



American Mock Trial Association

2009-2010 Case Problem

STATE OF MIDLANDS

v.

JACKIE OWENS

A criminal case by

Justin Bernstein

&

the AMTA Criminal Case Committee

Acknowledgments

The AMTA Criminal Case Committee
thanks the following:

The American Law Institute

- whose Model Penal Code continues to serve legal education

Dr. Eric Benson, Clemson University

Dr. Kenneth H. Holscher, Iowa State University

- for assistance in the field of entomology

Justin Bernstein thanks:

Anita Charney, his mother

WITNESSES

Available to the prosecution

1. **Hunter Baxamusa**
2. **Ari Finch**
3. **Jordan Lee**
4. **Casey Maxwell**
5. **Shannon Stark**

Available to the defense

1. **Loren Charney**
2. **Alex Grace**
3. **Adrian Malone**
4. **Sydney Michaels**
5. **Jackie Owens**

EXHIBITS

1. **Page 32 of Jackie Owens' autobiography**
2. **Unsigned threat letter**
3. **Memorandum from Daniel Gorgani to Jacob Bennett, Casey Maxwell, and Jackie Owens**
4. **Letter from Ronald Victory to Jacob Bennett**
5. **Report labeled "All Text Records Between Specified Accounts"**
6. **Declaration of Olivia Wolbert**
7. **Partnership Agreement of Trifecta Entertainment**
8. **Autopsy Report for Jacob Bennett**
9. **Deposition of Prescott Ooms**
10. ***DOs AND DON'Ts OF COLLECTING ARTHROPODS AT CRIME SCENES* by Doctor Loren Charney**
11. **Check from Jackie Owens to United Way of Midlands**
12. **Receipt from Freeport's Fine Liquors**
13. **Printout from www.midlandstix.com**
14. **State's Offer on a Plea of Guilty (NOTE: only may be used or referenced if the prosecution calls Casey Maxwell, see Special Instruction 2)**
15. **Motion to Enter Guilty Plea (NOTE: only may be used or referenced if the prosecution calls Casey Maxwell, see Special Instruction 2)**
16. **Midlands Parks and Recreation Map of River Bluffs State Park**

OTHER MATERIALS

1. **Special instructions**
2. **Captains' Meeting Notice of Prosecution's Intent Re: Casey Maxwell**
3. **Indictment**
4. **Statutes**
5. **Available Case Law**
6. **Order Addressing Defendant Owens' Motions to Suppress**
7. **Order Further Addressing Defendant Owens' Sixth Amendment Motions (NOTE: only may be used or referenced if the prosecution does not call Casey Maxwell, see Special Instruction 2)**
8. **Stipulations**

SPECIAL INSTRUCTIONS

1. Witnesses Baxamusa, Finch, Lee, Maxwell, and Stark may be called only by the prosecution. Witnesses Charney, Grace, Malone, Michaels, and Owens may be called only by the defense.
2. Witness selection shall proceed as follows:¹
 - a. The prosecution shall begin by announcing whether it is calling Casey Maxwell and shall provide the defense with a completed copy of the form labeled “Captains’ Meeting Notice of Prosecution’s Intent Re: Casey Maxwell.”
 - b. **If the prosecution announces that it is calling Maxwell:**
 - i. witness calls shall proceed **Maxwell-D-D-P-P-D**;
 - ii. Maxwell has reached a plea agreement with the State; and
 - iii. the Order Further Addressing Defendant Owens’ Sixth Amendment Motions is not part of the case packet for purposes of that round and may not be referenced by either side.
 - c. **If the prosecution announces that it is not calling Maxwell:**
 - i. witness calls shall proceed **D-D-P-P-P-D**;
 - ii. Maxwell has not reached a plea agreement with the State; and
 - iii. the State’s Offer on a Plea of Guilty and the Motion to Enter Guilty Plea are not part of the case packet for purposes of that round and may not be referenced by either side.
3. The prosecution must pursue the indicted counts of Murder and Tampering with Physical Evidence. The defense must argue that Owens did not commit the charged offenses. No affirmative defenses (extreme emotional disturbance, self-defense, etc.) or arguments for a lesser degree of culpability are permitted.
4. Only Ari Finch or Jordan Lee may be designated as the State’s official representative for purposes of Midlands Rule of Evidence 615.
5. All potential witnesses provided affidavits before this trial began. Witnesses were instructed that these affidavits should contain all information known to the witness that may be relevant to their testimony and that they were required to update their affidavits if anything new occurred to them before trial. None of the affidavits has been updated since the date above its signature block. Witnesses are required to acknowledge as much if asked.

¹ NOTE: The availability of the Order Further Addressing Defendant Owens’ Sixth Amendment Motions, the State’s Offer on a Plea of Guilty, and the Motion to Enter Guilty Plea will depend on whether the prosecution team elects to call Maxwell as a witness.

6. All documents with signature blocks have been signed. No attorney or witness may assert that a document with a signature block has not been signed.
7. No attorney or witness may deny the authenticity of any materials provided in the case packet, but a witness whose affidavit does not mention a given exhibit may say that the witness never has seen the exhibit or does not know what the exhibit is. No attorney or witness may assert that the Midlands Parks and Recreation Map of River Bluffs State Park inaccurately depicts the locations shown on the map, though competitors may note that it is not drawn to scale.
8. No party may claim or imply that the size or physical abilities of the person portraying any witness would render that witness able or unable to commit any physical act described in the case materials.
9. Should a team wish to publish part or all of the deposition testimony of Prescott Ooms, the time spent publishing shall be deducted from the publishing team's total 25-minute direct or cross time allotment, depending on whether the publication occurs during the publisher's case-in-chief or that of the other team. Publication may not occur before opening statements or after the defense closes its case-in-chief.
10. Sixty days before this trial began, the State provided written notice to the defense of its intent to offer in its case-in-chief the exhibit "Report labeled 'All Text Records Between Specified Accounts.'" At that time, the State also provided the defense with a copy of that exhibit, as well as the Declaration of Olivia Wolbert. The defense has filed no motions or other pleadings with respect to that exhibit.
11. The only judicial decisions that competitors may mention, or judges may rely upon, as the basis for admitting or excluding evidence are those set forth in the document labeled "Available Case Law."²

² Judge Mendoza's Order Further Addressing Defendant Owens' Sixth Amendment Motions makes reference to the United States Supreme Court's decisions in *Bruton v. United States*, 391 U.S. 123 (1968), and *Crawford v. Washington*, 541 U.S. 36 (2004). While competitors are encouraged to read *Bruton* and *Crawford* for educational purposes to understand the basis for Judge Mendoza's Order, *Bruton* and *Crawford* are not part of the "available case law" and competitors may not reference those decisions during a round or attempt to reargue Judge Mendoza's pretrial Orders.

CAPTAINS' MEETING
NOTICE OF PROSECUTION'S INTENT RE: CASEY MAXWELL

Date: _____

Round: _____

The prosecution team (check one):

_____ WILL

_____ WILL NOT

call Casey Maxwell as a witness in this round.

Captain for prosecution team

Captain for defense team

If the prosecution team checks "WILL," the call order will proceed:

Maxwell-D-D-P-P-D

If the prosecution team checks "WILL NOT," the call order will proceed:

D-D-P-P-P-D

[For further information see Special Instruction 2]

This document is for use solely at captains' meetings and by the tab room in the event of a dispute regarding witness calls. It shall not be used or in any way referenced during the trial.

State of Midlands

CIRCUIT COURT

CRIMINAL ACTION
DOCKET NO. CR-09-1030

BRECKINRIDGE COUNTY, ss.

STATE OF MIDLANDS

v.

**CASEY MAXWELL
JACKIE OWENS**

)
)
)
)
)
)
)
)
)
)
)

**INDICTMENT FOR VIOLATION
OF COUNT I - M.P.C. sec. 210.2
MURDER (COMPLICITY)
AND
COUNT II – M.P.C. sec 500.1
TAMPERING W/ PHYSICAL EVIDENCE
(OWENS ONLY)**

THE GRAND JURY DOES HEREBY CHARGE:

COUNT I

On or about June 16, 2008, in Breckinridge County, State of Midlands, Jackie Owens and Casey Maxwell acting alone, together, or in complicity with others did purposefully, knowingly, or extremely recklessly kill Jacob Bennett, a human being, by shooting him in violation of M.P.C. 210.2.

COUNT 2

On or about June 16, 2008, in Breckinridge County, State of Midlands, Jackie Owens committed the offense of Tampering With Physical Evidence when, believing that an official proceeding may be pending or instituted, Owens destroyed, mutilated, concealed, removed, or altered the physical evidence which Owens believed was about to be produced or used in such official proceeding, with the intent to impair its verity or availability in the official proceeding, to wit: a gun.

A TRUE BILL OF INDICTMENT

Foreperson of the Grand Jury, Breckinridge County, Midlands

MIDLANDS PENAL CODE

(Selected Provisions)

PART I. GENERAL PROVISIONS

Article 2. General Principles of Liability

SECTION 2.02. General Requirements of Culpability.

- (1) *Minimum Requirements of Culpability.* A person is not guilty of an offense unless he acted purposefully, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.
- (2) *Kinds of Culpability Defined.*
 - (a) *Purposefully.* A person acts purposefully with respect to a material element of an offense when:
 - (i) if the element involves the nature of his conduct or a result thereof, it is his conscious objective to engage in conduct of that nature or to cause such a result; and
 - (ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes 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.

SECTION 2.65. Liability for Conduct of Another; Complicity.

- (1) A person is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is legally accountable, or both.
- (2) A person is legally accountable for the conduct of another person when:
 - (a) [omitted]
 - (b) [omitted]
 - (c) he is an accomplice of such other person in the commission of the offense.
- (3) A person is an accomplice of another person in the commission of an offense if:
 - (a) with the purpose of promoting or facilitating the commission of the offense, he
 - (i) solicits such other person to commit it, or
 - (ii) aids or agrees or attempts to aid such other person in planning or committing it, or
 - (iii) having a legal duty to prevent the commission of the offense, fails to make proper effort so to do; or
 - (b) [omitted]
- (4) When causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense if he acts with the kind of culpability, if any, with respect to that result that is sufficient for the commission of the offense.

SECTION 4.65 Criminal Facilitation Established and Punished.

- (1) A person is guilty of criminal facilitation when, knowing that another person intends to engage in conduct which in fact constitutes a crime, he knowingly furnishes substantial assistance to him.
- (2) Criminal facilitation of a Class A felony is a Class B felony. Criminal facilitation of a Class B felony is a Class C felony. Criminal Facilitation of a Class C or D felony is a misdemeanor.

**PART II. DEFINITION OF SPECIFIC CRIMES
OFFENSES INVOLVING DANGER TO THE PERSON**

Article 210. Criminal Homicide

SECTION 210.1. Criminal Homicide

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

SECTION 210.2. Murder

- (1) Criminal homicide constitutes murder when:
 - (a) it is committed purposely or knowingly; or
 - (b) it is committed recklessly under circumstances manifesting extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, rape or deviate sexual intercourse by force or threat of force, arson, burglary, kidnapping, or felonious escape.
- (2) Murder is a Class A felony.

**PART IV. DEFINITION OF CRIMES
AFFECTING THE JUDICIAL PROCESS**

Article 500. Evidence

SECTION 500.1. Tampering with Physical Evidence

- (1) A person is guilty of Tampering with Physical Evidence if he purposefully or knowingly destroys, mutilates, conceals, removes, or alters physical evidence which he believes will be produced or used in an official proceeding against him.
- (2) Tampering with Physical Evidence is a Class D felony.

MIDLANDS PENALTY SCHEDULE

(Selected Provisions)

PART I. GENERAL PROVISIONS

SECTION 2.01. Felonies.

- (1) Class A Felony. Punishable by no less than 20 nor more than 50 years or Life or Life Without the Possibility of Parole. Probation Ineligible. Parole eligible after service of 85% of the sentence imposed except where the sentence is:
 - (a) Life, in which case the offender shall be eligible for Parole after service of 40 years and
 - (b) Life Without the Possibility of Parole.
- (2) Class B Felony. Punishable by no less than 10 nor more than 20 years. Probation Eligible. Parole eligible after service of 20% of the sentence imposed.
- (3) Class C Felony. Punishable by no less than 5 nor more than 10 years. Probation Eligible. Parole eligible after service of 20% of the sentence imposed.
- (4) Class D Felony. Punishable by no less than 1 nor more than 5 years. Probation Eligible. Parole eligible after service of 20% of the sentence imposed.

SECTION 5.01. Definitions.

(1) *Probation.*

Probation means non-imposition of sentence upon formal sentencing by the Trial Court at the discretion of the Trial Court. Unless otherwise stated, the period of probation shall be 5 years, during which time the Trial Court may modify the terms and conditions of the probation or revoke the probation. Upon revocation the offender shall be transferred to the Department of Corrections to fulfill his sentence.

(2) *Parole.*

Parole means early release from custody after service of the statutorily required minimum percentage (or more) of the offender's sentence at the discretion of the Parole Board. The period of parole shall be the balance of the offender's sentence, during which time the Parole Board may modify the terms and conditions of the parole or revoke the parole. Upon revocation the offender shall be transferred to the Department of Corrections to fulfill his sentence.

AVAILABLE CASE LAW

Davis v. Adams, Midlands Supreme Court, 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.

De Barrena Sarobe v. State, Midlands Supreme Court, 1981

The State's burden of proof beyond a reasonable doubt applies to each and every element of the crime charged, but this burden 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 that element has been proven.

Lemke v. State, Midlands Supreme Court, 1966

When evidence is suppressed as the fruit of an illegal search, it may not be introduced during the government's case-in-chief. The exclusionary rule cannot be used, however, as a license for perjury. When a defendant testifies at trial, the suppressed evidence may be used to impeach the defendant or to show contradictions within the defendant's testimony. The illegally obtained evidence can be used to impeach the defendant's testimony regardless of whether it is elicited on direct or cross-examination. The court refused, however, to extend this policy to witnesses other than the defendant and held that defense witnesses other than the defendant may not be impeached with suppressed evidence.

Richards v. Mississippi BBQ, Midlands Supreme Court, 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.

Richey v. Bartlett, Midlands Supreme Court, 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.

Schuerholz v. State, Midlands Supreme Court, 1922

As a matter of law, no person may be convicted of a crime solely on the basis of an accomplice's testimony. However, an accomplice's testimony, corroborated by extrinsic evidence, may be sufficient to prove guilt beyond a reasonable doubt.

Speluncean Explorers v. State, Midlands Supreme Court, 2001

For a statement to qualify under the hearsay exemption of Midlands Rule of Evidence 801(d)(2)(E), the proponent must prove the existence of said conspiracy by a preponderance of the evidence—the standard required for admission of evidence is unrelated to burden of proof on the substantive issues. The statements may be admitted conditionally subject to Rule 104, meaning the proponent of such statements may lay proper foundation before offering the statements or the judge may allow the proponent to admit the statements first and lay the foundation for the predicate conspiracy during the remainder of the trial. As Rule 801(d)(2)(E) makes clear, proof of conspiracy may be based in part on the statements themselves, but the proof must also include some independent corroborative evidence.

State v. Lowe, Supreme Court of Midlands, 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.

State v. Monarch, Midlands Supreme Court, 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. Pendleton, Midlands Supreme Court, 1993

Interrogation has long been recognized as an essential tool of law enforcement. Police generally are permitted to use a wide range of tactics in interrogating the suspect, including trickery and deception. Deceiving a suspect merely by providing misinformation intrinsic to the investigation – in this case, informing Pendleton that the police had found the murder weapon when in fact they had not – does not deprive the suspect of “free and deliberate choice” whether to confess, and thus does not render the suspect's subsequent confession inadmissible as coerced.

State v. Rollo Tamase, Midlands Supreme Court, 1972

It is up to the fact finder to determine the credibility to each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony and may credit one part of a witness's testimony without crediting others. At all times the fact finder may consider the witness's interest in the outcome of the case.

State v. Stutzman, Midlands Supreme Court, 1987

In an appeal from a burglary conviction, the defendant challenged whether the State of Midlands' pattern jury instruction defining "beyond a reasonable doubt" was a constitutionally proper charge. The Midlands Supreme Court rejected the position of other jurisdictions that "beyond a reasonable doubt" should not be further defined and approved the following pattern language:

The term "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 means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life.

A reasonable doubt is not a doubt which is based on mere guesswork or speculation. A doubt which arises out of 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.

While it is your duty to give the defendant the benefit of every reasonable doubt, you are not to search for doubt. You are to search for the truth.

State v. Tennant, Midlands Supreme Court, 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.

Tarot Readers Association of Midlands v. Merrell Dow, Midlands Supreme Court, 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 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.

STATE OF MIDLANDS : CIRCUIT COURT : BRECKINRIDGE COUNTY

-----	:	
State of Midlands,	:	CR-09-1030
	:	Midlands State Court
Plaintiff,	:	
	:	
- versus -	:	Order Addressing
	:	Defendant Owens'
Casey Maxwell	:	Motions to Suppress
Jackie Owens	:	
	:	
Defendants.	:	
-----	:	

The State of Midlands has charged Defendant Owens with the murder of Jacob Bennett. The State intends to introduce at trial two items found during a search of Defendant Owens' office: a draft page of Defendant Owens' autobiography and a threatening letter written to Defendant Owens. Defendant Owens has moved to suppress these items as the fruit of an illegal search.

The State admits that the two items listed were recovered during a warrantless search of Defendant Owens' office at Trifecta Entertainment, the Defendant's place of work. The State argues that Defendant Owens' consent to a search of Defendant Owens' home and any property on the residential premises implied consent to search Defendant Owens' private office at an entirely different location. While no place is given as much Fourth Amendment protection as one's home, the Court is unwilling to allow police to use consent for one location to justify the warrantless search of another, wholly separate location. No reasonable law enforcement official could treat the statement "you may search my home" as equivalent to "you may search everything of mine." Such a violation reminds this Court of why the Founders felt the Fourth Amendment necessary.

For these reasons, the motion to suppress is granted, and neither the exhibit labeled “Page 32 of Jackie Owens’ Autobiography” nor the exhibit labeled “Unsigned Threat Letter” may be introduced as part of the State’s case-in-chief against Defendant Owens. The principles of *Lemke*, cited in both parties’ briefs, will govern uses other than in the State’s case-in chief.

Defendant Owens also has moved to suppress various other testimony and evidence based on the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. All such motions are denied at this time and such grounds of inadmissibility need not and may not be reasserted at trial.

On this day, September 30, 2008, it is so ordered.

Honorable Roberto J. Mendoza

STATE OF MIDLANDS : CIRCUIT COURT : BRECKINRIDGE COUNTY

----- :

State of Midlands,	:	CR-09-1030
	:	
Plaintiff,	:	
	:	
- versus -	:	Order Further Addressing
	:	Defendant Owens' Sixth
Casey Maxwell	:	Amendment Motions
Jackie Owens	:	
Defendants.	:	
	:	
----- :		

1. Defendant Owens has moved to sever the trials of Defendants Maxwell and Owens pursuant to the Supreme Court's decision in *Bruton v. United States*, 391 U.S. 123 (1968). The Court finds that Defendant Maxwell has made previous statements that tend to incriminate Defendant Owens, that Defendant Owens cannot be assured of the right to cross-examine Defendant Maxwell during any joint trial because Defendant Maxwell would have a Fifth Amendment right not to testify at any such trial, and that neither redaction nor limiting instructions would be sufficient to permit the introduction of such statements against Defendant Maxwell alone. Accordingly, the Court GRANTS Defendant Owens' motion to sever the trials.

2. As a result of the Court's severance ruling, Defendant Maxwell is scheduled to be tried immediately following Defendant Owens. Defendant Maxwell has informed the Court that, if called as a witness at Defendant Owens' trial, Defendant Maxwell would invoke the Fifth Amendment privilege against compulsory self-incrimination. The Court finds that such a claim of privilege would have merit. Therefore, neither side may call Defendant Maxwell as a witness at Defendant Owens' trial.

