

2019-2020 Competition Case



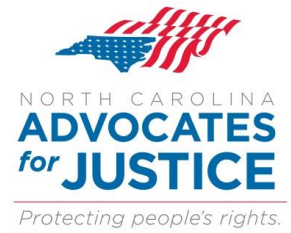
PRESENTS THE

North Carolina Advocates for Justice High School Mock Trial Competition



NORTH CAROLINA
ADVOCATES
for **JUSTICE**

Protecting people's rights.



State of Utopia

v.

Shay Jackson

SPONSORED BY THE NORTH CAROLINA MOCK TRIAL PROGRAM

The North Carolina Mock Trial Program (NCMTP) wishes to thank those involved in the creation of this year's criminal case*. The case was co-authored by former Carolina Center for Civic Education (CCCE) State Coordinator Susan H. Johnson and Elise Wilson, a rising 3L at Emory School of Law. The authors gratefully express their appreciation to Justin Bernstein of UCLA School of Law for his expertise and insights in refining this case, as well as the American Mock Trial Association (AMTA) for the ideas contained in the case law summaries. Finally, the authors thank NCMTP Board members Brad Bannon, Adrienne Blocker and Rebecca Britton for proofreading, editing and finalizing the case drafts.

*The case is a work of fiction, and any similarity to real people, companies, trade names, service marks, or trademarked material is purely coincidental.

AVAILABLE WITNESSES

| Prosecution Witnesses | Defense Witnesses |
|--|---|
| Kieran O'Sullivan, bartender Skyler de Vries, neighbor of defendant Emory Lee, Assistant Division Chief, APD | Shay Jackson, defendant Gabi Garcia, Emergency Medical Technician Max Nouali, PhD, DNA Expert |

CASE DOCUMENTS

Legal Documents

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

Affidavits and Reports

Prosecution

1. Affidavit of Kieran O'Sullivan
2. Affidavit of Skyler de Vries
3. Report of Asst. Div. Chief Emory Lee

Defense

4. Affidavit of Shay Jackson
5. Affidavit of Gabi Garcia
6. Report of Dr. Max Nouali

Exhibits

1. Arcadia Police Department Arrest Report
 - A. Arrest report
 - B. Witness interviews
2. Arcadia Police Department photographs taken on December 29, 2018
 - A. Brown plaid blazer worn by Jeremy Parker
 - B. Tito's Tacos uniform shirt worn by Shay Jackson
3. Map of inside of casino where fight occurred
4. Photo of pulse oximeter
5. Paradise Casino Employee Manual (excerpts)
6. Vet bill for Ariel's parvovirus treatment
7. Report from Shay Jackson's Emergency Room visit
8. Autopsy of Jeremy Parker

**SUPERIOR COURT FOR THE STATE OF UTOPIA
ELDORADO COUNTY**

STATE OF UTOPIA,

Prosecution,

v.

SHAY JACKSON,

Defendant.

**CRIMINAL ACTION
DOCKET NO. 19-CRM-0805**

**INDICTMENT FOR VIOLATION OF
U.P.C. §§ 6.2 & 6.3.a**

MURDER IN THE FIRST DEGREE

THE GRAND JURY DOES HEREBY CHARGE:

On December 29, 2018, in Eldorado County, State of Utopia, SHAY JACKSON did purposely, knowingly, or extremely recklessly cause the death of Jeremy Parker, a living person, in violation of U.P.C. Sec. 6.2 & 6.3.a.

A TRUE BILL OF INDICTMENT

Laureen Uy

Foreperson of the Grand Jury, Eldorado County, Utopia

February 27, 2019

Date

JURY INSTRUCTIONS

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

[Please note: These instructions may NOT be tendered to the mock trial jury or used as an exhibit during the competition, but students should use these concepts and definitions in preparing and trying their case to the jury.]

PRELIMINARY INSTRUCTIONS

I. Role of the Jury

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

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

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

II. Evidence

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

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

The following things are not evidence:

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

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

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

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

A. Direct and Circumstantial Evidence

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

B. Credibility

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

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

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

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

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

POST-TRIAL INSTRUCTIONS

I. Duty of Jury; Apply the Law

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

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

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

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

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

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

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

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

III. Murder - First Degree. (Based upon U.P.C. §§ 6.2 & 6.3 (a))

The defendant has been charged with the offense of murder in the first degree. The state has chosen not to pursue the lesser-included charges of second-degree murder or manslaughter. Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- 1) guilty of first-degree murder, or
- 2) not guilty.

First-degree murder is the unlawful killing of a human being with malice and with premeditation and deliberation.

For you to find the defendant guilty of first-degree murder, the state must prove six elements beyond a reasonable doubt:

1. First, that the defendant intentionally and with malice killed the victim. Malice means not only hatred, ill will, or spite, as it is ordinarily understood, but it also means the condition of mind which prompts a person to intentionally take the life of another or to intentionally inflict serious bodily harm that proximately results in another person's death without just cause, excuse or justification. If the State proves beyond a reasonable doubt that the defendant intentionally killed the victim with a deadly weapon or intentionally inflicted a wound upon the deceased with a deadly weapon that proximately caused the victim's death, you may infer first, that the killing was unlawful, and second, that it was done with malice, but you are not compelled to do so. You may consider this along with all other facts and circumstances in determining whether the killing was unlawful and whether it was done with malice.
2. Second, that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such death. The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.
3. Third, that the defendant intended to kill the victim. Intent is a mental attitude

seldom provable by direct evidence. It must ordinarily be proven by circumstances from which it may be inferred. An intent to kill may be inferred from the nature of the assault, the manner in which the assault was made, the conduct of the parties and any other relevant circumstances.

4. Fourth, that the defendant acted with premeditation. According to the law, premeditation means that the defendant thought about taking a human life and reached a definite decision to kill before acting, even if that time was only seconds.
5. Fifth, that the defendant acted with deliberation, which means that the defendant acted in a cool state of mind. The defendant need not exhibit a total absence of passion or emotion. If the intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial whether the defendant was in a state of passion or excited when the intent was carried into effect. Neither premeditation nor deliberation is usually susceptible of direct proof; rather, they may be inferred from circumstances, such as the lack of provocation by the victim, conduct of the defendant before, during and after the killing, threats and declarations of the defendant, use of grossly excessive force, infliction of lethal wounds after the victim is felled, brutal or vicious circumstances of the killing, manner in which or means by which the killing was done, or ill will between the parties.
6. Sixth, that the defendant did not act in self-defense or that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm upon the deceased.

If you find from the evidence that the above elements have been proved beyond a reasonable doubt, it is your duty to return a verdict of guilty of first-degree murder.

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

You may now retire to the jury room to deliberate.

APPLICABLE CASE LAW

All decisions were rendered by the Utopia Supreme Court.

Criminal Trials

State v. Bayog

In a criminal case, the burden of proof lies solely on the State to prove every element of each charge beyond a reasonable doubt. The State may rely on both direct and circumstantial evidence to do so. The defendant bears no burden of proof except in cases in which the defendant raises an affirmative defense.

State v. Pugh

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

State v. Wilson

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

Charges

State v. Sims

In proving first-degree murder, the state must show that the defendant thought about taking a human life and reached a definite decision to kill before acting, and that the defendant had time to make the decision to kill, even if that time was only seconds.

State v. Bainbridge

In determining whether or not a killing is premeditated, the court may examine (1) whether the defendant made previous threats of hostility, (2) whether the killing was motivated, (3) whether or not the defendant engaged in any planning activity, (4) the amount of time between the thought and act of killing, and (5) the manner and circumstances of the killing.

State v. Polson

An essential element of any murder charge in the state of Utopia is malice. For the purposes of a murder charge, malice does not mean only hatred, ill will, or spite; it can also mean any mental condition that prompts a person to intentionally take the life of another or inflict serious bodily harm without just cause, excuse or justification. If the

state proves that the defendant intentionally inflicted a deadly wound with a deadly weapon, a jury may, but is not required to, infer malice from that action.

State v. Cataldo

In the state of Utopia, the human body itself is not a deadly weapon. However, the use of hands, feet, and/or teeth to cause serious bodily injury or death may constitute use of a deadly weapon under Utopia law.

State v. Barefoot

For a defendant to commit first-degree murder, he or she must act with a purpose, design, or aim to cause death or serious bodily injury. This distinguishes first-degree murder from second-degree murder, where a defendant must merely possess a mental purpose, aim or design to perform an act, but may not necessarily desire the consequences of that action. In determining a defendant's intent, a jury may examine the nature of the assault, the manner in which the assault was made, the conduct of the parties, and any other relevant circumstances.

Preliminary concerns

Heath v. Harrison

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

State v. Parizo

As the state of Utopia does not provide for rebuttal witnesses, in all criminal homicide cases, notice is required before a party presents character evidence in accordance with Rule 404(a)(2)(a). Prior to trial, the defense must notify the State of its intent, specifically indicating the pertinent character trait(s) about which they intend to enter evidence. Pursuant to Rule of Evidence 405, if the Defense gives the required prior notice, either party may introduce opinion or reputation evidence on direct examination, and specific instances of conduct on cross examination, to prove or rebut the alleged character or character trait.

State v. Bunce

The mere fact that a defense team gives notice of intent to enter evidence of the defendant's pertinent character trait does not automatically render that evidence admissible. Pertinent trait evidence must still be presented in accordance with Rule of Evidence 405. During the direct examination of a defense witness, the scope of character

evidence testimony was correctly limited to the witness's opinion of the defendant's peacefulness and the defendant's reputation for peacefulness in the community.

Expert Testimony

Frankford's Shrimp Shack v. The Oceanic

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

Orsini v. Price

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

Hearsay

State v. Schmidly

In a criminal case, a victim, police officer, or other officer of the state is not a party-opponent or agent of the party-opponent of the defense for the purposes of Rule of Evidence 801(d)(2).

Bettina's Belgian Truffles v. Charlie's Chocolate Emporium

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

**SUPERIOR COURT FOR THE STATE OF UTOPIA
ELDORADO COUNTY**

STATE OF UTOPIA,

Prosecution,

v.
SHAY JACKSON,

Defendant.

**CRIMINAL ACTION
DOCKET NO. 19-CRM-0805**

Judge Keith Hudson

STIPULATIONS

COME NOW the parties and agree to the following stipulations:

1. The case of *State v. Jackson* has been bifurcated. This trial concerns only the guilt phase.
2. Shay Jackson has entered a plea of not guilty to all indicted charges.
3. Jurisdiction, venue, and chain of custody of all evidence are proper and may not be challenged.
4. Through no fault of either party, no video evidence exists of events relevant to this trial, and no party may raise claims of error or mention the lack of such evidence in trial.
5. A witness must be formally tendered to the Court in accordance with Rule 702 of the Rules of Evidence before testifying in the form of an expert opinion.
6. Both parties waive all objections and motions based on the Constitution of the United States. Both parties also waive all objections and motions based on privilege.
7. All witnesses reviewed their affidavits and reports immediately prior to trial and were given an opportunity to revise them. None did so. All witnesses affirm the truthfulness of everything stated in their affidavits. When preparing and reviewing their sworn statements, all witnesses were instructed to include everything that they know may be relevant to their testimony.
8. All documents, signatures, and exhibits included in the case materials are authentic; no objections to the authenticity of any documents will be entertained. Both parties must still lay proper foundation prior to entering evidence, and both parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
9. All electronic timestamps contained within exhibits are authentic and accurate.

10. All objections to Exhibit 8, the autopsy of Jeremy Parker, have been waived. If offered, it is admissible by either party at any time the record is open without further foundation.

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

12. No competitor may imply in examination or argument that the student playing the role of defendant lacked or had the capacity to carry out the alleged crime because of his or her innate physical characteristics, including but not limited to height, weight, or gender. (See also Rules 3.3, 3.4, 3.4.a., 3.5 and 3.5.a - e.).

DATED: AUGUST 22, 2019

IT IS SO ORDERED

Keith Hudson

Keith Hudson

Judge of the Superior Court

AFFIDAVIT OF KIERAN O’SULLIVAN

1 My name is Kieran O’Sullivan. I was born in the town of Kilkenny in Ireland, but my
2 family moved to Arcadia, Utopia when I was still a baby. My parents always said the
3 green hills of Arcadia reminded them of the “Old Country”. I wouldn’t know; I’ve
4 never been to Ireland, although I hope someday to visit. Arcadia is lovely, to be sure,
5 and I wouldn’t want to live anywhere else.

6 I’m the head bartender at the Ambrosia Bar in the Paradise Casino. The casino is
7 one of the major employers in Arcadia, and I’ve been here in one job or another for ten
8 years, ever since I turned 16. I started out as a cashier in the hotel snack bar area and
9 worked there throughout high school. It may sound crazy, but I really enjoyed it
10 because I got to meet all different kinds of people.

11 When it came time to decide on a college, I applied Early Decision to Arcadia
12 University right here in town because of its top-ranked program in English and
13 Comparative Literature with a minor in Global Cinema. I’d always dreamed of one day
14 becoming a screenwriter for one of the big TV or movie studios. So when I was accepted
15 to Arcadia University, I was ecstatic – and as a bonus, I could keep working at the
16 casino.

17 My freshman year I switched to the night desk manager in the Golden Gates
18 Resort hotel. Sometimes I had trouble staying awake in class as a result, but it worked
19 with my schedule. As soon as I turned 21, I applied to be a bartender at the Ambrosia
20 Bar in the Paradise Casino. The hours were better, I made more money, and it was a lot
21 more fun. Quite a few movies have been filmed in town, so actors and directors
22 frequent the casino during their down times. I figured if I was a bartender, it’d be just a
23 matter of time until I met someone who could help me get into the film industry. It
24 hasn’t quite worked out that way yet, but I haven’t given up.

