



2006-2007 Competition Case

The Wade Edwards High School Mock Trial Program

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2006 Wade Edwards High School Mock Trial Program

State of Utopia v. Randi/Randy Dagger	Criminal Action No. 2006-MT
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Note: All characters, names, events, places and circumstances in this mock trial case are fictitious. The Wade Edwards High School Mock Trial Case Committee gratefully thanks the New Jersey State Bar Foundation for granting the NC Academy of Trial Lawyers permission to use and edit their original case (State of New Jersey v Randi/Randy Dagger).

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INTRODUCTION

Metropolitan Reporter Gazette, Saturday, March 4, 2006:

DID SOMEBODY TAKE THE DARE?

Death came last night, in the parking lot of a popular and fashionable Metropolitan restaurant, to Guy Grimace, producer and host of the hit reality T.V. show, “We Dare You.”

Police are currently investigating the incident. A police spokesperson refused to speculate on a possible suspect. However, it was reported that the gunshot wound, which apparently led to Grimace’s death, did not appear to be self-inflicted.

Metropolitan Reporter Gazette, Sunday, March 5, 2006:

GUY GRIMACE DEAD AT 55

Guy Grimace, producer and host of the hit reality T.V. show, “We Dare You,” was found dead, of an apparent gunshot wound, Friday evening. The body was found in Grimace’s late model Jaguar in the parking lot of the fashionable Twenty-First Century Club in downtown Metropolitan.

Grimace, whose real name was Lawrence Leperson, had celebrated his 55th birthday on February 26. He is survived by four children, a son, David, a member of his father’s production company, and three daughters, Delia, Dorothy and Desdemona. None of Grimace’s four ex-wives, who have all remarried, would comment to the press. Funeral arrangements are being handled by David Leperson.

Metropolitan Reporter Gazette, Monday, March 6, 2006:

FUNERAL SET FOR GUY GRIMACE

Funeral arrangements have been made for the late reality T.V. show producer and host Guy Grimace. The funeral will take place at the Marbury-Madison Funeral Home at 911 Main Street in Metropolitan, on Thursday, March 9, at noon.

The Reporter Gazette has learned that funeral details will not be made public, as attendance at the burial will be limited to the immediate family. Grimace’s son, David Leperson, has asked those wishing to pay tribute to his father to donate to the Metropolitan Anger Management Foundation in lieu of flowers.

Metropolitan Reporter Gazette, Wednesday, March 15, 2006:

SUSPECT QUESTIONED IN GRIMACE DEATH

Police announced late last evening that Randi/Randy Dagger was at the Metropolitan Police Station and was being questioned in connection with the death of reality T.V. show host Guy Grimace.

A police spokesperson refused to indicate whether Dagger was a suspect or material witness. Dagger was the spouse of Teri/Terry Dagger, a former contestant on Grimace’s hit show, “We Dare You.” The Reporter Gazette has learned that Teri/Terry Dagger died during an underwater stunt on the syndicated show last season. The episode was never aired.

Metropolitan Reporter Gazette, Tuesday, April 18, 2006:

CHARGES FILED IN DEATH OF T.V. SHOW HOST

Randi/Randy Dagger, the spouse of a “We Dare You” contestant who died during the taping of the show last season, has been charged with murder in the death of the show’s producer and host, Guy Grimace.

Grimace, whose real name was Lawrence Leperson, died of a gunshot wound in March. The arrest of Dagger culminated a six-week police investigation. On March 14 Dagger was brought in by the police for questioning in connection with Grimace's death, but was released without being charged. At the time of his/her release, the police did not issue any statement or explanation.

Late last night Prosecutor Theodore Allen announced that Dagger had been arrested. Prosecutor Allen would make no further comment, except to say that his office would present the matter to the Grand Jury within several weeks.

STIPULATIONS

1. In a pre-trial proceeding, the trial judge has ruled that the videotape of the program of "We Dare You" during which Teri/Terry Dagger died is inadmissible as being unduly prejudicial.
2. The newspaper articles in the Statement of Facts are not exhibits. The information contained in the newspaper articles, however, may be referenced by a witness in his/her testimony, subject to the rules of the competition, as if he/she had read the articles contemporaneously with their publication.
3. The chain of custody of the evidence referenced in the Calabrese and Talons reports may not be contested.
4. The statements of the witnesses are deemed to be given either under oath or affirmation and are signed. If asked, a witness must acknowledge signing the document(s) and must attest to the contents of the document(s) and the date(s) indicated thereon.
5. In a pre-trial conference, the trial judge has ruled that the defendant may not utilize the defense of self-defense.

WITNESSES

Witnesses for the Prosecution:

Detective Daniel/Danielle Nolan
Samuel/Samantha Seers
Sergeant Val/Valerie Calabrese

Witnesses for the Defense:

Randi/Randy Dagger
Christopher/Christine Monroe
Marti/Marty Talons

All characters, institutions, events and other facts contained herein are fictitious and are not intended to represent any individual, living or dead.

EXHIBITS

Exhibits:

1. Report of Detective Nolan
2. Report of Sergeant Calabrese
3. Report of Marti/Marty Talons
4. "We Dare You" contestant questionnaire, liability waiver and medical release
5. Letter received by Chris Monroe

<p>State of Utopia</p> <p>v.</p> <p>Randi/Randy Dagger</p>	<p>Criminal Action No. 2006-MT</p>
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THE CHARGE OF THE COURT
[Not to be read in open court]

Ladies and gentlemen, now that you have heard the evidence and the arguments of counsel, it is my duty to instruct you as to the law applicable to this case. It is your duty as jurors to follow the law as I now instruct you and to apply that law to the facts as you find them from the evidence you have heard. When I say "facts as you find them," I mean that you, as jurors, are charged with the duty to be the fact-finders in this case. You must consider the evidence, weigh and sift it, and reach a decision as to what the facts of this case are from among the versions of the evidence presented by the parties.

When I say that my instructions are the law you must follow, I must caution you not to isolate any single instruction alone as stating the whole of "the law;" rather, you must consider all my instructions together as stating the law you must apply. It is not your responsibility to be concerned with the wisdom or correctness of any rule of law about which I charge you. Regardless of any personal opinion you may have as to what you think the law ought to be, it is a violation of your sworn duty as jurors to base your verdict on any view of the law other than that which I give you in these instructions. It is further your sworn duty to consider in an impartial and unbiased manner all the evidence which has been presented in order to determine the facts from the evidence you have heard, and then to apply the law as I state it to reach your verdict.

Your decision in this case is to be based only on the evidence which you have heard and seen presented during this trial. I will now explain to you what "evidence" means. The "**evidence**" in the case consists of the sworn testimony of the witnesses that have been presented and the exhibits that have been marked into evidence. You are free to judge the credibility (that is, the believability) of each witness as he or she testified and to weigh that testimony accordingly.

You, ladies and gentlemen, are the sole judge of any witness's credibility and of the weight that his or her testimony deserves. By that I mean that you may choose to believe or to disbelieve a witness's testimony. You may be guided in your determination of believability by your everyday experience in making judgments about people. For example, you may consider the appearance and conduct of each witness, the manner in which the witness testified, the nature of the testimony given, or the weight of the evidence and testimony contrary to that witness' testimony.

You should pay careful attention to all the testimony given, the manner in which it was given, and the circumstances under which it was given. You may also consider a witness's intelligence, motive, state of mind, and his or her demeanor and manner as he or she testified. You may also consider the witness's ability to observe the matters as to which he or she testified, and whether he or she impressed you as having an accurate recollection of those matters. You may also consider whether your potential verdict will directly or indirectly benefit the witness in a way that may affect his or her testimony. Finally, you may consider the fact that a given witness's testimony is supported or contradicted by other testimony or evidence.

Any inconsistency or discrepancy in the testimony of a witness, or between the testimonies of different witnesses, may not be significant. Two or more persons witnessing an incident or a transaction may see or hear it somewhat differently; innocent mis-recollection, or failure of recollection, is not an uncommon experience. In weighing the effect of any

discrepancy, you should consider whether the discrepancy pertains to a matter of importance or to an unimportant detail, whether the discrepancy results from innocent error or from intentional falsehood, and whether the discrepancy accords with a reasonable or logical sequence to the testimony. When making your judgment, which is yours alone to make, you may give the testimony of each witness as much or as little weight as you may think it deserves, including no weight at all.