3. Defendant Owens has renewed Defendant Owens' motion to suppress all previous statements by Defendant Maxwell based on the Sixth Amendment's Confrontation Clause as construed by *Crawford v. Washington*, 541 U.S. 36 (2004). The Court finds that (1) all statements made by Defendant Maxwell during conversations with Detective Finch and (2) all statements in the Affidavit of Casey Maxwell are "testimonial" within the meaning of *Crawford*, and thus GRANTS Defendant Owens' motion to suppress all such statements. The Court finds that all other previous statements made by Defendant Maxwell are not "testimonial" within the meaning of *Crawford*, and thus DENIES Defendant Owens' motion with respect to those statements. The Court does not, however, reach whether such statements may be excludable on other grounds stated in the Midlands Rules of Evidence.

The Court reiterates its previous denial of all of Defendant Owens' remaining motions to exclude testimony and evidence based on the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution other than as set forth in this Order or the Court's previous Order of September 30, 2008. The Court reiterates that Defendant Owens need not and may not reassert any constitutional bases for excluding any other evidence from this trial other than the evidence addressed in one of those two Orders.

On this day, August 17, 2009, it is so ordered.

Honorable Roberto J. Mendoza

STATE OF MIDLANDS : CIRCUIT COURT : BRECKINRIDGE COUNTY

----- :

State of Midlands,	:	CR-09-1030
	:	Midlands State Court
Plaintiff,	:	
	:	
- versus -	:	Stipulations
	:	
Jackie Owens	:	
Defendant.	:	
	:	
----- :		

Both parties hereby stipulate to the following:

1. June 16, 2008, was a Monday. Both a full moon and a lunar eclipse occurred that night.
2. The defendant, Jackie Owens, left Midlands on a flight to London on June 17, 2008, and did not return to Midlands until July 1, 2008.
3. Dr. Prescott Ooms died 30 days before this trial began.
4. The exhibit labeled "Deposition of Prescott Ooms" is authentic, and no further testimony is needed to establish that fact.
5. The exhibit labeled "Autopsy Report for Jacob Bennett" is authentic, and no further testimony is needed to establish that fact. Both parties waive all objections to the admissibility of that exhibit.
6. The defendant, Jackie Owens, has no prior criminal record, although no stipulation is made to the admissibility of this fact.

Attorney for Prosecution

Attorney for Defendant

and the direction was truly first rate. There was no question in my mind that our triumvirate of talent would be a success.

But right from the start, I began to wonder if I had assessed our partnership accurately. Casey was even better than I had expected. It seemed that Casey's success at the Roarke Film Festival wasn't simply an aberration from a mediocre career; rather, it was just the tip of the iceberg. Casey had real creative genius and a much better grasp of direction and production than I did. My people skills and years as a performer made it easy for me to relate to the staff and stars. Together, Casey and I were a perfect team.

The real disappointment was Jacob. Of course, he enjoyed the best reputation among us. But it appeared as though his historic talent had slipped a bit. No longer did he have that unique flair that made him so famous when I starred in his films. No longer did Jacob understand the importance of storytelling, of letting the characters drive the plot rather than vice-versa. The man was getting up there in age and he no longer had a handle on the dialogue of the day. Jacob was clearly out of touch. Honestly, Jacob added nothing to our partnership; Casey had the creative ability and I had the name. And for this Jacob got 55% of all profits and a controlling interest in the partnership. Jacob was costing me millions of dollars a year. This was an arrangement that needed to change.

What happened to your car—that was nothing. You've got six weeks—if we don't get the 3.5M you owe us by 6-30-08, you're gonna get it. We know we're not the only ones owed money, but we get paid first, understand?

The juice is running.

MEMORANDUM

TO: Jacob Bennett, Casey Maxwell, Jackie Owens
FROM: Daniel Gorgani, Chief Financial Officer of Trifecta Entertainment
CC: Trifecta Office File
RE: Dueling Lens Studios Offer
DATE: June 6, 2008

This memorandum outlines the terms of the offer that we have received from Dueling Lens Studios.

Dueling Lens has offered \$20,000,000 for all of the assets of the partnership, as well as the exclusive rights to use the name Trifecta Entertainment going forward. Under the terms of the partnership agreement, those funds would be distributed as follows:

Bennett	55%	\$11,000,000
Maxwell	5%	\$ 1,000,000
Owens	40%	\$ 8,000,000
Total	100%	\$20,000,000

If the partnership decides to accept, Dueling Lens also has offered to retain each of the existing partners as consultants for a period of at least three years at the following rates per year:

Bennett	\$ 1,000,000
Maxwell	\$ 1,000,000
Owens	\$ 1,000,000

Dueling Lens also advises that, if the partnership accepts its offer, it will go forward with production of the drama *Rocking Leo*, with Owens directing and Owens and Bennett co-producing.

Absent the consulting agreements, this offer would strike me as quite low. To review, here are the partnership's net yearly profits for each of the previous years, as well as our projected profits for 2008:

2003:	(\$ 2,000,000) (initial year)
2004:	\$ 7,311,600
2005:	\$ 12,497,500
2006:	\$ 13,872,000
2007:	\$ 14,240,000
2008 (projected):	\$ 15,000,000

March 18, 2008

Mr. Jacob Bennett
Partner, Trifecta Entertainment
333 Trifecta Lane
State Center, Midlands 10012

Mr. Bennett,

I have tried asking nicely. I have tried buying you off. I have tried legal action. But you insist on making this film about me.

I have worked hard to amass a fortune and a solid reputation. You obviously have no idea how willing I am to use that fortune to protect that reputation. You might ask others who once sat in your shoes, but I'm afraid they are now and forever will be unreachable.

So allow me to be blunt. Cease and desist with this exposé or those near and dear to you won't be able to find your body.

Pleasantly,

Ronald Victory

Type of Report: All text records between specified accounts
Date of report: 7/15/08 16:31
Search parameters:
 Dates: 09-JUN-2008 to 15-JUL-2008
 Accounts: 715-555-1928 [subscriber name: Casey Maxwell]
 715-555-2009 [subscriber name: Jackie Owens]

From:	To:	Date/Time:	Content:
715-555-1928	715-555-2009	6/09/08; 9:06	Purged 7/08/08 05:00
715-555-2009	715-555-1928	6/11/08; 19:30	Purged 7/10/08 05:00
715-555-1928	715-555-2009	6/11/08; 20:11	Purged 7/10/08 05:00
715-555-1928	715-555-2009	6/13/08; 15:01	Purged 7/12/08 05:00
715-555-2009	715-555-1928	6/13/08; 15:10	Purged 7/12/08 05:00
715-555-1928	715-555-2009	6/13/08; 15:21	Purged 7/12/08 05:00
715-555-2009	715-555-1928	6/14/08; 9:01	Purged 7/13/08 05:00
715-555-1928	715-555-2009	6/14/08; 10:05	Purged 7/13/08 05:00
715-555-2009	715-555-1928	6/15/08; 22:05	Purged 7/14/08 05:00
715-555-1928	715-555-2009	6/16/08; 9:15	Camera in the case. Film already loaded. Shoot starts at 1030. Good luck
715-555-2009	715-555-1928	6/16/08; 9:16	Excellent. Make sure he knows 2 meet u in studio basement

STATE OF MIDLANDS : CIRCUIT COURT : BRECKINRIDGE COUNTY

----- :

State of Midlands,	:	CR-09-1030
	:	Midlands State Court
Plaintiff,	:	
	:	
- versus -	:	
	:	
Jackie Owens	:	:
Defendant.	:	
----- :		

DECLARATION OF OLIVIA WOLBERT

My name is Olivia Wolbert and, under penalty of perjury, I declare that:

1. I am the Chief Database Administrator for Midlands Wireless, which offers cell phone and text messaging services throughout the greater Midlands area. I have held that job since November 1, 2005.
2. As part of my duties, I manage and maintain a computer database ("database") that tracks all call and text message information among Midlands Wireless customers. The database is used to generate monthly bills (which can vary depending on the terms of the customer's subscription, as well as the number, type, and duration of calls and the number of text messages), as well as various purely internal purposes.
3. When a subscriber registers for a new account, a record is automatically generated in the database that links the subscriber's name, the subscriber's billing address, and a telephone number.
4. When a subscriber sends or receives a text message, the database electronically and without human intervention generates a record of that text message that memorializes the sending and receiving telephone number, the date and time at which the text message was sent, and the full content of the text message ("content information"). Time information is recorded using the 24-hour system, so the time of 9:15 p.m. Midlands Standard Time (MST) would be recorded as "21:15."
5. We support a variety of billing plans that include set numbers of text messages for a base charge and charge various fees for text messages beyond those covered in the subscriber's plan. Because of this, we maintain records of when texts are sent or received by Midlands Wireless customers, including the phone number of both parties and the date and time at which the message was sent. The database is programmed to store all such information for at least two years.

6. In contrast, content information consumes more server space and is subject to privacy concerns. The system is set up to retain content information for 29 days to support delivery to customers who temporarily may be out of our service area. The database is set up to purge, automatically and without human intervention, all content information that is more than 29 calendar days old. Every morning at 05:00 MST the database identifies all content information from text messages received by our system 30 or more calendar days earlier and deletes it from the database. Once content information has been so deleted, there is no way for us to recover it.

7. On Tuesday, July 15, 2008, I received a subpoena from this Court for all Midlands Wireless records relating to text messages exchanged between two particular telephone numbers between June 9, 2008, and July 15, 2008. The numbers were 715-555-1928 and 715-555-2009. Both telephone numbers are assigned to Midlands Wireless customers. The subscriber for the former number is Casey Maxwell. The subscriber for the latter number is Jackie Owens.

8. The database is programmed to generate reports about activity between two particular telephone/account numbers. To comply with the court's subpoena, I personally entered five pieces of information into the database. First, in a field labeled "Type of Information Requested," I clicked a box labeled "All Text Records Between Specified Accounts." Second, in a field labeled "From," I manually entered "09-JUN-2008." Third, in a field labeled "To," I manually entered "15-JUL-2008." Fourth, in a field labeled "Subscriber 1," I entered "7155551928." Fifth, in a field labeled "Subscriber 2," I entered "7155552009". I then clicked a button labeled "Submit." At that point, the database automatically and without any additional action by me generated the report dated "7/15/08 16:31," sent a copy to my attached printer, and saved a copy of the report itself in the database.

I swear under penalty of perjury that the foregoing is true, accurate, and complete to the best of my knowledge.

Olivia Wolbert

Signed before me on September 30, 2008:

Grant Aaron
Notary Public

Partnership Agreement of Trifecta Entertainment

THIS AGREEMENT OF PARTNERSHIP, effective as of January 16, 2003, by and between the undersigned, to wit: Jacob Bennett (hereafter "BENNETT"); Casey Maxwell (hereafter "MAXWELL"); and Jackie Owens (hereafter "OWENS").

NOW, THEREFORE IT IS AGREED:

1. **Formation.** The undersigned hereby form a General Partnership in accordance with and subject to the laws of the State of Midlands.
2. **Name.** The name of the partnership shall be "Trifecta Entertainment".
3. **Term.** The partnership shall begin on January 16, 2003, and shall continue until December 31 of the same year and thereafter from year to year unless earlier terminated as hereinafter provided.
4. **Purpose.** The only purpose of the partnership is to produce films, cinematic programs and video commercials for the financial benefit of the partners.
5. **Meetings.** The partnership must have at least one official meeting per year. Any partner may call an additional meeting by providing 30 days' written notice to all other partners at their official business address. It shall be the responsibility of each partner to provide an official business address and to ensure the partner's ability to receive mail at that address at all times. A partner who is unable to attend any meeting of the partnership must provide written notice of his or her inability to do so not less than 10 days before such meeting.
6. **Value of the Partnership.** The current value of the assets of the partnership, less the current value of the liabilities of the partnership, (hereinafter referred to as the "value of the partnership") shall be determined as of a regularly scheduled date and time ("valuation date") preceding the date of each periodic meeting determined by the Partnership.
7. **Share.** Partnership shares are to be divided as follows:
 - a. BENNETT owns 55% of the partnership.
 - b. OWENS owns 40% of the partnership.
 - c. MAXWELL owns 5% of the partnership.
8. **Management.** Each partner shall participate in the management and conduct of the affairs of the partnership in proportion to his or her share. However, if a partner who has been provided with the notice specified in paragraph 5 fails to attend a properly convened meeting or to give notice of his or her inability to do so, the remaining partners shall have the authority to conduct all affairs of the partnership in proportion to their respective shares, excluding for these purposes the share of the missing partner or partners. All decisions made at such a meeting shall bind the partnership and shall not be subject to later revision if doing so would violate any contracts or other agreements entered into on behalf of the partnership.
9. **Sharing of Profits and Losses.** Net profits and losses of the partnership shall inure to, and be borne by, the partners, in proportion to his or her share.
10. **Annual Accounting.** Each calendar year, a full and complete account of the condition of the partnership shall be made to the partners.
11. **No Compensation.** No partner shall be compensated for services rendered to the partnership, except reimbursement for expenses.
12. **Additional Partners.** Additional partners may be admitted at any time, upon the unanimous consent of the partners, so long as the number of partners does not exceed twenty-five.
13. **Removal of a Partner.** Subject to paragraph 8, any partner may be removed by agreement of the partners whose shares total a majority of the value of all partners' shares.

14. **Termination of Partnership.** Subject to paragraph 8, the partnership may be terminated by agreement of the partners whose shares total a majority in value of the shares of all the partners.
15. **Voluntary Withdrawal (Partial or Full) of a Partner.** Any partner may withdraw a part or all of the value of his share in the partnership and the partnership shall continue as a taxable entity. That partner shall not be relieved of any liability upon such a withdrawal.
16. **Death or Incapacity or Extended Disappearance of a Partner.** In the event of the death, incapacity or extended disappearance of a partner, the shares of that partner will be split among the remaining partners. An extended disappearance shall be any period of time exceeding three months during which a partner cannot be located through reasonable efforts. If all of the partners are incapacitated, or for whatever reason unable to fulfill their obligations as partner, the Chief Financial Officer will make all management decisions until such time as one or more of the partners is able to resume his or her duties as partner. In such a case, all profits earned during the interim will be saved and set aside for the partners upon their return. In the event that all three partners are deceased, the partnership becomes the property of all Trifecta employees relative to their length of service.
17. **Sale of Partnership/Transfer of Shares.** Subject to paragraph 8, any sale of the partnership, or transfer by a partner of any portion of his or her share in the partnership, may only be completed with unanimous approval of the current partners.
18. **Forbidden Acts.** No partner shall:
 - a. Have the right or authority to bind or obligate the partnership to any extent whatsoever with regard to any matter outside the scope of the partnership purpose.
 - b. Do any act detrimental to the interests of the partnership or which would make it impossible to carry on the affairs of the partnership.

This Agreement of Partnership shall be binding upon the respective heirs, executors, administrators, and personal representatives of the partners.

The partners have caused this Agreement of Partnership to be executed on the dates indicated below, effective as of the date indicated above.

Partners:

Jackie Owens

Jacob Bennett

Casey Maxwell

I swear that I witnessed the above parties sign this document on January 16, 2003.

Will Carman
Notary Public

Office of the Medical Examiner for Breckinridge County

100 Grand Avenue, State Center, ML 10055
Phone (555) 612-9920 Fax (555) 612-9921

Autopsy Report

Case Number: 514-684-920
Subject: Jacob S. Bennett
Autopsy Performed By: Dr. Prescott Ooms, Chief Medical Examiner
Present: CSI Jordan Lee
Date: July 10, 2008

Characteristics

The examination was performed at 9 a.m. on July 10, 2008, the day after the deceased was found in a large duffel bag buried 8-12 inches below ground in River Bluffs State Park. The duffel bag was partially unzipped and speckled with what has been determined to be the subject's blood. Subject was identified as Jacob S. Bennett by wife, Mariah Bennett, and confirmed by dental records to be such. Records show deceased to be 58 years old.

Medical History

Subject has little negative medical history. Subject suffered a broken right arm in 1993, had severe migraines from 1995 to 2005, and contracted chicken pox in 1998. Subject was taking ergotamine to treat migraines. As recently as May 9, 2008, subject was determined to be in excellent health by family physician Dr. Jules M. Siegfried.

Findings³

1. External Examination

Subject is a white male, 62 inches tall, and 115 pounds at the time of examination. Subject was found wearing a black suit, black turtleneck sweater, black dress shoes and black socks, with "Armani" brand name or logo on each. The jacket and sweater both bear a bullet hole and gunpowder residue in the chest area. Subject also wore a black belt with a silver buckle, maker unknown, and stainless steel wristwatch with "Rolex" brand name on face. Subject had wallet and keys in right pants pocket. Wallet contained credit cards, \$2,000 cash, driver's license and business cards. All forms of identification confirm identity as Jacob S. Bennett.

Subject is markedly decomposed, showing severe discoloration of skin everywhere from face to feet and generalized loosening of the epidermis from the underlying dermis. The body and scalp hair are also loosened. Numerous larvae are present.

Hair has been dyed a light brown but is a natural gray. Face bloated but otherwise unremarkable. Right arm shows a tattoo of a camera on tripod and left arm bears 3-inch scar that appears to be at least several years old. Back is unremarkable. Chest severely wounded, almost

³ All observations contained herein are made by Dr. Prescott Ooms and are made from the anterior view.

certainly a gunshot wound. Dried blood caked around entrance of wound. Genitals, legs and feet are unremarkable.

The gunshot wound is a single gunshot injury located 45 inches above the heel and 2 inches left of the midline over the left sternal border at the level of the third intercostal space and third costal cartilage. The wound is circular with a radius of three-eighths of an inch. No powder or other residue present. Circumference and shape indicate that subject was shot at distance ranging from 3 to 5 feet.

2. Internal Examination

Body is opened with Y incision.

The soft tissue of the anterior chest, neck and abdomen are slightly autolyzed and discolored secondary to decomposition. 40 ml of blood remains within each hemithorax and 500 ml of residual blood is found in the pericardial sac.

A path is traced from the entrance wound to the right pulmonary hilus, 43 inches above the heel and 2 inches left of the midline over the left sternal border. Angle identifies almost nothing about the shooter, given the victim's short stature and inability to determine the relative positions of the shooter and victim at the time of the shooting. The path can be traced through the soft tissues of the mid-chest, and then through the pericardial sac where it pierced the aorta, 1/2 inch above the aortic valve ring. This perforation produced a local laceration of the pulmonary artery and the superior wall of the left atrium. The bullet continued through the chest by passing through the esophagus before coming to rest in the pulmonary hilus. The bullet was removed and measured to be a .380 (9mm). The bullet carries distinct striations but shows wear and discoloration from embedment in human body. Bullet first examined by Office of the Medical Examiner before being turned over to Crime Scene Investigation Laboratory for analysis.

The rest of the chest is intact, except to the extent that the body has begun to decompose. Likewise, the rest of the internal examination reveals nothing noteworthy beyond significant decomposition.

Content of the victim's stomach shows his last meal to have been fully digested.

3. Toxicology

Nothing remarkable found during toxicology examination.

Conclusion

Cause of death is perforation of aorta due to gunshot wound of chest. Subject was likely incapacitated instantly and dead within 1-5 minutes.

DEPOSITION OF PRESCOTT OOMS

ATTORNEY FOR THE STATE OF MIDLANDS: For the record, now is the time and place set for a deposition of Dr. Prescott Ooms, in the matter of the State of Midlands versus Jackie Owens. Let the record reflect that Defendant Owens is present with counsel. I would ask that the clerk swear in the witness.

[witness sworn]

BY THE STATE'S ATTORNEY:

Q: Please state your name and occupation.

A: Prescott Ooms. I'm the Chief Medical Examiner for Breckinridge County, Midlands.

Q: What type of training and education do you have?

A: I have a B.S. in molecular biology from Penn State and an M.D. from Temple. I started part-time with the Medical Examiner's Office in 1993, became a full-time M.E. in 1997, and was promoted to Chief M.E. in 2007. I supervise a staff of three other medical examiners.

Q: What does a medical examiner do?

A: An M.E. reviews any unattended death to determine the cause and manner of death.

Q: What does "cause of death" mean?