25 The Ambrosia Bar in the middle of the gaming floor is open 24 hours a day,
26 seven days a week, 365 days a year. We sell craft beers and ciders brewed right here in
27 Arcadia, as well as wines produced in the foothills of Utopia. And we specialize in all

28 kinds of cocktails, “mocktails,” and coffee-based dessert drinks. Our prices are low, and
29 we even offer free drinks to patrons during special events like Texas Hold’em
30 tournaments to keep people at the gaming tables longer (and arguably impair their
31 judgment a bit). We stay busy, and nearly everyone who passes through the casino
32 visits the Ambrosia Bar at some point. I could tell you a lot of stories about the people
33 I’ve met and crazy things I’ve seen; they’d make a great screenplay, for sure.

34 The casino has a lot of regular customers, which worries me sometimes, to be
35 honest. I mean, if money’s not an issue, gambling can be harmless entertainment. But
36 some appear to be spending their rent or food money in hopes of striking it rich, which
37 almost never happens. At least the casino posts signs for “Gamblers Anonymous” in all
38 the bathrooms.

39 Once in a while, though, someone does win big. Most often it happens at the
40 blackjack tables, which are right beside the bar. I remember one schoolteacher a few
41 years ago who seemed naïve but who proved to be quite the blackjack player. Evidently
42 she had a photographic memory and was expert at counting cards. She probably
43 walked away with a cool half-million before the pit boss politely but firmly told her she
44 was no longer welcome at our establishment.

45 And then there was the poor guy who was murdered in an alley right outside the
46 casino, Jeremy Parker. Until his “lucky streak” right before he was killed (which ended
47 the streak in dramatic fashion), Mr. Parker was one of those regulars who maybe should
48 have been spending his money in a different way. By December of 2018 he’d been
49 coming to the casino at least three times a week for more than a year. He was quiet but
50 seemed nice whenever we talked. I did notice that he was always alone and didn’t
51 really seem to have family or close friends, or at least not ones who came to the casino.
52 He usually played the slot machine, where he’d lose several hundred dollars nearly
53 every night. It didn’t stop him from coming, though; if it was a Thursday, Friday, or
54 Saturday night, Mr. Parker would be perched on a stool by the slot machine, wearing
55 the same brown plaid blazer. I’d seen him wearing it nearly every time he came for

56 months, so about a week before he was killed, I asked him what the story was (there's
57 always a story).

58 Mr. Parker was really friendly and was glad to fill me in. It was a few days before
59 Christmas, and he was at the bar, enjoying our special holiday cocktail, the "Shining
60 Star." Mr. Parker told me he'd worn the blazer for the first time on a night when he won
61 \$3,000, so he made sure to wear it every visit after that. He hadn't won again - "yet!" -
62 but that didn't matter; like most gamblers, he was superstitious about such things. He
63 was convinced the "lucky jacket" would make him rich eventually; it was "just a matter
64 of time." I joked with him about how often he got it dry-cleaned, and he gaped at me,
65 shocked by the very idea. "Never!! Dry-cleaning would wash away the luck!" I'm sure I
66 looked incredulous, because he insisted, "A damp washcloth does just fine." I sort of
67 laughed - I couldn't help it - and he looked a bit insulted. In fact, he got up and walked
68 away without leaving his usual tip. I remember, because even though he always lost
69 money, he was still a generous tipper. I didn't mean to make him feel bad, so I decided
70 to be extra-friendly the next time we chatted. But that moment never came, because he
71 was killed less than a week later.

72 I worked five nights in a row the week of Christmas, including the night Mr.
73 Parker was killed and the evening before. When I got to work just before eleven p.m. on
74 December 27, I looked for him at his usual slot machine, but he wasn't there. Then I
75 heard loud laughter from a poker table nearby, and when I looked, there he was, taking
76 part in the Texas Hold'em poker tournament! The casino was hosting a single-table
77 (SnG) tournament 48 hours straight, from 6:00 am on Dec. 27 to 6:00 am on Dec. 29.
78 Anyone was allowed to take part, even casino employees (when off work, of course). To
79 join, players had to pay a \$30 entrance fee to the casino and a buy-in for \$300, which got
80 them \$300 worth of chips. Each table would begin when all seats were full. Play
81 proceeded hand-for-hand, and when a player ran out of chips, that player was
82 eliminated. Play continued at each table until only one person was left. The top three
83 players at the table would win prizes: \$4,000 for the winner; \$700 for second place, and

84 \$500 for third. Since the buy-in wasn't too high, the tournament drew lots of customers,
85 especially ones who hadn't played much poker but who enjoyed the excitement of it all.

86 I don't think I'd ever seen Mr. Parker play poker before. And he was winning!!
87 Apparently he'd already won his first round and was just starting to go again. I was
88 astonished. Maybe his "lucky jacket" was finally working after all...in any case,
89 although he lost a few hands, overall his pile of chips kept growing. The other player
90 who was doing well was Shay Jackson, who'd joined for the second round. Shay
91 worked in the food court where I ate my meals, so I'd seen Shay 4-5 times/week for a
92 year or more. Shay had started out as a janitor but had worked up to evening manager
93 at the taco joint a few months earlier. In fact, Shay must have worked right before
94 joining the poker game, because Shay was wearing a purple Tito's Tacos uniform shirt.

95 Shay seemed confident and calm, unlike Mr. Parker, who became more and more
96 boisterous as the night went on. Competitors were given free "Hoppy Holidays" craft
97 beer from a local brewery, and Mr. Parker was taking full advantage, downing a drink
98 or two every hour. The alcohol content was 9%, so it was pretty potent, and I was going
99 to have to cut Mr. Parker off soon. It was nearly 2:00 a.m., and he was loudly
100 proclaiming how he couldn't wait to cash out his winnings since no one could beat him
101 and his lucky jacket. I was getting concerned that he might draw the attention of the
102 wrong kind of people, if you know what I mean. We have good security staff, but that
103 doesn't mean no "shady" people ever get in. Back in May of 2018 a customer was
104 robbed at gunpoint in the parking lot not far from the exit that Mr. Parker usually used,
105 and the robber was never caught.

106 It was almost time for my 15-minute break, and I was considering going over to
107 speak with Mr. Parker when the fight broke out. I had just turned away to give a drink
108 to a customer when I heard someone shout, "You fool, you must've cheated!! That
109 money should be mine!" I looked up to see Shay Jackson yelling at Mr. Parker. I was
110 taken aback. Although Shay and I had never interacted much because I mostly ate
111 sushi, Shay had always been very calm and professional the few times we'd talked.

112 We'd chatted once or twice about working out, and I'd learned that Shay was big into
113 Krav Maga. No wonder Shay seemed to be in such good shape.

114 Shay's outburst surprised me, but Mr. Parker's response surprised me even
115 more. Mr. Parker glared at Shay for a second, then jumped up out of his chair and
116 pushed Shay hard in the chest. Shay stumbled and fell back against one of the nearby
117 gaming tables. It looked like it hurt – Shay grabbed at Shay's back and sort of moaned.
118 Almost immediately Shay rushed forward and shoved Mr. Parker hard. It looked like
119 Shay was yelling, but I couldn't make out what Shay said. Shay was red-faced and
120 scowling and appeared furious.

121 Then Shay started to walk away, but it looked like Shay waved Shay's fist at Mr.
122 Parker on the way by; at least, Mr. Parker flinched like he was about to get hit. Mr.
123 Parker threw up his hand in self-defense, and in the process, Mr. Parker punched Shay
124 in the face, accidentally, I thought. In any case, Shay wasn't expecting it and Shay fell
125 hard on the floor. It looked like Shay's head hit the corner of the table on the way down,
126 and I thought I saw blood on the table later. By this point, quite a few people were
127 between me and the fight, so I couldn't see exactly what happened. Next thing I knew,
128 Mr. Parker was on the floor, too, and Shay was leaning over Mr. Parker, threatening to
129 punch him. Just as I buzzed for security, Shay got up and started walking quickly
130 toward the exit. It looked like Shay's nose was bleeding. Shay wasn't stumbling or
131 anything, so I figured Shay was fine despite the blood. No one tried to stop Shay,
132 including me. I saw a security guard coming from the other direction. The guard helped
133 Mr. Parker up and walked him to the first aid station before escorting him off the
134 premises. The casino has a strict zero tolerance policy for any kind of violence.

135 On December 28 my shift started at 7:00 p.m. I got there a bit early so I could
136 check the board listing the previous day's winners in the Texas Hold'em tournament. I
137 looked for Mr. Parker's name, and there he was – he'd won two rounds! If he cashed in
138 all of his chips, he'd have walked away with \$8,000 – not a bad night's work.

139 When I reached the bar, everyone was talking about the fight. Of course, Shay
140 had been fired. Even though Mr. Parker was not just an innocent bystander, all of my

141 coworkers said management was afraid Mr. Parker might sue the casino after being
142 attacked by an employee. They thought management might try to smooth things over
143 by giving Mr. Parker the VIP treatment for a while: free food and drink, VIP parking,
144 tickets to shows. As long as I'd worked at the casino, I'd never heard of a fight like that
145 between a customer and an employee. I was really curious to see what would happen
146 next. I can say that none of us expected to see Mr. Parker that evening. So when he
147 arrived at 8 p.m. wearing his "lucky jacket" and acting as if nothing had happened, we
148 were pretty astonished. Of course, we played it cool, too.

149 Mr. Parker went right to the same poker table as the night before, rejoining the
150 tournament. I guess his luck was still holding because Mr. Parker started right back up
151 where he left off, winning nearly every hand. He seemed to enjoy being the center of
152 attention. He won the first round at his table – a \$4,000 prize! – and bought-in for a
153 second round. His luck held, and his pile of chips grew again as other players were
154 eliminated. He won that round, too, and bought-in for a third. He was taking full
155 advantage of the free beers, too, and drank at least 7 beers from 8:00 p.m. to 1:00 a.m. I
156 kept glancing over to see how he was doing, and around 1:30 a.m. I noticed two guys I'd
157 never seen before, watching his every move as he bragged about his luck. They made me
158 kind of nervous, and for a moment I thought about calling security. Then they saw me
159 watching them, and they walked toward the nearest exit, so I didn't make a call. It was
160 only later I remembered that exit led to the alley where Mr. Parker's body was found.

161 But more weirdness was still to come. Just after 2:00 a.m., I saw someone who
162 looked a lot like Shay walking quickly through the casino, heading to that same exit. The
163 person's pace and gait were almost identical to Shay's from the night before and from all
164 the times I'd seen Shay walking around in the food court. The person caught my attention
165 because the person was the same height and build as Shay, and the person was wearing
166 an olive green hoodie identical to one Shay often wore. I couldn't believe it – anyone fired
167 for fighting would be strictly forbidden to return!

168 The person was probably 40 – 50 feet away from me, and I didn't have a clear
169 view because some other people were in the way. But I was so stunned that Shay

170 might've returned against the casino rules that I took a second look. I could see well
171 enough to notice that this person was wearing gloves and keeping this person's head
172 down, kind of as if trying not to be seen. I also caught a glimpse of the person's hair,
173 and it was the same length and color as Shay's. Unfortunately, I couldn't see the
174 person's face at all. I thought about alerting security, but right then I had a rush of
175 cocktail orders. I lost sight of the person before the person exited the casino, but it made
176 me feel pretty uneasy.

177 I noticed that Mr. Parker left out that same door around 2:30 a.m., still smiling. I'd
178 watched the action at his table and saw that he'd won three rounds, for a total of \$12,000.
179 It appeared that he had cashed in all of his chips, as his pockets were bulging,
180 presumably with cash. Just before 3:00 a.m., I heard sirens outside that exit so I ran over
181 to the window. EMTs were taking someone out of the alley and loading them into an
182 ambulance. I was shocked when I realized it was Mr. Parker - I'd recognize that brown
183 plaid blazer anywhere. I was probably about 40 feet away from the ambulance, but even
184 from that distance, I could see that Mr. Parker was bleeding and badly bruised all over
185 his face. He wasn't moving, and I half-thought he was already dead. He didn't have any
186 of those bruises or injuries when he left the casino 30 minutes earlier, so someone must
187 have attacked him right after he left.

188 The ambulance took off, and moments later, cops from the Arcadia Police
189 Department rushed into the casino, told everyone to stay where they were, and started
190 interviewing us about whether we knew anything about the person found unconscious
191 in the alley. I told the cop (an officer Wilson, I think) about seeing the person who looked
192 like Shay headed out that exit not long before Mr. Parker left, and about the fight I'd
193 seen the evening before. Next thing I knew, a Detective Lee was asking me more about
194 Shay, the fight that happened the night before, and what I'd seen that night about the
195 person who looked like Shay. When I started to tell Detective Lee about the other two
196 suspicious-looking guys I saw around the same exit where Mr. Parker left, he didn't
197 seem nearly as interested as when he was questioning me about Shay, and he didn't
198 seem to ask as many questions about them. After I finished, the detective wanted to

199 speak to the casino manager to get Shay’s address, so I directed the detective to Mr.
200 Griffin.

201 The next morning I learned that Mr. Parker had died on the way to the hospital
202 and that Shay had been arrested. I was stunned that Mr. Parker had died. I didn’t want
203 to believe Shay killed Mr. Parker, but Shay was incredibly angry and scary-looking
204 during the fight. Given Shay’s Krav Maga training, Shay certainly had the strength and
205 knowledge to hurt someone badly if Shay chose to do so.

206 A week or so later, a reporter from the *Arcadia News and Record* called and asked
207 about the fight at the casino. The police had told me not to talk to the media in case I’m
208 called to testify, so I told the reporter I’ll be happy to talk after the trial. Who knows,
209 depending on how all this shakes out, maybe I can turn this crazy story into a
210 screenplay – that’d be a lucky break for me! Bartending is fine and all, but I don’t want
211 to do it forever. If it can get me into the film industry, that’d be awesome.

212 I’ve reviewed my statement and attest that all the information in it is true and
213 accurate to the best of my knowledge. I know that if I think of anything else important
214 before trial, I need to update this statement to add that information.

