ride, I could see that I wasn't the only one  
80 chasing the fleeing man. There was another person I couldn't make out pursuing the man  
81 through the crowd. As they neared the Tunnel of Terror ride, I heard the unmistakable  
82 sound of a single gunshot. The man stumbled but kept going and headed into the dark  
83 tunnel in the middle of the Tunnel of Terror ride, and the person chasing him followed  
84 behind. I could see that there were dim lights in the tunnel, and the fleeing man and the  
85 person following were running along the track while the cars were still moving. Then,  
86 suddenly, as I reached the entrance to the tunnel, the lights went out but instead of  
87 hearing the Tunnel of Terror ride screech to a halt, the cars kept moving through the  
88 tunnel. A split second later, I heard a shout followed by several screams. I pulled out my  
89 standard-issue flashlight and shined the beam into the tunnel, holding the light steady  
90 above my left hand, which now held the gun I had drawn from my own holster. With the  
91 light shining through the door opening, I could see that the person chasing Poole had

92 been hit by one of the cars and slammed against a wall. The other ride passengers were  
93 pretty hysterical. I noticed the park security uniform and gray hair on the injured man,  
94 and my stomach dropped. One of the passengers had already called 911, and I had  
95 radioed in the second I started chasing the man so emergency personnel were on the  
96 scene almost immediately. I checked Winnie's vitals and breathed a huge sigh of relief  
97 that Winnie was alive and breathing. I waved my light toward the tunnel entrance to  
98 indicate where we were located for the EMTs who had just started making their way  
99 toward us. I couldn't help but think about the night my dad died, working a robbery just  
100 like this with Winnie, and I knew I had to hold someone accountable for this.

101 Once I left the tunnel, with Winnie and the ride passengers in the care of the  
102 EMT's, I immediately began my investigation as outlined in my report.

103 Of the exhibits in this case, I am familiar with the following: the 911 Audio  
104 Recording and Transcript; the Arrest Report filed by me on August 30, 2012, and the  
105 Supplemental Report filed by me on September 15, 2012; the RacheterWorld Employee  
106 Handbook; the RacheterWorld Map; the RacheterWorld Bracelets; the Text Message  
107 Screenshots from Whit Bowman's Cell Phone; the RacheterWorld World Tour Revenues:  
108 Three Year Summary; the Park Profit and Loss Spreadsheet; and the Click Count  
109 Spreadsheet. I am not familiar with any other exhibits or any affidavits other than my  
110 own.

111 I hereby attest to having read the above statement and swear or affirm it to be my  
112 own and consistent with the testimony provided during my grand jury testimony. I also  
113 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
114 to include everything I knew that could be relevant to the events described related to

115 these charges. I also understand that I can and must update this affidavit if anything new  
116 occurs to me until the date of the trial in this case. I have also read and am familiar with  
117 the statements I provided to police officers and law enforcement officers related to these  
118 events and confirm that all documents showing my signature reflect my genuine  
119 signature.

120

121

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122 Francis Kimball

123 Subscribed and sworn before on this, the 15th day of November 2012.

124

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125 L. M. Jehl, Notary Public

## AFFIDAVIT OF J.C. LONGSTREET

1 After being duly sworn upon oath, J.C. Longstreet hereby deposes and states as follows:

2 My name is J.C. Longstreet. I am the owner and chief executive of  
3 RacheterWorld, the premier family-entertainment attraction in the great state of  
4 Midlands. RacheterWorld provides quality, affordable family fun for kids of all ages,  
5 from the young to the young-at-heart. The park is open from the first weekend in April  
6 through Labor Day every year. We offer two types of day passes for the park – standard  
7 admission for \$20 or our premium “RacheterWorld Tour” admission, which includes  
8 access to shorter VIP lines at most of our attractions, for \$35. We use different-colored  
9 wristbands to indicate the different tiers of admission, and we rotate the colors randomly  
10 on different days so that people can't reuse their wristbands. The wristbands also have  
11 sequential numbering, so that we can double-check if there's any question about whether  
12 a wristband has been reused from a past day with that color. I can't say I've ever caught  
13 anyone reusing a wristband, though.