A: It's a conclusion about what made a person die – cardiac arrest, overdose, trauma, something else.

Q: What does "manner of death" mean?

A: It's a classification: natural death, accident, homicide, suicide, or unexplained.

Q: How do you determine the cause and manner of death?

A: We examine the body where it is found and again at the Office of the Medical Examiner, looking for signs of trauma such as gunshot wounds, bruises, cuts, and the like. We do an

24 internal investigation, reviewing all major organs, taking x-rays, and doing blood tests to see
25 if drugs were a factor.

26 Q: Were you involved in the investigation of the death of Jacob Bennett?

27 A: Yes. I personally conducted that investigation.

28 Q: Dr. Ooms, do you normally given depositions in criminal cases?

29 A: No, generally I testify at trial.

30 Q: Do you know why we're doing a deposition in this case?

31 A: Yes. I was recently diagnosed with Stage 4 pancreatic cancer, and I have been told that I
32 have at most a month to live. The trial date is still weeks away and I'm the only M.E. with
33 direct knowledge of this case.

34 Q: Please tell us how you began your work.

35 A: I was there when the body was found on July 9 at the base of the Calkins Cliffs. A large
36 duffel bag was half-zipped and buried 8-12 inches down. Inside, we found a human body,
37 which we later identified as Jacob Bennett.

38 Q: What did you do next?

39 A: I performed an autopsy on July 10. Cause of death was easy to determine. The physical
40 evidence made clear that Bennett died of a single gunshot wound to the chest, and I was able
41 to retrieve a 9mm bullet from the chest.

42 Q: Did you make any conclusions as to the manner of death?

43 A: I classified Bennett's death as a homicide. Suicides involving guns almost always involve
44 head shots, and a person who just shot himself obviously can't stick himself in a duffel bag
45 and bury himself.

46 Q: Did you complete a report recording your conclusions about the death of Jacob Bennett?

47 A: I did.

48 Q: Showing you what has been marked for today's purposes as State's Exhibit 1. Do you
49 recognize this document?

50 A: Yes. It's my autopsy report for Jacob Bennett.

51 Q: (State's Attorney): As a medical examiner, are you able to determine the time of death?

52 A: Within limits. Unlike what people see on television, it's almost impossible to pinpoint a
53 precise time of death without a witness. Instead, I can offer a range of times during which
54 the victim died.

55 Q: What pieces of information are important in determining that?

56 A: We look at the condition of the body, including stiffness and lividity. But we have to
57 consider other things as well, like environmental temperature, humidity, exposure to the
58 elements, and even insects.

59 Q: Are these kinds of information generally relied upon by those in your field to determine an
60 approximate time of death?

61 A: Absolutely. It's the standard methodology and is taught in medical schools. It's the same
62 approach I've used in the 20 or so other cases in which I've testified about time of death.

63 Q: Did you use these factors in coming to a conclusion in this case?

64 A: I did.

65 Q: Please tell us about your conclusions.

66 A: My analysis of body temperature, postmortem lividity, and rigor mortis told me that Bennett
67 had been dead for at least two full days. When we die, the body reverts to the temperature of
68 the surrounding environment at a linear rate. In this case, the body had cooled to the same
69 temperature of the surrounding soil, which told me that Bennett had been dead for at least 6

hours. We also look at what happens when the heart stops pumping. The blood flows downward and gathers in the capillaries, which turns the skin a reddish-purple color. In this case, livor mortis had fully set in, meaning Bennett had been dead at least 12 hours. Finally, rigor mortis refers to a stiffening of the body that generally starts within 2-4 hours of death, renders the body completely stiff after 12-18 hours, begins to dissipate after 24-36 hours, and generally is gone after 48 hours, although the process can take longer based on environmental factors. Bennett's body wasn't stiff at all when we found it, which indicated that he had been dead for at least two days.

Q: What did you do next?

A: I looked into body decomposition, which ultimately was the basis for my conclusions here and is why I did extra research on this point. When a body is exposed to open air, discoloration begins after 24 to 36 hours and reaches the entire body no sooner than 72 hours after death. Bennett's body was marbled from head to toe and the epidermis had started to loosen from the underlying dermis. The next stage is mummification, which starts to become visible in fingers and toes after about 6 days. Bennett's body showed no signs of mummification. If the body had been exposed to the elements, those two facts would have indicated a time of death between 3 and 6 days before. But bodies exposed to open air decompose more quickly than those in water, which in turn decompose far more quickly than those in soil. My medical training and 20 years of experience have taught me – and my exhaustive review of the relevant literature confirmed – that buried bodies generally decompose eight times more slowly than those in open air. Thus, adjusting my numbers, it is my professional conclusion, reached to a reasonable degree of medical certainty, that Jacob

92 Bennett was killed between 24 and 48 days before my examination on July 10, that is,
93 sometime between May 23 and June 16, 2008.

94 Q: No further questions.

95 CROSS EXAMINATION

96 BY THE ATTORNEY FOR JACKIE OWENS:

97 Q: I would like to talk a little bit about your investigations. First, let's talk about the bullet you
98 recovered.

99 A: Okay.

100 Q: You did some tests on that bullet, didn't you?

101 A: I did. I wanted to determine what kind of gun would use such a bullet and be capable of
102 producing the wound I found on Bennett.

103 Q: But you're a pathologist, correct? You're not a ballistics expert.

104 A: When I was a part-timer, I tried to learn everything in case I couldn't get a full-time job as a
105 Medical Examiner. So I had some of the folks from CSI teach me how to do bullet
106 comparisons. I don't have any formal training or certification, but I have testified concerning
107 ballistics conclusions in the past.

108 Q: But, to be clear, Dr. Ooms, you have no formal training in this area, correct?

109 A: I do not.

110 Q: But that didn't stop you from examining the bullet and trying to determine what kind of gun
111 fired that bullet, right?

112 A: I did examine the bullet, the stippling around the entrance wound, and the size of the wound
113 and concluded that the gun used was probably a Beretta or Colt.

114 Q: You also opined that the gun must have been a Beretta, based on your observation of the
115 markings on the bullet, right?

116 A: That is correct. I concluded that the grooves on the side of the bullet were too thin to have
117 come from a Colt, so in my opinion, the gun used to kill Jacob Bennett must have been a
118 Beretta.

119 Q: However, even with your limited understanding of ballistics, you would have to agree that
120 the bullet was damaged?

121 A: Yes.

122 Q: And that damage to a bullet could interfere with your ability to make a conclusive
123 determination as to what type of gun fired the bullet?

124 A: That would be correct.

125 Q: And you would also have to agree that even those with ballistics expertise would have to
126 examine a gun to determine accurately whether it was, in fact, the murder weapon?

127 A: Yes, I learned you must have a gun to compare with the bullet.

128 Q: So, any determination you made about the type of gun used is really just a guess, correct?

129 A: I don't agree with that. I would say it's an educated opinion based on my knowledge of the
130 subject and the information I have.

131 Q: Let's talk about the time of death analysis. After examining body decomposition, it is
132 appropriate to also examine forensic entomology and forensic geology, correct?

133 A: In some cases, yes.

134 Q: And that's because the surrounding environment, including the surrounding sediment and
135 insects, can affect the process of decomposition, right?

136 A: That is correct.

137 Q: However, you're not trained in either of these fields, are you?

138 A: No, I am not.

139 Q: So your conclusion as to time of death rested solely on decomposition?

140 A: I wouldn't say solely. I also considered body temperature, lividity, and rigor mortis.

141 Q: You would agree, wouldn't you, that decomposition analysis has several problems?

142 A: Any method of analysis can be problematic, yes, which is why it is important to be careful
143 and not to overstate one's conclusions.

144 Q: Well, for one, decomposition is less precise than other measures, correct?

145 A: Than certain other methods of analysis, yes. It's less predictable than factors such as
146 temperature changes.

147 Q: And, you would agree, decomposition is more heavily affected by environmental factors than
148 is rigor mortis or even livor mortis?

149 A: Yes, that's true.

150 Q: Finally, Dr. Ooms, have you reviewed the work of Dr. Charney?

151 A: I have.

152 Q: And you would agree that Dr. Charney has much more experience in this area?

153 A: Certainly with respect to insects, of course

154 Q: And you are aware that Dr. Charney disagrees with your time of death calculations?

155 A: I am.

156 Q: No further questions.

157 RE-DIRECT EXAMINATION

158 BY THE STATE'S ATTORNEY:

159 Q: On cross examination, defense counsel asked you about Dr. Charney's conclusions in this
160 case. Have you formed any opinions as to Dr. Charney's conclusions?

161 A: I have.

162 Q: And what are they?

163 A: While I have a great deal of respect for Dr. Charney's work, Dr. Charney is mistaken. In my
164 opinion, there's no way that much discoloration would be found on a victim who had been
165 buried just a few weeks.

166 Q: Did you have any other concerns about Dr. Charney's opinion?

167 A: Yes. Dr. Charney did not attend the autopsy and only saw the body long enough to collect
168 larvae and obtain a sample from Bennett's eyes. I also take exception to Dr. Charney's
169 procedure. A pathologist, like any other scientist, starts with an open mind and fills in the
170 blanks with actual evidence in an effort to reach a conclusion. Dr. Charney appeared to
171 begin with a conclusion and then tried to prove it.

172 Q: No further questions.

173

174 Deposition conducted before me on this, the 15th day of July, 2009.

175

176

177

Howard Schnellen, Notary Public

DOS AND DON'TS of COLLECTING ARTHROPODS AT CRIME SCENES

By Doctor Loren Charney, Nov. 29, 2003

The author is a professor at Princeton University and is considered the foremost forensic entomologist in the world today. You can read more about Dr. Charney in the July 22, 1999, issue of News Weekly, which honored the scientists most likely to leave their mark on the third millennium.

In the year 1247, in a small Chinese village, a farmer was found dead in his field. Doctors were certain that he had been killed with a sickle, but there were no eyewitnesses. Sung Tz'u, the wisest man in the village, assembled all the farmers from the nearby areas and told them to lay their sickles upon the ground. On that sweltering midsummer's day, Chinese folklore has it that blow flies descended on only one of the sickles—the one with trace amounts of blood that no human could detect. The guilty farmer confessed.

Forensic entomology has come a long way since 1247, with over sixty board-certified forensic entomologists worldwide and growing respect within the legal community. But as judges, lawyers, and jurors everywhere are realizing the important role entomology can play in determining time of death, whether a body has been moved, and other critical legal issues, forensic entomologists should realize their increased responsibility. So much of the discipline's reliability hinges on proper collection and preservation. This article seeks to summarize the fundamental "dos and don'ts" for entomological investigations.

DO make sure other criminal investigators appreciate the importance of preserving entomological evidence. Most won't know how to properly handle evidence for entomological purposes, so it's your responsibility to educate them.

DON'T let the other crime scene investigators or anyone else influence your analysis. A forensic entomologist is only valuable because he or she provides evidence independent of other fields. When we allow ourselves to be

tainted by others' information, opinions, or even their well-intentioned hopes for the results of our work, we cease to be effective.

DO collect insects not only at every orifice, but also in the soil surrounding the body. Maggots and other carrion-eating organisms will often leave their larvae up to 30 feet from the body on which they are feeding.

DON'T immediately assume that the time of death is equal to the time of first oviposition, (especially when the body has been buried). It usually is, but this is something that should be ascertained, not assumed.

DO make sure to consider the all-important role of temperature in determining the age of the insects found.

DON'T assume that the environmental temperature at the time the body was found was the temperature for the entire duration of the body's presence at the site in question. Temperature variations, even in a specific area during a relatively short period of time, can dramatically affect entomological conclusions.

DO recognize the considerable additional error introduced when a body is killed at night or discovered after significant precipitation. Little is known about either the nocturnal activity of insects or the effects of rainfall on insect behavior and reproduction.

DON'T think you can be an expert on every locale. Sherlock Holmes knew London like the back of his hand, but he was lost in Berlin. Always consult local experts when working in regions with which you are unfamiliar.

Instructions for set up of Exhibit

Fold along gray line between top and bottom so that printed sides face outward.

Cut "check" out along dashed gray border.

Use glue or tape to affix front and back together to form a single, two-sided document.

FRONT

JACKIE OWENS

9114

Date June 6, 2008

Pay to United Way of Midlands

\$ 50,000.00

the order of

Fifty Thousand Dollars

Dollars

CBM Central Bank
of Midlands

Memo Spring Campaign

Jackie Owens

⑆011235813⑆

2134558⑈

9114



Fold Here

BACK

ENDORSE HERE

For Deposit Only
United Way of Midlands
Acct.# 8675309

X

Freeport's Fine Liquors
108 Linden Drive
Freeport, Midlands

Terminal I.D.:
0003184000
Merchant #:
0108844512583

Cash
SALE

d'Arenberg The Dead Arm Shiraz 2005
2 61.95

Subtotal	123.90
6.5% SALES TAX	8.05
Total	131.95

Thank you for shopping with us!
6/16/08
9:32:43 AM

Thank you for purchasing your movie tickets at MidlandsTix.com, your ticket to entertainment!

Order ID: 5152830803
Date of purchase: 06/16/2008 10:02 p.m.
Cardholder's Name: Casey Maxwell
Card Type/Number: Visa / XXXX-XXXX-XXXX-3116
Charge Per Ticket: \$9.00
Service Fee: \$2.00
Total Charged: \$11.00

Please print this page to use it as your ticket.

**Admit: 1 Adult(s) to:
Over My Head**

An unconventional and dark story of Swedish detective Georg Hansson (Klas Montan), who fears he may be losing his mind as he investigates the brutal murder of a prominent family in the quiet town of Staffanstorp. Told non-chronologically, this movie will leave you guessing up to the end.
(dir: Ethel Amundson, 150 min.)

Date: June 16, 2008
Time: 10:25 p.m.
Auditorium: 3

Palace Theater
520 Mercy Ct.
State Center, Midlands
(555) 283-0702
[map](#)

Confirmation Number



Directions for using this home-printed ticket:

1. Print this ticket on your printer.
2. Bring this ticket to the ticket taker, **skipping the box office**, to scan your ticket.
3. That's it. Have a seat and enjoy the show!

Special offer:

Use this ticket stub for 10% off any entrée at Kiri's Café on the same day as your movie.

AOC-491.1 Doc. Code: COPG Rev. 1-08 Page 1 of 2	STATE'S OFFER ON A PLEA OF GUILTY	Case No. <u>09-1030</u> Court <u>CIRCUIT 1</u> County <u>BRECKINRIDGE</u>
---	--	---

STATE OF MIDLANDS

PLAINTIFF

VS.

CASEY MAXWELL

DEFENDANT

1. Charges and Penalties

Charge	MURDER	UOR Code	X
Penalty	20 YEARS TO LIFE OR LIFE WITHOUT THE POSSIBILITY OF PAROLE		
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			
Charge		UOR Code	X
Penalty			

2. Amended Charges (if any):

Amended Charge	CRIMINAL FACILITATION TO MURDER	UOR Code	X
Penalty	10 TO 20 YEARS		
Amended Charge		UOR Code	X
Penalty			
Amended Charge		UOR Code	X
Penalty			

3. Reason(s) for amended charge(s) (if applicable):

The defendant, Casey Maxwell, has accepted responsibility for the defendant's criminal actions and has agreed to assist the State by providing a statement of what the defendant and Jackie Owens did that resulted in the death of Jacob Bennett. This defendant also agrees to testify on behalf of the State at any future trial or hearing of any type on this matter thereby aiding in the attainment of justice.

4. Facts of the case:

On or about 6/16/2008, in Breckinridge County, Midlands, the defendant arranged for the victim to be at the location of the murder. The defendant also provided the weapon used to commit the murder. The defendant was fully aware of the intentions of co-defendant Jackie Owens.

5. Recommendations of a Plea of Guilty (Plea Agreement):

In the interest of justice, the State recommends as follows: CRIMINAL FACILITATION TO MURDER – 15 YEARS. THE STATE OBJECTS TO PROBATION. This offer comes with the express understanding that the defendant agrees to provide truthful testimony at any future trial or hearing involving the facts aforementioned. The truthfulness element of this agreement shall be determined by the trial judge using a preponderance of the evidence standard. The defendant's failure to satisfy the defendant's obligations under this agreement shall result in revocation of this agreement after which the defendant shall stand trial on the charge of MURDER.

6. Offered this 14th day of August, 2009.

Defendant

State's Attorney

Defense Attorney

AOC-491 Doc. Code: EGP Rev. 6-07 Page 1 of 2 RCr 8.08, 8.10	MOTION TO ENTER GUILTY PLEA	Case No. <u>09-1030</u> Court <u>CIRCUIT 1</u> County <u>BRECKINRIDGE</u>
--	--	---

STATE OF MIDLANDS

PLAINTIFF

VS.

CASEY MAXWELL

DEFENDANT

Comes the Defendant, in person and with aid of counsel, and respectfully moves this Court to allow him/her to withdraw his/her former plea of “**NOT GUILTY**” and enter a plea of “**GUILTY**” as set forth below. In support of this motion, the Defendant states as follows:

1. My full name is CASEY MAXWELL .
I am the same person named in the indictment.
- 2 My judgment is not now impaired by drugs, alcohol, or medication.
- 3 I have reviewed a copy of the indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed, and I understand, the charges and any possible defenses to them.
4. **I understand that I may plead “NOT GUILTY” or “GUILTY” to any charge against me.**
5. **I further understand the Constitution guarantees me the following rights:**
 - (a) **The right not to testify against myself;**
 - (b) **The right to a speedy and public trial by jury, at which I would be represented by counsel and the State would have to prove my guilt beyond a reasonable doubt;**
 - (c) **The right to have counsel provided at the State’s expense if I cannot afford one;**
 - (d) **The right to confront and cross-examine all witnesses called to testify against me;**
 - (e) **The right to produce any evidence, including attendance of witnesses, in my favor;**
 - (f) **The right to appeal my case to a higher court.**

I understand that if I plead “GUILTY,” I waive these rights.

6. I understand that if I plead “**GUILTY**,” the Court may impose any punishment within the range provided by law and that although it may consider the State’s recommendation, the Court may reject it. I am aware of the legal penalty ranges for the offense(s) to which I am pleading guilty.
7. In return for my guilty plea, the State has agreed to recommend to the Court the sentence(s) set forth in the attached “State’s Offer on a Plea of Guilty.” Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead “**GUILTY**.”
8. Because I am **GUILTY**, and make no claim of innocence, I wish to plead “**GUILTY**” in reliance on the attached “State’s Offer on a Plea of Guilty.”

9. I declare my plea of **“GUILTY”** is freely, knowingly, intelligently, and voluntarily made; that I have been represented by counsel; that my attorney has fully explained my constitutional rights to me, as well as the charges against me and any defenses to them; and that I understand the nature of this proceeding and all matters contained in this document.
10. I understand that because of my conviction here today, **I may be subject to greater/enhanced penalties if found guilty and/or convicted of any future criminal offenses.** I understand that if I am not a United States citizen, I may be subject to deportation pursuant to the laws and regulations governing United States Immigration and Customs Enforcement. I understand the complete terms of this plea and all the obligations imposed upon me by its terms.

Signed in open court in the presence of my attorney this 14th day of August, 2009.

Defendant's Signature

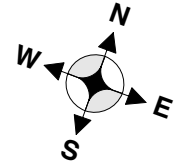
CERTIFICATE OF COUNSEL

1. To the best of my knowledge and belief, the defendant understands the allegations contained in the indictment and/or any amendments thereto. I have fully discussed with the defendant the charges and any possible defenses to them and I believe that he/she fully understands the charges and possible defenses. I have reviewed with defendant the attached **“State's Offer on a Plea of Guilty”** and the foregoing **“Motion to Enter a Plea of Guilty,”** and I believe he/she understands these documents.
2. To the best of my knowledge and belief, his/her plea of **“GUILTY”** is made freely, knowingly, intelligently, and voluntarily. I have fully explained the defendant's constitutional rights to him/her and I believe that he/she understands them.
3. The plea of **“GUILTY”** as offered by the defendant is consistent with my advice to him/her, and I recommend to the Court that his/her plea be accepted.