A witness may be discredited or "**impeached**" by contradictory evidence, by showing that he or she testified falsely concerning a material matter, or by evidence that at some other time the witness has said or done something, or has failed to say or do something, which is inconsistent with the witness's present testimony. If you believe that any witness has been so impeached, then it is your exclusive responsibility to give the testimony of that witness as much credibility or weight, if any, you may think it deserves.

If a witness is shown knowingly to have testified falsely concerning any material matter, you have a right to distrust such witness's testimony in other particulars. You may reject all the testimony of that witness or give it as much credibility as you may think it deserves.

The term "**credible evidence**" means evidence that in the light of reason and common sense is worthy of belief. In order to be believed, testimony should not only proceed from the mouth of credible witnesses, but it also must be credible in itself. The evidence also includes all of the exhibits which have been received into evidence, regardless of who may have introduced them. You are free to attach whatever weight to such evidence as you feel is appropriate.

During your deliberations in the jury room as you consider the evidence you have seen and heard presented in the trial, you are permitted to draw reasonable inferences from the facts you find, based on your own experiences. What is an "**inference**?" An inference is a deduction or conclusion which your reason and common sense leads you to draw from the facts which have been provided to you. This does not mean, however, that you may consider something which has not been presented in evidence. Anything you may have seen or heard outside the courtroom is not evidence and must be entirely disregarded.

Furthermore, as I have instructed you throughout the trial, any information as to which an objection was made and sustained, or which I ordered to be stricken from the record, must, likewise, be entirely disregarded. It is not evidence in this case, and it would violate your sworn duty as a juror to consider such information as evidence.

Also, you should keep in mind that during the course of the trial I may have instructed you that some evidence is admitted for a limited purpose only. When I have instructed you that an item of evidence has been admitted for a limited purpose, you must consider it only for that limited purpose and for no other purpose.

You should understand that the statements and arguments made by the attorneys during the trial are also not evidence. The attorneys are not witnesses. Any statements made by them when questioning a witness which suggested the existence of a fact are not evidence. Similarly, the opening statements and closing arguments which each attorney made to you in the course of the trial are not evidence.

The matter now before you for your deliberation and verdict is a criminal matter. Under the laws of the State of Utopia, the defendant, Mr./Mrs. Dagger, is presumed to be innocent unless and until the State has proven his/her guilt "beyond a reasonable doubt." The burden of proving guilt is upon the State. No burden of proof is imposed upon the defendant. Unless the State has proven beyond a reasonable doubt each and every element of the crime charged, this defendant is entitled to a verdict of "not guilty."

"**Reasonable doubt**" is an honest and reasonable uncertainty as to the guilt of this defendant existing in your minds after you have given full, fair and impartial consideration to all of the evidence.

The Indictment in this matter charges the defendant with the crime of murder. The State therefore must prove to you, beyond a reasonable doubt, that Mr./Mrs. Dagger murdered Guy Grimace as alleged in the Indictment. The defendant is charged in Count One of the Indictment with murder in violation of State of Utopia Statute: GS 14-17 which states as follows:

§ 14-17. Murder in the first and second degree defined; punishment.

A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction, poison, lying in wait, imprisonment, starving, torture, **or by any other kind of willful, deliberate, and premeditated killing**, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony.

In order for you to find the defendant, Randi/Randy Dagger, guilty of murder in this case, the State is required to prove beyond a reasonable doubt, from all the evidence in the case, each of the following elements of the offense charged:

That on or about March 3, 2006, Randi/Randy Dagger did willfully, deliberately and with premeditation cause the death of Guy Grimace, or did purposely cause serious bodily injury resulting in his death.

1. A person acts “**deliberately**” with respect to a result of his/her conduct if he/she acted in a cool state of blood, in furtherance of a fixed design for revenge or to accomplish an unlawful purpose and not under the influence of a violent passion, suddenly aroused by lawful or just cause or legal provocation. “Cool state of blood” as used in connection with premeditation and deliberation does not mean absence of passion and emotion, but means that unlawful killing is deliberate and premeditated if executed with a fixed design to kill, notwithstanding that the Defendant was angry or in an emotional state. (Note: for the purposes of this mock trial “willful” and “deliberate” are synonymous, they are the same element.)
2. A person acts with “**premeditation**” with respect to a result of his/her conduct if he/she thought about the killing for some length of time, however short, before he/she killed.

Thus, in order for you to convict the defendant of murder, the State must prove that the defendant, on March 3, 2006, willfully, deliberately and with premeditation caused the death of Guy Grimace.

If you find, after a consideration of all the evidence, that the State has proven, to your satisfaction beyond a reasonable doubt, each of these elements of the offense charged, as I have just explained them to you, then you must find the defendant guilty of murder. On the other hand, if you find that the State has failed to prove to your satisfaction beyond a reasonable doubt any one or more of those elements of the crime charged, as I have explained them, then you must find the defendant not guilty of murder.

This is a criminal case and, therefore, your verdict, whatever it may be, must be unanimous. That means that all of you comprising the deliberating jury must agree as to the verdict.

It is your duty, as jurors, to consult with one another and to deliberate with a view toward reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous, but do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict. You are not partisans. You are judges - judges of the facts.

That completes my instructions and you may now retire to consider your verdict.

STATE OF UTOPIA

File No. _____ 5320 _____
In the General Court of Justice

_____ Mock _____ County

STATE VERSUS		INDICTMENT MURDER ✓ <i>First Degree</i> <input type="checkbox"/> <i>Second Degree</i>
<i>Name of Defendant</i> <i>Randi/Randy Dagger</i>		
<i>Date of Offense</i> <i>March 3, 2006</i>	<i>Offense in Violation of G.S.</i> <i>14-17</i>	

The jurors for the State upon their oath present that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously and of malice aforethought did kill and murder.

Signature of Prosecutor / S /

WITNESSES	
<input checked="" type="checkbox"/> <i>Betsy Hodges</i>	<input checked="" type="checkbox"/> <i>Greg Smith</i>
<input checked="" type="checkbox"/> <i>Warner Fox</i>	<input checked="" type="checkbox"/> <i>Lela Bridgers</i>
<input checked="" type="checkbox"/> <i>Joseph Roseborough</i>	<input checked="" type="checkbox"/> <i>Catherine Hicks</i>
<input checked="" type="checkbox"/> <i>Aimee Maxwell</i>	<input checked="" type="checkbox"/> <i>Leanne Beutler</i>

The Witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this Bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

<i>Date</i> <i>May 23, 2006</i>	<i>Signature Of Grand Jury Foreman</i> / S /
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STATUTES

§ 14-17. Murder in the first and second degree defined; punishment.

A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine, or methamphetamine, when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B2 felon.

CASE LAW

The following excerpts are from Case Law concerning the legal issues raised in this Mock Trial Case. Only portions of the opinions are provided, and only those portions may be relied upon in closing arguments. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.

State v. Rios, 169 N.C. App. 270 (2005)

A killing is deliberate for purposes of first degree murder if the Defendant acted in a cool state of blood, in furtherance of a fixed design for revenge or to accomplish an unlawful purpose and not under the influence of a violent passion, suddenly aroused by lawful or just cause or legal provocation.

AND:

Evidence that the defendant and the victim argued without more, is insufficient to show that the defendant's anger was strong enough to disturb his ability to reason, as required to negate the deliberation element of first degree murder charge.

State v. McAdoo, 165 N.C. App. 486 (2004)

"Deliberation" for purposes of a first degree murder charge, means an intent to kill carried out in a cool state of blood in furtherance of a fixed design for revenge or to accomplish an unlawful purpose and not under the influence of a violent passion, suddenly aroused by lawful or just cause or legal provocation.