215 Of the available exhibits, I am familiar with the following and only the following:
216 the brown blazer that Mr. Parker wore (Exhibit 2A); Shay’s purple Tito’s Tacos uniform
217 shirt (Exhibit 2B); the map of the casino layout (Exhibit 3), and the excerpts from the
218 Paradise Casino employee handbook (Exhibit 5).

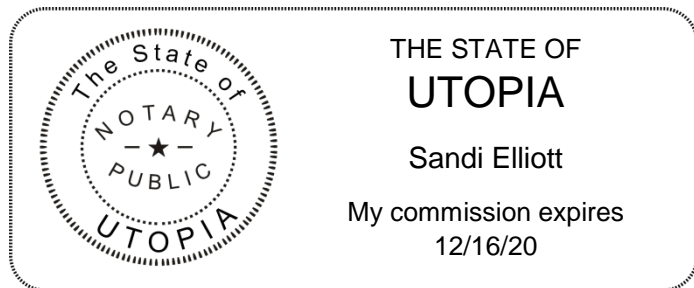
219

Kieran O’Sullivan

SIGNATURE

Sandi Elliott

Sandi Elliott
Notary Public



Date: March 13, 2019

AFFIDAVIT OF SKYLER DE VRIES

1 My name is Skyler de Vries, and I am 20 years old and competent to make this
2 affidavit. I have been subpoenaed to testify in this case. I would never be here
3 otherwise; I consider Shay to be a friend, and even with what I saw in late December of
4 2018, I just can't bring myself to believe that Shay could be a murderer.

5 Shay and I both live at the Tigris Towers apartments. It's a complex near the
6 casino that hasn't been upgraded in a while, so it's one of the cheaper places in Arcadia
7 to live. Maybe 25% of the residents are college students at Arcadia University like me;
8 the rest are mostly employees at the Paradise Casino or long-time town residents on
9 fixed incomes. The apartments are divided into groups of three down little hallways.
10 My two neighbors are Shay and a couple in their 80s. The seniors are pretty quiet - I
11 don't think I've ever heard them leave their apartment after 9 p.m. They remind me of
12 my grandparents, so I carry in their groceries or do other odd jobs to help them out
13 when I can. Shay often helped them, too. In return, the couple shared homemade
14 cookies or invited me and Shay over for Sunday brunch. We were almost like a little
15 family, and Shay was always courteous and kind to them whenever we got together.

16 Shay and I became friends soon after Shay moved in, in June of 2018. Shay saw
17 me taking my Boston Terrier out for a walk and came over to say hi. It turns out we're
18 both dog people, and Shay told me that Shay was in the process of adopting a rescue
19 dog, Ariel. After Ariel's adoption was finalized, we'd take our pups to the park to play
20 at least two or three times a week.

21 Just like me, Shay lived alone. It seemed Shay didn't have that many close
22 friends; Ariel was Shay's only real companion. I have never seen a dog so loved by its
23 owner - Shay would do anything for her. Shay didn't have many hobbies either,
24 probably because Shay worked so much. From what I saw, Shay was either working,
25 bingeing Netflix or watching online poker games, playing with Ariel, or sleeping. The
26 one hobby I know Shay was into is Krav Maga. It's basically Israeli street fighting, and I
27 saw that Shay had a couple of trophies from Krav competitions in Shay's apartment.

28 Shay always said that it helped Shay deal with stress to go to the gym and practice.

29 When my classes started back up in August, I asked if Shay was planning on
30 college eventually. Shay told me Shay earned an associate's degree while in juvenile
31 detention for minor crimes (shoplifting or marijuana possession, I think). I was
32 surprised to hear that, because Shay didn't seem like someone who'd been in juvie.
33 Shay told me Shay was doing everything possible to make better decisions and put the
34 past behind Shay. I believe it; we've gone to concerts and parties together, and even if
35 people around us got rowdy and aggressive, Shay always remained calm. From what
36 I've read about Krav Maga, Shay could easily have won any fight if it had come to that,
37 but Shay always used humor to defuse situations or simply chose to walk away.

38 In late November of 2018, Ariel got really sick. I don't know exactly what was
39 wrong with her, but she had to stay at the vet several days. When she came home, she
40 had to be quarantined from other dogs for weeks. My pup missed seeing Ariel, but
41 Shay said it was necessary to keep Ariel secluded in order for Ariel to get well.

42 And Ariel's medical treatment was expensive. Shay showed me the vet bill, and
43 it was almost \$1,300. I know Shay would do anything for that dog, but this was way
44 more expensive than anyone would expect. No way Shay's job at the casino food court
45 paid enough to cover a bill like that. I know it was a huge stressor for Shay - it seemed
46 like every time I saw Shay, even if it was just in the elevator, Shay would talk about
47 how much money trouble Shay was in. I felt bad for Shay; I'm not rich, but my parents
48 give me a nice allowance every month, so I've never had to live paycheck to paycheck.

49 Shay picked up more and more shifts at work and dropped Shay's gym
50 membership to try to pay off the bill. Shay said there just wasn't time for Shay to stay in
51 shape and the membership was too expensive anyway. Shay became even more isolated
52 and completely stopped going out to dinner or concerts or parties - all Shay did by the
53 middle of December was work and sleep, trying to pay off bills.

54 A few days before Christmas, I saw Shay in the hallway and asked about holiday
55 plans. Shay hesitated and then said, "I think I may have a way to pay off the vet bills if I
56 can only make it work. The casino has a Texas Hold'em tournament right after Christmas,

57 and employees can play. I just need to come up with \$300 to buy-in. I'm sure I can win if I
58 do, and the winner gets \$4,000! That'd solve all my problems. I just don't know how I'm
59 going to get the buy-in. I'm thinking I'll use the money I've set aside for my January rent.
60 I'll have it back after I win. I don't know what else to do."

61 Shay looked so stressed, that I impulsively said, "Don't do that. I'll loan you the
62 \$300. Just pay me back after you win." Shay looked shocked. "No, I can't take your
63 money. I wasn't telling you about it for that reason! I'll get it together somehow." But I
64 insisted; I could afford it, and it seemed like the right thing to do - holiday spirit and
65 all. Shay looked incredibly grateful, so I wrote Shay a check for \$300 right then.

66 I stayed in town for Christmas break rather than flying home to California. I
67 wanted to catch up on my sleep and go snowboarding at the resorts nearby. I had just
68 gotten home from a day on the slopes around 7 p.m. on December 28 when I saw Shay
69 struggling to unlock Shay's apartment door. Shay looked like a mess - it looked like Shay
70 had been punched in the face, and I saw staples in the back of Shay's head. Shay looked
71 exhausted and angry. I asked what happened, and as Shay opened the apartment door,
72 Shay said, "I was in the ER all day. I played in the tournament last night, and I had the
73 winning hand when this guy cheated and beat me! No way he played fair. And I needed
74 that \$4,000! I lost my cool and accused him of cheating, and we got into it. He punched me
75 in the face, and I fell and got a concussion. I owe a lot of money for the ambulance and ER,
76 and to top it off, I'm about to lose my job. I'm way worse off now than I was before."

77 I'm sure I looked shocked. Shay probably misunderstood what I was thinking,
78 because Shay said, "I got \$700 for second place, so I can pay you back, don't worry." I told
79 Shay I didn't care about the money. I asked who the guy was and whether the casino
80 would do anything about it, and Shay burst out, "I don't know the guy's name, but I'm
81 gonna find out! The casino is taking the guy's side, they're not going to help me. I've got
82 to do something, this just isn't right. I want to hurt that guy as badly as he's hurt me!"

83 I had never seen Shay upset like this before - the Shay I knew was always calm
84 and optimistic. This Shay was a lot scarier. I wondered if Shay's head injury had
85 knocked something loose. I was concerned for Shay and kept asking questions - how

86 would Shay get the guy's name and why did Shay think Shay was getting fired and
87 what was Shay going to do now? Shay got really angry, saying "I don't know. I just
88 have to figure it out. I don't know how I'm going to pay these medical bills, or Ariel's
89 vet bills. I don't know how to deal with any of it and you need to stop asking!" I tried to
90 tell Shay that I was asking because I cared and I was there for Shay. But Shay got right
91 in my face and told me to walk away before Shay "lost it." Remembering Shay's Krav
92 Maga skills, I turned around and got out of there. I didn't know what to think. I hoped
93 Shay was acting like that just because Shay was stressed and in pain, and that Shay
94 would be thinking more clearly in the morning.

95 I decided Shay's behavior wasn't going to ruin my evening. I ordered pizza and
96 settled in to binge on *Game of Thrones*. I'd been watching the shows again to get ready
97 for season 8, and I had finished season 5 earlier in the week. Before I knew it, it was
98 nearly 1:30 a.m. Right after I glanced at the clock, I heard someone in the hallway,
99 walking around grumbling in an angry tone. The voice sounded like Shay, and I heard
100 the person banging into the wall. I thought about going to see what was happening and
101 to make sure that Shay was okay, but after Shay's aggressive talk earlier in the evening,
102 I didn't really want to chance it. Anyway, I assumed Shay was just going out to walk
103 Ariel - after she got sick, she had to go out at all hours of the night. But I didn't hear
104 Ariel bark outside like she usually did at night (I think she's scared of the dark). Ariel
105 always yaps once or twice when they come back in, too, but I didn't hear that, either.

106 I decided to make some popcorn and watch one more episode. Right as it ended,
107 around 3:15 a.m., I heard footsteps in the hall and then a door nearby creak open and
108 then close. I looked out the security peephole but the hall was dark and I couldn't see
109 anyone. I thought I saw a light under Shay's door, but as soon as I glanced at it, it went
110 dark, so I'm not positive if I was imagining things. I was a bit freaked out and made
111 sure my deadbolt was locked. I guess it's possible that the people I heard were from the
112 other apartment, but I don't think it's likely. I've never heard them up that late, and
113 they have cats, not dogs. So unless there was an emergency, I can't imagine why they
114 would be out in the middle of the night.

115 I finally got to bed around 4 a.m. on Dec. 29. I woke up when I heard the cops
116 pounding on Shay's door around 6:30 a.m. I was groggy from going to bed so late, but I
117 looked out the peephole just in time to see a cop haul Shay away in cuffs. I couldn't
118 believe it. Sure, Shay had been upset and a bit aggressive toward me the night before,
119 but that's a far cry from committing murder like they were saying on the news a few
120 hours later.

121 The cops interviewed me and the other neighbors to see if we knew anything.
122 Reluctantly I told them what Shay had said in the hallway and what I'd heard in the
123 middle of the night, but I emphasized I never saw who was in the hall. I also said I
124 didn't want to testify, but they served me with a subpoena anyway. I hope Shay didn't
125 do it, but the cops seemed sure they got the right person, and they just didn't want to
126 hear otherwise. It's true that Shay's behavior on December 28 was scary, but it wasn't
127 typical at all, so I think Shay's concussion was affecting Shay's thinking.

128 I've reviewed this statement and attest that it is all true and that it contains
129 everything important I know about this case. I understand that if I remember anything
130 else important before the trial, I need to update it and add that information.

131 Of the available exhibits, I am familiar with the following and only the following:
132 Shay's uniform shirt from Tito's Tacos (Exhibit 2B), although I don't know what the
133 brown spots are; and the vet bill for Ariel's treatment (Exhibit 6).

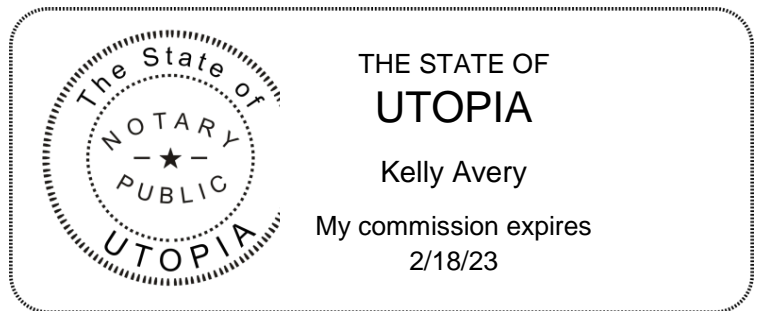
Skyler de Vries

SIGNATURE

Kelly Avery

Kelly Avery
Notary Public

Date: Aug. 8, 2019





**ARCADIA POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
INVESTIGATIVE REPORT**

1 **Asst. Division Chief:** Emory Lee
2 **Date:** July 29, 2019

3 **RE:** Case No. 19CR080931
4

5 **SUMMARY**

6 Jeremy Parker, a resident of Arcadia, Utopia, was found unconscious in an alleyway next to
7 the Paradise Casino at approximately 2:50 a.m. on Saturday, December 29, 2018. On the
8 way to the hospital, Parker suffered a cardiac arrest that proved fatal. Emergency room
9 personnel at Arcadia General Hospital pronounced him dead on arrival.

10
11 All evidence points to Shay Jackson, a former employee of the casino, as the person who
12 attacked Parker. Jackson has been charged with murder in the first degree.

13
14 **CREDENTIALS**

15 I earned my B.A. with honors in Criminal Justice from Eden University in 2000. After
16 graduation, I attended the standard 14-week Basic Law Enforcement Training course at the
17 Utopia Law Enforcement Academy, graduating first in my class. There, I learned the basics
18 of investigative techniques, Utopia law, and firearm safety. I then worked as a patrol officer
19 in Utopia City for six years, where I attended more than 75 hours of Continuing Professional
20 Education seminars on ballistics, bloodstain pattern analysis, and fingerprint analysis.

21
22 I decided to return to school in order to advance in my career. In 2007 I enrolled in the
23 University of Illinois at Chicago, earning my Master of Forensic Science in 2009. At that time,
24 I accepted a detective position with the APD. I have worked as lead investigator on more
25 than 50 major cases involving homicide, robbery, gang violence, and kidnapping. In 2015 I
26 was promoted to Chief Investigator, and in January of 2018 I was promoted to Assistant
27 Division Chief in the Criminal Investigation Division of the APD.