Signed by me in open court in the presence of the defendant this 14th day of August , 2009.

Attorney for Defendant

Midlands Parks and Recreation River Bluffs State Park



Bluffview Dr

Marina Rd

Beach Rd

Legend

Parking



Restrooms





Swimming/Beach



Boat Launch



Marina

 Calkins Cliffs Ridge Line Cliff-Top Hiking Path Cliff-Base Trail

①



②

③

④



Nommaggaben River

Map Not To Scale

Affidavit of Hunter Baxamusa

My name is Hunter Baxamusa. I live with my mom, Andrea Baxamusa, at 510 Durant Avenue in State Center, Midlands. My dad died a long time ago. I know no one wants to live with their parents – especially at my age – but there isn't much I can really do about it! I've always enjoyed going to school and taking classes, especially science and astronomy type classes. I love to look out at the stars and imagine life on some faraway planet. I think I'll go to school until I die. People always joke and tell me that when I die my gravestone is going to read "Here lies Hunter Baxamusa, a professional student."

I had been looking forward to June 16, 2008, for months. That night was supposed to feature a full moon and a lunar eclipse at the same time! Around 9:00 that night, I got my stuff together to bike over to the Midlands Marina. The lookout point is on Calkins Cliffs above the Marina, probably about 200 feet above and a few hundred feet back from the pier. The Marina is my favorite place for stargazing because there are so few lights on the harbor and almost no street lamps. The darkness helps the stars stand out. The eclipse wasn't supposed to be until 10:30 p.m., but I headed there early in case the Marina got crowded with other astronomers.

I got there around 9:30 p.m. I had expected a crowd, but, to my surprise, there was no one else there when I arrived. I unpacked my tripod and telescope, and set up for the eclipse. I pulled out my flashlight (the sun already had gone down and it was pretty dark), my thermos of coffee, and my astronomy journal. I held the flashlight in one hand as I wrote with the other. I always record the conditions before I record my astronomical observations: "9:34 p.m., 64°F, clear skies, no precipitation, no wind, very dark." These were perfect conditions for astronomy.

Some time later, I looked below and saw a really cool, dark-colored car pulling into the Marina parking lot. I knew it was a Maserati the second I saw it – those are my favorite cars! I have this big poster that shows all the different models and options of Maseratis. I had to sneak

25 it out of the local Maserati dealership because they told me the posters weren't for sale. And this
26 wasn't any ordinary Maserati; it had those super-bright xenon light bulbs that make the lights
27 look purple instead of the normal colors. Those don't even come with the car; you have to
28 custom-order them! One day I'm going to drive a Maserati. I guess I need to get my driver's
29 license first though – I failed the eye exam at the DMV because I am nearsighted. I can't wear
30 contacts because of something about the shape of my eyes, and they told me I couldn't have my
31 license until I came back with heavy prescription glasses, can you believe it? Ever since then,
32 I've been saving up for laser eye surgery, but I haven't gotten around to doing it yet.

33 Anyway, there were no other cars in the lot besides that cool Maserati. It was strange,
34 though, because right after the Maserati turned into the parking lot it shut its headlights off, even
35 though it still drove for a short distance before parking. Someone got out of the driver's side of
36 the car and began walking toward the pier. I couldn't make out the person's face or gender or
37 ethnicity or even what they were wearing because none of the boats had their cabin lights on.
38 Most of the light was shining off the moon. It was hard to see but I didn't want to move my
39 telescope out of position. I can't even say how big the person was because I was so far away.

40 I saw the person walk towards the end of the pier and climb aboard the ship near the end
41 of the dock. I turned my telescope to see if I could make out the name of the boat. It read, "The
42 Help Burn." I figured some rich firefighter owned it. My watch read 10:00. I waited for the
43 light on the fireman's boat to come on, but it never did.

44 At 10:32 p.m., a taxi pulled into the parking lot. Someone got out of the back seat and
45 the taxi drove away. I can't describe anything about this person either. The second person
46 started walking down the pier, but just as the second person approached the middle of the pier,
47 the lunar eclipse went into full effect. From 10:34 until 10:49, everything was pitch black. It
48 was incredible. I couldn't see anything, not even my hand when I held it up in front of my face.

49 While it was black, I did hear some things though. Even though I was really high up,
50 there is always a huge echo up on the top of the cliff. I couldn't exactly make out what I heard,
51 but first I heard someone scream like they were really surprised and really scared and then yell,
52 "What are you doing?" Another voice yelled back, "I'm sick of you getting in my way, Benny!"
53 A few seconds later, I heard this loud bang from the pier. And then I heard four more loud
54 bangs. I thought there was a gunfight going on! Then I realized the last four were probably just
55 echoes. I'm almost positive they were gunshots because they sounded like the gunshots on
56 television and in the movies, but I can't be 100 percent sure because I've never heard a live
57 gunshot before. I was curious, so I waited for the eclipse to end so I could see what happened.

58 At 10:49, the moon became visible and the moonlight began to illuminate the Marina. I
59 looked at the pier but there was no one there. Then I looked over at the parking lot. Someone
60 was standing behind the Maserati, really struggling to load something into the trunk. I still
61 couldn't see anything specific about the person, nor could I tell if it was either one of the people I
62 saw before. I couldn't tell what the person was trying to put in the trunk, but it was big! I
63 thought maybe the person was an astronomer too and was putting a big telescope back into the
64 trunk! I thought about going down and asking to see if it was a telescope. If it was, it was
65 probably the Proxalizer 3000, and I wouldn't want to miss an opportunity to test it out! But then
66 I remembered the gunshots and decided I'd better not go down there. The person closed the
67 trunk, opened the driver's side door, got in the car, and drove away without turning on the
68 headlights. I could tell it was a dark-colored car, but it was too dark to see the car's color or
69 plate number. I grabbed my telescope to get a better look, but it was still too dark outside. One
70 thing was sort of weird though. Instead of turning around and going back the way it came, the
71 Maserati just sort of turned left. I didn't even know that there was a road there.

72 The first thing I did when I got home was go and look at my Maserati poster. Just as I

had suspected, the car I saw was a brand new Quattroporte – one of the rarest cars around! It was the first time in my life I had ever seen it out on the street and, believe me, I pay attention to cars all the time! It even had those custom purple xenon bulbs on it!

After looking at the poster, I began to think I might have seen a crime, but I didn't call the police or tell anyone what I'd seen. Honestly, I was scared that if I had seen a crime, the person might come after me. But then on July 9, 2008, I heard someone on television say that they'd found a body at the Calkins Cliffs, that the police were looking for information about a murder at the Midlands Marina, and that anyone who could help would be a hero. When I heard that, I called the police and told them everything I saw. Within a couple of hours, my mom's phone started ringing nonstop! All the networks wanted me to tell my amazing story. I was nervous, but I had always wanted to be on TV. That night I was all over the six o'clock news. My biggest regret is that if I'd been thinking, I could have shopped my story to the highest bidder. Oh well – at least I got to be the center of attention for one day in my life! I guess I was in the right place at the right time.

Of the available exhibits, I am familiar with the following, and only the following: "Midlands Parks and Recreation Map of River Bluffs State Park." I've been there a lot and the map accurately depicts the surrounding area. The "1" on the map is the place where I saw the Maserati parked; the "2" where the boat called the "Help Burn" was; and the "3" is where I was. I have no idea what the "4" means, though.

Hunter Baxamusa

Sworn to and subscribed to me on this, the 30th Day of March, 2009.

Howard Schnellen, Notary Public

Affidavit of Ari Finch

My name is Ari Finch. I graduated from the University of California, Berkeley, with a double major in criminal justice and economics. I remained at Berkeley for a Masters of Science in Criminal Investigation, specializing in financial crimes. After earning my degree, I took a job with the Midlands State Police. Most bureaus require about five years as a regular officer before you can make detective, but because I had graduated first in my class at Cal, the Midlands Chief of Police, Erin Driscoll, said if I worked hard I could make detective in three years. That was in 1998. Two years later I was a full-fledged detective.

I was at my desk on June 17, 2008, when I answered the phone around three in the afternoon. A woman was screaming into the phone. By the time she calmed down, I learned that the caller was Mariah Bennett, wife of the famous producer Jacob Bennett. She wanted to report the disappearance of her husband. She said he hadn't come home the night before, hadn't been answering his phone, and hadn't been seen by anyone since leaving the office around 10:00 p.m. on Monday, June 16. Bennett had two important meetings scheduled for the morning of June 17 and he missed both of them. That Tuesday was his 20th wedding anniversary. Normally I would have pegged this as a kidnapping, but with that much time without a ransom note or phone call, I began to suspect we were probably looking at murder.

State Center has a really low murder rate. I'd say we get a murder case about every other year, though I can't say I recall one within the past three. Most of my experience is with financial crimes like securities fraud, embezzlement or insider trading. I've handled a few kidnapping cases, some large-scale narcotics cases, and one terrorist investigation. Murder cases, I can say now, are often harder than all others. The stakes are higher so people don't always tell the truth. The media frenzy makes your job much harder. You obviously can't talk

24 to the victim and people are afraid to talk because they don't want to get hurt. Looking back, I
25 probably could have handled things better.

26 That first week I talked to employees at Trifecta Entertainment, where Bennett worked,
27 and also his friends and family. Bennett was last seen at 10:00 p.m. on June 16, when an office
28 staffer reported that he called a cab. I personally confirmed this by watching the time-stamped
29 videotapes from a surveillance camera that Trifecta security has monitoring the front entrance,
30 where I saw Bennett exit the building and get into a cab. Bennett's personal assistant, Sydney
31 Michaels, told me that Bennett was supposed to meet his partner, Casey Maxwell, at 10:30 p.m.
32 at the Midlands Marina. I also found a day planner on Bennett's desk that contains the following
33 handwritten entry next to the line "10:30 p.m." on June 16, 2008: "Meet Casey at boat." I'm
34 certainly no expert, but I looked at a bunch of things that had been written and signed by Jacob
35 Bennett and I'm sure that he wrote the entry in the day book.

36 I spoke to Maxwell the morning of June 18. Maxwell claimed to have gone to a movie
37 on the evening of June 16 and showed me a movie ticket to prove it. Maxwell admitted to
38 having plans to meet Bennett at the Marina at 10:30 p.m., but claimed during our first
39 conversation that Bennett had canceled that afternoon.

40 I went to the Marina on the morning of June 19. The dock showed signs of two separate
41 sets of footprints leading up to Maxwell's yacht, *The Hepburn*. One was a men's size 7 that
42 matched the size of the shoes I'd taken from Bennett's closet. The other set was too smudged to
43 identify; it could have come from anyone. Very strange was the long streak coming down the
44 dock, indicative of something heavy being dragged. Unfortunately, the dragging destroyed the
45 footprints of the person who dragged it. But the markings were consistent with a body-sized
46 object being dragged, perhaps inside a bag. I'd seen Bennett in person a few times and he was a
47 really small man – about 5'2", not much more than 100 pounds. I had hoped to narrow the field

of suspects, but from my experience, anyone with enough motivation could have dragged a person of that size.

I boarded *The Hepburn* and looked around. At first, there appeared to be no physical evidence, but then I noticed a small red speck on the wall below deck, which I reached by descending a short flight of stairs. The wall was a dark brown color, so the red was easy to miss. It smelled like dried blood. There was no way to determine how long it had been there. I took a swab of the blood. Later, a lab tech and I performed a standard blood-type test on the sample and discovered that it was type AB negative, the rarest blood type of all and one possessed by less than 1% of the population. Bennett's wife Mariah authorized us to check his medical records, and they confirmed that Bennett was type AB negative. All members of the Maxwell family later gave their consent to examine their medical records and we confirmed that none of them is AB negative.

I also dusted the boat for fingerprints, which was a standard part of my training and something I've done plenty of times before. Maxwell's prints and those of Maxwell's spouse, Bobbie, were everywhere, which was to be expected. On the handrail as you climb aboard the boat was a second set of prints. I matched them to Bennett's remote control and several prints I found at his desk. I found no one else's prints on the boat.

One person I wanted to talk to was Jackie Owens, the third partner at Trifecta. I found it suspicious that Owens left the country on a 1:06 p.m. flight on June 17, 2008. Owens' assistant put me on the phone with Owens. I learned Owens was in Europe on a business trip that had just been scheduled. Owens claimed to have been with Alex Grace the entire evening of June 16, and Grace said the same thing when I spoke to Grace on June 21. Owens promised to pay a reward of \$100,000 to anyone providing information of Bennett's whereabouts. Owens also

71 gave me permission to search the Owens estate and anything on it. My search of the estate found
72 nothing incriminating at all.

73 Nonetheless, I left no stone unturned. Trifecta company records and my conversations
74 with employees in the Trifecta finance department showed me the basic distribution scheme for
75 Trifecta profits, as well as the memo from their CFO about the offer from Dueling Lens Studios.
76 After all costs were paid for the calendar year, the three partners (Maxwell, Bennett, and Owens)
77 would divide up the net profits. Bennett would receive 55% of the profits, Owens 40%, and
78 Maxwell 5%. Early estimates for 2008 earnings predicted profits of \$15 million, which would
79 leave Owens with \$6 million (pre-taxes, not post) at the end of the year. But Trifecta had also
80 received an offer from Dueling Lens Studios to buy the partnership for \$20 million, which would
81 have netted Owens a cool \$8 million (pre-taxes) as soon as the deal went through. The deal
82 would be pretty sweet for Maxwell, too; Maxwell would go from netting just \$750,000 under the
83 2008 profits projections to getting \$1,000,000 at the time of the sale and a guaranteed \$1,000,000
84 per year in consulting fees for the next three years. The partnership agreement also stated that if
85 one of the partners didn't show for a meeting without giving notice, the other partners could just
86 vote without him or her.

87 I had heard rumors that Owens might be a high-stakes gambler so, when Owens returned
88 from the Europe trip on July 1, I decided to do an interrogation. I met Owens at the airport and
89 drove downtown to the stationhouse. At first Owens denied the gambling debts, but I've been
90 trained in multiple interview and interrogation techniques. Owens broke down and admitted to
91 having a gambling debt. Owens admitted to owing \$5 million to various bookmakers and
92 casinos. Owens also admitted that Owens had seen the memo from the CFO about the Dueling
93 Lens offer and that Bennett had told Owens that Bennett was against taking it. Then Owens got
94 very quiet and went kind of limp. Owens looked up and said, "Have you ever done something

that you wished you could take back?” This was it. I said that I had and that the best thing to do is get it off your chest. But then Owens’ attorney came in and put an end to the interrogation.

I applied for and received a wiretap warrant to monitor Owens’ cell phone and home phone. We reviewed literally hundreds of calls made and received by Owens and, admittedly, almost none of them were incriminating in any way. But two of them stand out as highly suspicious. On July 3, 2008, Alex Grace placed a call to Owens’ cell phone at 1 a.m. Midlands time. “I’m getting nervous about this,” Grace said. “It’s just another performance. You’ve been acting your whole life – this is no different,” Owens replied. Then, on July 5, 2008, Casey Maxwell placed a call to Owens’ home phone at just past 2 a.m. Midlands time. Owens answered. “We need to talk,” Maxwell said. Owens replied angrily, “Not over the phone, you idiot! You think people can’t listen to this? We’ll talk at work,” and hung up immediately.

By the end of the first week of July 2008, it looked like the investigation had stalled. But on July 9, 2008, based on a hunch from the Crime Lab, we found a large duffel bag buried about a foot deep in the soil at the base of the Calkins Cliffs. I watched them pull it out. We pried the bag’s zipper open the rest of the way – the zipper had snagged and was damaged, probably from someone trying to force it closed – and it was Bennett, wearing one of the trademark black suits and black turtlenecks he wore every day. He had what appeared to be a gunshot wound in his chest. Midlands’ gun records showed that Owens has never owned a gun. We checked the duffel bag and all of Bennett’s belongings for fingerprints, but everything was too dirty to yield anything useful.

I went back to re-interview Casey Maxwell on the night of July 9, 2008. I’ve received three formal citizen complaints in the past for improper interrogation tactics, but each time the Citizen Complaint Review Board has dismissed for lack of evidence. I knew this was not a time to hold back. Maxwell had a huge gun collection and I compared the collection with Maxwell’s

permits. One gun, an 84 Cheetah Beretta, was missing. I lied and told Maxwell we had used ballistics to trace the murder back to Maxwell. At first Maxwell started to deny it, but when I mentioned “life without parole,” Maxwell broke down and told me everything. I obtained a warrant for Owens’ arrest the next morning, and arrested Owens later that day.

One of the things that Maxwell told me when Maxwell finally broke is that, after their initial conversation, Maxwell and Owens did most of their communicating about the murder via text message. Unfortunately, Maxwell told us that Maxwell had deleted all of the incriminating texts, which we confirmed when we seized Maxwell’s cell phone that night. We also checked Owens’ phone on July 10 and didn’t find any incriminating texts either. In fact, even though there were a bunch of text messages saved on Owens’ phone, there weren’t any texts that were either from or to Maxwell’s cell.

That weekend (I think it was Saturday, July 12), another officer suggested that the phone company might keep records of text messages and, on Tuesday, July 15, we asked a judge to issue a subpoena to the local phone company for a list of all phone numbers registered to Maxwell and Owens, as well as all records relating to any text messages between them from June 9, 2008, to the date the subpoena was issued. The judge issued the subpoena that same day, and it’s a good thing she did, because I later found out that at 5 a.m. every morning, just like clockwork, the phone company purges the contents of all text messages that were sent more than 29 calendar days before. The good news is that they were able to recover the contents of two texts that Owens and Maxwell exchanged on the morning of the murder. The bad news is that we don’t know the content of any of the texts that they exchanged before that day, although we do know that Owens sent Maxwell a text the night before and that they exchanged a few texts in the week leading up to the murder. The document labeled “All Text Records Between Specified

142 Accounts” is the report we got back from the phone company in response to the judge’s
143 subpoena.

144 Based on the physical evidence, my witness interviews, and the admissions by Casey
145 Maxwell and Jackie Owens, I believe Owens and Maxwell conspired to kill Bennett. I think that
146 on June 16, Maxwell lured Bennett to the Marina, where Owens lay in wait. Owens, using
147 Maxwell’s Beretta, shot Bennett, dragged him down the dock in a duffel bag, and put Bennett in
148 the trunk of Owens’ ebony 2005 Maserati Quattroporte. Rather than exiting via the parking lot,
149 Owens drove from the Marina parking lot along the jogging path to the Calkins Cliffs, buried the
150 body at the base of the cliffs, and drove home. I believe Owens murdered Jacob Bennett to make
151 sure the Dueling Lens deal went through so that Owens could pay off significant gambling debts.

152 We never did find the murder weapon or even an eyewitness who could confirm that they
153 saw Owens that night. I had divers sweep the marina around the boat for the gun, but they didn’t
154 find anything. After we found the body, a person named Hunter Baxamusa came forward.
155 Baxamusa witnessed some of what happened just before and after the murder – and what
156 Baxamusa did see is pretty bad for Owens – but Baxamusa wasn’t able to make a positive ID of
157 Owens.

158 Some of the local newspapers have criticized me for not seriously considering anyone
159 except Maxwell and Owens. That really burns me up. The initial evidence pointed toward
160 Maxwell, so that’s where we started. Owens was another obvious suspect, so it was natural to
161 look there too. It’s true that Bennett’s personal assistant, Sydney Michaels, gave me a few other
162 names. I didn’t think any of them was very likely, but I did ask Officer Matthews to give those
163 folks a call and see if they had alibis for the night of the murder. A week or so later, Matthews
164 told me that she’d spoken to all the people whose names Michaels had given me and said that
165 they said they’d been doing other things.

Some of that evidence was suppressed by Judge Mendoza. My officers had searched Owens' office at Trifecta Entertainment while Owens was in Europe. We found a threat letter in the top drawer of Owens' desk. This letter confirms that Owens was facing a huge gambling debt. Even more incriminating, on Owens' desk we found part of a draft of Owens' autobiography, which also shows that Owens had a strong motive to kill Bennett. I admit that my officers should not have searched the office, since they had no warrant, no exigent circumstances, and no consent. But our mistake doesn't change the fact that Owens is guilty.