State v. Pope, 163 N.C. App. 486 (2004)

"Premeditation", for purposes of first-degree murder, means that the Defendant formed the specific intent to kill the victim some period of time, however short, before the actual killing.

State v. Williams, 144 N.C. App. 526 (2001)

In the context of first-degree murder "premeditation" means that the Defendant thought about killing for some length of time, however short, before he killed.

AND:

Although there may have been time for deliberation, if the purpose to kill was formed and immediately executed in a passion, especially if the passion was aroused by a recent provocation or by mutual combat, the murder is not deliberate or premeditated.

ALSO:

For killing to be "deliberate" Defendant need not have been placid or unemotional; rather, whatever passion defendant felt must not have been such as to overwhelm his or her faculties and reason. State v. Williams, 334 N.C. 440 (1993)

State v. Leazer, 353 N.C. 234 (2000)

Premeditation and deliberation are ordinarily not susceptible to proof by direct evidence and therefore must usually be proven by circumstantial evidence.

State v. Chavis, 134 N.C. App. 546 (1999)

“Premeditation”, for purposes of a first degree murder prosecution, means that the act was thought out beforehand for some length of time, however short; however, no particular amount of time is necessary for the mental process of premeditation.

AND:

Deliberation, for purposes of first degree murder prosecution, does not require a mind free of passion but merely one that has not been overcome by passion stimulated by sufficient provocation. Both are usually proved by circumstantial evidence. Relevant factors include lack of provocation and the Defendant’s actions and statements before and after killing.

State v. Wilds, 133 N.C. App. 195 (1999)

Examples of circumstances that may raise an inference of premeditation and deliberation in prosecution for first degree murder include: (1) conduct and statements of the Defendant before and after the killing, (2) threats made against the victim by the Defendant, ill will or previous difficulty between the parties; and (3) evidence that killing was done in a brutal manner.

State v. Taylor, 344 NC 31 (1996)

In the case of numerous gunshot wounds to homicide victim, Defendant has the opportunity to deliberate from one shot to the next.

State v. Cooper, 213 S.E.2d 305 (1975)

A specific intent to kill is a necessary ingredient of premeditation and deliberation.

State v. Faust, 254 N.C. 101 (1961)

If purpose to kill was formed and immediately executed in a passion, especially if aroused by recent provocation or mutual combat, murder is not deliberate and premeditated but if design to kill was formed with deliberation and premeditation it is immaterial that Defendant was in passion when design was carried into effect.

State v. Ruof, 269 N.C. 623 (1979)

“Cool state of blood” as used in connection with premeditation and deliberation does not mean absence of passion and emotion, but means that unlawful killing is deliberate and premeditated if executed with a fixed design to kill, notwithstanding that the Defendant was angry or in an emotional state.

State v. Hunt, 330 N.C. 425 (1991)

An unlawful killing is deliberate and premeditated if done as part of a fixed design to kill, notwithstanding the fact that the Defendant was angry or emotional at the time, unless such anger or emotion was strong enough to disturb the defendant’s ability to reason.

State v. Owen, 130 N.C. App. 505

The fact that a murder defendant was angry or emotional does not negate a finding of deliberation unless his anger or emotion was strong enough to have disturbed his ability to reason.

State v. Bush, 184 N.C. 778 (1922)

The fact that the prisoner killed from spite or revenge does not conclusively establish that he did so after premeditation and deliberation.

State v. Watson, 338 N.C. 168 (1994)

Under “felled victim theory” of premeditation and deliberation, when numerous wounds are inflicted, Defendant has opportunity to premeditate from one shot to the next, however brief, for thought and deliberation must elapse between each pull of the trigger.

State v. Evans, 150 S.E. 678 (1929)

Flight from the scene of homicide is not evidence of deliberation and premeditation necessary to constitute first-degree murder.

STATEMENT OF DETECTIVE DANIEL/DANIELLE NOLAN

I, DANNY NOLAN, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

At the end of April 2006, following the arrest of the suspect in the Guy Grimace murder case, I filed my investigation report. I have now been summoned by the prosecutor's office "to elaborate upon and/or provide additional information not contained in my incident report" regarding the death of Guy Grimace. I'm going to say up front, I feel everything that happened was fully and accurately stated in my report. It's a shame that nowadays the police are on trial every bit as much as the perps.

The county of Mock, like any other heavily populated area, has its share of crime. In spite of all its fancy restaurants and expensive shops, nothing has really changed over the last 25 years. Folks still wind up dead. When one of these dearly departed turns up and nobody knows why, the case usually falls in my lap. I have been a member of the Metropolitan Police Force since 1976. You would have thought by now that I'd have been the chief of police. I mean, I've had a little luck in the past, but most of the cases that I solved were through good hard police work, and I solved some tough cases.

I guess that's why somebody thought I deserved a shot at this case. Don't get me wrong, I paid my dues and earned this gold badge. Like any good cop, I've had a few conversations with Internal Affairs along the way, but hey, I guess it goes with the territory, especially when you do your turn on the vice and narcotics squads.

It didn't take me long to figure out there are two types of detectives in this business, those that are hard boiled and those that aren't. I'm proud to say I've got a pretty hard shell. I may not always do it by the numbers like some of my soft-boiled compatriots, but let me tell you I never met a criminal who "followed the book and played by the rules." Maybe that's why no one has ever accused me of having a lot of finesse or being politically correct. I work more by instinct and what my gut tells me.

I guess that's why I don't buy into the idea that it is really that hard to solve a murder. Generally, the deceased got that way for a specific reason, not just because some people didn't like him or he was in the wrong place at the wrong time. If that were the case, there would be a lot more corpses around Metropolitan. In spite of what you see on television, I think a murderer always needs a lot of motivation. In my experience, it is usually money, drugs or love. Take this case as an example — the moment I heard about the details, I kept noticing that the nasty little problem of "payback" kept popping up. Hey, if you knew somebody's wife or husband had died because somebody had a smart mouth and forced them into practically committing suicide, it's not hard to figure out who the prime suspect would be.

During the investigation, I talked to a couple of people who felt the same way. They were contestants on the T.V. reality show, "We Dare You," at the same time as the defendant's spouse. I understand people on those kinds of shows tend to have a bonding experience, like jurors do. The people I talked to became pretty good friends. They told me they all went to the funeral and then went out for drinks together with the suspect. They said they made the mistake of blaming the host for what happened on the show. I think their exact words were, "He should never have said all those terrible things and forced Teri/Terry to go underwater." They said the defendant got all fired up and made some comments about paying the show's host a visit. The next thing you know, this guy is "well ventilated," slumped over the steering wheel of his Jag. Like I said before, it's always all about motive.

During my investigation, I obtained a statement from a senior citizen who observed two cars drag racing near the club where they found the victim. He/she told me that he/she had made contact with the police department right after the incident and that someone was supposed to come and take a statement. He/she unequivocally identified the suspect's car and the deceased's car as well.

I really had to work in order to help him/her remember what he/she had seen that evening. I mean, this witness was all over the place. You would ask one simple question and Mr./Mrs. Seers would spend half an hour giving you his/her life story. Plus, he/she had obviously watched one too many T.V. cop shows or spy movies. He/she even thought his/her life might be in danger. You meet all kinds in my business.

I gave everything I had to the prosecutor's office a while ago. I was then told to make sure that I dotted the "i's" and crossed the "t's" on this one, so that is why my report was so long. Apparently, the boys upstairs were getting a little heat that they hadn't been able to indict someone in this high publicity case. It's funny, an ordinary Joe takes a dirt bath and nobody bats an eye. Get someone to off a celebrity, and now everybody is walking on eggshells.

Date: May 5, 2006

Detective Danny Nolan
Detective Danny Nolan

STATEMENT OF SAMUEL/SAMANTHA SEERS

I, SAM SEERS, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

My name is Sam Seers. I am 74 years young and live with my daughter. I live at 17430 W. Wilson Road, Apartment 4 D. My apartment complex is located about six blocks from the intersection of Water and Main Streets in Metropolitan.