28
29 Since 2009, I have attended more than 150 hours of Continuing Professional Education
30 seminars on the best practices in ballistics, Blood Alcohol Concentration (BAC) testing,
31 fingerprint analysis, DNA testing, and bloodstain pattern analysis, which is sometimes called
32 blood spatter analysis. I am a member in good standing of the American Academy of

33 Forensic Sciences, the International Crime Investigators' Association, and the International
34 Association of Crime Analysts.
35

36 **BASES OF OPINIONS**

37
38 I relied on the following evidence to reach my conclusions:
39 ● Interviews conducted at the scene by Officer Wilson and myself
40 ● Physical evidence, including plaid blazer worn by Parker (Exhibit 2A) and Tito's
41 Tacos uniform shirt worn by Jackson (Exhibit 2B)
42 ● Blood analysis
43 ● DNA analysis
44 ● Fingerprint analysis
45 ● GPS records for Jackson's phone on the evening and early morning hours of Dec.
46 28 and 29
47

48 The methods I used are standard within the field of crime scene analysis and are used by
49 crime scene investigators globally.
50

51 **INVESTIGATION**

52 53 **1. Blood Analysis of Parker's blazer**

54
55 When found unconscious, Parker was wearing a brown plaid blazer, white shirt, and khaki
56 pants. These were removed from his body at Arcadia General and provided to the APD for
57 forensic analysis. No relevant stains were identified on the shirt or pants. Four blood spots
58 were noted on the front of the blazer (see Exhibit 2A).
59

60 Regarding the blazer, I analyzed the blood spatter pattern and conducted blood type and
61 DNA testing (DNA test addressed in section 2). Those tests revealed the following results:
62

- 63 a. Blood spatter: I examined the blood spatter pattern on the blazer before taking
64 samples of the blood using new, clean swabs for later analysis.
65 i. Blood droplets left on a surface are called blood spatter, and the
66 droplets' shapes and pattern provide evidence about the force and path
67 traveled by the blood before reaching the surface.
68 ii. The pattern and number of droplets on Parker's blazer indicate that the
69 two smaller drops (diameter of 1.0 – 1.5 cm) simply dripped onto the
70 blazer from above, most probably when Parker was lying prone on the
71 ground. The other two drops were larger (2.0 – 3.0 cm in diameter) and
72 appeared to be the result of blunt force injuries suffered by Parker when
73 he was attacked.
74

- 75 b. Blood type: Blood type is generally described using the ABO and the Rh-
76 positive / Rh-negative groupings. Together, these systems form eight basic
77 blood types: A-positive, A-negative, B-positive, B-negative, AB-positive, AB-
78 negative, O-positive, and O-negative.

79
80 The four blood spots on Parker's blazer appeared to have come from at least
81 two different people, as they differed in blood type. In particular:

- 82 i. The two larger spots were type B-negative (B-), the same as Parker's
83 blood type. Only 1.5% of the U.S. population has type B- blood.
84 ii. The two smaller spots were type O-negative (O-), the same as
85 Jackson's blood type. In the U.S. 6.6% of the population has type O-
86 blood.

87 88 **2. DNA Analysis**

89
90 I analyzed DNA obtained from the following locations: 1) four blood spots swabbed from the
91 front of Parker's blazer, and 2) skin cells scraped from underneath Parker's fingernails.
92 Before detailing my results, a brief description of DNA analysis is warranted.

93
94 DNA is the abbreviation for deoxyribonucleic acid, the genetic blueprint in our cells that
95 makes us each who we are. With the exception of identical (monozygotic) twins, each cell
96 type in an individual's body has identical DNA that is unique to that person.

97
98 Short Tandem Repeats (STRs) are regions of the DNA comprised of 1 – 5 base pairs that
99 are repeated up to 17 times. They are highly variable among different individuals, making
100 them useful in determining the identity of the person from whom the sample came.
101 Polymerase Chain Reaction (PCR) is used to amplify the sample size of the STRs by making
102 millions of copies of these small DNA fragments to give a larger sample size to aid in testing.
103 These techniques have passed peer review thousands of times and such results have been
104 deemed admissible in court in hundreds of thousands of cases in the U.S.

105
106 For each sample, a PCR test was used to amplify the twenty (20) short tandem repeat (STR)
107 core loci used in the United States' CODIS (Combined DNA Index System) database.¹ For
108 each core locus, it is possible to calculate the expected frequency, or probability, of the
109 sample's genotype in a representative population. The 20 individual probabilities can be
110 multiplied together to determine the overall probability of the complete profile in a population
111 of unrelated individuals. Using this procedure, I conclude that for each DNA profile listed
112 below, the probability of finding these profiles in a population of unrelated individuals, chosen
113 at random, would be less than 1 out of 24 trillion – highly unlikely given that the population
114 of Earth is approximately 7.7 billion as of July 2019.

115
¹ The standard core loci used by the FBI are the following: CSF1PO, FGA, THO1, TPOX, VWA,
D3S1358, D5S818, D7S820, D8S1179, D13S317, D16S539, D18S51, D21S11, D1S1656, D2S441,
D2S1338, D10S1248, D12S391, D19S433, and D22S1045.

116 I obtained known samples of the DNA profiles of Jeremy Parker (sample obtained during
117 autopsy) and Shay Jackson (buccal swab I collected on December 29, 2018). The DNA
118 profiles obtained from Parker's suit and fingernail swab were compared to all profiles
119 contained in the CODIS database, the FBI's national database, the Utopia Forensic
120 Casework Database (analogous to the FBI database, it contains profiles of Utopia
121 offenders), and the profiles obtained from Parker and Jackson.

- 122
- 123 a. Large blood drops: The DNA profile obtained from swabs of the two large
124 blood drops on Parker's suit matched the known DNA profile of Parker. The
125 DNA profile was entirely inconsistent with the DNA profile of Jackson.
- 126
- 127 b. Small blood drops: The DNA profile obtained from swabs of the two smaller
128 blood drops on Parker's suit matched the known DNA profile of Jackson. The
129 DNA profile was entirely inconsistent with the DNA profile of Parker.
- 130
- 131 c. Skin cells from underneath Parker's fingernails: The DNA profile obtained from
132 swabs taken underneath Parker's fingernails contained a mix of DNA from two
133 individuals. The profiles matched the known DNA profiles of both Jackson and
134 Parker.

135 **3. Fingerprint analysis**

136

137

138 Fingerprint analysis compares prints obtained from physical evidence with prints from known
139 individuals, analyzing them for similarities or differences in patterns (arch, loop, whorls) and
140 minutia (ridge endings and other identifying features). Our laboratory uses pattern-based
141 algorithms to compare two prints.

142

143 While the FBI does not require a specific number of matching characteristics to declare a
144 match, the greater the number of points in common, the more reliable the result. Some
145 experts in the field require only 12 common points to declare a match, while others require
146 20 common points. Our standard is to declare a match if two samples have 16 or more
147 points in common.

148

149 Five fingerprints (three full and two partial) were identifiable in the blood stains on Parker's
150 suit. Two of them (one full and one partial) were associated with the two small blood spatters,
151 while the remaining three were associated with the larger blood spatters. I compared all
152 prints against those obtained from Jeremy Parker during the autopsy and Shay Jackson
153 during booking, as well as those of key employees on duty at the casino that night, including
154 bartender Kieran O'Sullivan, dealer David Orsini, security guards Emily Sims and Chris
155 Polson, pit boss Madux Barefoot, and casino manager Paul Griffin, all of whom provided
156 fingerprints voluntarily. Finally, all prints were run through the federal IAFIS ("Integrated
157 Automated Fingerprint Identification System") database.

159 I determined that the two prints obtained from the small blood spatters were a positive or
160 suggestive match for Parker: (1) A full print from one small spatter was a 20-point match for
161 the right index finger of Parker; and (2) A partial print from the other small spatter was a
162 nine-point match with Parker's right thumb.

163
164 I determined that the three prints from the large blood spatter were positive or suggestive
165 matches for the defendant, Shay Jackson. One full print was an 18-point match for the left
166 index finger of Jackson. The second full print was a 16-point match for Jackson's right middle
167 finger. The partial print was an eight-point match for Jackson's right thumb.

168
169 All three prints from the large blood spatter were entirely inconsistent with Parker's prints
170 and the prints of the other casino employees tested. However, I cannot rule out that they
171 might have been a match for someone else who came in contact with Parker.

172

173 **4. Interview analysis**

174
175 There were no eyewitnesses to the attack. Officer Wilson interviewed the casino customer,
176 Benjamin Stebbins, who found Parker unconscious in the alleyway. Stebbins was on his
177 way to the parking lot at approximately 0250 when he noticed an unusual large object lying
178 in the alleyway. He cautiously went to investigate, and that's when he saw Mr. Parker. He
179 did not hear Parker groaning or making any other noise; nor did he see anyone fleeing the
180 alleyway. Stebbins reportedly did not touch Parker at all; he immediately dialed 911 and
181 stayed with Parker until emergency personnel arrived. Officer Wilson interviewed a number
182 of casino customers, none of whom had any useful information to share.

183
184 I interviewed Paul Griffin, the casino manager on duty at the time of the incident. Griffin
185 initially indicated that he had no idea of anyone who might wish to harm Parker. He noted
186 that the Paradise Casino is fully staffed at all hours with trained security personnel and
187 asserted that no suspicious individuals had been reported by any of his security officers.
188 Together we reviewed security footage from midnight – 3:00 am taken inside the casino,
189 and no employees were seen to exit the casino from the door leading to the alley during that
190 period.

191
192 However, when pressed further for anyone with a motive to harm Parker, Griffin told me that
193 Parker had gotten in an altercation the previous night with an employee, Shay Jackson, who
194 had been fired as a result of the incident and banned from returning to the casino. Video
195 from that time period was not available as the casino video equipment had suffered a
196 malfunction from midnight – 0600 on December 28. Griffin informed me that bartender
197 Kieran O'Sullivan was an eyewitness to that incident, and I proceeded to interview
198 O'Sullivan, who was on duty at the casino.

199

200 During that interview, O’Sullivan confirmed that Jackson and Parker had gotten into a
201 physical altercation the previous night, and that Jackson appeared bloody and angry when
202 Jackson exited the casino. O’Sullivan also mentioned seeing someone who strongly
203 resembled Jackson walking through the casino toward the exit leading to the alley at
204 approximately 0200 on December 29, only 30 minutes prior to Parker’s exit. Based upon
205 this information, I confirmed Jackson’s address with Griffin and obtained a warrant for
206 Jackson’s arrest and a search warrant for Jackson’s apartment at Tigris Towers.

207
208 Arriving at Jackson’s apartment at 0630, I knocked loudly and identified myself as a
209 Detective with the APD. Jackson did not come to the door right away, so I pounded more
210 loudly, and Jackson opened the door. Jackson appeared groggy and confused. I explained
211 that a customer had been found injured in an alley outside the casino and said I wanted to
212 ask Jackson a few questions. Jackson immediately asked for an attorney. At that point,
213 Jackson was taken into custody and transported to the station for processing.

214 **5. Search of Jackson’s Apartment**

215
216
217 After Jackson was taken into custody, I conducted a search of Jackson’s apartment. I
218 located \$700 in cash hidden in Jackson’s sock drawer. In the laundry hamper I found three
219 items: a “Tito’s Tacos” uniform, a white T-shirt, and an olive green hoodie. The items were
220 layered in the hamper as follows: the hoodie was on top; immediately underneath it was the
221 uniform shirt, followed by the uniform pants, with the T-shirt on the bottom.

222
223 The “Tito’s Tacos” uniform had 4 dime- or nickel-sized brown stains that appeared to be
224 dried blood on the front of the uniform shirt. The olive green hoodie, uniform pants, and T-
225 shirt were soiled but did not appear to have any blood stains.

226
227 DNA tests were conducted on scrapings obtained from the stains on the uniform shirt. The
228 results matched the known DNA profile of Jackson and were entirely inconsistent with the
229 DNA profile of Parker. I calculated that the probability of finding an identical profile in an
230 unrelated individual, chosen at random, would be less than 1 out of 22 trillion.

231 **6. GPS Data from Jackson’s cell phone**

232
233
234 GPS location data was obtained from Jackson’s cell phone provider for the hours of 2200 –
235 0400 on December 28-29. GPS records reveal that between 2200 and 0145, and 0300 and
236 0400, Jackson’s cell phone pinged a cell tower located 1 mile northeast of Tigris Towers
237 apartments and 2 miles northwest of the Paradise Casino. Between 0145 and 0300,
238 Jackson’s cell pinged a cell tower located 0.75 miles due west of the Paradise Casino and
239 2 miles southeast of Tigris Towers apartments. Given the proximity of the Tigris Towers

240 apartment building to the casino (2.5 miles apart) and to both cell towers, and the normal
241 variance in cell tower utilization due to weather conditions or amount of cell traffic in an area,
242 these results, while suggestive of a change in location from 0145 to 0300, are inconclusive.
243 Nonetheless, they do not contradict the possibility that Jackson was in the vicinity of the
244 Paradise Casino between 0145 and 0300 on December 29.

245

246 **CONCLUSIONS**

247

248 While circumstantial in nature, all evidence points to Shay Jackson as the person who
249 attacked and robbed Parker. Jackson had the requisite skills to cause serious injury to
250 Parker; had gotten in a loud and public fight with Parker less than 24 hours prior; was heard
251 to issue threats against Parker; and was in a precarious financial position after losing
252 Jackson’s job due to the fight with Parker. It seems clear that Jackson waited for Parker in
253 the alleyway and attacked him, both to steal the money Parker had earned and to exact
254 revenge.