Of the available exhibits, I am familiar with the following, and only the following: "Page 32 of Jackie Owens' autobiography"; "Unsigned threat letter"; "Memorandum from Daniel Gorgani to Jacob Bennett, Casey Maxwell, and Jackie Owens"; "Letter from Ronald Victory to Jacob Bennett"; "Report Labeled 'All Text Messages Between Specified Accounts'; "Partnership Agreement of Trifecta Entertainment"; "Autopsy Report for Jacob Bennett"; "Printout from www.midlandstix.com," which is the ticket that Casey Maxwell showed me; and "Midlands Parks and Recreation Map of River Bluffs State Park." I have been to the area depicted on the last-mentioned exhibit and the map accurately depicts the general location. The spot labeled "2" on the map is where *The Hepburn* was berthed and the spot labeled "4" is where we found Bennett's body.

Ari Finch

Sworn to and subscribed to me on this, the 26th Day of March, 2009.

Garry McLeod, Notary Public

Affidavit of Jordan Lee

My name is Jordan Lee. I am the Chief Crime Scene Investigator in Breckinridge County, Midlands. My lab works with the Midlands Police to solve crimes and apprehend criminals. I attended the University of Arizona, double-majoring in criminology and chemistry. I received my Ph.D. in Chemistry from the Massachusetts Institute of Technology. I got numerous job offers from pharmaceutical companies and universities, but I have always been fascinated by law enforcement, so I became a CSI. As a result, I haven't done any scholarship or been published, but I do have a lot of experience in the field. I have testified in court as an expert on more than two dozen occasions.

I was the CSI in charge of the Jacob Bennett investigation. My team examined the following: Jackie Owens' home; Owens' 2005 Maserati Quattroporte and 2002 Bentley; Casey Maxwell's home and red Porsche; the Midlands Marina, particularly Casey Maxwell's boat, *The Hepburn*; the baseball field in Midlands State Park; the area below the Calkins Cliffs where the body of Jacob Bennett was found; and the bullet found during the autopsy in the victim's chest. This affidavit contains all of my significant observations and conclusions associated with this case.

I began by examining the Marina on June 19, 2008. When I arrived, the footprint and fingerprint analysis of the pier and *The Hepburn* had already been performed by Detective Finch, and I saw no reason to duplicate Finch's work. I also inspected *The Hepburn* personally, but found nothing beyond what Finch said that Finch had found before I got there. Usually such a lack of evidence means one of two things: either no crime was committed at the location or the perpetrator is a professional.

23 We were given consent to search Jackie Owens' home, grounds, and vehicles, which we
24 did later that week. Nothing of substance was found on the estate. Jackie Owens was out of the
25 country, but I questioned Owens via phone and asked if Owens owned any firearms. Owens said
26 no, but I wanted to confirm this fact, so I called my buddies down at the precinct. They pulled
27 the registry for gun permits and found Owens had never owned a gun. Just on a lark, I asked
28 them to run a similar check for Casey Maxwell, the other partner at Trifecta. Apparently
29 Maxwell had permits for over a hundred guns, everything from antiques to real heavy-duty
30 weaponry. I decided to investigate.

31 I drove to Maxwell's estate in Midlands Hills. Maxwell's spouse, Bobbie, greeted me
32 and said I could search anywhere. I found nothing incriminating whatsoever on the grounds or
33 in Casey Maxwell's Porsche. I asked to see Casey's gun collection. Bobbie opened a bookcase
34 to reveal a hidden room containing over a hundred guns on the wall, each labeled. "Casey loves
35 memorabilia," Bobbie explained. "Each gun is linked to a movie." I was about to leave when I
36 noticed there was one empty hook, under which a label read "84 Cheetah Beretta, Bruce Willis in
37 *Die Hard*." Bobbie had no explanation as to why the Beretta was missing or where it was, and
38 when I spoke to Casey later, Casey said the Beretta must have been misplaced. I also asked
39 Bobbie about both Bobbie's and Casey's whereabouts on the night of June 16, 2008. Bobbie
40 replied that Bobbie had traveled alone to visit family that weekend, and hadn't returned until the
41 following Wednesday, June 18.

42 I drove back to the Owens estate. I asked Tony Simmons, who lived on the property and
43 seemed to do various odd jobs for Owens, about June 16, 2008. I learned that Simmons usually
44 drives Owens in the Bentley, but on the night Bennett disappeared, Owens drove the Maserati
45 and Simmons stayed home. I examined Owens' black-colored Maserati very carefully. Two

46 things drew my attention. First, I noticed a lot of mud on the tires and side panels, and similar-
47 looking mud on the floor in front of the driver's seat. I took some mud samples and bagged
48 them. I also found the trunk rather unusual. The lack of forensic evidence in the trunk was
49 startling – no dirt, fibers, hairs, or blood. I took a whiff – the trunk smelled like bleach. I cut out
50 a small piece of the white lining and a piece of the mat to analyze back in the lab.

51 I analyzed the fabric from the trunk of Owens' Maserati against the fabric of a stock
52 black-colored Maserati. The polymer test revealed exactly what we had smelled – sodium
53 hypochlorite, the active ingredient in bleach. The concentration was higher than a typical
54 cleaning agent but slightly weaker than industrial strength. Bleach is excellent for destroying
55 evidence, particularly DNA, although bleach is incapable of completely eliminating blood stains.
56 Of course, I can't say who bleached the trunk, when, or why, but it certainly seems suspicious.
57 We searched Owens' home again, looking for bleach containers, but found nothing.

58 I also analyzed the mud found on the Maserati. There's no way to know exactly how
59 long the mud had been caked onto the car. I'm not a forensic geologist but I am familiar with
60 sediment analysis from an FBI seminar on the topic, and I have used the techniques from that
61 seminar a few times in investigations. The first thing I found is that, based on the soil
62 composition and the pollen tests, the mud from the exterior of the car definitely matched the mud
63 from the interior of the car. Next, I wanted to determine the exact chemical composition of the
64 mud. For the most part, the mud was unremarkable – a combination of clay, sand, and silt,
65 which could be found almost anywhere in Midlands. The only oddity was the presence of
66 significant quantities of calcium carbonate, a common chemical but one not normally present in
67 soil samples from here in Midlands. Calcium carbonate comprised about 1.4% of each of three
68 mud samples I'd taken from Owens' Maserati.

69 By early July, the investigation was going nowhere. Finch was convinced that Owens
70 was behind Bennett's disappearance, but we had no body and no proof. Then, on July 6, 2008, I
71 was watching a baseball game on television. There was a collision at home plate and a swirl of
72 dust, and then it hit me! Calcium carbonate is the key component in chalk, and baseball fields
73 use chalk to line the dirt basepaths. I pulled up a map of Midlands to see where the various
74 baseball fields are – there are about two dozen. But the only one between Maxwell's boat and
75 Owens' estate is in Midlands State Park. The next morning, the Midlands State Police were
76 digging. Two days later, the police had wreaked havoc on that field but to no avail. It was
77 embarrassing.

78 I was about to send the police to the next baseball field when I remembered Occam's
79 Razor. While the baseball chalk idea was novel, its likelihood paled in comparison to that of a
80 much larger source for the calcium carbonate – the Calkins Cliffs. The Cliffs, which overlook
81 the Midlands Marina, contain large deposits of calcium carbonate and, as the Cliffs erode, small
82 particles of calcium carbonate fall onto the ground below. I called up a judge and got a court
83 order to begin digging right then and there. Only one thing stood in my way; apparently those
84 cliffs are home to an endangered bug, and federal law required a certified expert to observe the
85 dig to make sure we didn't mess up the bug's habitat. After doing some searching on the
86 Internet, I called Dr. Loren Charney, an entomologist at Princeton, who agreed to come on the
87 first flight the next morning and observe for me.

88 Dr. Charney showed up the next day, on the morning of July 9, 2008. My team was
89 ready and waiting and, with Dr. Charney in tow, we immediately headed to the Calkins Cliffs. I
90 told Dr. Charney to stay out of our hair and away from the evidence collection so that nothing

91 was contaminated. I made it clear that Dr. Charney's job was to observe, not supervise. Dr.
92 Charney did not say a word the entire time during the dig.

93 The dig site was a fairly remote area along the Nomaggaben River that is accessible by
94 boat or on foot via an unpaved hiking trail that runs along the river. The area along the river is
95 fairly flat. The distance between the river and the cliffs varies between 20 and 32 feet, and there
96 are very few trees down there. We got there and started combing the area between the river and
97 the base of the cliffs. Once we were looking closely, there was an area of dirt behind some
98 bushes right near the base of the cliffs that was immediately suspicious. Bennett's wife, Mariah,
99 was there when they pulled the body out, screaming "It's him! It's Jacob!" I scooped up some
100 of mud at the burial site. Tests confirmed that it was consistent with the mud in and on Owens'
101 Maserati. However, I acknowledge that the mud on Owens's Maserati could have come from
102 just about anywhere in the local area with chalk, like the baseball fields or even near the golf
103 course in Sunset Vista. Nothing else about the scene at the Calkins Cliffs could be linked to any
104 particular suspect or suspects.

105 I attended the autopsy, during which the medical examiner, Dr. Prescott Ooms, confirmed
106 that the deceased was in fact Jacob Bennett. After concluding that the cause of death was a
107 gunshot wound to the chest, Dr. Ooms pulled a bullet out of Bennett's chest. I took the bullet to
108 my lab for analysis. The metal was largely corroded by the body's decomposition, but I was able
109 to do a partial ballistics analysis. The highly distinct grooves in the bullet must have come from
110 one of three guns: a Cheetah Beretta, a Px4 Beretta, or a Beretta 9mm Series 92. Maxwell's
111 missing gun could be the murder weapon, but it could be one of the other two models or even
112 someone else's Cheetah. There's no way to know for certain because without the murder
113 weapon, which we never found, I cannot perform any tests on the bullet's striations.

114 Once we found the body, people started coming out of the woodwork. Most were a waste
115 of time, but two people whose stories checked out were Hunter Baxamusa and Shannon Stark.
116 We met with Baxamusa on the afternoon of July 9, and word must have spread quickly, because
117 later that night Baxamusa was the lead on every local newscast. Baxamusa reported having been
118 at the Calkins Cliffs on the night Jacob Bennett disappeared, and having seen a dark-colored
119 Maserati with very distinctive purple xenon headlights at the scene. We knew from our previous
120 search of the Owens estate that Jackie Owens owned an ebony-colored 2005 Maserati
121 Quattroporte, but we hadn't turned on the car and had no reason to pay any attention to the
122 headlights during our previous search. Stark told us that Owens had purchased purple-tinted
123 xenon headlights in June 2008, shortly before Bennett disappeared.

124 Based on those two pieces of information, we got another warrant to search the Owens
125 estate and we executed that warrant on July 10, immediately after Owens was arrested. We
126 flipped on the Maserati's headlights. The lights weren't purple, and they weren't xenon either.
127 Instead, they were yellowish-white in color, which according to Maserati's specifications is the
128 standard headlight color for that year and model of car. When we looked closely at the
129 headlights, however, we saw scratches in the car's finish around both headlight assemblies that
130 could be consistent with tool marks. We then removed the bulbs from the headlamp casing and
131 confirmed that they were, in fact, stock bulbs that were each stamped with a serial number and a
132 bar code. I was suspicious about the bulbs because of the scratches around the casing, so I
133 bagged the bulbs and brought them back to the station, where I keep a standard bar-code reader
134 in my desk drawer. When we returned to the station, I scanned each bulb's bar code with my
135 reader and the display read, "DATE OF PRODUCTION: 6-22-08." We also searched the entire

136 Owens estate for any purple-tinted xenon bulbs, but we didn't find any bulbs or boxes in which
137 they might have been packaged.

138 Of the available exhibits, I am familiar with the following, and only the following:
139 "Autopsy Report for Jacob Bennett"; and "Midlands Parks and Recreation Map of River Bluffs
140 State Park." I have been to the area depicted on the last-mentioned exhibit and the map
141 accurately depicts the general location. The spot labeled "2" on the map is where *The Hepburn*
142 was berthed and the spot labeled "4" is where we found Bennett's body.

143

144

145

146

Jordan Lee

147 Sworn to and subscribed to me on this, the 25th Day of February, 2009.

148

149

Sharon Getty, Notary Public

Affidavit of Casey Maxwell

My name is Casey Maxwell. I live at 3147 Rancho Sierra Bend in Midlands Hills with my spouse, Bobbie. I'm one of the founding partners of Trifecta Entertainment, a movie production company. Before that, I was an independent movie director. After several unsuccessful horror movies, I won fame at the prestigious Roarke Film Festival for *The Unusual Suspects*, a dark comedy about two friends who kill a third friend for money. My success there caught the attention of Jacob Bennett and Jackie Owens, who near the end of 2002 invited me to join them as partners in a new movie studio that they were forming, Trifecta Entertainment. Jacob was an amazing producer whose movies had been nominated for seven Oski Awards.

Jackie had starred in several successful popcorn flicks and then surprised everyone by becoming a critically acclaimed director. I was shocked and thrilled that they wanted to partner with me!

Of course, that opportunity came with a price. Our partnership agreement gave me only 5% of all yearly profits; Jacob got 55% and Jackie got 40%. I got a much smaller share because Jackie and Jacob were famous Hollywood types and I was relatively unknown. At first, I accepted getting a smaller share of the profits because I was excited just to be affiliated with two celebrities like them. But Trifecta Entertainment struggled to land A-list movie stars, who were reluctant to sign with a studio in Midlands, and I wasn't making nearly enough money to lead the life expected of an acclaimed film director. Not only that, but Jacob was always reminding me of my small role within Trifecta, calling me the "third wheel" in front of the actors and camera crew. "You would still be making trashy horror movies if it wasn't for me!" was one of Jacob's nicer taunts. I resented comments like that but said nothing, figuring that I'd show him.

The situation got better in 2008. In May of 2008, Trifecta released its first big hit, *Fatal Rendezvous*, which opened at number three at the box office. Best of all was the money. Our

C.F.O. estimated Trifecta would earn 15 million dollars in net profits for 2008, although we wouldn't receive any of it until the end of the year. I was ecstatic, at least until I realized that my pre-tax share of that would be only \$750,000 and that Jackie and Jacob would each net millions for a movie that I directed and they dismissed as a "minor project." I wanted to renegotiate our partnership deal, but Jacob had a controlling interest and he refused.

But then, on the morning of June 6, 2008, we got some incredibly exciting news. Our CFO sent us all a memo saying that Dueling Lens Studios had offered to buy Trifecta and to hire Casey, Jackie, and me as consultants! My share of the deal would be 1 million dollars, payable immediately at closing. Even better, Dueling Lens was offering me a guaranteed consulting deal of 1 million dollars per year for three years!

Jackie, Jacob, and I had an informal meeting about the Dueling Lens offer on the afternoon of June 6. Jackie and I said we both definitely wanted to take the offer, but Jacob put his foot down and said, "Forget it. Just forget it! There's no way I'm selling my studio." That set Jackie off – I'd learned to let stuff like Jacob calling Trifecta "his" studio roll off my back, but Jackie wouldn't let it go. Jackie was screaming at this point and – I'll never forget this – pushed over the water cooler and yelled, "This deal's going to happen, Jacob. Mark my words!" Jackie then stormed out of the room, leaving me to clean up the mess (literally and figuratively).

The next day was a Saturday. One thing that really bothered me is that although I always came in on Saturdays, I never once saw Jacob set foot in the office on weekends. I was sitting at my desk when Jackie (who almost never came in on Saturdays either, come to think of it) walked into my office and closed the door. Jackie sat down, looked me in the eye, and asked if I was happy. I said: "What do you mean?" Jackie responded: "I mean are you tired of being Jacob's whipping post? Are you tired of earning pocket change for movies that you directed and

47 produced? Are you tired of the fact that Jacob has all the power and that you and I can't do
48 anything, including taking this great deal from Dueling Lens, without his say-so?" I insisted that
49 I liked Jacob and appreciated the opportunity that the two of them had given me, but I admitted
50 that I was pretty frustrated.

51 I'll never forget what happened next. Jackie paused and stared intently at me for at least
52 five seconds, as if sizing me up. Then Jackie looked me straight in the eye and said, in a low and
53 totally calm voice, "Casey, I think Jacob might need to disappear." I couldn't believe what I was
54 hearing, but I could tell from the look on Jackie's face that Jackie was serious.

55 I'm not proud about what I did next, but I promised to tell the truth, and I was so mad at
56 Jacob at that point that I could barely see straight. I said, "Even if that happens, what good does
57 it do us? Jacob owns the majority of Trifecta and we can't do anything without him." But Jackie
58 pointed out that, under the partnership agreement, if we called a meeting and Jacob failed to
59 show up, Jackie and I could vote to accept the Dueling Lens deal on behalf of Trifecta.
60 Jackie seemed to have thought everything through, so I asked how we were going to arrange for
61 Jacob to "disappear."

62 Jackie wanted me to do two things. First, I was to give Jackie one of my guns. See, I
63 have this huge gun collection, each gun honoring a famous gun from the movies. I have a
64 Walther PPK in honor of James Bond, a .44 Magnum in honor of Dirty Harry – stuff like that.

65 Second, I was supposed to invite Jacob to my boat on the following Monday, June 16. I
66 have a small yacht, the *Hepburn*, docked at the Midlands Marina and Jackie wanted me to get
67 Jacob there at 10:30 p.m. on the 16th. "You want me to meet him there?" I asked. "No, just do
68 those two things and I will take care of the rest," Jackie said.

69 After laying all that on me, Jackie said: “Are you in or out?” I didn’t answer right away,
70 so Jackie reminded me of the money at stake, especially for me. “I’m in,” I said. Jackie nodded,
71 stood up, and started to leave. As Jackie left I asked, “What’s in it for you? You do a lot better
72 than I do under our current agreement and this Dueling Lens deal is a lot less good for you than
73 for me in the long run.” Jackie responded, “I have my reasons,” and then turned and walked out
74 the door.

75 I did everything according to Jackie’s plan. I invited Jacob to meet me on the *Hepburn* at
76 10:30 p.m. on June 16. I told Jacob to meet me below deck, just like Jackie wanted. Jacob
77 agreed, but said he was a little nervous being on my “life raft” – he never missed a chance to
78 make fun of my yacht because it was much smaller than his – and asked if he should bring his
79 water wings “just in case.” Some of my misgivings about Jacob’s fate went away with that
80 comment. I also got Jackie one of my guns, a Beretta like the one Bruce Willis used in *Die*
81 *Hard*. I left it loaded in the wine rack on my boat just like Jackie told me.

82 Jackie and I did all of our communicating about the murder via text message, but
83 everything was in code. Jackie also told me to delete every text I got from or sent to Jackie, and
84 that’s what I did.

85 That night, June 16, 2008, was the longest night of my life. Bobbie was out of town and I
86 couldn’t stand the thought of staying home by myself, so I decided to see a movie. Around
87 10:00 p.m., I went on a website (www.midlandstix.com) to see what was playing, and saw that
88 an artsy-sounding movie called *Over My Head* had just come out. I bought a ticket for the 10:25
89 p.m. showing, printed it out on my home computer, and then drove to the theater. I hate being
90 recognized when I go out, so I wore a hat and a big chunky pair of glasses. It must have worked
91 because no one recognized me. The line to get in was really long. When I got to the front, I saw

92 why. There was a rope blocking the self-service line where you usually can just scan your own
93 ticket. Instead, one kid was looking at everyone's tickets but not taking them. When I asked
94 what was up, the kid just shrugged, said "scanner's broken," glanced at my ticket, and then
95 waved me through.

96 It was really hard to focus on the movie, because I was thinking about Jackie the whole
97 time. I had no idea how Jackie was going to pull it off. The movie was a moody drama about a
98 Swedish detective and it was told in an out-of-sequence style that made it compelling to watch
99 but also fairly hard to follow. I was so distracted that that's literally all I can remember about the
100 movie. The movie ended around 1:03 a.m. and I drove home, where I spent all night tossing and
101 turning.