On March 3, 2006, I was driving down Main Street, in Metropolitan on my way home from a night out with friends from work. I work as a "greeter" at Wal-Mart. I used to work as a Clerk for the City of Metropolitan, but they had a mandatory retirement age of 70. I retired and was living on my pension and Social Security when my spouse died suddenly of cancer, about five years ago. I really had no reason to stay home, so I took my present job. It gets me out of the house and I get to meet a lot of really nice people.

Anyway, as I was saying, on March 3, I was driving my Ford Taurus station wagon down Main Street. I wasn't in any rush and the roads are usually pretty empty at that time of night. I had been at a movie, I can't think of the name right now, but it was one of the fast-paced spy movies, not James Bond, but something like that. My friends and I really like that type of movie, although most people think those movies are more for the younger set. Anyway, as I was saying, I was driving down Main Street when all of a sudden, I see these headlights in my rearview mirror and it's like I am in the movie I just saw. I mean, those cars were really moving and closing in on me. I pulled over to the curb because I couldn't tell whether these guys were racing, dragging, or just out to kill themselves and me.

Anyway, the first car, the one in the left lane, goes by me at 90 or more - I swear, I am not exaggerating - and I was scared to death that the other guy was going to plow right into the rear of my car. At the last minute, the second car moves into the left lane behind the first car and passes me. This second car was going almost as fast as the first one. I remember the first car being a Jaguar. I think it was an S-type, but to tell you the truth, it was going so fast it actually may have been an antique 60's-something Mark IX.

I remember the Jaguar being red, very distinctive, nice color and not a normal Jaguar color. I once had a red MG, but that was back in the early 50's. Anyway, the other car was blue or black; it was really hard to tell at that time of night. What I am sure about is the make; it was a Ford Taurus station wagon, exactly like mine.

Once the cars passed me, I started off again on my way home, wondering whether a police officer would stop these idiots or whether I would see them in some type of horrible accident. At the next light, which is at the corner of Main and Water, I saw both cars in the parking lot of the Twenty-First Century Club. What really surprised me was the fact that the cars were parked side by side at the end of the parking lot. It looked like the driver of the Taurus had gotten out of the car, and was standing at the driver's side door of the Jaguar talking to the driver.

I certainly couldn't hear what the people were saying, the weather being colder than usual for early March and I had the windows up, the heater on, and was listening to the radio -I think it was Sinatra or Tony Bennett, I really don't remember. I do remember seeing Sinatra after the war at the Paramount in New York. What an entertainer! Anyway, where was I? That is what I usually listen to, although sometimes, especially at that time of night, I can find a station that is playing the great music of the 1950's. I really like that type of music, too. If you haven't tried listening to that, I would strongly suggest you do. It is so much better than today's hippity-hoppity music.

Anyway, it didn't appear that they were doing anything special, the two people in the parking lot, well actually the one person in the parking lot and the other in the car. I mean, I didn't see the driver of the Jaguar get out of the car.

After I passed by, I remember looking at them one last time in the rearview mirror, and I thought I saw the driver's side door of the Jaguar open. I am not really sure. Then I saw a flash of light. I thought it was probably the flash of a camera, like someone was taking a picture of the person in the car or maybe of the car itself. You know you can do that nowadays with a cell phone. Think of it, a camera and a phone in one little unit, what will they think of next? I thought to myself, maybe it was really a classic Jaguar and not just the copies that they have nowadays. I thought about what I had seen and

then it occurred to me that maybe the driver of the Jaguar was some type of celebrity, you know, a movie star like Frank Sinatra or Tom – what’s his name, the Scientology guy who used to be married to that tall Australian girl? I can’t think of her name, either. That’s what happens when you start to get old. I can remember what happened 30 years ago better than what happened yesterday.

Then I thought maybe the driver of the station wagon was paparazzi, trying to take a picture - you know like with Princess Diana. Wasn’t that a shame? I mean I definitely think that the paparazzi caused that accident, don’t you? Anyway, I didn’t give it another thought until I read in the local paper, the *Metropolitan Reporter Gazette*, the next morning that some T.V. show host had been killed in the parking lot of the club. It was then that I realized that I had witnessed the murder. I told my daughter and she said I was “crazy” and that I was letting my imagination run away with me. She says that a lot, but I didn’t listen to her, my daughter Audrey, I mean. Audrey’s named after Audrey Hepburn, you know. Anyway, I called the Metropolitan Police Department that very day and spoke with that nice detective, Officer Roland. He/she said that he/she would stop by and see me. I actually stayed home from work that day and the next waiting for him/her, but he/she never showed up. I called the police station again the following week and spoke with someone else, I think it was a policewoman, or it may have been a clerk. The person I spoke to assured me that a police officer would be in touch shortly. However, it wasn’t until toward the end of the month when Officer Roland knocked on my door and asked if he/she could speak with me. I invited the officer in and said that I was glad that s/he had finally come to take my statement. I remember that the officer seemed to pretend that s/he didn’t know what I was talking about. I told the detective exactly what I told you in this statement. It is all the truth, absolutely.

Dated: May 3, 2006

Sam Seers
Sam Seers

STATEMENT OF SERGEANT VAL/VALERIE CALABRESE

I, VAL CALABRESE, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

I have been with the State Police Department for over 24 years. In fact, I will be retiring with a full pension in 11 months and seven days, and may never see another bullet in my life, unless there is a golf course shooting. For the last nine years, I have been Sergeant in the Forensics Unit, as head Firearms Examiner and Administrator of the Ballistics Sub-Unit. Before that, I was a Firearms Instructor teaching raw police recruits to shoot straight. I have certainly earned my upcoming retirement.

As a part of my job, I am required to examine bullets for identification purposes. I estimate I have been asked to do such examinations 1200 times in the last nine years. Every one of these examinations has been at the behest of a prosecutor. It would be a conflict of interest to do defense work. In any event, I do not have any interest in working for the defense counsel. Of course, I call these cases as I see them.

I must have testified over 60 times since I became a Firearms Examiner. It comes with the job. I don't ever get overtime for testifying, since my shift is 8:30 a.m. to 4:15 p.m., when court normally is in session. I am told I may be testifying at night for this case, which would mean time-and-a-half, for a minimum of three hours pay for showing up, or about \$250 before taxes. That still is a lot less than the "hired guns" experts that defense lawyers pay for their "professional" advice. I would never be a mercenary like that.

My training has been extensive and includes the Ballistics and Handloading Course, Utopia State College, 1992 (40 hours), The Investigation of Officer Involved Shootings, given by the Drug Enforcement Administration Academy, Quantico, Virginia, 1999 (40 hours), Gunshot Residue Analysis Course, Quantico, Virginia, 1981 (40 hours), and the Gunshots and Gambling seminar weekend, Reno, Nevada, 2000 (six hours on gunshots, about three grand on gambling, that's a joke!).

I am an emeritus member of the American Society of Crime Laboratory Directors, as well as a member of the Association for Crime Scene Reconstruction, and a Fellow of the American Academy of Forensic Sciences (not to be confused with the overrated American Forensic Sciences Academy – they let anyone join their organization).

While my report speaks for itself, I would add that there were no cartridges provided to me with the gun, and Detective Nolan informed me that no ammunition had been found in the house. A cartridge is a bullet encased in a shell. Once it is fired, the bullet is expelled with considerable force and velocity as it leaves the cartridge. The test cartridges came from our lab. We have no shortage of bullets here at the State Lab. Lands, which are the raised areas between two grooves, and grooves are imprinted onto a soft lead bullet as it goes through the gun barrel at speeds of approximately 2500 ft/sec or more. These marks are comparable to fingerprints in their ability to identify the gun from which a bullet was fired.

The bullets fired from the retrieved gun were test fired into a water tank. The water slows the bullet down, and the bullet never makes a strong impact with the tank, leaving the lands and grooves unchanged. As expected, the marks and grooves were a little distorted on the bullet retrieved from the subject vehicle, but were sufficiently preserved to allow for close analysis. These marks and grooves were totally consistent with the bullets test-fired from the pistol seized in the search warrant. It is my opinion that the width of the lands and grooves on Item 1 perfectly match those of the three test-fired bullets.