14 Running an amusement park isn't easy, and running one profitably definitely has  
15 its challenges. Fortunately, there's no shortage of cheap labor in the area during the  
16 summer. Nearly my entire RacheterWorld staff consists of high-school and college-age  
17 kids making at or near minimum wage.

18 Despite all that I have done for the people of Midlands, some people still don't  
19 seem to think very highly of me. I've been criticized for paying low salaries and for  
20 keeping my employees' hours low enough to avoid providing benefits. RacheterWorld  
21 has also been criticized for not having the most up-to-date safety and security features on  
22 its rides, leading to a few unfortunate injuries and incidents over the years. But if I'm

23 going to offer affordable entertainment for everyone, I can't spend all of my money on  
24 security cameras and safety upgrades. I prefer to focus on the fun factor. By keeping  
25 costs low, I can pass on the savings to my customers, so that my park can provide  
26 affordable entertainment for everyone. Of course, cutting the occasional corner also  
27 helps me maintain a healthy profit margin from year to year – at least it did until the  
28 summer of 2012.

29 I noticed in late July that our overall revenue was down by a few thousand dollars  
30 from the summer before, even though the park was more crowded. I sat down with Haley  
31 Floyd, my accountant, to figure out where we were losing money. The first thing we  
32 noticed was that we had sold fewer of our World Tour bracelets than the previous  
33 summer – a lot fewer, in fact. By itself, that doesn't necessarily mean anything. We had  
34 lower World Tour sales in 2008-2009 when the economy tanked, as people wanted to  
35 experience the park but felt they couldn't afford the premium package. Ultimately that  
36 didn't have much impact on overall revenue, as customers buying the regular admission  
37 had to wait longer to get on the rides they wanted, and if they weren't on rides as much,  
38 they were usually purchasing food and drink from the concession stands. Plus, the more  
39 people who bought the regular wristbands, the better the shorter World Tour lines looked,  
40 and more people would buy them when they came back the next week. Either way, the  
41 park (and I) would make money.

42 Our overall park admissions were actually slightly up from the year before, but  
43 more customers were purchasing the regular admission instead of the World Tour. From  
44 what I saw, the rides seemed as busy as ever, and the World Tour lines didn't seem to be

45 getting any shorter—in fact, they were longer than ever. Floyd and I started to suspect  
46 that someone on the inside was stealing from the till.

47 When you’re operating a profitable business, it’s important to have friends in high  
48 places. I placed a call to one of those friends, Detective Francis Kimball, with whom I  
49 had cultivated a good relationship over the years. Kimball, who worked in the police  
50 department’s Financial Crimes Unit, had worked for me a bit when Kimball was just out  
51 of school and waiting to join the academy. After getting the badge, Kimball and I stayed  
52 close. Kimball’s family frequently visited RacheterWorld, and I made sure that they got  
53 the VIP treatment whenever they came to the park – complimentary upgrades to the  
54 World Tour admission, as well as complimentary refills from the food stands, where my  
55 cashiers have standing orders to make sure that Midlands’ finest and their families are  
56 treated well. Some might call – and occasionally have called – that purchasing influence.  
57 I call it respect.

58 I spoke to Kimball on August 1, 2012, and gave Kimball copies of our annual  
59 financial reports from each of the past three years, as well as our weekly reports from the  
60 2012 season so far. Kimball informed me that the Financial Crimes Unit was very busy  
61 wrapping up a high-profile investigation of a local luxury-car dealership that was  
62 apparently involved in gambling and money laundering. Kimball assured me that once  
63 that was done, RacheterWorld would get Kimball’s full attention. I continued to send  
64 Kimball our daily reports, which weren’t getting any better as the summer progressed.