102 Jacob was reported missing June 17. The police wanted to talk to me and everyone else
103 at Trifecta. I told them I was supposed to meet Jacob at my boat at 10:30 p.m. the night before,
104 but that Jacob canceled at the last minute. I explained that I had been at a movie instead, and I
105 showed Detective Finch my ticket stub to prove it. The police believed my story. I thought
106 Jackie and I were home free.

107 Then, on the night of July 9, 2008, the police showed up at the door of my home in
108 Midlands Hills and said they'd just found Jacob's body. They said they found the gun that killed
109 Jacob and if I didn't talk immediately, I could face life without parole. I know now they never
110 found the gun, but I didn't know that at the time. I didn't want to spend the rest of my life in jail,
111 so I admitted everything about me and Jackie. I'm not proud of what I did, but at least I'm not
112 the one who pulled the trigger.

113 When I first confessed, I mentioned the texts that Jackie and I had exchanged. I'd deleted
114 all the texts just like Jackie said, and I'm sure that's what Jackie did too. Then on July 16, 2008,

the police showed me the report that they'd gotten back from the phone company. I know that the two texts that they were able to save look harmless at first glance but you have to understand they were written in code. I sent the first of these texts to Jackie on the morning of June 16. Decoded, it meant "the gun is in the wine rack. It is fully loaded. Jacob should be there at 10:30." Jackie texted me back right away. Decoded, the response from Jackie meant "make sure Jacob knows to meet you below deck."

Of the available exhibits, I am familiar with the following, and only the following: "Memorandum from Daniel Gorgani to Jacob Bennett, Casey Maxwell, and Jackie Owens"; "Report Labeled 'All Text Messages Between Specified Accounts'; "Partnership Agreement of Trifecta Entertainment"; "Printout from www.midlandstix.com," which is the original ticket that I printed from my home computer; "State's Offer on a Plea of Guilty," "Motion to Enter Guilty Plea," which was accepted by the court; and "Midlands Parks and Recreation Map of River Bluffs State Park," I have been to the area depicted on the last-mentioned exhibit and the map accurately depicts the general location. The spot labeled "2" on the map is where *The Hepburn* is berthed.

Casey Maxwell

Sworn to and subscribed to me on this, the 14th Day of August, 2009.

Max Gregory, Notary Public

Affidavit of Shannon Stark

My name is Shannon Stark. I live here in Midlands with my roommate Bowden over in those apartments down by Sebastian's. Bowden and I don't really get along too well; Bowden's gotten ornery with age. I came to Midlands about five years ago. I was born in Alabama, but my family picked up and moved to Coral Gables, Florida, when I was about ten. When I graduated from Miami Northwestern High School, my daddy wanted me to stick around and go to the University of Miami, but I wasn't cut out for a private-school scene. I wanted to party, not go to class! So instead I took myself up to a state school in Tallahassee. Six years later I had my associate's degree. Well, not the actual physical degree. That got lost somewhere during my adventures.

Right after I got my degree, I decided I had had enough of Tallahassee. I moved out to Vegas and got work at a casino serving drinks to high rollers. After a while, I started to pick up poker just from being around it so much. It seemed pretty easy to me. I had a knack for numbers and an even better poker face. Besides knowing the numbers (which didn't take that long to learn, at least for me), the key to poker is being able to figure what people have and tricking them into thinking you have something that you don't. My partying was much better education for that than I would have gotten in some boring classroom. I started playing poker when I would get off work, and I turned out to be pretty good. After a while, I was playing every day and making a bunch of money doing it, so I quit my job. By that fall, I had made more than \$2 million playing poker – all of it in cash.

But then disaster struck. I got really greedy and really stupid. I thought I could talk my way out of anything. One night I tried to cheat while playing poker at a, shall we say, less-than-fully-licensed card room, and I got caught trying to sneak an extra ace into play. I didn't get

24 charged with a crime – it was way worse than that. The manager gave me a choice: Give her
25 every penny I had ever won in less than 24 hours and leave town, or her “associates” would take
26 something else from me. I figured that was an offer I couldn’t refuse, so I handed over my
27 winnings and decided I’d better get out of Dodge. Easy come, easy go, as they say. I just wish I
28 had something to show for all my time in Vegas.

29 I thought about moving back to Florida, but I couldn’t face coming back home, so I
30 moved to Midlands instead. I talked my way into a job over at Ray & Lewis’ auto shop. We sell
31 car parts and do basic mechanic work. Now I like pretty cars just like the next person, but I’m
32 no mechanic, so I made it clear to Ray that I wasn’t going to do anything that could get grease on
33 my clothes.

34 That is where I met Jackie Owens. Jackie was a car fanatic. Jackie had a vintage Aston
35 Martin and a Bentley. But Jackie’s pride and joy was the ebony 2005 Maserati Quattroporte with
36 the charcoal interior that Jackie bought a couple years back. Jackie was always swinging by the
37 store and picking up custom parts for it. It never made sense to me – I thought the car was
38 beautiful just how it was, plus no one in Midlands has that car, but that wasn’t enough for Jackie.

39 Jackie came in so often that after a while we got to becoming real friendly. I don’t know
40 what came over me, but one day I told Jackie my whole life story, from Alabama to Vegas.
41 When I mentioned my poker-playing days, Jackie’s eyes lit up. Jackie told me about all the
42 poker Jackie played and invited me to come to the next game night.

43 Going with Jackie to Sebastian’s to watch Jackie play poker became a Friday night ritual
44 for me. It was always the same small group of high rollers playing with Jackie. I never played a
45 hand – I couldn’t afford the buy-in! They would never play for less than a \$20,000 buy-in and
46 they played freeze-out, which meant winner-takes-all. It was a shame I couldn’t break into the

47 action, because I could have cleaned them out if I ever played. I never really kept track of
48 exactly how Jackie did, but Jackie lost a whole lot more often than not. \$20,000 a week is a lot
49 of money – especially if you count the \$20,000 re-buy that Jackie seemed to do pretty much
50 every week – but I never thought too much of it because I figured Jackie was a big-time movie
51 person and could afford it.

52 In the early months of 2008, Jackie seemed to change. Jackie was nervous a lot and I
53 couldn't figure out why. One day in March of 2008, my dad called me while I was with Jackie.
54 My dad and I are really big college hoop fans. Dad wanted to talk about the upcoming college
55 basketball tournament game between the Seminoles and Hurricanes. My dad worked in the
56 Business School at the University of Miami and told me he had seen Miami's star shooting guard
57 on crutches in class earlier in the day. Jackie overheard my end of the conversation and asked
58 me who the injured player was. When I told Jackie, Jackie's demeanor changed. Jackie got very
59 intense, grabbed my shoulders and said, "Your dad saw him on crutches today? Are you
60 absolutely sure about this? Is your dad sure?" I told Jackie my dad knows his basketball team
61 and knows the players well. Jackie all of a sudden got real excited and said, "This is the break I
62 needed!"

63 Jackie was a card player, not a sports bettor, so Jackie asked me if I still knew people
64 back in Vegas that would take big bets on a sports game. I said sure. Right then Jackie had me
65 call one of my friends back in Vegas that took bets and hand over the cell phone. They started
66 talking about the game. Then I heard Jackie say "Okay, I want it. Florida State minus a half-point
67 for one million." Jackie ducked into another room at that point. A few minutes later, Jackie
68 wandered back into the room, still talking on the phone. Jackie confirmed the bet one more time,
69 hung up, and gave the phone back to me.

70 The day of the game, Jackie invited me over to Sebastian's to watch. We ate some
71 wings and knocked back a bunch of beers. Dad was right – Miami's star player was on crutches
72 and wasn't playing! Jackie was really happy because the Seminoles were winning most of the
73 game. But Miami came roaring back and took a one-point lead and then, at the final buzzer,
74 Florida State missed an easy layup that would have won the game for them and the bet for
75 Jackie. Jackie became enraged, took the pitcher of beer and threw it across the room, and
76 stormed out. I followed Jackie out. Jackie reached the Maserati, turned around, and said to me,
77 "What the hell am I going to do now, Shannon?" I didn't quite know what Jackie meant so I just
78 shook my head. Jackie slammed the door and drove off.

79 I stopped hearing from Jackie for a while after that. Then, on June 6, 2008, Jackie came
80 back into Ray & Lewis' out of nowhere around lunchtime. Jackie was happy and full of life and
81 had come in to order a set of purple xenon bulbs for the Maserati. I asked why Jackie hadn't
82 been around and why Jackie was so happy. After swearing me to secrecy, Jackie said that they'd
83 just received a substantial offer to purchase Jackie's movie studio. Jackie said, "All I have to do
84 is convince Jacob this afternoon that this offer is a good idea, and I'll finally be home free."

85 I took the order for the bulbs, took the \$150 cash payment from Jackie, and had the bulbs
86 delivered directly to Jackie's home address – we had it on file. I'm not sure if Jackie ever had
87 those lights installed or not. If so, it wasn't at our store. But Jackie didn't always have the stuff
88 put on the cars at our store – sometimes Jackie would try and install stuff all alone at home in the
89 garage. About as often as not, that ended up with Jackie bringing the parts back in for help, but
90 you can't fault someone for trying!

91 Later that month, I got a call from Jackie in Europe. Jackie was just calling to check in
92 on how I was doing. I had heard about that Bennett person going missing, but didn't want to

93 mention it. But then Jackie started to talk about it. Jackie told me how it was really upsetting to
94 know Bennett wouldn't be around anymore. I felt bad for Jackie.

95 I know they are charging Jackie with murder. Jackie wasn't the greatest or most honest
96 person on earth, but Jackie is a fun person and Jackie's definitely no murderer. Jackie really
97 valued that Bennett guy's friendship – talked about him all the time. I just can't believe for a
98 minute what they are saying about Jackie.

99 I have not seen and am not familiar with any of the available exhibits in this case.

100
101
102
103 Sworn to and subscribed to me on this, the 30th Day of March, 2009.

Shannon Stark

104
105

Eric Dennyson, Notary Public

Affidavit of Loren Charney

My name is Loren Charney. I attended Loras College for my undergraduate degree and Harvard University for doctorates in medicine and entomology, both earned summa cum laude. I also won the prestigious William S. Harvie Award for Outstanding Achievement in Entomology. I have served as the Vice-Chair of the American Board of Forensic Entomologists and Editor-in-Chief of the *American Forensic Journal*. Most of my time is spent teaching and doing research at Princeton University, where I am a professor of Forensic Science, but about once every two years I am hired as a consultant. My specialty lies at the confluence of entomology, geology, and biology. My unique sphere of expertise allows me to be discriminating in my choice of cases; all of my cases are either high-profile or involve a novel issue of forensic study.

On July 8, 2008, I received a call from a Detective Crime Scene Investigator in Midlands named Jordan Lee. Detective Lee told me that Lee and some officers were investigating a potential homicide and they had reason to believe the victim's body might be buried near Calkins Cliffs in Midlands. I immediately knew why the detective had called; Calkins Cliffs is a breeding ground for a very endangered, and very federally protected, scarab beetle. Detective Lee told me that a court order was given to dig up the ground near the cliffs, but because the cliffs were in a protected area, supervision would be needed to make sure the beetles were not disturbed. Lee asked me if I would be willing to come out to Midlands and supervise. It didn't take me more than a second to say yes.

When the dig began on the morning of July 9, I was forced to watch from a specified location. Lee wanted me there to comply with the court order, but didn't want me anywhere close enough to interfere with the evidence collection. I was insulted that they thought I would mess anything up. It didn't take too long after the body was discovered for the media to swarm around. I was interviewed briefly by one of the television reporters on the scene; I identified

25 myself as an entomologist and said I was there to watch over the dig by court order. I guess that
26 is how Jackie Owens found out about me, because not more than a day after that interview aired,
27 Owens' attorney called me and asked to retain my services. I knew I was in a unique position to
28 help, and there was no way I was going to miss getting even more involved in this high-profile
29 case.

30 Jackie Owens' attorney hired me specifically to determine the date of death for Jacob
31 Bennett. Normally I charge \$600 an hour for lab research and field work and \$1,200 an hour for
32 my time in court, plus reimbursement for all expenses. But normally I'm not there to witness a
33 police dig first-hand, so I was in a unique bargaining position. I told Owens' attorney I wouldn't
34 agree to anything less than \$1,000 an hour for the lab and field work plus \$1,500 an hour for
35 court time, and Owens' attorney agreed. Between field work and time at the lab, this case has
36 required over 32 hours as of the date of this affidavit.

37 I have included in this affidavit all of the significant conclusions I drew and observations
38 I made during my involvement in this case. I have submitted to both parties an article I
39 published in the American Forensic Journal in 2003, entitled "DOs and DON'Ts of Collecting
40 Arthropods at Crime Scenes." The article, as its title suggests, offers my view of the minimum
41 standards that any competent entomologist must meet. I am proud to say that the article is just as
42 relevant and accurate today as it was when I wrote it.

43 The first place my work for Owens began was piecing back together the dig for Bennett's
44 body. Since my purpose for being at the dig at the time was only to observe and make sure the
45 beetle habitat was undisturbed, I didn't take detailed notes while I was at the scene. After I got
46 the call from Owens' attorney, the first thing that I wanted to do was recall everything I had seen
47 that might be relevant to my ultimate conclusions. Luckily I have a good memory. I remember
48 that I watched the police do a shoddy job of digging up River Bluffs State Park. They didn't

perform the dig in stages by digging one square plot at a time, they failed to cover the earth with tarp when it rained (which happened twice during the day), and they repeatedly tossed the soil from one area into another, which mixes soil samples that should be kept separate.

I was there when the police found a body buried in the dirt in the flat and unwooded area between the Nomaggaben River and Calkins Cliffs. The body had been placed in a large blood-stained duffel bag that was partially open. Though the body was somewhat decomposed, the police were certain it was Jacob Bennett by the clothes and personal effects found on him – though all that Armani wasn't looking so dapper after a few weeks in the ground. The uppermost part of the body had been covered by about 8-12 inches of loosely packed soil. There appeared to be a bullet hole in his chest. Though I did not attend the autopsy, I was given brief access to the body for insect collection, read the autopsy report, and was provided a sample of the victim's DNA. My DNA test confirmed that the body was indeed Jacob Bennett's, and I can state to a reasonable degree of medical certainty that, based on the observations of pathologist Dr. Prescott Ooms, Mr. Bennett died from a gunshot wound.

When trying to determine the time that has elapsed since death, or post-mortem interval (PMI), a forensic scientist has a number of tools at his or her disposal. The common signposts – rigor mortis, algor mortis, body temperature, and stomach contents – all provide little to no guidance after the victim has been dead for more than 72 hours. Judging by the body's color and general decomposition, Bennett had certainly died more than three days before. When dealing with a PMI of greater than 72 hours, I have found only three ways to determine a time of death: (1) analyzing the extent of the body's decomposition, (2) measuring the amount of vitreous potassium in the victim's eyes, and (3) determining the age of parasitic insects on the victim.

Doctor Ooms's conclusions were founded primarily on the body's decomposition. The body's decomposition can be useful in determining the amount of time that has elapsed since the

victim has died. Moreover, Dr. Ooms's analysis of skin color is largely correct and if we accept all of Dr. Ooms's assumptions, I agree that the victim must have died on or before June 16, 2008. Still, I have two objections to Dr. Ooms's work. First, Ooms calculated the PMI after noting that the victim was found buried beneath the ground and relying on the standard conversion rate that buried victims decompose eight times more slowly than victims exposed to air. But Dr. Ooms's analysis assumed that the victim was buried immediately after death. If the victim were buried even a day or two later, all of Dr. Ooms's conclusions are faulty. Second, and more important, body decomposition is at best a general indicator of time of death. The analysis is more qualitative than quantitative. Thus I give little weight to Dr. Ooms's PMI estimate.

The second method a forensic scientist may employ to determine the PMI of a victim who has been dead more than 72 hours consists of measuring the potassium in the victim's vitreous humor. The vitreous humor is the colorless transparent jelly that fills the eyeball posterior to the lens. The vitreous humor naturally contains potassium and when the body is fully functioning, it regulates the amount of potassium in the eye. But upon death, the body's functions cease and the potassium levels rise at a predictable rate. Forensic pathologists thus can use the amount of potassium found in the vitreous humor to estimate the length of time that has elapsed since death. Dr. Ooms, as far as I know, never measured the amount of vitreous potassium in Bennett's eyes, but the Medical Examiner's Office allowed me to do so. After measuring the potassium, I compared it to tables correlating potassium levels with PMI. The potassium from the right eye indicated a date of death of June 14, 2008, and the left eye indicated a date of death of June 16, 2008. Based on those two data points, I have little doubt that many scientists would conclude at a 95% confidence level that Bennett died between those two dates.

I found the evidence inconclusive, however, for several reasons. The variation from one eye to the other, while not uncommon, indicates the imprecise nature of the potassium-based

PMI estimates. Indeed, when dealing with victims who have been dead more than a week, the margin of error is plus or minus two days. That is why American courts have not allowed potassium-based PMI estimates to be admitted as the sole evidence of time of death. Moreover, vitreous humor measurements depend heavily on the body's temperature; the body's temperature depends heavily on the temperature of the environment. While one can roughly estimate soil temperature using a simple formula, a depth measurement, and air-temperature data from the National Weather Service, I had no way of knowing with certainty what the temperature of this particular patch of soil was over the several-week period in question. Therefore I have grave misgivings about reliance on vitreous potassium in this particular case. While both the vitreous potassium and the body's decomposition were consistent with Dr. Ooms's time-of-death estimate, I next turned to entomological evidence, which is the most accurate measure of PMI when the victim has been dead more than 72 hours.

Forensic entomology is the use of the insects and their arthropod relatives that inhabit decomposing remains to aid legal investigations. The most common use is in the determination of time that has elapsed since death. Insects begin to infest a corpse almost immediately after death; because they grow and reproduce at known rates, scientists can estimate the PMI quite accurately by measuring the level of insect infestation. In this case, I found insects in two principal locations: (1) on and in the victim's body, and (2) throughout the soil within a five foot radius of the victim's body. I found blow flies in all the usual places – mouth, eyes, nose, etc. – but they were concentrated near the chest wound. I preserved half the insects by transferring them into a solution of 80% ethanol. I put the other half in a container with a piece of raw beef liver so that I could watch them develop; this allowed me to measure the life cycles of the exact kind of blow fly found on Bennett's body.

The insects I found were almost entirely of the same species: *Calliphora terraenovae*, or as it is more commonly known, the North American blow fly. When a human dies, the body soon begins to emit the smell of decay. When the body is above ground, blow flies recognize this scent almost instantly; the further the body is below the earth's surface, the longer it takes blow flies to find the body. The exact amount of time it takes for blow flies to locate a corpse at various soil depths is unknown. In this case, the body was found enclosed in a large duffel bag. The bag's zipper had snagged and a good portion of the zipper was left undone. The fact that the bag was partially open would have allowed blow flies to smell the body and seek it out.

As soon as blow flies smell the decay, they descend on the corpse and the females lay their eggs within minutes. This first deposit of eggs is called oviposition. The eggs are approximately 2 millimeters in length and don't show signs of development for 8 hours. They generally hatch after one day into small larvae. This larval stage involves three successive molts in which the flies shed their skin. The third larval stage begins after about 4-5 days. The third and penultimate stage of development is the post-larval stage, in which the maggots begin to move up to 30 feet from the body. The post-larval stage is fully visible after 8-12 days. The final stage is the puparia, which occurs after 18-24 days. Thus a forensic entomologist can estimate the time that has elapsed since oviposition by studying the blow flies' development.

In the case of Jacob Bennett, I made that estimate by comparing the life cycle of the blow flies on the raw beef liver with the development of the blow flies I had taken from Bennett's body and preserved in ethanol. Killing the maggots with the ethanol effectively froze their age at the time Bennett was found. Thus the accuracy of my conclusions depends on the assumption that the life cycle of the flies on the raw beef liver is identical to the life cycle of the flies in the ethanol. One issue that proved difficult was replicating the environment of Bennett's body. Raw

beef liver is a fine model, but I was more concerned with the effects of rainfall and temperature. When I checked the precipitation index for Midlands City, I learned that June and July of 2008 had seen considerable amounts of rainfall and I had no way of taking this effect into account in my analysis. Moreover, I have no idea how, or even if, the rainfall during the digging process impacts the insect evidence. Rain might speed up insect development; it might slow it down; right now, we just don't know.