While there are 9mm revolvers, most 9mm handguns are pistols, and sure, the 9mm is a popular caliber ammunition. I use it in my own service revolver, which actually is a pistol. I personally wouldn't give a Taurus brand revolver to my grandmother even if she was only trying to hit the side of a barn.

I understand that no shell has been recovered from the crime scene. The movement of the shell ejected from a pistol is not predictable, except that it ejects to the right of the gun. In my tests, the shells landed some feet away and then rolled even further. They can certainly be hard to find, especially at night, and if you step on one of those slippery devils, you could end up on workers' compensation for a long time.

In conclusion, the Item 1 bullet was fired from the Item 2 pistol.

Dated: July 10, 2006

Sergeant Val Calabrese
Sergeant Val Calabrese

STATEMENT OF CHRISTOPHER/CHRISTINE MONROE

I, CHRIS MONROE, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

My name is Christopher/Christine Monroe. For the last three years I have been an administrative assistant to Mr. Guy Grimace, the well-known producer and host of the successful reality T.V. show, "We Dare You." We have been one of the top 10 shows each season since our initial series debuted during the spring 2004 T.V. season.

My position as administrative assistant to Mr. Grimace involved a wide array of activities, making my job exceedingly interesting. I am proud to say that I played a major role in contestant selection and skills testing. I handled contestants' travel and hospitality arrangements while they were in Metropolitan for both auditions and for the show's tapings. I also assisted Mr. Grimace with the hundreds of letters he received weekly. I opened the mail, sorted and prioritized it, and when asked by Mr. Grimace, I prepared responses for his review.

Part of my job responsibility was to screen the thousands of applications we received from potential contestants. This task included a thorough survey of the applicant's education, medical background, achievements, skill levels, and psychological proclivities. I also conducted background checks on prospective contestants including criminal background checks, medical history and psychological studies. I met with engineers regarding the safety aspect of proposed stunts developed by the creative staff. I also made public appearance arrangements for Mr. Grimace.

In dealing with reality T.V., there are often a lot of kooks and weirdoes, who for one reason or another, dislike the host. On average my office received more than 100 letters daily, most by e-mail. I would estimate about 20-30 percent was what I would call "hate" mail. Unfortunately, my job was to read it all. Many of these letters were from people who were angry because they were not selected to be contestants or they were selected and lost the competition. Some, not an inconsiderable number, were from contestants or potential contestants who felt they were unduly harassed or embarrassed by Mr. Grimace. I have even had letters from friends and family members of contestants or potential contestants who felt their loved one was put at unnecessary risk in either the tryouts or on the show.

You wouldn't believe some of the threats people made — blowing up his car, killing his mother, forcing him to endure tortures far worse than anything the contestants faced, some even went so far as to speak of a slow agonizing death. If you ask me, these people are just plain crazy! On several occasions we discovered that Mr. Grimace was being stalked by unhappy contestants or their relatives. Some of Mr. Grimace's colleagues, as well as the financial backers of the show, had urged him to hire a full-time bodyguard, but he never followed through on this. I am pretty sure, however, that one of the companies providing insurance for the show required Mr. Grimace to take certain security measures or they would withdraw their insurance coverage. I believe that as a result, Guy, excuse me, Mr. Grimace, purchased a handgun, registered it, and kept it in his car's glove compartment.

Trust me, I can understand some of the anger these people felt. You understand that I am very appreciative of my position and the fact that if it weren't for Mr. Grimace, I would probably still be working in some psych laboratory somewhere. But having said all that, I have to admit that he could be a real jerk. He was extremely critical of everyone, particularly the contestants who did not give 110 percent. A lot of people have compared him to the sarcastic female host of "The Weakest Link," a game show from a few years back. Many people thought it was all an act. But to tell you the truth, there were times when he was just a jerk. Sometimes he would say malicious things to the contestants, both on screen and off, to the point where some contestants actually went after him and had to be restrained by the security people on the set. It seemed like he loved being hated!

Nevertheless, he was very good at goading reluctant contestants into doing some really disgusting things on the show such as stunts involving putting their heads inside goat intestines or making them eat pigs' eyeballs. I remember one poor lady who actually suffered from arachnophobia, a morbid fear of spiders. We found that out from her psychiatrist during our background check. At first, the doctor refused to give us any information, but when we produced a copy of the signed medical authorization, which is part of the application questionnaire, he realized he had no choice. Well, as soon as Guy found out about this woman's phobia, he dreamt up this stunt where all she was told was that the contestants had to see who could dig a hole 36 inches square by 7 feet deep the fastest. She didn't want to participate in the stunt to begin with

because she was a little claustrophobic, but Guy cajoled her into it. What he didn't tell her was that as soon as she got the hole dug, the crew would pour hundreds of tarantulas into the hole, right on top of her. You cannot believe the effect it had on that poor woman; she was so hysterical, I thought she was going to die. But you know what, that was one of our highest rated shows.

I really don't get it! Why are people willing to do these things? I know the top prize was \$2 million, but no amount of money would persuade me. I don't care what Mr. Grimace would have said or to what lengths he would have gone to force compliance, I certainly would not have put myself in that position. But I guess there are people who are so desperate that they will do anything given the proper circumstances and motivation, particularly money. I once talked to him about the cajoling and humiliation part. I know that he saw it as part of his job, but he also admitted that he actually liked doing it.

When I heard that Mr. Grimace was murdered, I was really upset. I remember speaking to some police officer who came to see me as part of the investigation. I told him/her that if he/she was looking for suspects, they would form a line longer than one giving out free tickets for the Super Bowl. I gave him/her a list of names of all of the contestants for this and the past years, as well as the names of all of the people who didn't qualify during the auditions. He/she asked me about threatening mail and I told him/her that he/she wasn't going to live long enough to track down all of the hate mail. Besides, there was so much that I had only kept a few samples. One of the samples I had saved actually consisted of individual words or parts of words which had been cut out from various newspapers and magazines and I gave that to the officer.

He/she asked me for the envelope the note had come in, but I didn't see any reason to keep it at the time, so I couldn't give it to him/her.

The officer asked me if anyone had ever died or been seriously injured during one of the show's stunts. I told him/her about a show last October where we found out that one of the contestants was really afraid of going underwater. One of our staff writers came up with a scenario which forced the contestant to go underwater to the bottom of a pool to get a key which was necessary to complete the stunt. The contestant balked and said he/she would do just about anything else that Mr. Grimace asked him/her to do, no matter how disgusting, as long as he/she didn't have to go underwater. Mr. Grimace said, "Absolutely no way." Either you do the stunt as is, or you quit like a "gutless" something or other, I don't remember the exact words. Mr. Grimace must have harangued this contestant for 15 or 20 minutes before he/she finally agreed to do the stunt. During the underwater part of the stunt, the contestant apparently had a heart attack and drowned. A few weeks after that, I think we received the letter that I referred to earlier, the one with the cut-out letters. It didn't dawn on me until after I spoke with the police officer that there might be a connection between the words "drown in blood" and the underwater incident I just related.

Dated: June 14, 2006

Chris Monroe
Chris Monroe

STATEMENT OF RANDI/RANDY DAGGER

I, RANDI/RANDY DAGGER, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

My name is Randi/Randy Dagger. I am 25 years old and reside at 1528 Philip Road in Metropolitan. I was advised of my *Miranda* rights prior to giving this statement. I know that I have been indicted and I have hired an attorney. I have consulted with my attorney and we agreed that I would give this statement. I have nothing to hide.

I was married to my late husband/wife Teri/Terry Dagger for three years before he/she died on the reality T.V. show, "We Dare You," on 21 October 2005. We had no children. I am currently in my last year of a four-year program at the Metropolitan Police Academy, which will lead to a bachelor's degree in criminal justice as well as qualify me for a position as a police officer. I have always wanted to be a police officer. My father is a police officer and my grandfather was a police officer. All of my uncles and aunts on my mother's side are or have been police officers as well.

I remember when I first met my husband/wife in May of 2000. It was love at first sight. We were married in June of 2002, and we went to Bimini on our honeymoon. Everything was perfect. We had secluded beaches all to ourselves.