65 On August 29, Kimball finally came down to RacheterWorld to speak with Floyd  
66 and me. Kimball confirmed our suspicions that someone employed at the park was likely  
67 stealing substantial amounts of ticket revenue, either from the admission ticket booth at

68 the main gate or the per-ride ticket booths inside the park. Kimball suspected the former,  
69 so Kimball suggested that I ask Cameron Poole, who usually worked the main-gate ticket  
70 booth on the weekends, to take a day off.

71 I waited outside the main ticket booth for Poole to show up the next morning.  
72 When Poole arrived, I told him, "I'm gonna need you to work out in the park today, and  
73 the rest of the weekend too." Poole asked me, "Is there a problem? Why are you doing  
74 this to me?" I told Poole, "Nothing personal. We just need some extra help on the cleanup  
75 detail for the festival crowd. Floyd will handle the main booth today. You need to go  
76 over to the maintenance building and get your assignment there." Poole replied, "I'm  
77 afraid I can't do that." I asked angrily, "What's the problem?" Poole stared angrily at  
78 me for what seemed like half a minute. I continued, "What do you mean, you can't do  
79 that? If you can't do that, you can't work here!" Poole paused again, then silently turned  
80 and walked purposefully away from the booth.

81 On the advice of Kimball, who had stopped by briefly that morning to make sure  
82 there was no trouble, I gave Floyd – who had arrived to work the booth – new neon-  
83 colored bracelets for World Tour customers that day. By the time I checked in at the  
84 booth around noon, we had clear proof – at least in my mind – that Poole was the culprit,  
85 because our sales of World Tour passes were soaring, and our regular admission sales  
86 were down about the same amount. As the day came to a close, Kimball came back to  
87 the park to meet with me before examining the day's receipts upon closing.

88 We were meeting in the main office, which is a short distance from the main gate,  
89 when I heard shouting – or maybe it was screaming. Kimball and I sprung up from our  
90 chairs and ran out toward the sound, which had come from the main ticket booth. Floyd

91 was standing outside and looked very scared. Floyd was yelling, "Stop him!" and when I  
92 asked, "Which way?" Floyd pointed toward the east side of the park, where a couple of  
93 our more popular rides are located. Kimball pulled out a gun and yelled at me, "Stay  
94 here!" and sprinted in the direction Floyd had indicated.

95 I went over and checked on Floyd, who had crumpled on the ground. Floyd  
96 appeared to be uninjured but was clearly badly shaken up and in tears. Floyd said, "It  
97 was Poole. He took everything!" I said, "What?" Floyd replied, "Poole had a knife and  
98 he said he was going to carve me up if I didn't hand everything over – all the money, all  
99 the bracelets, everything. I'm sorry! I'm so sorry."

100 By that point, a few other employees had come over from nearby stations, and I  
101 left Floyd with them and started in the direction Kimball had gone. Right about then, I  
102 heard the unmistakable sound of a single gunshot, followed by several people screaming.  
103 I froze. Soon after, my cell phone rang. It was Kimball, telling me I'd better get down to  
104 the Tunnel of Terror ride quickly because someone was hurt. Kimball told me that  
105 someone had called 911 and that help was on the way. I ran to the Tunnel of Terror and  
106 found Kimball underneath the ride standing over Winnie – Officer Thomas –  
107 who had been working park security that day. Winnie may be a security guard, but a lot  
108 of the regulars at RacheterWorld call Winnie their favorite theme park attraction. He's  
109 more popular than most of the rides! Kimball looked pretty shaken, maybe even crying.