The temperature proved most problematic of all. The soil near the body had a temperature of 75 degrees on July 9, the day on which the body was found, but I can only estimate what the temperature of this particular eight-to-twelve-inch-deep, loosely packed soil was during the weeks prior to the body's discovery. Given that the patch of ground was rather heavily shaded for much of the day by the surrounding cliffs, I suspect that the temperature may have been up to several degrees colder than the usual depth-and-air-temperature formula yielded. A lower temperature would slow blow fly development, which would make the date of death earlier than I have concluded. But because I cannot identify the average temperature of this particular patch of soil for the period in question, all of the data and conclusions in this affidavit assume – based on the formula – a soil temperature of 70 degrees Fahrenheit. Finally, I did not consider whether blow flies in Midlands have any peculiar factors or attributes, nor did I enlist any local assistance. There was no need, as the raw beef liver blow flies served as control group.

Comparing the ethanol blow flies to the blow flies observed on the raw beef liver, it was clear that the oldest blow flies had reached the post-feeding larval stage but had not yet become puparia. This fact was evident from the blow flies' color, which had only slightly begun to darken; their lack of rigidity; the fact that they had three slits in their posterior spiracles; and, most importantly, their length. Post-feeding larvae are approximately 12 mm long, while puparia reduce in size during metamorphosis to about 9 mm in length. Thus I can state to a reasonable

degree of scientific certainty that the oviposition had begun at least 12 days but no more than 18 days before the body was found. Assuming oviposition began almost immediately upon death, I place the date of death between June 20 and 26, 2008.

Jackie Owens also asked me to compare the mud sample from Owens's Maserati Quattroporte to the mud at the base of the Calkins Cliffs where the body was found. My graduate and post-doctoral research in entomology has included significant use of soil-comparison analysis, so I am well-versed in the techniques used. Soil comparison analysis rests mainly on three factors: grain size, rounding, and sorting. Grain size is simply the size of each particle; rounding measures how smooth the particles are; and sorting measures whether the sand particles have been well-separated by size. Glaciers, for example, carry relatively "unsorted" soil samples, with particles of all sizes lying in close proximity; sand found at the base of a running stream is typically highly sorted by size. With respect to all three factors, the mud from Owens' car unfortunately is consistent with the soil in the area where Bennett's body was found. Thus it is possible that the dirt on Owens's Maserati came from that area. I think it is equally likely, however, that it came from any number of other places—baseball fields, beaches, or perhaps even a construction site. The size, rounding, and sorting were all of a common type. Similarly the presence of calcium carbonate in the mud from Owens' car is consistent with the area where the body was found, but not necessarily a match. I see trace amounts of calcium carbonate in limestone, other chalky substances, and all kinds of sediment. While the soil comparison analysis could not rule out a match, no competent geologist could conclude with any certainty that the mud from Owens's car came from the area at the base of the Calkins Cliffs where Bennett's body was found.

Of the available exhibits, I am familiar with the following, and only the following: "Deposition of Prescott Ooms," which I reviewed before updating this affidavit; "Autopsy

Report for Jacob Bennett”; “‘DOs and DON’Ts of Collecting Arthropods at Crime Scenes’ by Dr. Loren Charney”; and “Midlands Parks and Recreation Map of River Bluffs State Park.” I have been to the area and the map accurately depicts the layout of the surrounding area. The location labeled “4” is where Bennett’s body was found.

Loren Charney

Sworn to and subscribed to me on this, the 20th Day of April, 2009.

Neal Ellis, Notary Public

Loren Charney

As updated, sworn to and subscribed to me on this, the 30th Day of July, 2009.

Neal Ellis, Notary Public

Affidavit of Alex Grace

My name is Alex Grace. I own homes in Beverly Hills and Martha's Vineyard but reside in Sunset Vista, one of Midlands' more exclusive communities.

It goes without saying that I am a movie star. I'm a good actor. Acting is just lying and lying is easy. Anyway, I would do anything for an award statue, for critical applause, for the chance to tell a great story. I've made my career and my fortune by starring in Hollywood blockbusters. My face and name have been everywhere: *People* magazine, my own personal workout video, and even my own signature bottled scent.

Jackie Owens gave me my big break in Hollywood. I had been doing some big roles on Broadway but never had thought seriously about going to the silver screen. Jackie came to see my award-winning lead in *Dogs* one day, and immediately signed me to a contract for a major part in an upcoming film, *Dangerous Lies*. That film set my career on fire. I instantly became a little too big-time for Jackie Owens, and never did another film with Jackie until recently.

My career has been filled with starring roles in blockbuster films like *Stony*, *Marbo*, and *Maximus*. The one thing that has always eluded me was an Oski Award. I had been searching for the script that could get me to that next level, and I had finally found it in 2005 when I was cast to play the lead in *50 Days*, a script that jumped off the page when I read it. That all went up in smoke, though, when I walked the red carpet at the Oski Awards in 2005. I don't speak out for anyone unless I'm getting paid. But instead of asking me about my latest hit movie, a reporter cornered me and wanted to know why I wasn't wearing a Katrina victim ribbon. I've hated New Orleans ever since an alligator almost chewed off my leg in a location shoot, so I made a joke about the hurricane being a good thing and called the city a "cesspool."

How was I supposed to know how bad things were there? It hadn't hit the tabloids, it wasn't in the box-office rankings yet, and it didn't come up on a Google search for "Alex

Grace,” so I wasn’t following it at all. The line about Katrina followed me, though. Within a few days, I was told my services were no longer required on the set of *50 Days*, and I couldn’t even get an audition for anything more than a Japanese television ad for the next two years. All of my sponsorships dried up too. I had really hit rock bottom both financially and in my career. I’d made a lot of money, but I’d spent a lot of money too. The bills were beginning to mount and I was about to call around to reality TV producers – the last refuge of the Hollywood D-list – when Jackie Owens called me out of the blue.

Jackie and I had lost touch, but Jackie knew about all my troubles and told me that a contract was waiting for me at Trifecta if I wanted it. I didn’t even ask about the details. You don’t ask questions when someone throws you a life preserver – you grab it and let them pull you to shore. Jackie told me that my career was salvageable and Jackie was glad to help. What was in it for Jackie? Trifecta would never even have a shot at a star like me under any other circumstances. Jackie planned to gradually reintroduce me to the public by casting me in increasingly larger roles over the next few years. I frankly didn’t care if I was a non-speaking extra – I just wanted back in the biz.

My career had come full circle and I was back with my best friend in the movie business. When Jackie rescued my career after that horrible storm I encountered – no pun intended – we became even closer. Ever since then, we have had standing dinner arrangements. Virtually every Monday night since I followed Jackie’s suggestion to move to Midlands, we have gone out to eat at one of the many fine restaurants Midlands has to offer.

June 16, 2008, was a Monday and, as usual, Jackie and I had dinner plans. This was the first time, though, that we didn’t dine out. Instead, we ate at my house. I don’t recall whose idea it was to eat at my house that night, but it ended up working out great. I sent my chef, maid, and butler home and cooked the entire five-course meal all by myself. I don’t cook very often so it

took me all afternoon! Jackie arrived at 8:00 p.m. and stayed until well after 1 a.m. I remember Jackie pulling up in the Maserati. Jackie was wearing a yellow sweater and a pair of dark blue jeans. Jackie also brought along two bottles of a great Australian Shiraz that I'd never tried.

Jackie was in a great mood, totally calm and not at all distracted. We talked about all sorts of topics, enjoyed Jackie's excellent wine, and had another wonderful Monday evening. Jackie told me how well things were going at Trifecta, and how 2008 promised to be their most profitable year yet. Jackie also talked about how enjoyable it had been to work with longtime friend Jacob Bennett, but expressed concern about their other partner, Casey Maxwell. Jackie said Casey had been acting strangely and had been complaining about Jacob behind his back. Just after midnight, we walked outside and I watched Jackie climb into that beautiful black Maserati. I've driven from Jackie's house to mine many times and the trip is about 15 minutes.

On June 17, the story broke about Jacob's disappearance. I always liked Jacob even though he kept me from getting more serious roles from Trifecta. It was June 21, 2008, when the police came to my estate and grilled me. They asked me whether Jackie was ever out of my sight on the night of June 16. I told them we were together the entire time. The cops asked what I cooked for dinner. I told them I cooked five courses, but I couldn't remember exactly what the different dishes were. After all, we had a lot of wine! They asked if anyone else had been there that evening, but I told the police it was just the two of us, me and Jackie.

The police asked whether Jackie had ever said anything bad about Jacob. I told them the only person I'd heard say bad things about Jacob was Casey Maxwell, their other partner. I went to the 2006 Trifecta holiday party as Jackie's guest, and I overheard Casey complaining about being mistreated by Jacob. The more Casey drank, the louder Casey got. Eventually, Jacob walked in and the two started arguing. Eventually Casey stormed out, with Jacob just laughing at Casey. That was the last time I saw Casey and Jacob together. Jacob and Jackie, on the other

hand, always got along great. They were like siblings, telling stories and laughing at inside jokes.

On Monday, June 23, 2008, I got some exciting news: Jackie offered me the lead in Jackie's new movie, *Rocking Leo*. Jackie had put me in some minor movie roles since I moved to Midlands, but this was finally my chance at getting back to the big time. I know when that movie opens in the summer of 2010, it's going to show America that Alex Grace is back!

I have not seen and am not familiar with any of the available exhibits in this case.

Alex Grace

Sworn to and subscribed to me on this, the 1st Day of March, 2009.

Thomas Galvin, Notary Public

Affidavit of Adrian Malone

My name is Adrian Malone. I live in State Center, Midlands. I have always wanted to be a car dealer. It was my dream since I was a kid. When I graduated from St. Thomas Aquinas High, I went to Miami-Dade Community College and got an associate's degree in auto repair. That was the base that I needed to be a successful car dealer, and once I had that I needed to know how to run my business. I went to Wake Forest University and got my Bachelor of Business Administration with a major in marketing and small business. Not too long after that, I moved here and opened up my own dealership – used cars at first, but I had to start somewhere.

I was a natural at it, it didn't take me long before Ford Motor Co. asked me to sell their cars and I became Malone Ford. From day one I have always been a "Ford Star" dealer in Midlands, which means I am one of only ten Ford dealerships in Midlands that sells over a thousand cars annually. A few years later, I had made enough money to open up a second dealership across the street – The Collection. The Collection is an exotic car lot in the Financial District of State Center. It's my pride and joy. I sell all the exotic cars – Lamborghini, Ferrari, Aston Martin, Bentley, and Maserati. Like I always say, if you want it, I can get it.

I had a little problem back in 2001. A series of my cars were stolen, so of course I filed insurance claims on the stolen cars. The cops discovered I was involved in the theft and charged me with insurance fraud. I knew I was guilty but I also knew if I ratted out my buddies I could stay out of jail. So I took the stand, told as much truth as was needed to appease the prosecutor, and managed to get probation for pleading guilty to use of a fraudulent document in the fifth degree. It's just a misdemeanor, no big deal. The worst part was that the insurance companies refused to pay the claims!

I met Jackie Owens back in 2003. Jackie showed up at the dealership wanting to purchase a vintage Aston Martin, like the one that James Bond drove. I did some calling around

and found one for Jackie and completed the sale. From that point on, Jackie was a customer for life. Shortly after that, Jackie came back in and bought a Bentley. In early 2005, Jackie came in and bought a brand new ebony 2005 Maserati Quattroporte from me. It had a charcoal interior with aluminum trim, a real beauty of a car. Jackie paid the full sticker price for it – \$105,000. Relative to most other cars I sell at The Collection, the Quattroporte is fairly cheap. Considering that any Lamborghini, Ferrari or Aston Martin will often run over \$300,000; \$105,000 isn't that bad. You would be surprised how many of those types of cars I sell at The Collection.

I told Jackie how best to maintain the car. I told Jackie to use only premium unleaded gasoline. I told Jackie which car-wash fluid to use and which leather treatment to use on the car's interior. I even recommended a cleaning solution in case of spills – a real heavy-duty bleach solution. But this was only to be used on the floor or the trunk, certainly not on the leather. The downside to the bleach is that it stinks to high heaven and the smell sticks around for at least a few days. The advantage is that it gets out almost every stain and the smell is gone no more than a week later. Jackie appreciated my recommendations and promised to keep the car in pristine condition. I never had any doubts – Jackie was meticulous when it came to keeping cars clean. One time, Jackie came in to get the Bentley washed and detailed, and while driving away afterward, Jackie ran right into a puddle of dirty water, and turned back around and had the car rewashed. Jackie couldn't stand to have a dirty car for even one second.

The Collection always does well, in no small part due to my gift of gab. I don't lie – I just twist the facts to make the sale. I've been told that I could sell ice to an Eskimo. Selling cars requires some verbal creativity and there's no one more creative with words than Adrian Malone. One of the ways I've been so successful is by selling cars to Trifecta Entertainment. Jackie told me, "I love the cars you've sold me. I'm going to see that Trifecta gets all its cars from you." Trifecta Entertainment has made several action movies in the last few years, and

49 action movies require car chases and explosions. That inevitably means lots of cars blowing up
50 or getting wrecked.

51 The Collection is a great source for cars for movies, especially those British spy movies –
52 they are always blowing up expensive cars in those movies! Jackie and Jacob Bennett used to
53 come into the lot and purchase a few dozen cars every year for their movies. I give them a good
54 deal and still made a handsome profit. Their studio has been one of the steadiest sources of
55 income for The Collection. I'm a little worried, though, because if Jackie goes to jail, I'll lose
56 my main contact person at Trifecta. I'm afraid I might lose Trifecta's business to some other
57 dealership, and that accounts for more than 10% of my annual sales at The Collection.

58 One thing that always amazed me was how well Jackie and Jacob got along, always
59 laughing and joking with each other. They agreed on everything – how the different cars would
60 fit into the movie, how they would look on film, how they would work in the action sequences.
61 Sometimes one of them would come in alone but would refuse to make a purchase without
62 consulting with the other. They really valued each other's opinion. There was such an obvious
63 mutual respect and a genuine friendship. I've seen Jackie a few times since Jacob's death and,
64 let me tell you, Jackie is just all torn up over it. If I even mention Jacob's name, Jackie's eyes
65 tear up and Jackie can't even speak. Jackie would never have done anything to hurt Jacob.

66 While Jackie and Jacob always got along well, Casey and Jacob were a different story. A
67 few months before Jacob went missing, Casey came into The Collection and asked to speak to
68 me personally. Casey was working on an additional chase sequence for a movie, and said that
69 the new scene would make Jacob and Jackie really happy. Casey told me they would need about
70 four Ferraris for a big chase scene in the movie. Casey had never come around to buy cars
71 before, so I asked if Casey was allowed to buy for Trifecta. Casey got really indignant with me
72 and said, "It's called *Trifecta* for a reason – there are *three* partners here and I am one of them."

73 I said, “Hey, no problem, Casey. I’ll have the cars sent over to the studio in the morning.”

74 Casey signed the sales contract and left.

75 Two days later I was sipping my morning coffee and Jacob came storming into my office
76 with Casey in tow. Jacob was furious. Jacob pointed at Casey and yelled at me, “The only
77 people you ever sell a car to for Trifecta Entertainment are me or Jackie. Period.” I told Jacob
78 that Casey had said it would be okay because Casey was a partner too. Before I could even
79 finish my sentence, Jacob barked, “Casey is a partner in name only and only by my good
80 graces.” Jacob then told Casey that the scene was cancelled and forced Casey to apologize to me
81 and ask for Trifecta’s money back. I couldn’t afford to get in the bad graces of Jacob or Jackie
82 since they are such good customers, so I agreed to a full refund. I felt so bad for Casey though.

83 The cops came to me during their investigation of this case. They told me an eyewitness
84 had seen a dark Maserati and wanted to know how many of them there are. I told the cops they
85 came to the right person. I know everything about cars, especially exotic cars – vintage models,
86 production numbers, top speeds, rare colors, everything. I used to win bar bets by quoting car
87 stats with my eyes closed. I get my information from trade journals, car magazines,
88 manufacturers’ reports, consumer reports, and trade show booths. In addition, I keep detailed
89 records of all the sales my store makes. Not to mention, Maseratis are my favorite car. Since I
90 opened The Collection, I have made it a point to be involved in every single Maserati sold at my
91 store – I give each customer my personal guarantee and a handshake before he or she leaves.

92 Anyway, here’s what I told the police. Maserati started making the Quattroporte back in
93 1963 in Italy. They only made a very small number that year. Since then, production and
94 variation has gone up a fair amount. Since 1963, Maserati has released the Quattroporte I, II, III,
95 and most recently, IV. In 2005, Maserati produced 5,600 Quattroporte IVs at its factory in Italy.
96 The production numbers have been stable at around that level for the past decade. The

Quattroporte is offered in a variety of colors. The four most popular colors are burgundy, navy, charcoal, and ebony. I told the police that at night, all four of those colors look awfully dark and are hard to tell apart.

Maserati is generally perceived as a very exotic brand along the same lines as Ferrari and Lamborghini, but because of its significantly lower price tag, it is a very popular car. In 2005, I sold 32 Maserati Quattroportes in addition to the one I sold to Jackie. 2006 and 2007 were very good years, during which I sold a combined 190 Quattroportes. The last few years things have slowed down a bit, but I still sold 75 Quattroportes between 2008 and mid-February 2009. The vast majority of my clientele lives in the State of Midlands, and they almost never ship a car out of state. I know because they have to fill out a special tax and title form at the dealership if they intend on doing so. As the only licensed Maserati dealer in Midlands, I have a very good idea of the number of Quattroportes in Midlands. I estimate that there are currently between 600-800 Maserati Quattroportes on the road in the State of Midlands, ranging from the Quattroporte I to the Quattroporte IV, though most are the late model.

Of course, there's one less Quattroporte than there used to be. In May of 2008, one of my 2007 models – a navy one – was stolen from the lot. We found it stripped and ripped down by the Marina in late June. I called the police and asked them to look into it, but so far they haven't done anything. They said it's almost impossible to track down car thieves, especially a month after the fact. It doesn't matter to me – the car was insured – but it's a shame to have that happen to such a beautiful car.

The police also came in here asking me about xenon light bulbs in different color variations. I told them exactly what I knew. The Maserati Quattroporte has high-intensity xenon headlights standard on every car manufactured since the 2006 model year, though they are all a very bright shade of blue that we call "cerulean" – quite a bit different than purple to any

halfway-trained eye. The Quattroporte had standard yellowish-white headlights before the 2006 model year. There is a private company that manufactures after-market purple-tinted xenon light bulbs for the Quattroporte. They run between \$250 and \$300. If you are paying less than that, there is a good chance you aren't getting actual xenon lights.

Retrofitting your car for xenon bulbs is very difficult to do properly without ruining something. The bulbs themselves are easier to handle than your typical halogen bulb, which is sensitive to any kind of oil – even the normal oil produced by the human skin will shorten the lifespan of a halogen bulb severely. Xenon bulbs don't have that problem. Anyone can slap in a xenon bulb, but installing it properly – and legally – is much harder. Xenon bulbs produce a different beam pattern, and if you don't replace the standard assembly with one designed for xenon bulbs, you end up with major glare and focus problems, as well as problems with the life span of the bulbs. That's why we don't sell the bulbs alone unless we know the car's properly set up for them. Proper installation of xenon bulbs requires special equipment to help remove the wiring and the headlamp casing, as well as reinstalling new wires and casing. The real-deal Maserati xenon assemblies installed will run you upwards of \$2,000. In short, installing xenon bulbs is much harder than you would think, and the average person couldn't do it alone. The police asked if Jackie ever had xenon bulbs installed at my dealership; I told them Jackie had not.

I have not seen and am not familiar with any of the available exhibits in this case.