255

256 I am familiar with Exhibits 1A and 1B, Exhibits 2A and 2B, Exhibit 3, and Exhibit 8. Where
257 appropriate, I have maintained chain of custody for all physical evidence. All information
258 relevant to my investigation is included in this report, including information obtained following
259 Jackson’s arrest. I believe all information contained herein to be true and accurate, and I
260 understand that I have a duty to update this report until the time of trial.

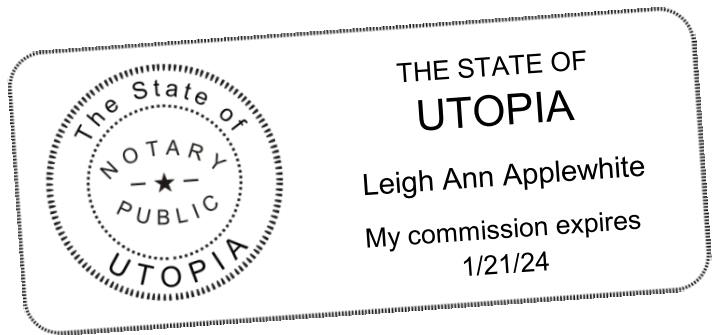
261

262 Emory Lee

SIGNATURE

263 Leigh Ann Applewhite

264 Leigh Ann Applewhite
265 Notary Public
266 Date: June 14, 2019



AFFIDAVIT OF SHAY JACKSON

1 My name is Shay Jackson. I was born in Utopia City, Utopia and moved to
2 Arcadia when I was six. From the name, you might think Arcadia is paradise on earth. I
3 guess it is for some – the nearby mountains are beautiful and attract a lot of tourists
4 who enjoy outdoor adventures. And the Paradise Casino on Lake Elysia draws crowds
5 of people willing to part with their money. But the glitz and glamour didn't brighten
6 the lives of those, like my parents, who labored day and night to give those tourists a
7 carefree vacation. My dad was a security guard and my mom a "custodial engineer,"
8 which meant they barely made enough money to keep food on the table for me and my
9 five younger brothers and sisters. My folks always told us to study hard and stay in
10 school because that'd be our ticket to a better life.

11 When we were old enough, they encouraged us to spend our afternoons and
12 summers at the nearby Boys and Girls Club while they were at work. I started going when
13 I was six, and I loved it at first. Our parents sent us for the tutoring and academic support
14 programs, but my favorite part was the "Hero Club," where instructors taught us physical
15 fitness and self-defense techniques based on "Krav Maga." Krav Maga is based on the
16 official self-defense system of the Israeli Defense Forces (IDF). Our club instructor served
17 two years in the IDF before becoming a certified instructor and moving to Arcadia. The
18 club was challenging and fun, and I learned a lot of useful skills.

19 But I quit going when I turned eleven. I got tired of the other students hassling
20 me for wearing thrift store clothes. When I complained to my folks, they told me to deal
21 with it. So I decided to earn my own money. The quickest way to do that was through
22 drugs. I offered to be a lookout for neighborhood dealers in exchange for cash. I looked
23 so innocent that the cops didn't catch on to me, and I proved myself useful. Soon I
24 started selling pot, and I was good at that, too. I could act different ways – tough,
25 innocent, funny – whatever it took to convince people to trust me so I could make the
26 sale. I made enough money to buy nicer clothes and shoes, and when my parents asked
27 where all the money was coming from, I wouldn't give them a straight answer. I felt

28 invincible...until I was arrested for possession of marijuana. As a first-time, non-violent
29 offender I got probation, and I was supposed to stay in school, pay for drug testing, not
30 violate any laws, and meet a bunch of other requirements. But all of the requirements
31 were really expensive, and my parents didn't have the money, so I ended up going back
32 to dealing. In August of 2013, when I was 14, I got in a fight with a customer, and the
33 cops brought me in for drug trafficking and simple assault. At my adjudication, I was
34 confined to the Arcadia Juvenile Detention Center.

35 The Detention Center was no joke. At first, I kept getting jumped because I
36 refused to join a gang, but I fought back using the skills I'd learned in Krav Maga, and
37 most inmates learned to leave me alone. It was really lonely, and I had to always be on
38 my guard, ready to defend myself. About a month after I was locked up, I let my guard
39 down and I got shanked; I still have the scar on the back of my shoulder. I almost bled
40 out but the ER docs saved me. While I was in the hospital recovering, I realized if I
41 didn't turn my life around, I was always going to be in danger. So I started studying,
42 earned my GED by age 16, and enrolled in the online program in hospitality
43 management and culinary arts at Eldorado Technical Community College. The prison
44 staff saw how dedicated I was and even assigned me to kitchen detail so I could
45 complete my final cooking projects. When I earned my associates' degree in December
46 2016, I almost burst with pride.

47 In March 2017 when I turned 18, I was released. I was confident I'd get a good
48 job with my new skills, but job searching was harder than I thought. Because I had been
49 in so much trouble when I was younger, it was nearly impossible to get through an
50 interview without letting people know that I had been locked up. I'd almost given up
51 when I was offered a job bussing tables in the food court at the Paradise Casino. It
52 wasn't what I'd hoped for, but I was determined to work hard and earn my employer's
53 trust. In December of 2017, I was promoted to line cook at Burger Bros. Three months
54 later, I was switched to cashier. It was definitely a step up, since it meant I interacted
55 with the public. Even when a customer was rude or made ridiculous claims about wait
56 times or fries that weren't as hot as they wanted, I kept my cool and dealt with their

57 complaints in a professional manner. I attribute some of that to the Krav Maga
58 emphasis on staying calm and de-escalating tense situations if possible. Now that I was
59 earning more, I could afford to attend Krav classes 2 – 3 times/week. I even entered a
60 few tournaments and won several trophies.

61 In June of 2018 an assistant manager position came open at Tito’s Tacos in the
62 food court. Even though it meant I’d work the late shift -- 5 p.m. to 2 a.m. – I saw it as
63 my chance to advance in my career. (People gamble at all hours in the casino, so the
64 food court stayed open until 2:00 a.m.) My interview went great, and soon I was the
65 new evening assistant manager at Tito’s.

66 The increased responsibility was sometimes tough, dealing with no-show
67 employees and drunk customers, but I rose to the occasion. I stayed cool under
68 pressure, and I adapted to changing circumstances without panicking. I figured out
69 how to motivate others and gain their cooperation. Soon I was closing and making
70 nighttime deposits on my own. It felt good that my boss trusted me, and I never wanted
71 to do anything to lose that trust.

72 I didn’t even mind working the late shift, at least, not most of the time. I was
73 earning enough money now to rent an apartment in Tigris Towers, only a couple of
74 miles from the casino. The place allowed pets, so I’d adopted a rescue dog, an adorable
75 small brown mutt. I named her Ariel. She was always happy to see me when I got off
76 work, which made a huge difference to my self-esteem. Ariel was crazy-smart, too; soon
77 she was rolling over, “shaking” on command, and chasing balls in the park like a pro
78 before I had to put her in her crate and leave for work. I used to take her out on walks at
79 the same time as my neighbor, Skyler de Vries, would walk Skyler’s dog. Our dogs
80 loved to play, and Skyler and I hit it off, too. My crazy work hours had made it difficult
81 to get to know people, so I’d mostly kept to myself before I met Skyler.

82 But late in November of 2018, all of a sudden Ariel started vomiting, running a
83 fever, and having diarrhea. It was really scary. I called in sick to work and took her to
84 the vet, who diagnosed her with canine parvovirus. The vet put her on IVs and kept her
85 overnight. I was worried sick. She finally pulled through, but the vet said her immune

86 system would be weak for months, so she should stay away from other dogs. No more
87 ball-playing in the park for a while. I was relieved she was okay...but the \$1,300 vet bill
88 hit me pretty hard. Even with a payment plan, I could barely pay my bills. I picked up
89 extra hours at work when I could, and I thought about taking on a second job during
90 the holidays. But given my work hours, nothing really fit, so I did what I could to cut
91 back on expenses: no meals out, no gym membership, lots of ramen and PB&J, no
92 Netflix. I was discouraged at times, especially when I thought about how much money
93 people lost playing cards and slot machines at the casino. If only a little of that could
94 come my way...I just couldn't seem to catch a break.

95 Then I heard that employees could sign up for the holiday Texas Hold'em poker
96 tournament at the casino. When I first started working there, I thought poker looked
97 really interesting, so I spent hours and hours studying games online and in the casino. I
98 paid close attention to how people could win hands by bluffing. I even tried a few
99 online games and won small amounts earlier in the year. So when the casino opened up
100 the holiday tournament to employees, I decided to do it. I knew it was a risk, but it
101 seemed like my best chance to get enough money to pay Ariel's vet bills. I didn't know
102 how I could come up with the \$300 buy-in, though. Right before Christmas, I mentioned
103 it to Skyler, and I was overwhelmed when Skyler said Skyler would loan me the money.
104 I could hardly believe it, but Skyler knew how much stress I'd been under and said
105 Skyler was happy to do it. I assured Skyler I'd pay back the loan even before I paid the
106 vet - I was that confident I'd win.

107 My schedule was different during Christmas week to cover people out of town.
108 As soon as my shift finished at 10:30 pm on December 27, I headed to the Texas
109 Hold'em tables. I didn't even change my uniform shirt; I figured if anything, my Tito's
110 Tacos shirt would make people underestimate me. When I sat down at the table, I
111 noticed a guy in a tan checkered blazer. I didn't know his name, but I'd seen him at the
112 casino before - he was always wearing that blazer. Other employees had joked about
113 him, saying he always seemed to lose money but kept coming back. From what they'd
114 said, I figured he'd be eliminated quickly, especially as he kept ordering the free

115 “Hoppy Holidays” beers from the bar nearby. The game started, and all of my studying
116 seemed to be paying off, as I won way more hands than I lost. My pile of chips kept
117 growing, as did my confidence, since the others at the table asked questions that
118 revealed they didn’t know what they were doing.

119 The guy in the blazer was one of those asking lots of dumb questions, but
120 somehow he kept winning. I couldn’t figure out how he was doing it. One by one the
121 others were eliminated, until it was just me and the guy in the blazer. The game had
122 lasted awhile, and it was almost 2:00 a.m. When I was dealt aces, four of a kind, I could
123 hardly contain myself; I just knew I had him. Then he turned over his cards, and he had
124 a straight flush: King, queen, jack, ten, and nine of spades, which beat me. I was in
125 shock; I don’t count cards, but I was pretty sure that was impossible. As second place,
126 I’d only win \$700 – enough to pay back Skyler but far from what I needed.

127 I was devastated. I was sure he’d cheated – I’d been outplaying him the entire
128 night. Then he started fist-pumping and exclaiming “Take that, Taco kid! My lucky
129 jacket came through!” I couldn’t stand it. I jumped up and said, “You’re a cheater! I
130 outplayed you all night! You’re such a fool -- there’s no way you beat me without
131 cheating!” I kind of got in his face, fists clenched, and said, “That money should be
132 mine!!” The guy’s eyes widened, and next thing I knew, he shoved me so hard that I fell
133 into the edge of the table behind me. I know I should have walked away, but I didn’t. I
134 took a step forward, shoved him in the chest, and said, “Keep your hands to yourself!”

135 Then I came to my senses and turned to leave. But before I took two steps, he
136 punched me hard in the side of my face with his right hand, knocking me to the
137 ground. My head hit against the corner of a table as I was falling, leaving me stunned
138 for a moment. Then out of the corner of my eye I saw he was about to kick me, so I
139 grabbed his leg, jerking it hard enough that he lost his balance and fell to the floor. I
140 could smell the alcohol on his breath as I rose to my knees, leaned over him with my fist
141 raised while blood from my nose dripped onto his suit, and said, “Enough. You don’t
142 want to get into it with me. Stay down while I walk away.” I glared at him for an
143 instant, then I stood up and headed quickly toward the exit. I felt dizzy but I was

144 determined not to show it. The guy stayed quiet until I was 30-40 feet away, then he sat
145 up and started yelling obscenities and threats at me. I glanced back, saw he was still
146 sitting, and kept going. I didn't respond to his threats in any way. I looked back once
147 more as I reached the door and saw that a security guard was attending to him, so I left.

148 My head throbbed as I drove home, squinting because I kept seeing halos around
149 the streetlights. I thought about going to the ER, but I just couldn't deal with sitting
150 there for hours, waiting to be seen, and I couldn't afford it anyway. So I let Ariel out of
151 her crate, changed clothes, silenced my phone, and went to bed. When I awoke mid-
152 morning, I had a raging headache, and I noticed blood on my pillow. That's when I
153 realized I had a gash where my head hit the corner of the table. I tried to sit up but felt
154 very disoriented. It was scary enough that I got worried and dialed 911. While I waited
155 on the ambulance, I called out sick from work and dragged myself to the front door.
156 After one look at me, the EMTs carried me on a backboard to the ambulance, put one of
157 those clothespin-like monitor things on my finger, and grilled me with questions about
158 what had happened.

159 At Arcadia General ER, I was put on a bed in a room until a doc could see me. A
160 nurse gave me new ice packs and put a temporary bandage on my head, then left. I
161 waited a long time for the doc to arrive; the place was busy, and the nurse said they
162 were short-staffed. My thoughts finally cleared and I finally felt good enough to sit up
163 just before the ER doc came. She cleaned the gash on my head and sealed it with
164 staples. After more tests she diagnosed me with a concussion. She asked if there was
165 someone to help me if I were sent home and I lied and said yes (Ariel counts, right? I
166 couldn't afford a hospital stay!). She told me to take it easy, gave me a handout on
167 concussion management, and discharged me.

168 When I pulled up an app to get a ride home, I saw I had a voicemail from my
169 boss. I figured he was calling to check on me. But when I listened to it on the way home,
170 I was shocked. He said I was being "let go" for getting in a fight at the casino! I was
171 speechless. That guy attacked me!! I didn't know what to do. I couldn't afford to lose
172 this job, especially not under these circumstances. I knew I'd never be hired if people

173 heard I was fired for fighting! How would I pay my bills? I was living paycheck to
174 paycheck already. I couldn't let that crazy guy in the casino undo everything I'd
175 worked so hard for!