110 At that moment, I remembered that Kimball knew Winnie, who had been with the  
111 Midlands Police Department for several years before being relieved of duty due to  
112 excessive use of force in a robbery. I had heard that Winnie was falsely accused but hit a  
113 rough spot because not only was Winnie shot, but the other officer on the call was killed,

114 and besides, who am I to judge? Plus, it can't hurt to have a security guard that isn't  
115 afraid to crack some heads when things get tough. I had hired Winnie almost  
116 immediately after the robbery fallout, and he has worked for me every summer since. I  
117 started him on the evening shift but soon figured out that Winnie could work any crowd,  
118 anything from little kids scared on a ride to babysitters who inevitably lose one of their  
119 snotty little charges, and of course, the rowdy teenagers – usually drunk or high, or both –  
120 who are always trying to sneak into the park. In fact, they sometimes try to come in the  
121 back emergency entrance behind the Tunnel of Terror, the door of which was propped  
122 open when I arrived at the scene. I figured that was where the robber must have escaped.

123 Once Winnie was taken to a nearby hospital, Kimball took me back to the main  
124 office and asked me some questions. I looked at the employee schedule and figured out  
125 that Billie Isaacs was supposed to be operating the Tunnel of Terror ride when the  
126 robbery occurred. Kimball took down Isaacs' home address and phone number. Kimball  
127 then asked me if RacheterWorld security guards normally carried firearms. I told  
128 Kimball that we didn't issue guns, but if a security guard had a conceal-and-carry permit,  
129 they were permitted to carry at RacheterWorld. Besides, Kimball knew as well as I did  
130 that Winnie never went anywhere without his gun. That was one of the benefits of hiring  
131 Winnie – current and former police officers are often hired for exactly that reason, so that  
132 we have trained, armed security on hand in case serious trouble breaks out. You can't be  
133 too careful these days.

134 Kimball also asked me for Bowman's home number and address, and asked me  
135 what I knew about Bowman. I told Kimball that Bowman had worked at RacheterWorld  
136 for the past two summers, 2011 and 2012. The first summer, Bowman wasn't necessarily

137 the best employee at the park, but Bowman always showed up for work on time and  
138 didn't complain too much. When Bowman came back in April 2012 looking for work, I  
139 didn't hesitate to rehire.

140 Bowman's attitude seemed different in the summer of 2012, though, and it got  
141 worse as the summer went on. Bowman wasn't happy that working a second summer at  
142 the park only earned a \$0.25/hour raise above minimum wage. But hey, I'm not in the  
143 charity business. When Bowman asked me about a further raise in early July, I responded  
144 that there were a hundred high-school and college kids that would take Bowman's job in  
145 a heartbeat. Bowman dropped the subject and didn't raise it again. Bowman seemed to  
146 be spending a lot of time hanging around Poole on breaks, especially toward late August.  
147 I thought they might be seeing one another or something. Bowman also got caught  
148 goofing around operating the Tunnel of Terror ride once – running it with the lights off,  
149 in “blackout mode,” with some employees on board – and I told Bowman never to touch  
150 that ride again.

151 Poole came to work at RacheterWorld through Bowman, who recommended that I  
152 hire Poole – the worst decision of my life except for my first marriage and voting for  
153 Drew Walton. At the time, I thought Poole was the ideal employee – Poole always  
154 seemed responsible and on top of things. Bowman told me that Poole would be the ideal  
155 person to work the main ticket booth, and based on Bowman's word, I assigned Poole to  
156 that post. Based on talking to customers, Poole always seemed to be very friendly and  
157 helpful to the customers. Only later did I find out that Poole was really self-helping to my  
158 money all along.

159 I found out from Kimball that Bowman had been in on Poole's scheme all along,  
160 and that Bowman had actually provided Poole the fake bracelets that Poole had been  
161 using to skim \$15 from each cash purchase of a World Tour pass. I'm really angry that I  
162 was duped, and I'm thankful that even though Poole appears to have escaped justice,  
163 Kimball tracked down Bowman and is going to make sure Bowman pays a heavy price  
164 for stealing from me and, as Kimball said, "Bowman needs to pay for what happened to  
165 Winnie on that ride."

