

September, 2014	Bobbie Bann buys 39 Elm Street
June 12, 2015	Bobbie Bann tells Avery Starr about anniversary; Avery Starr leaves
7:00 pm June 13	Fallon King goes to Bobbie's house to celebrate anniversary
	Dinner and two bottles of wine
10:30 pm June 13	Raine Lynde goes to sleep after putting her kids to bed
12:30 am June 14	Bobbie Bann and Fallon King go to sleep
2:00 am June 14	Jamie Taggart starts shift

Jaime Taggart, Mariposa Police Services, Detective Inspector

- 49 years old
- Conducted 40 homicide investigations in her 10 years
- Police officer for 25 years
- Started shift at 2:00 am
- Gets call from Constable Morse and Constable Lewis of Community Safety Unit
 - Only person in office so she took the call
- Bobbie Bann was crying in the living room when Jamie entered
- Bathroom window was open & looked into the backyard
- European-style bathroom, toilet has separate door
- Open door, has 3 bullet holes in door, and top right panel has been smashed in presumably by the curling broom that lay close to the door
- Fallon King suffered 4 gunshot wounds, 2 in the right leg, 1 in the right hand, and 1 in the chest
- Found Glock 26 9mm pistol, 6 inches long with 1.5 inch diameter barrel
 - Constable Lewis seizes gun
- Bobbie Bann weeping, saying "Why did I shoot" over and over
- 2 open, empty bottles of wine near Bobbie Bann

- Birthday card near bottles that was also seized as evidence
- Avery Starr found at scene

Raine Lynde, Neighbour

- 35 years old
- Works from home, making online videos
- 3 kids
- Living at 38 Elm Street for 12 years
- Knows all comings and goings
- Bobbie Bann moved into 39 Elm Street “about a year ago”
- 2 or 3 men in contractor crew that Bobbie Bann hired
- Went to sleep at 10:30 pm
- Heard a series of bangs and screaming
- Called 9-1-1 because “just knew it came from Bobbie’s house”
- Bobbie Bann seemed possessive, trying to move in with Fallon after only 6 months of dating
- “Bobbie said he wouldn’t be able to handle it if the proposal wasn’t accepted”
- According to Bobbie’s affidavit: Raine Lynde keeps gun in house

Bobbie Bann

- 29 years old
- High school gym teacher
- Pursuing dream of Olympic curling
- Walks with a limp in left leg since he was 19
- Bought 39 Elm Street 9 months ago,(Must mean that Bobbie bought the house in September of 2014
- Raine told him that he should be worried about his safety and that she had a gun in the house

- Went through hurdles of getting a gun(Training course, waiting period, joining a gun club, etc) and owns a Glock 26 9mm
- Keeps gun loaded and stores it under the bed
- Had been dating Fallon King for the past 6 months
- 6 month anniversary on June 13, 2015(Must have met on December 13, 2014)
- Fallon King went to Bobbie Bann's house around 7 pm for dinner, cooked a nice meal and 2 bottles of wine
- Bobbie tells Fallon that he loves her, and Fallon gives Bobbie a birthday card, which said that "Fallon was 'ready' to say 'I love you' too!"
- Both Bobbie and Fallon went to sleep at 12:30 am
- Bobbie woke up early in the morning, heard Fallon roll over in bed and tried to get some sleep
- After a few minutes, Bobbie wakes up because he hears a scraping noise coming from the bathroom.
- Bobbie gets up in pitch darkness, grabs his gun, and limps slowly toward the bathroom, and whispered to Fallon to call the police
- Saw open window when Bobbie stepped into the bathroom
- The door to the toilet was *closed*, and Bobbie hears a noise coming from inside the toilet
- Bobbie yells out that he's calling the police
- Bobbie thinks person on the other side of the door said "I got a gun", and Bobbie pulls the trigger.
- Bobbie leaves the bathroom to go to the bedroom and sees that Fallon is not in bed. Bobbie runs around the house yelling for Fallon
- Runs to bathroom, smashes at the door with a curling broom, reaches in, and unlocks the door. Upon seeing Fallon, he starts screaming

Avery Starr

- 25 years old
- In last year of Teacher's College
- Knows Bobbie from curling club and lives with him
- Lives in the basement while Bobbie lives on the top floor, but both share the ground floor
- Has separate entrance into the house
- Bobbie sent Avery a text on June 12 about Bobbie's anniversary; Avery tells Bobbie that she will be out of the house for most of the night
- Comes home pretty late after a few drinks and banged the door pretty loudly upon arrival
- Takes down the contractor's ladder that was leaning against the back of the house.
- Mr. Pettibone's weather vane's "E" has rusted half off, and so scrapes against the roof in high wind.
- About 20 minutes later, she heard three loud bangs, but she's not entirely sure if it was just three, and then hears screaming
- Hesitates and then goes upstairs after changing clothes because the screaming wouldn't end
- Opens door to two police officers who rush past her and ask Bobbie if there was anyone else in the house. Bobbie pointed upstairs and they rushed there
- Sat down on the couch and passed out

Prove beyond reasonable doubt that Bobbie committed second degree murder on Fallon

King

- All murder that is not first degree murder is second degree murder
- Prove that Bobbie Bann murdered Fallon
- Culpable homicide is murder

- (a) where the person who causes the death of a human being
- (i) means to cause his death, or
- (ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;

- (b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being;
- (c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

- **34 (1)** A person is not guilty of an offence if
 - (a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;
 - (b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and
 - (c) the act committed is reasonable in the circumstances.

- **34 (2)** In determining whether the act committed is reasonable in the circumstances, the court shall consider the relevant circumstances of the person, the other parties and the act, including, but not limited to, the following factors:

- (a) the nature of the force or threat;
 - (b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
 - (c) the person's role in the incident;
 - (d) whether any party to the incident used or threatened to use a weapon;
 - (e) the size, age, gender and physical capabilities of the parties to the incident;
 - (f) the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
 - (f.1) any history of interaction or communication between the parties to the incident;
 - (g) the nature and proportionality of the person's response to the use or threat of force; and
 - (h) whether the act committed was in response to a use or threat of force that the person knew was lawful.
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- **35 (1)** A person is not guilty of an offence if
 - (a) they either believe on reasonable grounds that they are in peaceable possession of property or are acting under the authority of, or lawfully assisting, a person whom they believe on reasonable grounds is in peaceable possession of property;
 - (b) they believe on reasonable grounds that another person
 - (i) is about to enter, is entering or has entered the property without being entitled by law to do so,
 - (ii) is about to take the property, is doing so or has just done so, or
 - (iii) is about to damage or destroy the property, or make it inoperative, or is doing so;
 - (c) the act that constitutes the offence is committed for the purpose of

- (i) preventing the other person from entering the property, or removing that person from the property, or
- (ii) preventing the other person from taking, damaging or destroying the property or from making it inoperative, or retaking the property from that person; and
- (d) the act committed is reasonable in the circumstances