176 It was now almost 7:00 pm, so I knew the boss would have left for the day. I was so
177 upset I had difficulty unlocking my apartment door when I got home. Skyler saw me and
178 asked what was wrong, and I ranted for a couple minutes before asking Skyler to leave so
179 I could think. I probably said some things I shouldn't have; I just wasn't thinking very
180 clearly. I finally decided to plead my case to my boss in the morning. I was sure I could
181 convince him to see reason. I ate a PB&J and went to bed by 8:00 p.m. I vaguely remember
182 getting up around 10 p.m. to let Ariel out, but otherwise I slept straight through.

183 I woke around 6:30 a.m. to Ariel barking and loud banging on the door. Someone
184 yelled, "Police! Open up!" I stumbled to the door. When I opened it, a cop showed me
185 an Arcadia PD badge with the name "Emory Lee," asked my name, and requested to
186 come in. I should have known better, but I said yes. Lee started grilling me about where
187 I was the night before. When I said home in bed, Lee asked if anyone could verify that,
188 and of course I said no. Then Lee told me I needed to come down to the station to
189 answer more questions. I asked why, and Lee said a man had been murdered in an alley
190 near the casino the night before. Lee said Lee thought I might know him and might be
191 able to help find his killer. I'm sure I looked confused...then Lee showed me a photo of
192 the dead guy. It was the same guy who'd attacked me! He was even wearing the same
193 brown checkered blazer, which looked rumped and dirty. I wasn't born yesterday;
194 Lee's face gave away that I was a suspect. Even with a concussion, I had the presence of
195 mind to say I wanted a lawyer. Then Lee told me I was under arrest for the murder of
196 Jeremy Parker. I was in shock as Lee cuffed me and led me to the patrol car outside.

197 My lawyer tells me they found my blood and DNA on Parker's suit. Well, duh.
198 Clearly it's from our fight. Surely the D.A. will see how ridiculous this all is and throw
199 the charges out. They need to be looking for whoever really killed the guy! It wasn't me.

200 I've reviewed my statement, and all the information is true and accurate. I
201 haven't left out anything important. I understand that I will have a chance to read over

202 it again before the trial, and if I think of anything important that I need to add, I must
203 do so at that time.

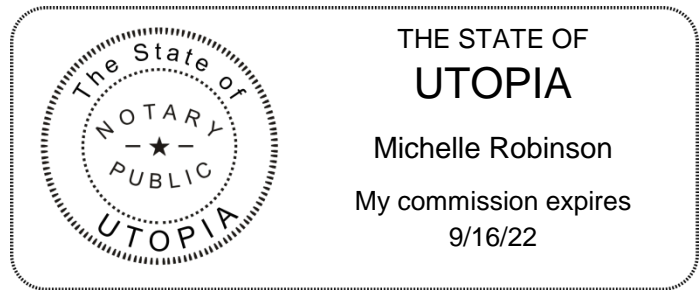
204 Of the available exhibits, I am familiar with the following and only the following:
205 Exhibit 2A (the plaid blazer worn by the guy who died); Exhibit 2B (my Tito's Tacos
206 uniform shirt); Exhibit 3 (the map showing the layout of the casino); Exhibit 4 (the
207 clothespin-like thing the EMT put on my finger); and Exhibit 5 (sections from the
208 Paradise Casino employee handbook) and Exhibit 6 (the vet bill for Ariel's treatment).

Shay Jackson

SIGNATURE

Michelle Robinson

Michelle Robinson
Notary Public



Date: May 16, 2019

AFFIDAVIT OF GABI GARCIA

1 My name is Gabi Garcia. I am 27 years old and competent to make this affidavit. I
2 am a paramedic with Arcadia General Hospital. I've worked there for about 8 years now. I
3 started right out of high school as a Level I EMT after completing the basic training course
4 and passing the national certification test. After working for two years, I decided to
5 complete the 2-year paramedic degree program at Arcadia Community College. Arcadia
6 General agreed to pay half of my tuition if I worked for them for at least two years after
7 getting my degree. It was a great deal for me, and I like the fast-paced environment, so I
8 stayed even after my two years were up.

9 I know working in emergency medicine is not for everyone - you see a lot of really
10 crazy, scary stuff. But I always wanted to help people and I love that my job allows me to
11 be on the front lines, helping people feel better as soon as they get hurt, or keeping those
12 who are seriously injured in a safe condition until they can get to a hospital. As a certified
13 paramedic, I can do everything from administering oxygen or IV fluids, to dealing with
14 spinal injuries or serious burns, to using manual defibrillators to shock a stopped heart
15 into resuming normal functioning.

16 One of our first steps in evaluating every patient, whatever their symptoms, is to
17 check the patient's vital signs: pulse rate, respiration rate, temperature, and blood
18 pressure. This data gives valuable information, allowing us to assess whether the patient is
19 alive and how critical their condition is. To measure heart rate and breathing, we use a
20 device called a "pulse oximeter," or "pulse ox." This device is noninvasive; the most
21 common version resembles a giant clothes pin and attaches painlessly to the patient's
22 fingertip (usually their pointer finger). It works by sending two wavelengths of light
23 through the finger to measure the pulse rate and determine the oxygen level in the blood.

24 The pulse rate gives an estimation of how many times the patient's heart contracts
25 per minute. Normal pulse rate for adults is 60 to 100 beats per minute (bpm). In general, a
26 lower pulse implies better cardiovascular fitness and more efficient heart function,
27 although a level below 60 bpm (bradycardia) can lead to symptoms such as fainting,
28 fatigue, or chest pains. The blood oxygen saturation (SpO2) gives an estimation of the

29 amount of oxygen in the blood, which is a measure of the effectiveness of the person's
30 breathing. An SpO2 reading of 95% or higher is considered to be normal, while 92% or less
31 (at sea level) suggests the person's blood is poorly saturated. Poor saturation can lead to
32 chest pain, shortness of breath, and increased heart rate. To prevent those problems, we
33 would provide the patient with supplemental oxygen from a machine. Typically, we keep
34 at least two different pulse ox devices in the ambulance at all times, so we have a backup.
35 That should have been the case in December of 2018; I have no reason to believe otherwise.

36 Sterilization and cleanliness are obviously important in ambulatory care. Often our
37 patients' injuries result in emission of blood or other bodily fluids. Some patients may
38 have highly contagious illnesses. We have to make sure that later patients are not exposed
39 to prior patients' bodily fluids or pathogens. Any equipment that has been or could be in
40 contact with blood or other fluids must be sterilized between each use. Equipment that has
41 not been in contact with blood or fluids has to be wiped down as well, although the top
42 priority is always on making sure illnesses are not transmitted between patients.
43 Thermometers, which go in the mouth or ear, have their coverings changed between every
44 use, even with the same patient, and old coverings are disposed of in a secure manner.
45 Blood pressure devices, stethoscopes, and pulse oximeters, which do not always come in
46 contact with fluids, are cleaned between uses, typically wiped down with a disinfectant
47 wipe. We're careful to follow our cleaning protocols after every patient - our patients'
48 health depends on it.

49 I was contacted by defense counsel because in December of 2018, I cared for two
50 patients related to this case: Shay Jackson and Jeremy Parker. Shay Jackson was
51 transported in my ambulance on December 28 around 10:45 a.m. Shay had called 911,
52 requesting help at the Tigris Towers apartments. I knew the place well; we often got calls
53 from college students there who had injured themselves after partying a bit too much.
54 When we arrived, Shay was struggling to open the door to let us in. Shay complained of
55 recently being in a fight and being hit in the head. A quick examination revealed that Shay
56 had several injuries - one on the left side of the face, and a deeper one on the back of the
57 head. Shay also had a large bruise on the middle of Shay's back. Shay looked like Shay

58 had been punched in the face. Shay's cheek was bruised and swollen, and Shay's nose was
59 oozing a bit of blood around a clot that had recently formed. The wound in the back of the
60 head was more serious, as it was deeper. The skull was partially exposed, and the wound
61 was oozing blood. Head wounds are serious and can result in numerous life-threatening
62 issues, including a brain aneurysm and bleeding into the brain. Because of the number of
63 blood vessels around the head and skull, head wounds also bleed more than wounds to
64 most parts of the body, so we had to take Shay's injuries extremely seriously. We got a
65 backboard and made Shay lie down as we carried Shay to the ambulance.

66 On the way to the hospital, Shay complained of a headache and frequently moaned
67 as we tried to administer treatment. When we tried to question Shay, Shay seemed
68 confused. Shay remembered being in a fight and said Shay's head hit a table as Shay was
69 knocked down. When asked why Shay didn't go to the ER right away, Shay muttered
70 something unintelligible. Shay appeared to have trouble remembering details of events that
71 happened after the head injury. It was unclear whether Shay's confusion was because of
72 shock, stress, or because the injury was affecting Shay's memory. Shay asked more than
73 once where Shay was, who I and my coworker were, and where we were going. Shay
74 appeared to be exhibiting symptoms consistent with a concussion or traumatic brain injury.

75 Naturally, while transporting Shay to Arcadia General, I used a pulse ox on Shay's
76 left pointer finger, and I took Shay's blood pressure and temperature. Because Shay's
77 injuries were oozing blood, it was important for me to start dressing Shay's wounds. I
78 cleaned off Shay's face and nose and instructed my coworker to apply an ice pack to those
79 wounds while I used thick gauze to apply pressure to the deep cut on the back of Shay's
80 head. Given the type of wound, it appeared Shay would need staples to close the gash.
81 After about 10 minutes, we arrived at the hospital, and I transferred Shay out of my care.
82 Shay was still complaining of feeling dizzy. As soon as we turned over our paperwork to
83 the ER staff, my shift ended, and I went home to catch some sleep before switching to night
84 shift from 11:00 pm – 7 am on December 28-29. Usually I have more time off between
85 switching schedules, but I was filling in for a colleague who was away for the holidays.

86 I treated Jeremy Parker very early on the morning of December 29. Jeremy had a
87 much more serious injury, and a much more unfortunate result. I was called to the
88 Paradise Casino, where someone had reported finding a man unconscious in the alley
89 behind the main building, just before 3:00 a.m. Our ambulance was already nearby, so we
90 arrived on the scene about three minutes after we got the call. The person, who I now
91 know to be Jeremy Parker, was indeed unconscious and unresponsive. The patient had
92 contusions all over his head, neck, and chest, and some of them were bleeding. It looked
93 like he was the victim of a severe beating, with signs of multiple instances of blunt force
94 trauma and potential internal bleeding. When I reached him, he was still breathing,
95 although his breaths were quite shallow. I helped load him onto the gurney and worked
96 on bandaging his neck to prevent further blood loss. I used a pulse ox to monitor his pulse
97 and oxygen level. Although he had a pulse, it seemed like he was barely clinging to life. I
98 was immediately worried that this patient might not make it to the hospital, which is a 20
99 minute drive from where we were, even with our lights and siren on.

100 About five minutes into the drive, Mr. Parker suddenly started moaning. He
101 opened his eyes, saw me, and gasped. I tried to reassure him, telling him to hang in there,
102 save his strength, we'd be at the hospital soon. He opened his eyes wider, and it was clear
103 he was trying to say something. I leaned closer, and though he was hard to understand, it
104 sounded like he said, "dying... poker...money...purple." I was trying to ask what he
105 meant when he went into cardiac arrest. We did everything we could to save him - we
106 spent the remainder of the ride using our automated external defibrillator to try and
107 restart his heart. But we were too late. Mr. Parker was pronounced dead at 3:18 a.m.

108 I know Shay has been accused of murdering Mr. Parker, but that seems highly
109 unlikely to me. I don't know how someone with injuries as serious as Shay's could inflict
110 that kind of damage only a few hours later. When we transferred Shay from the
111 ambulance to the ER, Shay could hardly stand up straight, let alone walk without help. I
112 wouldn't have expected Shay to be able to physically overpower anyone after less than a
113 day's recovery. The only way would be if Shay was faking or exaggerating Shay's
114 dizziness and confusion. But if that's true, Shay should consider a career in the theater.

115 Defense counsel questioned me about our cleaning practices on the ambulance on
116 December 28-29, implying that perhaps Shay's DNA was transferred onto Mr. Parker's
117 finger via an unclean pulse ox. I'm sure our standard cleaning procedures would have
118 been completed after we transported Shay, as we could get in serious trouble or even lose
119 our jobs for not following them. I certainly didn't see any blood on the pulse ox when I put
120 it on Mr. Parker's finger - if I had, I would have cleaned it.

121 But I can't say with 100% certainty that the pulse ox was thoroughly cleaned
122 between patients that day. Since my shift ended right after we signed Shay in, it was the
123 responsibility of those who replaced me to conduct the thorough cleaning before heading
124 out again. During transport, Shay's blood got on the gurney and the ambulance floor, so
125 the staff would have had to fully clean the gurney, the ambulance floor, and all
126 equipment, and then change clothes before heading out on a call. I don't know who was
127 assigned to that ambulance after me; they were running late and hadn't arrived when I got
128 off. We were short-staffed over the holiday, and I wasn't the only one pulling extra shifts.
129 Fatigue makes it harder to focus, and of course if those on the next shift were running late,
130 it's possible the cleaning wasn't done as thoroughly as required. I suppose the person on
131 the next shift could have missed the pulse ox - I just don't know.

132 I have reviewed this statement and attest that all the information in it is true and
133 correct to the best of my knowledge. I have included all important information regarding
134 this case, and I understand that if I think of any other important facts, I must update this
135 document before the trial.

136 Of the available exhibits, I am familiar with the following and only the following:
137 plaid blazer worn by Mr. Parker (Exhibit 2A), pulse oximeter (Exhibit 4); and Emergency
138 Room records for Shay (Exhibit 7).