166 There's one nasty rumor that I have to address. Jackie Hunter has been snooping  
167 around and implying that somehow Floyd and I were in on a scheme to steal from  
168 RacheterWorld. That's utterly absurd. If I wanted money from RacheterWorld, I'd just  
169 raise my own salary. Hunter has some sort of cockamamie story about my trying to  
170 avoid taxes on RacheterWorld profits by keeping two sets of books. There's absolutely  
171 no truth to it. While I don't enjoy paying taxes to a government that just wastes my hard-  
172 earned money, I'm an honest, hard-working American. I was investigated once for tax  
173 evasion twelve years ago and ended up taking a guilty plea, but that whole thing was  
174 really a misunderstanding because of some bookkeeping errors. That's why I had to hire  
175 Floyd in the first place. Floyd makes sure that everything's exactly where it needs to be,  
176 and I pay Floyd very well to keep me out of trouble and well into the black.

177 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
178 Employee Handbook, the RacheterWorld Map, the RacheterWorld Bracelets, the  
179 RacheterWorld World Tour Revenues: Three Year Summary, the Park Profit and Loss  
180 Spreadsheet, and the Click Count Spreadsheet. I am not familiar with any other exhibits  
181 or any affidavits other than my own.

182 I hereby attest to having read the above statement and swear or affirm it to be my  
183 own and consistent with the testimony provided during my grand jury testimony. I also  
184 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
185 to include everything I knew that could be relevant to the events described related to  
186 these charges. I also understand that I can and must update this affidavit if anything new  
187 occurs to me until the date of the trial in this case. I have also read and am familiar with  
188 the statements I provided to police officers and law enforcement officers related to these  
189 events and confirm that all documents showing my signature reflect my genuine  
190 signature.

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193 J.C. Longstreet

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195 Subscribed and sworn before me on this, the 15th of March, 2012.

196

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197 Arthur C. Stanley, Notary Public

## AFFIDAVIT OF RORY SHELTON

1 After being duly sworn upon oath, Rory Shelton hereby deposes and states as follows:

2 I was born by the name of Rory Shelton, but you probably know me as the  
3 Racheter Raptor. Okay, you actually probably know me as Donny the Dinosaur from  
4 RacheterWorld, but I think that's a pretty lame name and I am trying to rebrand myself.  
5 Just imagine it – “Racheter Raptor – First in Fright!” I don’t even call myself Donny the  
6 Dinosaur anymore, and I’m hoping my new identity catches on. I’ll know it has once I  
7 see it on a T-shirt.

8 As a young child, I was fascinated by all the greats—the Phillie Phanatic, the San  
9 Diego Chicken, Mr. and Mrs. Met, and even the guy dressed up like a funny landmark  
10 trying to promote tax services. I knew I was meant to pursue the same path in middle  
11 school when I landed the coveted mascot position for the Midlands Marina Middle  
12 Meerkats as only a sixth grader. It probably would not shock you that I was the South  
13 Hill Sasquatch for three years in high school, either. Over the years, I’ve been building  
14 my craft, and my work at RacheterWorld is just my next step on the path to greatness.

15 Prior to becoming the Racheter Raptor, I worked at Ruel’s River Town in South  
16 China, Midlands, for the renowned entrepreneur and hippie Buttons Conroy. I liked my  
17 time as Danny Dolphin and I know it’s key for one to start from the bottom to make it to  
18 where I am today, but that park had nearly one hundred problems and I didn’t want to  
19 stay around for another one after I’d worked there for a couple of years. One of the  
20 problems was Cameron. I knew Poole was trouble when he walked in. Poole was  
21 working at a ring-toss stand. I started hearing rumors that Poole was just handing out  
22 prizes to people who came up if they slipped him some extra cash. I started staking out