One morning, I decided to surprise my husband/wife by chartering a 30-foot sailboat for the day. Teri/Terry thought that we were only going to go for a short trip of an hour or so. I packed a nice lunch with all of our favorite seafood dishes, including a conch salad. I wanted to go snorkeling that afternoon. After we had lunch on the boat, I pulled out the snorkeling gear and Teri/Terry just freaked out. It was amazing. He/she started hyperventilating and sobbing. I couldn't believe my eyes.

It took quite a while to get Teri/Terry to calm down. It was then that he/she told me about an incident when he/she was a child. Teri/Terry had gone to a local beach with a babysitter, a teenage girl who lived next door. While the babysitter was flirting with a lifeguard, Teri/Terry had almost drowned. He/she had been standing in shallow water at the edge of the beach looking for shells. All of a sudden a rogue wave came and knocked him/her down. The riptide pulled him/her under and out to sea. Teri/Terry almost drowned and became deathly afraid of going underwater. He/she didn't mind being in a boat or near the water, but he/she could not handle being submerged, even for the shortest period of time.

Just the thought of going snorkeling made Teri/Terry hyperventilate. The idea of being underwater brought back terrible memories. He/she insisted that we return to shore immediately, and I never again suggested that we go snorkeling or participate in any other water-related activity.

Teri/Terry was very competitive and athletic. We spent all of our free time running, hiking, biking, and going to the gym. We would participate in some dangerous sports like back country skiing and mountain climbing. Consequently, I was not surprised when Teri/Terry decided to try out for "We Dare You." However, I couldn't believe my ears when I was told that Teri/Terry had died while trying a stunt that involved diving to the bottom of a pool. I couldn't imagine why he/she would have willingly attempted such a thing. I just couldn't believe it!

Then, sometime in November of 2005, two of the other contestants from the show came to see me and told me how Guy Grimace, the host of "We Dare You," had taunted all of them, but seemed to really pick on Teri/Terry. The other contestants said that Grimace taunted and humiliated Teri/Terry in particular to get him/her to do the stunt. I then realized why my husband/wife had done it. He/she was humiliated by that no good bum. Teri/Terry was never a quitter, but if he/she had a flaw, it was that he/she always had to appear courageous. Teri/Terry would have never agreed to dive to the bottom of the pool unless he/she felt that he/she would be perceived as a coward if he/she didn't do it.

I was really angry and upset, but I finally realized that I wouldn't be able to live with myself if I didn't confront Guy Grimace. One night after work, I waited for him outside of the T.V. studio on Main Street in Metropolitan. I don't remember specifically when it was, but it must have been sometime in December or January. I had already been in grief counseling for a while when I met with the other former contestants and they told me about what had happened. So I knew how to control my anger and how to handle it. The Police Academy makes surviving spouses go to grief counseling, no matter what the circumstances of their spouse's death.

I remember waiting for Grimace for a long time until he finally emerged from the studio. I tried to talk with him when he came out, but he wouldn't even stop. He just rudely brushed past me as if I were scum. I saw him get into his red Jaguar and I followed him home. I actually followed him right through the security gate and into the circular drive. I managed to get out of my car, a blue Mercury Sable station wagon, and up to the door of the house before he did.

I told him that I knew what he had done, and that I knew that he was the reason that my husband/wife had died. You know what Grimace did? He ignored me. It was as if I wasn't even there. He just brushed right by me all over again and slammed the door in my face. I stood outside his house and yelled that I knew that what he had done was wrong and I didn't know how he could live with himself. I finally calmed down and left. I quit grief counseling right after that. The events that I just described all took place several months before I read in the paper that Grimace had been murdered. On the night of the shooting, 3 March 2006, I was home, alone. On the morning of the 3th I had to be at the academy at 0630. In addition to our usual weight training and physical training, on Fridays we have a 10-mile run plus firearms practice. As a member of the academy's elite competition handgun and rifle team, I usually spend an extra hour at target practice on Fridays. Firing on the range can be very tiring, especially for the eyes, so I when I got home from the academy shortly after 1630 hours, I showered, ate dinner and collapsed. I was asleep by 2100 hours and didn't awaken until 0700 the following morning.

Dated: June 9, 2006

Randi/Randy Dagger
Randi/Randy Dagger

STATEMENT OF MARTI/MARTY TALONS

I, MARTI/MARTY TALONS, BEING OF FULL AGE AND DULY SWORN, DO HEREBY VOLUNTARILY PROVIDE THE FOLLOWING STATEMENT:

I have a Bachelor's degree in Sociology and a Master's degree in Criminology, both from Penn State University. I was a Sergeant with the Gotham Police Department for 20 years, during which time I went to school at night to get my Master's degree.

I have 30 years experience in the examination and analysis of physical evidence including field and laboratory examination of all types of physical evidence and investigation of a variety of types of crime and accident scenes. With the Gotham City Police Department, my responsibilities included crime scene investigation, laboratory examination of evidence such as narcotics, blood samples (for alcohol and drugs), firearms, physiological fluid samples, trace evidence comparison (fibers, paint, hair, etc.), supervision of laboratory technicians, training of police officers, etc.

Beginning in 1989, I started accepting consulting assignments with Spencer Gundfrub and Associates. My assignments have included a wide variety of incidents and many different types of physical evidence. Typical field assignments involved inspection of incident scenes, documentation and collection of physical evidence from those scenes, and the reconstruction of the incident. Typical laboratory assignments included examination of clothing for relevant physical evidence, examination of firearms and related forensic ballistic problems, trace evidence examination (hair, fibers, glass), document examination (handwriting, typewriting, ink comparison, altered or obliterated documents, FAX or photocopied documents, anonymous documents), and fingerprint examinations. The types of cases I investigated included death investigations (homicide, suicide, or accidental), assaults, automobile or other types of accidents, slip/trip and fall, industrial accidents, and personnel matters.

I also consult with other experts in preparing them for trial testimony, and trial attorneys to assist them with their cross-examination of expert witnesses. I also assist in the location of experts in specialized fields, and in all-inclusive review of the physical evidence and technical aspects of pending litigation.

My clients include private attorneys, public defenders, district attorneys, law enforcement agencies, corporations, insurance companies, unions, independent insurance adjusters, and private individuals.

I have been qualified as an expert witness in Superior Court in numerous counties of the State of Utopia, as well as in the States of Delaware, New York and Florida, the Commonwealths of Massachusetts, Pennsylvania and Virginia, various Federal and Military Courts, and various administrative hearings (DMV, NLRB). I have presented expert testimony regarding questioned documents examination, auto accidents, product liability, firearms and ballistics, physiological fluids, trace evidence, reconstruction of accident and crime scenes, and examination of various other types of physical evidence.

With respect to ballistics analysis, I have attended the Full Automatic Firearms Course at Prairie Community College in 1988, and the Ballistics Refresher Course at Penn State University in 1997.

I am a full member of International Wound Ballistics Association, and I am a Fellow of the American Forensic Sciences Academy.

I have been qualified as an expert over 60 times. On five of those occasions I testified on ballistics issues. I twice testified on ballistics for the Gotham Police Department. On the other three occasions, I testified on behalf of the defense.

I am being paid for my services, of course, as I do this for my living. I have been paid for five hours of preparation at \$200 an hour. If I am required to testify at trial, my fee is \$250 per hour, plus two additional hours for travel time.

As well as my qualifications in forensics, I am also a military/police history buff. The 9mm cartridge size is a classic, thanks to Georg Luger, who developed a gun with a smaller bullet. People were originally concerned about its poor

stopping power, so Luger came up with the 9mm Parabellum, otherwise known as the 9mm Luger (naturally enough). Once perfected in 1904, Luger's 9mm guns virtually flew off the shelves.