Adrian Malone

Sworn to and subscribed to me on this, the 18th day of February, 2009.

Ken Dorsey, Notary Public

Affidavit of Sydney Michaels

My name is Sydney Michaels. I live at 107 Thompson Street in State Center, Midlands. I grew up as a huge fan of the movies. I tried acting but I was never any good at it. Still, I wanted to be a part of the movie industry. That's why, when it came time to choose colleges, I headed to UCLA. I majored in accounting but minored in film. Those four years were a blast! I went to more movie premieres than I can count. I interned at Trifecta during the summer after my junior year and, when I graduated, Jacob Bennett offered me a fulltime job as his personal assistant. I scheduled meetings and helped with contract negotiations and distribution rights. I'm also the custodian of records for Trifecta, meaning I file all memos, contracts, schedules, and other assorted paperwork. I try to stay familiar with all the records.

The last few years have been great for me. For the most part, the entertainment industry is a ton of fun, but there are some difficult personalities. Most of all, I've seen how amazing Jacob Bennett was. The man did what he wanted, when he wanted, and didn't care what anyone thought. Naturally he made a few enemies along the way, but he said that goes with the territory.

I remember the morning of June 17, 2008, really well. Jacob had three important meetings scheduled for that morning, one after another. We were interviewing various directors to possibly join the Trifecta partnership. Jacob did not tell either Casey or Jackie about the meeting—if they had known about it, they would have flipped out. Jackie was supposed to be out of town that day, anyway. Jacob never showed up for the meeting, so I called his cell phone and kept getting his voicemail. Jacob was almost always on time, and he had never before completely missed a meeting. I know Jacob was aware of the meeting because I reminded him the night before when he left at 10:00 p.m. I called Jackie Owens and Casey Maxwell to see if they knew where Jacob was. They said they didn't. I told Jackie that the meetings were really

24 important to Jacob, and Jackie told me to try Jacob again on his cell or perhaps even at home.

25 The police spoke to me several times that week. I told Detective Finch that I'd last seen
26 Jacob on the evening of June 16, and I showed Finch our surveillance tapes as well as Jacob's
27 date book, which had an entry about a meeting with Casey Maxwell.

28 The police also asked me who had a grudge against Jacob Bennett. I told them Mr.
29 Bennett had plenty of enemies but a few stood out.

30 My first thought was Josh De Smeth, an actor. Josh wasn't exactly Bennett's biggest fan.
31 De Smeth was an actor in one of Bennett's big movies from 2006. That summer, Josh and Jacob
32 had a huge falling out after Josh got drunk at a Trifecta party and insulted Bennett's wife,
33 Mariah. I was there when Bennett called Josh to say that Josh's character was getting killed off
34 in the movie's first twenty minutes. Josh was very upset that Jacob didn't even meet with him
35 personally to discuss it, but that was Jacob's style. Bennett put Josh on speaker phone just in
36 time for me to hear him say "My character isn't the only one who'll be dying early." That was
37 three years ago and Josh De Smeth hasn't been in contact with the studio since then.

38 Another star who had a run-in with Bennett was Alex Grace. Everyone knows Grace's
39 story – a bankable Hollywood star for several years before mouthing off about Hurricane
40 Katrina. Grace rolled up to the Oski Awards fresh off the smash hit movie *Swashbuckler*.
41 Almost all of the stars were wearing ribbons in memory of the victims of the hurricane. Grace –
42 who's never been known for sensitivity – wasn't wearing one. When asked about it, Grace
43 snapped "Why? That hurricane was probably the best thing that's ever happened to that
44 cesspool." Needless to say, Grace's career stopped dead in its tracks.

45 Grace had an old friend in a high place, though. When no one else would touch Grace
46 with a ten-foot pole, Jackie Owens – who had cast Grace in Grace's first hit movie years ago –

reached out to Grace and convinced Grace to move to Midlands. Owens then came to Jacob Bennett with the idea of casting Grace in a dramatic supporting role, with a two-film option for Trifecta after that. Owens told Jacob that with a well-placed dramatic turn, Grace would be bigger than ever, and Trifecta would reap the rewards. Jacob told Jackie that Grace was radioactive to any movie studio, and Trifecta didn't have the luxury of taking on charity cases that could sink the company. That was the last I heard about Grace until about a week after Jacob went missing, when Jackie told me that Grace had signed to play the lead in *Rocking Leo*, a serious drama that Jackie was directing and co-producing with Jacob and that had Best Picture written all over it.

The more that I think about it, though, the biggest feud was with Ronald Victory. Victory is, of course, the Midlands real estate tycoon turned television entrepreneur. In early 2008, Jacob was working on the script for an exposé of Victory's life—his affairs, his lies, his bribes of public officials. One of Victory's staffers is my roommate from college, and I accidentally let it slip that a project was in the works. I remember his helicopter landing in our lot and one of his goons marching into Jacob's office. "This is my boss's last warning" was all the thug said, and then he handed Jacob a letter. Jacob gave me the letter and asked me to investigate a restraining order. Jacob insisted on going ahead with the production of *Victory at All Costs*, but now that Jacob is dead, no one will touch that project.

I don't think Jackie Owens killed Jacob Bennett. The two always seemed so close. One time, Jacob was hurt during a shoot when one of the stuntmen lost control of a motorbike and hit Jacob. I'd never say it to his face, but Jacob was your classic 98-pound weakling. Naturally, the force of the bike left Jacob beat up—he was bleeding all over. I saw Jackie run over and single-handedly lift Jacob off the ground and carry him to my car. I drove Jacob to the hospital. The

70 doctors said if it wasn't for Jackie, Jacob would have died from blood loss. Jackie and Jacob
71 worked together and were friends. If Jackie hated Jacob enough to kill him, why would Jackie
72 have saved his life?

73 Of course, the few times I saw them argue, it was always over money. From what I
74 witnessed, Jackie was a very calm person—until someone cost Jackie a nickel. That's the way it
75 is with everyone in this business, though, Jacob and Casey Maxwell included. Then Jackie
76 would get incredibly angry, screaming, cursing, and slamming doors.

77 I know about the offer that the partners got from Dueling Lens Studios because I saw the
78 memo from our CFO and overheard Casey, Jacob, and Jackie arguing about it on the afternoon
79 of June 6, 2008. I heard Jacob say that there was no way that Jacob would take the offer. At that
80 point, both Casey and Jackie started raising their voices, though Jackie's voice was definitely
81 louder. Then, all of a sudden, I heard a loud crash. I ran to the conference room to see what had
82 happened and I saw that our big water cooler had been flipped over and there was water all over
83 the floor. After that, all three of the partners didn't really say anything; they just walked away,
84 leaving me to clean up their mess as usual.

85 I've seen the text messages between Jackie and Casey. Those are Jackie and Casey's
86 phone numbers, but they're obviously talking about a film shoot. Of course, when I combed
87 through our schedule, I didn't see any session scheduled for 10:30 a.m. on June 16 or 17, 2008.
88 (I did, however, see an entry in Jacob's day planner that Jacob was supposed to meet Casey at
89 the Midlands Marina at 10:30 p.m. that night.) If I were in charge of the investigation, I would
90 have my eye on Casey, because the Dueling Lens offer was better for Casey than Jackie given
91 how little of the partnership that Casey owned. Plus, Casey won't have to be the victim of

Jacob's tirades anymore. Everyone knows that Casey and Jacob fought all the time, much more often than Jackie and Jacob.

The only reason Jackie might need money is to pay gambling debts. It's no secret that Jackie likes to gamble. Jackie is always calling in bets and checking sports scores on TV. But I didn't know how serious it was until May 2008, when Jackie and I were walking past Jackie's vintage Aston Martin. Jackie never drove, just left it at the studio for everyone to admire. Someone had slashed its tires. I thought Jackie would be angry or sad, but Jackie really didn't say much. "This is what happens when you play cards with the wrong people," Jackie whispered. I asked Jackie about the size of the debt. "Nothing I can't handle," Jackie said.

Of the available exhibits, I am familiar with the following, and only the following: "Memorandum from Daniel Gorgani to Jacob Bennett, Casey Maxwell, and Jackie Owens"; "Letter from Ronald Victory to Jacob Bennett"; "Report Labeled 'All Text Messages Between Specified Accounts'; and "Partnership Agreement of Trifecta Entertainment."

.

Sydney Michaels

Sworn to and subscribed to me on this, the 20th day of April, 2009.

Brady Rhodes, Notary Public

Affidavit of Jackie Owens

My name is Jackie Owens. I used to have an apartment in Manhattan, right on Central Park South, but now my only residence is in Midlands Hills.

I grew up knowing I wanted to be in the movies. *Casablanca*, *The Godfather*, *Ben Hur* – these movies spoke to me more than any teacher or textbook. I was in every school play, usually playing the lead. My acting teachers all said I had a rare gift. When it came time to apply to college, my dream came true with a full scholarship to study drama at New York University's Tisch School of Performing Arts. At NYU, I played the lead in *Romeo and Juliet* and won the eye of some prominent Hollywood directors. Before I knew it, I was starring in summer blockbusters and top-grossing popcorn movies. I did all my own stunts and I never used a body double for romantic scenes. By the mid-1990s, I began to tire of playing the same old stock characters, so I decided I wanted to try directing. I had amassed enough money by that time that I could afford to take some risks. Most pundits said publicly that I wouldn't be able to hack it on the other side of the camera, but I proved everyone wrong. My movies were both crowd-pleasers and critically acclaimed, a tough balance to strike in today's movie business.

In late 2002, I was approached by producer Jacob Bennett. I had starred in two of Jacob's movies and we had always gotten along fabulously. Jacob said he liked my work as a director and wanted me to help him start a studio in his hometown of State Center. Jacob envisioned a studio apart from the normal Hollywood fakeness. We decided to add a third partner, an up-and-comer named Casey Maxwell. In January 2003, Trifecta was born. I thought we should all be equal partners but Jacob put his foot down. He took a 55% share, I got 40%, and Casey got 5%. Casey was relatively unknown and quite willing to take a reduced share. One thing Casey did not appreciate, however, was Jacob's belittlement. Jacob was always

24 reminding Casey why the shares were distributed unequally, calling Casey “our secretary” or the
25 “PINO,” as in the “partner in name only.” Casey never said anything, but you could see the
26 anger, the clenched fist, and the flared nostrils.

27 I, on the other hand, always got along with Jacob. Jacob and his wife Mariah often had
28 me over for Sunday brunch; I would always return the favor when I hosted dinner parties at my
29 estate in Midlands Hills. Professionally, we were a great team. Jacob knew how to balance the
30 budget, how to find the perfect camera angle, how to tell a story. I could do the one thing Jacob
31 never could—deal with people. The difference is that I learned Jacob’s skills of finance and
32 moviemaking; he never acquired my interpersonal skills. To be honest, by the end, the only
33 thing Jacob brought to the table was name recognition and, let’s face it, even that had been
34 slipping. Of course, I still held the utmost respect for the man. The idea that I would kill him is
35 absurd.

36 Jacob’s belittling of Casey so soured my partners’ relationship over time that, now for
37 several years, I suggested that Casey work to build a relationship with Jacob “the Hollywood
38 way.” Deals are made on the golf course more often than in an office. Casey didn’t seem to get
39 that socializing was a big part of the job description. The Bennetts and I had never been invited
40 by Casey to socialize. I told Casey to invite the Bennetts over for dinner, but Casey refused.
41 Both Casey and Jacob were hunters; I suggested, “How about wild game appetizers over a
42 twelve-pack of Bernsteins?” Casey ignored my advice. Every idea I shared with Casey got the
43 same answer: “financial disparity.” Hosting Jacob, Casey thought, would emphasize the
44 difference between Trifecta’s deepest pocket and the pauper’s life of the PINO.

45 The police say Jacob was killed during the evening of June 16, 2008. If that’s true, I
46 couldn’t have done it because I was with Alex Grace. I’ve known Alex for a long time. Years

ago, I gave Alex a big break by casting Alex as the lead in one of my most successful movies, *Dangerous Lies*, which grossed more than \$100 million in domestic box office alone. Alex and I stayed in touch off and on over the years after that. You never know when a good business opportunity will come up, so it's important to maintain relationships. When Alex's career tanked – and I mean tanked in a Tom Cruise jumping up and down on the couch type way – after an ill-advised joke about Hurricane Katrina, I saw a chance to buy low on superstar talent that was only going to go back up. I convinced Alex to sign a low-salary “career rehab” deal with Trifecta. The deal wasn't finalized right away – Jacob didn't see the upside at first – but I told Alex to lay low for a while in Midlands, and I'd make sure Trifecta came through with an offer. Alex was new in town, so I made a habit of meeting Alex for dinner every Monday night.

June 16 was a Monday, so naturally I was with Alex. Usually we dine out at a fancy restaurant and get the celebrity treatment from the waitstaff, but that night Alex wanted to cook dinner. It was a welcome change – word had leaked out about Alex and my Monday night dinners, and fans and paparazzi had begun staking out Midlands' finest restaurants hoping to get a glimpse of us. Sometimes it can be distracting with so many autograph requests during dinner. I left for Alex's around 7:45. It's about 15 minutes from my place to Alex's and I was supposed to be there by 8. I brought a pair of wines that I'd picked up that morning. Alex and I usually like French wines but we were going through a Syrah/Shiraz phase. I decided to take my pride and joy, my 2005 ebony Maserati Quattroporte.

I got to Alex's around 8 and opened the wine right away to decant. Alex had more than I did, but together we polished off both bottles I brought plus one more of Alex's. The dinner was amazing – a four-course meal of artichoke Caesar salad, broccoli and sausage soup, filet mignon with pepper sauce, and carrot cake for dessert. We finished eating around 10 or so and walked

70 around the grounds of the beautiful Grace estate. We talked about our parents, vacation spots,
71 current events – everything except work. I get enough of that during the day; it's nice to change
72 the subject, if only once a week.

73 I had sobered up by midnight, so I said goodnight. I got in my car and headed home. I
74 got back to my place around 12:15 or 12:20. I parked the car in the garage and put on its
75 protective cover. The cover was greasy, so I went into the kitchen to wash my hands and then I
76 headed off to bed.

77 The next day I went to work early. Jacob wasn't in that morning, but I didn't think much
78 of it. For the most, we keep our own schedules. Maybe he had a golf game scheduled or a
79 meeting at another location. Late that morning, my driver picked me up in my Bentley and
80 drove me to the airport. I asked the driver to deliver a note to Jacob, congratulating him and his
81 wife Mariah on their twentieth wedding anniversary.

82 I arrived in London six hours later. The next day, during a seminar I was teaching, I got a
83 call from Sydney Michaels, Jacob's personal assistant. I really don't know where Jacob dug up
84 this Michaels character. Anyway, Michaels said that Jacob was missing and the police suspected
85 it might be murder. But Jacob's personal assistant certainly made more of Jacob being "missing"
86 for part of one day more than I ever would. Jacob is Hollywood through and through, and
87 Michaels had a talent for inventing cover stories that put the Governor of South Carolina's
88 "hiking in the Appalachians" story to shame. Let's just say Jacob must hold some sort of record
89 for discovering foreign "actresses" who are "perfect for bit parts."

90 I figured fortune must be smiling on me. Surely Jacob was off "auditioning new talent"
91 yet again, and maybe if the police turned him up in Argentina or something with a new mistress
92 – on his twentieth wedding anniversary, no less! – he'd sign off on the Dueling Lens offer to

93 fund the inevitable divorce settlement. I immediately called the officer in charge of the case. I
94 told Officer Finch that I would pay a hundred thousand dollars to anyone who could provide
95 information regarding Jacob's whereabouts. It was clear that Finch considered everyone a
96 suspect, including me. I understand that the police must be thorough, so I quickly volunteered
97 for the police to search my estate. I had nothing to hide and wanted to cooperate fully with their
98 investigation.

99 I was gone from June 17, 2008, until July 1, 2008. The forensic entomologist I hired says
100 the murder must have occurred while I was in Europe, which again proves my innocence.

101 When I returned home on July 1, I was greeted by Finch at the airport. Finch grabbed me
102 by the arm and shoved me into a squad car. I'm not used to such treatment. Finch took me
103 downtown to their stationhouse, where they grilled me for several hours without food. The only
104 thing they gave me was a soda, even though I was really tired and famished after the flight.
105 Finch kept shining the light in my face, screaming obscenities and accusations. Eventually, I
106 told Finch that I had a gambling problem and that, between high-stakes poker, sports bets, and
107 blackjack, I had lost almost 5 million dollars. It's all true. But so what? I can't pay much of it
108 right now, but at the rate Trifecta is going, I'll be all caught up in a year or two. The bookies and
109 the casinos are patient people. I wouldn't hurt Jacob just to pay off some lost wagers. Besides,
110 debts or no debts, it's not like I was broke or anything. If I was really strapped for cash, do you
111 think I would have written a check to the United Way for fifty grand in June 2008?

112 I saw the memo from our CFO about the offer from Dueling Lens Studios. It's true that
113 my initial instinct was to take the deal and that Jacob's was to say "no," and that we had a little
114 argument about it on the afternoon of June 6, 2008. But Casey was the one who was really irate
115 about Jacob's refusal to take the deal – Casey even dumped over the water cooler in our

116 conference room right after Jacob said “no way.” After that, I figured there was no point in
117 talking further that day. But it was no big deal and Jacob and I patched things up at lunch on
118 Monday, June 9. I figured I’d let a few days pass, and eventually we’d get the deal done one
119 way or another.

120 I can’t understand why Casey would say these things. I have done nothing but stand up
121 for Casey and now I get stabbed in the back. I hate to say it, but I’m afraid Casey killed Jacob
122 and is trying to pin this on me. Casey says the text messages we exchanged are part of some
123 plan, but give me a break. Trifecta had a photo shoot scheduled for the following day, just like
124 the texts say. I don’t remember why I deleted the texts from Casey. I get lots of texts; some I
125 delete, some I don’t.

126 Casey was the one who gained the most from Jacob’s death. Supposedly, the whole thing
127 happened on Casey’s boat. I don’t even own a boat. Supposedly, Jacob was shot. I’ve never
128 owned a gun. I’ve never fired a gun. I’ve never even held a gun. Casey’s the one with the gun
129 collection. It is nothing short of bizarre that Casey would, completely out of the blue and for the
130 very first time, invite Jacob alone – without Mariah – to Casey’s little yacht starting at 10:30
131 p.m. on a Monday night. Why would Jacob go? How did Jacob get there? I suppose Maxwell’s
132 story is that Jacob arrived in the limo he bought from the Charlton Heston estate so that Casey
133 and Jacob could chat about the NRA! Casey’s story is so implausible that no Hollywood
134 producer would ever green-light it.

135 Another person I don’t get is Shannon Stark. Sure, I know Shannon. I’ve bought stuff
136 from the auto store where Shannon works and Shannon has been at a few of the poker games I
137 play in. But Shannon was just a hanger-on; it’s not like we’re best buddies or anything. And
138 I’ve never had purple xenon lights on my Maserati.

Honestly, this murder charge is absurd. At a time when I should have been mourning the loss of my friend, the police accuse me of his murder. I would never hurt Jacob or his family. This whole thing has been a nightmare, an insult, a real tragedy from top to bottom. When I'm acquitted at trial, the first thing I'm going to do is sue the city of Midlands and the second thing I'm going to do is hunt down the real killer.

Of the available exhibits, I am familiar with the following, and only the following: "Page 32 of Jackie Owens' autobiography," which is an excerpt from an autobiography I was writing and was on my desk at work; "Unsigned threat letter," which was also in my desk at work; "Memorandum from Daniel Gorgani to Jacob Bennett, Casey Maxwell, and Jackie Owens"; "Report Labeled 'All Text Messages Between Specified Accounts'; "Partnership Agreement of Trifecta Entertainment"; "Check from Jackie Owens to United Way of Midlands," which is just how the check looked when I got it back from the bank; and "Receipt from Freeport's Fine Liquors," which is the receipt for the wine I bought for my dinner with Alex Grace on June 16, 2008.

Jackie Owens

Sworn to and subscribed to me on this, the 17th day of August, 2009.

Kelly Grissom, Notary Public