23 the stand and I noticed that several lovesick teenagers were slipping Poole twenties to  
24 help them “win” stuffed dolphins and sea turtles and frogs for their girlfriends. I told  
25 Buttons Conroy about my suspicions, and Buttons moved Poole to work a ride. Whit  
26 Bowman replaced Poole at the ring toss, and I suddenly saw Poole sending his ride  
27 customers over to Bowman all the time. Sure enough, prizes started disappearing off the  
28 ring-toss shelf again. To make a long story short, Buttons Conroy did a little inspecting  
29 and summarily dismissed Bowman and Poole. Buttons told me that Buttons felt bad  
30 about letting Bowman go because it was clear that Bowman was otherwise a good kid,  
31 but the scam had to stop. From what I’d seen, Bowman never did anything wrong  
32 without looking pretty uncomfortable, but I got the sense that Bowman felt beholden to  
33 Poole and would never change plans without Poole’s permission.

34 Have you ever wished that you could be invisible? That’s what it’s like to be a  
35 big-time mascot. Everyone knows you, but no one remembers that you’re not actually a  
36 debonair dolphin or a fun-loving, flesh-eating dinosaur. I like it best that way. It  
37 probably also explains why I don’t think Poole or Bowman recognized me at  
38 RacheterWorld. That’s right, after three years at Ruel’s River Town, I moved to  
39 RacheterWorld a couple seasons ago, and shortly after I arrived, I noticed that I was not  
40 the only transplant from Ruel’s. I saw that Bowman was working there, too. I was pretty  
41 excited about this development since I always liked Bowman. I was shocked that  
42 Bowman was working at another park without Poole, though. Poole must have been  
43 blackmailing Bowman or something, because usually it seemed like Bowman was the  
44 brains behind Poole’s entire existence. Without Bowman’s smooth-talking to Buttons  
45 back at Ruel’s, Poole would probably be behind bars. Anyway, the customers really

46 seemed to love being around Bowman and I know everyone at the park did, too. But my  
47 hope that Bowman had escaped from Poole's terrible influence was unfounded. Just as I  
48 was getting used to having Bowman around, I noticed that Poole had burst onto the  
49 scene.

50 I'm not going to lie—I just assumed that a scheme was in the works.  
51 Undoubtedly, Conroy—being distrustful of city folk and swayed by whatever magic  
52 Bowman had been able to mist her with—had not called RacheterWorld to warn of  
53 potential issues with Poole or Bowman. For a while, things seemed to be going along  
54 pretty normally for me. But I noticed that there seemed to be an awful lot of World Tour  
55 customers hounding me for photo opportunities (it's one of the perks of World Tour  
56 admission). When they were posing to get their picture taken with me after entering the  
57 park, I noticed that some of the wristbands seemed a slightly different color than others  
58 on the same day. (The bracelets were color-coded by admission type, so all World Pass  
59 holders on a particular day should have had exactly the same color wristband.) At first, I  
60 figured that the owner of the park, J.C. Longstreet, was just being a cheapskate. It  
61 wouldn't have been the first time. Longstreet did not buy air conditioning or even a fan  
62 for the ticket booth, and I passed out once or twice before Longstreet was even willing to  
63 share the cost with me of an updated cooling system for the dashing but muggy attire  
64 required for the Racheter Raptor. But then I remembered that Poole was running the  
65 ticket booth, and I started to put two and two together.

66 Remember what I said about being invisible? Well, I decided to put that trait to  
67 use to do a little investigation. I knew that Poole often sneaked over to meet with  
68 Bowman behind the ticket booth. Whenever I saw Bowman heading over, I'd find some

69 kids or a family and see if they wanted to take a picture with me in the same area where  
70 the infamous (to me) co-conspirators were meeting. I was sure that if I foiled their plan,  
71 that Longstreet would let me go by “Racheter Raptor” full-time, or maybe I’d be such a  
72 hero that I could move up to the big leagues and become a sports mascot!