Until they are fired, bullets are surrounded by explosive shells. Upon firing, the bullet leaves the shell, entering and then leaving the barrel. One large distinction between a revolver and a handgun is what happens to the shell upon firing. With a revolver, the shell remains in the chamber of the revolving cartridge in the gun. The shell has to be manually removed before another bullet can be loaded into that particular chamber. Most revolvers have five or six revolving chambers. A pistol, on the other hand, expels the shell upon firing. Revolvers have the disadvantage of being limited, with larger calibers, to carrying no more than six cartridges at a time. A pistol like the one I own, on the other hand, can fire up to 14 rounds. Who wants to have to reload in the middle of a fire fight? Of course, if you can get up close and get in one deadly shot, one bullet is all you need, and a revolver will do just fine.

In this case, the bullet is consistent with either a revolver or a pistol. Many models of 9mm revolvers could have been used, as well as 9mm pistols. In a case where no shell casing was retrieved, it is, in my professional opinion, more likely that a revolver was used.

While I would have to concede that it is possible that the bullet in question could have come from the submitted gun, it just makes more sense that a revolver was used to kill Mr. Grimace. The Peacemaker is a beautiful gun, and is popular with law enforcement. It is heavy, however, and hard to conceal. With a small five-shot 9mm Taurus revolver, say, on the other hand, the target might never see what was coming.

In sum, it is my opinion that Item 1 bullet was not fired from Item 2 pistol.

Dated: July 8, 2006

Marti/Marty Talons
Marti/Marty Talons

**DANNY NOLAN, INVESTIGATING DETECTIVE
INCIDENT REPORT AND ONGOING INVESTIGATION RECORD**

MARCH 3, 2006- APRIL 18, 2006

On Friday, March 3, 2006 at approximately 2330 hours, a call was received at headquarters regarding a possible homicide. The responding officers indicated that a Caucasian male, appearing to be in his mid-fifties, was found dead from a single gunshot wound. The victim was found in a red Jaguar. Registration revealed that the victim was the owner. The location of the vehicle was the parking lot of the Twenty-First Century Club, a high-class eating establishment at the intersection of Main and Water Streets, within the city limits. The body was discovered by the restaurant's manager, Mr. Nigel Ambrose, as he was leaving for the evening.

I arrived at the scene approximately five minutes after being dispatched by Captain Morro, my superior officer. My first priority was to assure that the integrity of the scene was preserved. I observed that the scene had been sealed off by the first responders and that they had remained at the scene pending my arrival. The driver's door had remained in the open position as the vehicle had been first observed. I noted the position of the body in the driver's seat. The body did not appear to have been moved following the shooting. I also observed that the interior light was on and that the glove box was open and the interior glove box light was on.

I requested the first responders to initiate a search of the immediate area for a weapon. The search was subsequently widened to encompass a ¹/₄ mile radius from the vehicle. When no weapon capable of causing the fatal gunshot wound was found, I ruled out the possibility of suicide. The forensics team and the county medical examiner appeared at the scene within 15 minutes of my arrival. The medical examiner advised that the most likely cause of death was the gunshot wound sustained by the decedent. Forensics noted that the glove box of the vehicle was found in an open position and they located one bullet embedded in the vehicle. The bullet was retrieved by the forensics team and turned over to me. No shell casing was located. I later placed the bullet in our evidence locker pending submission to the State Lab for examination.

I interviewed the restaurant's manager, Mr. Ambrose, and learned that at approximately 11 p.m., Mr. Ambrose had stepped into the club's parking lot to have a cigarette. As he scanned the scene, he observed the decedent's car, which he recognized as that of T.V. reality show producer and host, Guy Grimace. Mr. Grimace was a frequent patron of the exclusive club. Mr. Ambrose stated that what attracted his attention to the car was the fact that the door was open and the interior light was on.

Mr. Ambrose made his way to the vehicle and was able to identify the decedent. The manager stated that he believed that he had seen Mr. Grimace in the club earlier in the evening. He further stated that if his recollection was correct, the visit was particularly uneventful. Mr. Ambrose then stated that this was somewhat unusual as the decedent was notorious for his caustic personality and had often been involved in altercations with the staff and other patrons while at the club.

On March 10, 2006, several days after the decedent's death became public, two former contestants from the reality T.V. show, "We Dare You," stepped forward with some information, which from my experience, I took to be significant. They said they had been contestants during the 2005 fall season of the show along with another contestant. This third contestant, Teri/Terry Dagger, had died during one of the competition's stunts. Apparently, he/she was extremely reluctant to perform the stunt, and wanted to quit and go home. The witnesses said the show's host, Mr. Grimace, was relentless in directing demeaning, humiliating and debasing comments to Mr./Mrs. Dagger, and virtually forced the contestant to perform the stunt. I learned that the two witnesses had also provided the above information to one Randi/Randy Dagger, the spouse of the deceased contestant, when the witnesses had attended the funeral. The witnesses reported that the spouse had then stated: "I promise you both that I will pay the host a visit real soon." At the time, I made a mental note that I had a distraught spouse looking for someone to blame, a plausible motive for the crime. I brought him/her in for questioning, but he/she denied any knowledge or involvement in Grimace's death. At that time, I did not have enough evidence to charge Randi/Randy Dagger.

I then conducted a door-to-door inquiry of the homes and businesses in the vicinity of the murder scene in the hopes of finding an eyewitness. It wasn't long before I found a witness that may have actually viewed the murder. On March 22, 2006, I met with a senior citizen, Samuel/Samantha Seers. The witness had been driving his/her vehicle on Main Street, approaching Water Street, on the night of the murder. The witness reported observing an incident between two cars at a time and location which was consistent with other details I had received about the offense.

My interview of the witness revealed an apparent race or chase involving two vehicles. Both vehicles then stopped, for unknown reasons, in the parking lot of the Twenty-First Century Club. The witness was positive one car was a late model red Jaguar, the description corresponding to the victim's vehicle, although the witness was unable to report any license plate numbers for definitive confirmation. The witness was equally positive that the second vehicle was a late model blue Mercury Sable station wagon. The witness told me: "I saw the driver of the station wagon get out of the car, although it was too dark to see if the driver was a man or a woman. I then saw a bright flash, as if someone had taken a picture." I asked the witness if he/she heard anything and I was told that the windows of the witness' vehicle were up and the radio was on, so the witness had heard nothing.

On April 1, 2006, I received a copy of the ballistics report of Sergeant Calabrese. It turned out that we got lucky. The forensic examination showed that the bullet found at the scene was significantly less distorted and degraded than I had originally believed. Forensics was able to confirm that the bullet came from a 9mm handgun. According to the ballistics report, the bullet contained significant information which would, in the future, permit matching to a bullet fired from the murder weapon, should that weapon be located. I then felt that I possessed sufficient evidence to obtain a search warrant for the residence of Randi/Randy Dagger. I knew that if I could come up with a 9mm weapon, I would have all I needed to solve this case. On April 6, 2006, we executed the search warrant obtained by the prosecutor's office. In a locked gun cabinet at the subject's premises, we uncovered a 9mm Glock handgun. The gun was registered to one Frank Farkkus, a deputy inspector of the New York City Police Department. My investigation revealed that Inspector Farkkus was the suspect's uncle. The weapon was seized and we informed Mr./Mrs. Dagger not to leave town. I requested around the clock surveillance of the suspect until forensics was able to perform additional ballistics testing and comparisons. On April 15, 2006, I received a supplemental report from Sergeant Calabrese. A copy of that report is part of the record. I informed the prosecutor that I believed that we now had sufficient evidence to arrest the suspect for the murder of Guy Grimace. On April 18, 2006, I was provided an arrest warrant for the suspect by Prosecutor Allen. The warrant was executed at the suspect's dwelling at 7:45 p.m. and the suspect was taken into custody without incident.

Signed,

Detective Danny Nolan
Detective Danny Nolan

April 21, 2006

Laboratory Case 2006-4321
SUPPLEMENTAL STATE POLICE LABORATORY REPORT

Evidence Receipt:

On March 25, 2006 the following item of physical evidence was submitted to the undersigned examiner by Detective Danny Nolan:

- *[Lab Item 1]* - A deformed 9mm lead bullet in a sealed manila envelope marked "Item 1 – bullet retrieved from car."