Gabi Garcia

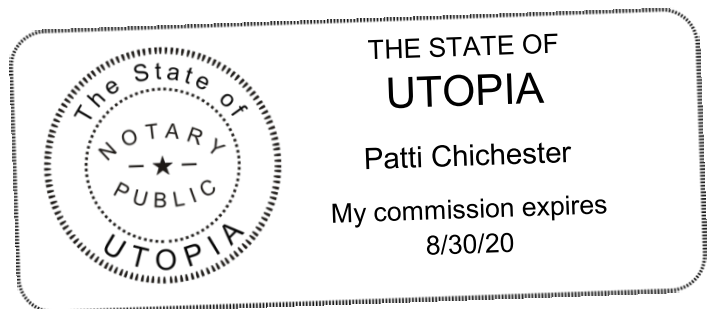
SIGNATURE

Patti Chichester

Patti Chichester

Notary Public

Date: May 24, 2019



REPORT OF DR. MAX NOUALI

State v. Jackson: Findings and Conclusions

July 15, 2019

Retention and Compensation

The defense asked me to examine the evidence surrounding the death of Jeremy Parker, analyzing the investigation conducted by Assistant Division Chief Emory Lee and focusing particularly on the DNA evidence that forms a linchpin of the APD's case against Shay Jackson. I spent a total of 42 hours on case preparation, for which I was paid my standard defense consulting rate of \$550/hour. If I testify, I will earn an additional \$4,500 to cover my time and expenses.

Background and Qualifications

I am the Founder and President of ForensiLab Analytics, a consulting company located in Hickory Grove, NC, that focuses on evaluation, testing, and expert consultation regarding biological forensic evidence. Such evidence includes DNA evidence as well as blood, saliva, or other bodily fluids. We serve any agency or individual seeking results based on objective science, although in practice we are most often hired by the defense because the government most often relies on results obtained by its own labs or contractors. I have testified in court as an expert witness more than 45 times, of which 41 occasions have been on behalf of the defense.

I earned my B.S. in Biology and M.S. in Molecular Biology from the University of North Carolina at Chapel Hill. I then earned my joint M.D./PhD in medical research from Johns Hopkins University in 2000, specializing in genetics as it applies to forensics and the identification of crime victims and perpetrators. Prior to founding ForensiLab Analytics in 2011, I worked as a researcher for ten years with the National Institutes of Health.

In addition to my work at ForensiLab Analytics, I serve as an Adjunct Professor of Forensic Science at Jameson College, where I teach undergraduate and graduate courses on DNA analysis. I also lead seminars on genetics and DNA analysis for health professionals, nonprofit organizations, and trial advocacy groups. I have published 23 peer-reviewed papers relating to analysis of biological forensic evidence and trace evidence and the presentation of forensic evidence to non-scientists.

34 I am certified by the American Board of Criminalistics and a member of the
35 International Society of Forensic Genetics (ISFG), the American Academy of Forensic
36 Sciences (AAFS), and the International Association for Identification (IAI).

37 38 **Rationale and Methods**

39
40 Per standard industry protocols, I requested samples of the DNA evidence
41 (blood samples and fingernail swabs) retrieved by the Arcadia Police Department
42 in order to conduct my own tests. The requested samples were provided, and I
43 personally conducted tests to verify their results using practices that are standard
44 in my field.

45 I also reviewed the following documents to assist in my analysis:

- 46 1. Written statements of Emory Lee, Shay Jackson, and Gabi Garcia;
- 47 2. Arrest report filed by Asst. Division Chief Emory Lee upon Shay
48 Jackson's arrest (Exhibits 1A, 1B);
- 49 3. Photos of relevant physical evidence, including Exhibits 2A and 2B.

50 Such a document review, combined with independent testing of crime scene
51 evidence, is standard procedure in the field of forensic analysis. As such, I am
52 confident in my reported results to a reasonable degree of scientific certainty.

53 54 **Findings and Analysis**

55 56 **A. Blood Typing**

57 58 **1. Results:**

59 The protocols followed by the APD in determining blood type are in line with
60 the standards established by the Utopia State Crime Lab and FBI.

61
62 Following the same standard protocols, I obtained the same results regarding the
63 blood obtained from Parker's suit: blood labeled as the two "larger" blood spots
64 tested as type B-negative, and blood labeled as the two "smaller" blood spots tested
65 as type O-negative. I agree with Lee that those blood types match the deceased,
66 Jeremy Parker, and the defendant, Shay Jackson, respectively. I did not conduct a
67 blood type test from the blood samples found on Jackson's Tito's Tacos uniform
68 shirt since blood typing results do not identify a suspect with sufficient specificity.

69 70 **2. Analysis:**

71 With regard to the type O-negative blood, it is important to note that nearly
72 7% of the U.S. population – more than 23 million people – also has type O-negative

73 blood. Thus, while not ruling out that the blood samples came from Jackson, a
74 blood type test alone is in no way sufficient to identify the person from whom the
75 sample came.

76

77 **B. DNA Analysis**

78

79 **1. Results:**

80 I agree that an STR test focusing on the 20 core loci used in the CODIS database is
81 an appropriate test to use in analyzing the evidence obtained from the alley near
82 the casino and the items of clothing retrieved from Jackson's apartment. I retested
83 each sample and do not disagree with Lee's determination regarding the profile
84 match obtained for each.

85

86 However, I calculate the expected frequency of several of the sample genotypes to
87 be less certain than the probabilities claimed by Lee, as follows:

88

89 Samples obtained from Parker's suit:

- 90 a. Large blood spots: probability equal to 1 out of 3.2 trillion
- 91 b. Small blood spots: probability equal to 1 out of 4.7 billion
- 92 c. Skin cells: mixed sample; probability of fraction 1 (matching Parker)
93 equal to 1 out of 2.4 trillion; probability of fraction 2 (matching Jackson)
94 of 1 out of 1.8 billion. Note that a much larger proportion of the overall
95 skin cell sample came from fraction 1.

96

97 Samples obtained from clothing retrieved from Jackson's apartment:

- 98 a. Tito's Tacos uniform shirt: probability equal to 1 out of 1.2 trillion

99

100 **2. Analysis:**

101 As DNA technology has become more and more sensitive, the potential for DNA
102 testing results to be oversold or misunderstood increases, leading to miscarriages
103 of justice. The potential for inaccurate or oversold results is particularly likely when
104 tests are conducted by those without adequate training and experience, especially
105 when analyzing mixed samples. In my expert opinion, both of those concerns apply
106 in the testing conducted by Lee.

107

108 In addition, even when analyzed correctly, DNA is insufficient to conclusively
109 identify the perpetrator of a crime in most circumstances. DNA recovered from a
110 crime scene or a piece of physical evidence (such as an article of clothing or medical
111 equipment) could have been deposited at a time other than when the crime took

112 place, or could have been unknowingly transferred to the scene by a different
113 individual or by some other means.

114
115 In this case, both potential routes of contamination are possible. The sworn
116 testimony of Kieran O’Sullivan and Shay Jackson both indicate that Shay Jackson
117 was bleeding after the fight with the deceased, Jeremy Parker. In particular, both
118 individuals mention that Jackson leaned over Parker and was exuding blood from
119 Jackson’s nose after being punched in the face by Parker. Both also noted that
120 Jackson shoved Parker in the chest during their altercation. Thus, it is certainly
121 possible, and indeed even likely, that Shay’s blood and fingerprints were transferred
122 to Parker’s suit on December 28 during their altercation. We have no conclusive
123 proof to support a claim that this evidence was deposited during an altercation that
124 took place in the early morning of December 29 resulting in Parker’s death, although
125 it is not impossible.

126
127 With respect to Jackson’s blood and DNA that were recovered from under Parker’s
128 fingernails, the testimony of Gabi Garcia raises the possibility that Jackson’s DNA
129 was transferred from an improperly cleaned pulse oximeter on the ambulance that
130 transported both Jackson and Parker to Arcadia General Hospital. While Garcia
131 claims it is highly likely that proper cleaning procedures were followed, thus
132 preventing such secondary DNA transfer, Garcia was not actually present for those
133 cleaning procedures and cannot be certain that they took place.

134
135 Admittedly, it is unlikely that DNA would transfer from the inside of a pulse
136 oximeter, which typically comes in contact with the top and bottom surfaces of a
137 finger, to underneath a fingernail, as physical contact between the contaminated
138 equipment and the body part in question must occur for DNA transfer to take place.
139 Furthermore, since a pulse ox would only have been applied to one of Parker’s
140 fingers, a contaminated pulse ox could not explain DNA found under multiple
141 fingernails. Lee’s report does not specify the number of Parker’s fingernails under
142 which such DNA was found.

143 .
144 **Conclusions**

145
146 While I agree with Lee’s findings as to the identity of the persons most likely to be
147 the source of the blood and DNA samples retrieved from the scene and from items
148 in Jackson’s apartment, I do not conclude that the evidence proves Lee’s theory that
149 Jackson attacked and killed Parker. While I agree it is possible the two were involved
150 in a second altercation, the circumstantial nature of DNA evidence and the fact that

151 the two engaged in a fight the previous day makes it impossible to conclude with
152 any certainty that the DNA wasn't simply left over from their first altercation.

153

154 **Oath**

155

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

Max Nouali, PhD
SIGNATURE
Karen Shurling
Karen Shurling
Notary Public



Date: July 15, 2019

| ARCADIA POLICE DEPARTMENT RECORDS | | | |
|---|--------------------------------|---------------------------|--|
| Arrest Report | | | |
| Eldorado County | | Case #: 19CR080931 | |
| Arrestee's Name: (Last, first, middle) | SS# | D.O.B | |
| Jackson Shay D. | xxx-xx-3223 | 03/18/1999 | |
| Charges: | Booking Number: | Defendant status: | |
| First Degree Murder | 030892518 | Adult | |
| Crime Occurred: | Date | Time: | Location: |
| | 12/29/2018 | Approx. | Paradise Casino (alley outside) |
| | Saturday | 0245 hrs | 1 Peponi Way Arcadia, Utopia, 40420 |
| Circumstances of Arrest | | | |
| Arresting Officer: | Asst. Division Chief Emory Lee | | |
| Victim: | Jeremy Parker | | |
| Report of Arresting officer: | | | |
| <p>On Dec. 29, 2018, I was called to the Paradise Casino by first responder Ofc. Ellie Wilson after a man was found unconscious in an alley near one of the casino exits. EMT personnel were already on the scene when I arrived and they left almost immediately to transport the victim, Jeremy Parker, to Arcadia General Hospital.</p> <p>Ofc. Wilson interviewed a number of people at the scene (see Addendum for Wilson's interview summaries).</p> <p>I interviewed casino manager Paul Griffin, who initially denied any knowledge of someone who might wish to harm Parker. When pressed, Griffin reported that Parker had gotten in a physical altercation less than 24 hours prior with an employee at the casino food court, Shay Jackson. Jackson reportedly was heard to threaten Parker and was fired and banned from returning to the casino. Griffin suggested I speak further with bartender Kieran O'Sullivan, who had witnessed the event and who was currently on duty.</p> <p>O'Sullivan confirmed that Jackson and Parker had gotten into a fight the previous night. O'Sullivan also reported seeing someone who looked like Jackson walking through the casino toward the exit door leading to the alley where Parker was found only a few minutes prior to the time Parker left. Griffin provided me with Jackson's address, and I obtained a search warrant and arrest warrant for Jackson.</p> | | | |

| | |
|-----------------------------------|---------------------|
| Arresting Officer: | Approved By: |
| <i>Asst. Div. Chief Emory Lee</i> | J. Rosier |
| Asst. Div. Chief Emory Lee | Chief Jadyn Rosier |

EXHIBIT 1.A

At 0630 I arrived at Jackson's apartment and knocked, announcing myself as a police officer. Jackson was slow to respond, and I was preparing to forcibly enter, when Jackson opened the door. I identified myself and indicated that I wanted to ask Jackson a few questions. Jackson immediately indicated that Jackson had nothing to say and asked to speak to a lawyer. Jackson was placed under arrest and transported to the station for booking.

Forensic evidence (collected during a search of Jackson's apartment):

- \$700 in cash found in Jackson's sock drawer
- Tito's Tacos uniform shirt with spots that appear to be dried blood

Forensic evidence (collected from the victim's personal effects at AGH):

- Brown checkered suit blazer with brown spots that appear to be dried blood.

| | |
|---|---|
| Arresting Officer: Asst. Div. Chief Emory Lee Asst. Div. Chief Emory Lee | Approved By: J. Rosier Chief Jady Rosier |
|---|---|

Report Addendum: Witness Interviews

Recorded by Officer Ellie Wilson

Ben Stebbins: 3:25am, 12/29/18 at the Paradise Casino

At approximately 0250, Stebbins reports he was walking past the alley next to the Paradise Casino on the way to his car when he noticed a large object on the ground in the middle of the alley. He stopped for a moment and heard groaning, so he cautiously approached and realized that the object was a person who was bleeding and unconscious. Stebbins dialed 911 and followed the instructions of the operator to stay beside the person until emergency personnel arrived. Stebbins did not touch or move the person and did not see anyone else in the alley or its vicinity prior to approaching the alley.

Sarah Felder: 3:37am, 12/29/18 at the Paradise Casino

Felder reported that she had playing the slot machine near the exit door to the alley since approximately 0100. She said she had not stepped away from the table at any point between 0100 and 0330. Felder reported that many customers and a few food court staff went in and out of the alley door between 0100 and 0330. She did not notice anyone or anything unusual during that time period.

Hettie Alvarez: 3:54am, 12/29/18 at the Paradise Casino

Alvarez was playing poker in the Texas Hold'em tournament at the same table as the victim, Jeremy Parker. Alvarez described herself as an "excellent poker player" but noted that she had lost all of her chips by 0200, at which time she moved to the slot machines. Alvarez noted that from her observations, Parker was having a "good night" and "couldn't seem to lose." She said she did not notice anyone acting in an unusual manner or paying unusual attention to Parker.