73         The first few times I tried out the covert operation technique, it worked like a  
74 charm. Bowman and Poole paid no attention to me at all. One day, I heard Bowman say,  
75 “This is going even better than planned. I’m almost out of my version of the World  
76 Tours, and I don’t think I’ll have another order in until next week.” Poole angrily told  
77 Bowman that Bowman’s job was to have a plan for everything and that Bowman had  
78 better step up. Another time, I heard Bowman suggest to Poole that Poole offer a small  
79 discount for paying in cash to increase the number of cash-only World Tour sales. I was  
80 getting a pretty clear understanding of what was going on, and I was starting to sense that  
81 Bowman might not be so hapless.

82         For a while, Bowman and Poole started to meet much less frequently. I also  
83 noticed that the park security guard, Winston Thomas, appeared to be following Poole  
84 around from time to time. I assumed that Officer Thomas was onto something. This was  
85 a bit of a shocker to me. Officer Thomas – known as Winnie to all the patrons and  
86 employees – was a beloved park security guard and had the most amazing stories from  
87 his days on the police force. That said, Winnie’s days of detecting were largely over. I  
88 had a feeling that Longstreet hired Winnie because Longstreet knew that the police force  
89 had so much respect for Winnie that the force would never unnecessarily scrutinize  
90 Longstreet’s sketchy business practices or RacheterWorld’s questionable safety record. I  
91 think Winnie spent more time posing for pictures with me than actually doing security,

92 which was great by me. When I would do my “upgraded” Racheter Raptor routine,  
93 Winnie would often pretend to arrest me for terrorizing the public, and the crowd’s  
94 reaction was always dynamite. The punch line, of course, is that trying to handcuff a  
95 raptor doesn’t work so well, and everyone knows that a raptor could just eat a cop  
96 anytime it wanted. Sometimes I think Winnie liked to be as much of a mascot as me.

97         Although the meetings between Poole and Bowman were less frequent, I did hear  
98 some pretty good stuff. For example, on August 29 (the day before my birthday), I heard  
99 Bowman ask Poole if Poole had a knife. When Poole said no, Bowman said, “I’m  
100 bringing you a blade tomorrow. You may need one.” Poole asked, “Why?” Bowman  
101 responded, “You might need it for a job.” I’m not sure what Bowman meant by that.  
102 You can’t have a knife at the park, so I assumed that Bowman meant it was for some  
103 second job Poole might have. Bowman also said something about “things getting hot  
104 down here.” I agreed, and I wished that Longstreet understood the sacrifices I had to  
105 make as the Racheter Raptor to make dreams come true.

106         The next day, I was ready to go tell Longstreet about everything that happened. I  
107 was actually walking over to the ticket booth to tell Longstreet, and I noticed that Poole  
108 was inside. I could not make out what the two of them were whispering. At the end of  
109 the conversation, I saw Poole and Longstreet shake hands and Poole said that he was  
110 headed out for the day. Just then, a kid tugged on my tail and asked me to ride a roller  
111 coaster with her. I figured I should probably come back later.

112         By the time I made it back, Longstreet had a new companion in the office, Haley  
113 Floyd. I like Haley a lot and think that Haley is the most honest person in all of  
114 RacheterWorld. Pretty soon after Bowman showed up at the park, Haley even

115 accidentally got paid an extra \$5,000 one month by Longstreet, and Haley returned it. I  
116 heard Haley's voice raise and Haley said, "I just can't do this anymore." Then, I thought  
117 I heard Haley mumble something about Enron. Longstreet told Haley not to worry and  
118 that it would all be okay. Haley retreated back to Floyd's office with Longstreet, and I  
119 don't really know what happened next. I just knew that I needed to tell Longstreet about  
120 Poole soon, or I might miss my chance to be the hero.