On April 6, 2006 the following item of physical evidence was submitted to the undersigned examiner by Detective Danny Nolan:

- *[Lab Item 2]* - A 9mm semi-automatic pistol, model Glock Peacemaker, serial number 19356493629 in a paper bag, with the matching magazine removed and sent as Lab Item 3, as described below.
- *[Lab Item 3]* - A pistol magazine in a sealed manila envelope.

Tests and Observations:***[Item 1 bullet]***

The projectile in Item 1 consists of a heavily damaged 9mm lead bullet with surviving areas of brassy finish. This type of finish is comparable to the Remington High Velocity line of 9mm cartridges.

The general rifling characteristics surviving on this bullet correspond to ten (10) lands and grooves with a right hand twist.

The land and groove widths are approximately equal.

This bullet was ultimately compared to test-fired specimens from the Item 2 pistol.

[Item 2 Glock Pistol]

This pistol was found to be operational including its safety system.

Trigger pull was measured and found to be approximately six (6) pounds.

Three (3) rounds of Remington 9mm ammunition were fired from this pistol into our laboratory water recovery tank and retrieved for subsequent comparison purposes.

This pistol left cleanly engraved land and groove impressions on the test fired bullets with general rifling characteristics of ten (10) lands and grooves, a right hand twist and land widths approximately equal to the groove widths.

Test-fired bullets could be matched among themselves under the comparison microscope.

[Item 3 Pistol Magazine]

The magazine was found to fit the Glock pistol of Item 2.

Laboratory Findings: The 9mm lead bullet (Item 1) was identified as having been fired from the submitted Glock pistol (Item 2).

Disposition of the Evidence: The evidence items were returned to Detective Nolan on April 14, 2006. The test-fired specimens were retained in the laboratory.

This report is submitted to supplement my earlier report of April 1, 2006, which summarized my findings as to Item 1.

Signed,

Sergeant Val Calabrese

Sergeant Val Calabrese Chief Firearms Examiner

April 15, 2006

**Forensics Consultants Case #06-42909
Report of June 29, 2006**

Evidence Receipt

On June 20, 2006 this writer, at the request of the defendant, examined the following items of physical evidence in the presence of the property custodian at the State Police Laboratory in Metropolitan:

[Item 1] - A sealed manila envelope found to contain a deformed 9mm lead bullet.

[Item 2] - A sealed paper bag found to contain a 9mm semi-automatic pistol, model Glock Peacemaker, serial number 19356493629.

[Item 3] - A sealed manila envelope found to contain a pistol magazine.

Results of Tests and Observations

The Item 1 Bullet and Item 2 Glock pistol

The bullet in item 1 consists of a heavily damaged 9mm lead bullet weighing 115 grains. A grain is a unit of measure for weighing bullets (.065 grams). It appears to be a Remington brand bullet based on the brassy finish visible in several areas.

The bullet originally weighed 124 grains.

The general rifling characteristics surviving on this bullet were comparable to the Glock pistol, but significant differences in individual characteristics were observed between test-fired bullets and the evidence bullet.

It is this examiner's opinion that this bullet could have been fired from either the submitted Glock pistol or from another firearm.

This bullet is consistent with a 9mm, given its width and general size. The 9mm can be used in a revolver as well as in a pistol.

While it is discernible that the bullet was striated with ten lands and grooves with a right hand twist, there was significant degradation of the bullet that made it impossible to say that the bullet came from the subject gun, as the groove width could have been deformed from the impact of the bullet with a surface.

Note: firearms known to possess the general rifling characteristics present on the evidence bullet (10 right with equal land and groove widths) are: M9 Beretta pistols, Taurus revolvers, Bruni revolvers, Glock pistols, Raven Arms pistols and Colt pistols.

Item 3 Magazine

The magazine fit Item 2 pistol.

Disposition of the Evidence

As noted above, the state property custodian was present for the entire examination of these items. These items were left in his custody at the end of the examination.

Signed,

Marti/Marty Talons

Marti/Marty Talons June 29, 2006

WE DARE YOU
Applicant/Contestant Questionnaire
Medical Release and Liability Waiver

Each person seeking to apply for an audition or to participate as a contestant on the television show **WE DARE YOU** must complete this questionnaire in full and must sign and have his/her signature witnessed and dated as a prerequisite for admission to the auditions and participation as a contestant if selected.

Contestant name: *Teri/Terry Dagger* Date of birth: *February 19, 1980* Address: *1528 Philip Road Metropolitan, Utopia*

1. What are your three (3) favorite foods?

Bananas foster, grapes, conch

What are your three (3) least favorite foods:

Blowfish, liver, haggis

2. List all physical activities in which you have participated in, on more than two (2) occasions within the last two years:

Hiking, running, mountain/rock climbing, back country skiing, biking, weight lifting, in-line skating, ice skating

3. List all known allergies:

No known allergies

4. List all medical conditions for which you have received any treatment within the last ten (10) years:

Nothing other than minor sports related injuries

List the name and address of each medical care provider who treated you for any of the above conditions:

Dr. Fred Ferraro, 397 West Main Street, Metropolitan

5. If you have ever received care from a psychologist, psychiatrist or other mental health care provider, set forth the reason for such care and the names and addresses of all medical care providers who have rendered such treatment.

When I was a kid I almost drowned and I received treatment from a Dr. Stephen Weingold, Medical Arts Building, Suite 34, 200 Elm Street, Metropolitan, from the time of the incident until my fifteenth birthday.

By signing this questionnaire, I am certifying that I am at least 21 years of age, of sound mind, that I am freely and willfully seeking to apply as a contestant on the T.V. reality show, WE DARE YOU. I also certify that the answers to the questions posed are true to the best of my knowledge, and that if any response is found to be willfully false, I acknowledge that I will be disqualified from further participation as a contestant and any and all monies which I have won shall be returned to WE DARE YOU, Inc.

I, the undersigned, on behalf of myself, my heirs, assigns and personal representatives, do hereby fully and forever release, waive, discharge and covenant not to sue WE DARE YOU, Inc., and any of its officers, directors, agents, servants and employees, together with any and all sponsors, and the Metropolitan Broadcasting Corporation ("MBC"), from any liability whatsoever in connection with the use of my identity, statements, images or other manifestations of my persona. Furthermore, I hereby fully release, waive, discharge and covenant not to sue WE DARE YOU, Inc., and any of its officers, directors, agents, servants and employees, together with any and all sponsors, and the Metropolitan Broadcasting Corporation ("MBC"), from any liability whatsoever in connection with any claims for personal injury or wrongful death which in any way may result from my participation as a contestant or applicant with regard to the show WE DARE YOU, whether such injury or death is caused by active or passive negligence, purposeful conduct/intentional act, or violation of any law, statute or ordinance, except for the criminal statutes of the State or Federal Government. I further acknowledge that the activities I may be asked to undertake as an applicant/contestant may be dangerous and may involve the risk of physical or emotional injury or death. I understand that I may withdraw as a contestant, at any time, and without penalty, except to the extent that any monies I may have received as a result of my participation as a contestant on WE DARE YOU must be returned prior to my official withdrawal.

Additionally, I acknowledge that by appending my signature to this questionnaire I am authorizing the producers of WE DARE YOU, the medical

staff of WE DARE YOU, Inc., and their representatives, agents, and assigns, to obtain any and all medical records for treatment I have been rendered during my lifetime, whether or not the name of the medical care provider has been provided herein, and to render appropriate treatment in the event of my injury. I further acknowledge that I have executed a Healthcare Proxy and Directive and that I have notified my representative hereunder of my anticipated participation in WE DARE YOU.

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTOOD THE ABOVE, AND HAVE APPENDED MY SIGNATURE IN THE PRESENCE OF THE WITNESS, AS MY FREE AND WILLFUL ACT.

Randi/Randy Dagger Witness

Teri/Terry Dagger Contestant

Dated: **7/5/05**

Reviewed and Accepted:

Guy Grimace

Chris Monroe

DEAR MR. GRIMACE

YOU ARE A NO GOOD

dirty Rotten UNfeeling

INHUMAN PERSON AND I WILL SEE

you drown in BLOOD

before I die !!