121 At that point, it was time for my break. I decided to slip out of my suit and ride a  
122 few rides. Another hidden benefit of being the Racheter Raptor is that I can essentially  
123 walk around the park unnoticed when I'm not in my Jurassic apparel. I don't think  
124 Bowman or Poole have ever recognized me out of character. I decided to head over to  
125 the ride that Bowman was overseeing. Strangely, when I got there, I saw Poole standing  
126 next to Bowman. I thought Poole had left for the day. As I moved up in line, I heard  
127 Bowman say, "It'll serve Longstreet right," and saw Bowman hand over what looked like  
128 a knife (although I can't be 100 percent sure). Bowman then said, "Longstreet has stolen  
129 from the employees long enough. You should teach Longstreet a lesson." I agreed with  
130 what Bowman was saying—Longstreet is a cheapskate when it comes to the  
131 employees—but I figured Bowman was just blowing off some steam. Then I heard Poole  
132 ask, "Will you be able to get over to see Billie soon?" I didn't hear Bowman's reply, but  
133 I saw Bowman's head nodding up and down as if to say Bowman would handle it.

134 I went back into prehistoric mode and kept on alert. I had the feeling that  
135 something interesting was going to happen, and I went back toward the front of the park.  
136 As the evening wore on, I hung out toward the front of the park looking for any action. I  
137 was not disappointed. I saw Longstreet walk out of the ticket booth, and seconds later,

138 Poole walked into the booth. I'm not sure, but it looked like Longstreet made eye contact  
139 with Poole from a distance as this happened, but I can't be sure.

140 I did not see much for a while until Poole burst out of the office with Officer  
141 Thomas giving chase. Poole was holding what looked like the knife Poole received from  
142 Bowman earlier in one hand and a bag in the other. I had never seen the bag before.

143 Haley also came out a few seconds later and yelled out, "Stop him! Stop him!" to no one  
144 in particular. By that point, I was already moving away after the chase. I saw folks  
145 rushing toward the Tunnel of Terror, so I followed the crowd. When I got there, the  
146 lights were out for some reason. As soon as they came on, I saw Bowman standing there  
147 with Bowman's hands covering Bowman's face. I heard someone say that Winnie  
148 appeared to be unconscious and on the ground inside the tunnel. Winnie was such a nice,  
149 kind person. I couldn't believe it. I also didn't understand why Bowman was at the  
150 Tunnel of Terror. Bowman was not working there that earlier in the day and wasn't  
151 supposed to be working the ride that night. (In fact, a while back, Longstreet had told  
152 Bowman to stay away from the Tunnel of Terror after Bowman ran the ride with the  
153 lights off for a few of the employees after the park had officially closed for the night.)  
154 Isaacs had been on the ride when I circled the park just an hour before the chase. Isaacs  
155 had a tendency to cut out of work early and often, but I was still shocked to see Bowman  
156 behind the controls.

157 The police started questioning everyone pretty shortly after the whole melee and  
158 treated me like I wasn't even a person. They threatened to arrest me if I did not "lose the  
159 silly costume." The police kept asking about Poole and Bowman and told me that they  
160 did not need to hear anymore about Longstreet every time I brought up Longstreet. I

161 should also mention that I thought I saw Poole at the park after closing three or four  
162 weeks after Poole's alleged disappearance. No one else was around though, and I can't  
163 be sure.

164 Of the exhibits in this case, I am familiar with the following: the RacheterWorld  
165 Employee Handbook, the RacheterWorld Map, and the RacheterWorld Bracelets. I am  
166 not familiar with any other exhibits or any affidavits other than my own.

167 I hereby attest to having read the above statement and swear or affirm it to be my  
168 own and consistent with the testimony provided during my grand jury testimony. I also  
169 swear or affirm to the truthfulness of its content. Before giving this statement, I was told  
170 to include everything I knew that could be relevant to the events described related to  
171 these charges. I also understand that I can and must update this affidavit if anything new  
172 occurs to me until the date of the trial in this case. I have also read and am familiar with  
173 the statements I provided to police officers and law enforcement officers related to these  
174 events and confirm that all documents showing my signature reflect my genuine  
175 signature.

176

177

178 Rory Shelton

179 Subscribed and sworn before on this, the 23<sup>rd</sup> day of September, 2012.

180

181 Eric Chad, Notary Public