Arresting Officer:

Asst. Div. Chief Emory Lee

Asst. Div. Chief Emory Lee

Approved By:

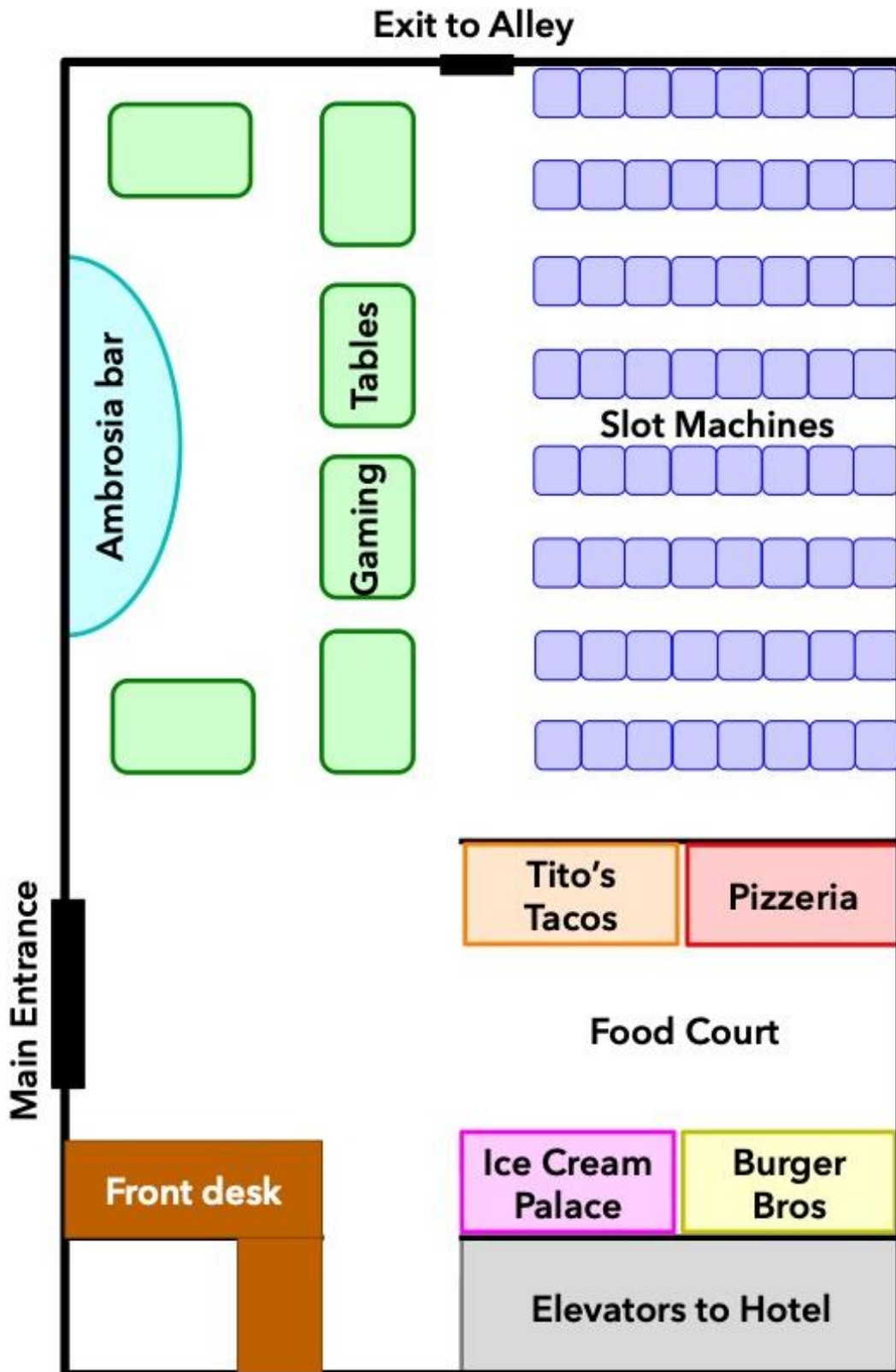
J. Rosier

Chief Jadyn Rosier





Map of Paradise Hotel & Casino – Floor 1



Pulse Oximeter



PARADISE CASINO
EMPLOYEE MANUAL*
Revised 10/10/16

101. Conditions of Employment

- A.** Applicants must pass a drug screening test and National Sex Offender background check in order to be considered for employment.
- i. Employees may be required to undergo drug testing at any time without prior notice.
 - ii. Employees failing a drug test will be given one opportunity to retest; a second failed test will result in immediate dismissal.
- B.** All Employees serve at-will, and either the employee or the Casino may terminate the relationship at any time without prior notice.
- C.** All Employees are expected to comply fully with the Paradise Casino Employee Manual and Dress Code. Failure to do so may result in a verbal warning, written warning, or immediate termination, depending upon the nature and seriousness of the infraction.

502. Performance Review

- A.** The work of each Employee is reviewed on an ongoing basis. The supervisor shall provide oral and/or written feedback on employee performance on a quarterly basis.
- B.** A full performance review shall take place annually, during which time the Supervisor and Employee shall review the past year, exchange ideas to strengthen the working relationship and Employee's performance, and set goals for the coming year. Honest and open communication from both parties is a vital part of this process.

600. Separation

- A.** Either Paradise Casino or the Employee may initiate separation. Paradise Casino encourages Employees to provide at least two weeks (10 days) written notice prior to intended separation. After receiving such notice, an exit interview will be scheduled by the Supervisor or designee.
- B.** Employees at Paradise Casino work "at-will," which means that Employees may be discharged with or without cause. Reasons for discharge include, but are not limited to, the following:
- i. Falsifying or withholding information on your employment application that did or would have affected the Casino's decision to hire you (this conduct will result in immediate dismissal);
 - ii. Unacceptable work performance or the failure to perform assigned duties;
 - iii. Insubordination or engaging in discriminatory or abusive behavior, including verbal, physical, or sexual harassment, toward customers, staff or any other person on the Casino premises.

700. Post-Termination

- A.** In the event of separation from employment, Employees must return all Paradise Casino property in their possession or control, including but not limited to uniforms, ID badges, keys, or security passes within seven days of separation. Final paychecks will be mailed to Employees after receipt of all Casino property and/or deduction of the cost for missing property from the final paycheck.
- B.** In the event of termination due to abusive behavior, the terminated Employee is banned from returning to the premises under any circumstances, whether as a customer or to return property belonging to the Casino. In that instance, the Employee shall ship said property to the Casino at the Employee's expense within seven days of termination. Final paychecks will be mailed to Employees after receipt of all Casino property and/or deduction of the cost for missing property from the final paycheck.

* (Relevant excerpts only)

ELDORADO ANIMAL HOSPITAL
1213 Sir Walter Raleigh Rd.
Arcadia, Utopia 40418

Shay Jackson
 Tigris Towers Apts. # 3H
 7 Euphrates Way
 Arcadia, Utopia 40419

Client ID: 26533
 Invoice #: 531896
 Date: 11/21/2018

| | | |
|---------------------|-----------------|----------------|
| Patient ID: 34255 | Species: Canine | Weight: 18 lb. |
| Patient name: Ariel | Breed: Mixed | DOB: June 2018 |
| | | Sex: Fem |

| <u>Date</u> | <u>Description</u> | <u>Staff Name</u> | <u>Quantity</u> | <u>Total</u> |
|-------------|----------------------------------|-------------------|-----------------|----------------------|
| 11/18/18 | DOCTOR EXAM | Dr. Grace Ertz | 1.00 | \$110.00 |
| | PARVO TEST – IDEXX | | 1.00 | \$ 80.59 |
| | GEN. HEALTH PROFILE-CBC-LYTES | | 1.00 | \$178.45 |
| | Metronidazole 50 mg Tiny Tabs | | 30.00 | \$ 37.72 |
| | IV BAG VITAMIN B COMPLEX PER ML | | 1.00 | \$ 14.00 |
| | IV BAG VITAMIN B12 PER ML | | 1.00 | \$ 9.00 |
| | IV DEXTROSE PER ML | | 100.00 | \$ 29.00 |
| | FECAL – INTESTINAL PARASITE EXAM | | 1.00 | \$ 31.22 |
| | IV FLUID SETUP | | 1.00 | \$ 5.00 |
| | FLUIDS INTRAVENOUS | | 2.00 | \$164.78 |
| | CATHETERIZATION-IV | | 1.00 | \$ 44.51 |
| | IV CATHETER | | 1.00 | \$ 8.67 |
| | IV SOLUTION SET | | 1.00 | \$ 9.44 |
| | CERENIA INJECTION | | 1.00 | \$ 63.28 |
| | HOSPITALIZATION/ISOLATION | | 1.00 | \$ 99.00 |
| 11/19/18 | EXAM-BY DOCTOR | | 1.00 | \$ 85.00 |
| | Strongid-T | | 1.00 | \$ 9.65 |
| | ID canine can 12.5oz w/lamb | | 1.00 | \$ 3.00 |
| | HOSPITALIZATION/ISOLATION | | 1.00 | \$ 99.00 |
| 11/20/18 | EXAM-BY DOCTOR | | 1.00 | \$ 85.00 |
| | BOARDING (8 HRS) | | 1.00 | \$ 35.56 |
| | ID canine can 12.5oz w/lamb | | 1.00 | \$ 3.00 |
| | Patient Subtotal: | | | \$1,204.87 |
| | | | | Tax: \$ 93.38 |
| | | | TOTAL: | \$1,298.25 |

Instructions

Ariel’s immune system will remain weak for several months, and she will be susceptible to other illnesses. She is also a contagion risk to other dogs for at least two months. Ariel should remain isolated from other dogs for a minimum of three months. To aid in recovery, you should provide her with a high-quality, easily digestible diet such as canned food with lamb and rice.

Machine-wash all objects Ariel uses in hot water or use a concentrated bleach solution.

Thank you for allowing us to care for you and your pet.

ARCADIA GENERAL HOSPITAL
EMERGENCY ROOM REPORT

PATIENT: SHAY JACKSON PT. #: 05792614 BIRTHDATE: 03/18/99
ARRIVAL: 1116 DATE: 12/28/2018 TREATING PHYSICIAN: DR. NICKY CHINTAL

VITAL SIGNS:

TEMPERATURE: 98.6 PULSE: 65 RESPIRATIONS/MIN: 15 BP: 110/80 SO2: 98%

INITIAL PATIENT PRESENTATION

Pt arrived by ambulance; bleeding from 2-cm gash on back of head; dried blood in nose; complains of headache, dizziness, nausea; appears confused and unsure of surroundings at times

PATIENT HX

Pt reports getting in a fight, striking head on corner of gaming table at Paradise Casino at approx. 0200 when lost balance after punch to the face; pt. went to bed upon arriving home, pt. awoke at approx. 1015, noticed head wound was bleeding; pt. experienced severe headache, dizziness; called 911, EMT arrived on scene 1035, transported pt. to ambulance 1045 and drove to AGH (*per report by EMT Gabi Garcia*)

TREATMENT SUMMARY

| | |
|---|------------|
| Pulse oximeter to test oxygen level: Result: 98% | (1104 hrs) |
| Wound on back of head cleaned by nurse, temporary bandage applied | (1117 hrs) |
| Ice packs provided; pt. instructed to keep packs on head wound while awaiting physician | (1138 hrs) |
| Blood drawn for CBC panel | (1212 hrs) |
| Blood lab test results available (below) | (1405 hrs) |
| Exam by physician; wound cleaned, staples applied to seal wound | (1725 hrs) |
| Conducted exam for possible concussion; results were positive | (1755 hrs) |
| Suggested pt. remain overnight for observation, pt. refused | (1810 hrs) |
| Pt. given discharge instructions re concussion mgmt., wound care | (1815 hrs) |
| Pt. discharged w/instructions to f/up with primary care physician | (1855 hrs) |

LAB VALUES

* Indicates a value outside of the "Normal Range"

| TEST | VALUE | NORMAL RANGE |
|------------------------|-------|----------------------|
| WHITE BLOOD CELL COUNT | 8.6 | 3.8-10.8 Thousand/uL |
| RED BLOOD CELL COUNT | 4.82 | 3.80-5.10 Million/uL |
| HEMOGLOBIN | 13.4 | 11.7-15.5 g/dL |
| HEMATOCRIT | 32 | 30% - 40% |
| BUN SERUM | 13 | 5-18 mg/dL |
| CREATININE | 0.78 | 0.50-1.10 mg/dL |
| SERUM LACTATE | 2.4 | <2.5 mmol/L |
| GLUCOSE (FASTING) | 70 * | 80-120 mg/dL |
| INSULIN | 12.4 | 2.6-24.9 mcIU/mL |

Signed: Nicky Chintal MD, Attending physician Signed: Logan Krishna, MD, Lab Director

**OFFICE OF THE MEDICAL EXAMINER
DISTRICT OF ARCADIA
1254 Northside Way
Arcadia, Utopia 34029**

NAME: Jeremy Parker

CASE NUMBER: 19-CRM-0805

TIME OF DEATH: 0318 hrs, 12/29/18 **AGE:** 45 **SEX:** M **RACE:** W

DATE OF AUTOPSY: 0945 hrs, 01/14/19

AUTOPSY FINDINGS:

1. Face and head
 - a. 4 abrasions consistent with blunt force trauma on the face
 - b. Associated skull fracture as well as abrasions, contusions, and hemorrhage
 - c. Abrasion and swelling on the back of the head consistent with a fall
 - d. Bruising on the neck consistent with being choked or strangled
2. Right chest area
 - a. Contusions, 1.9 x 6 centimeter area, upper right breast
3. Left chest area
 - a. Oblique, non-displaced fracture to the right clavicle, with corresponding abrasions and contusions, consistent with blunt force trauma
 - b. Oblique fracture in ribs 5 and 6
 - c. Contusions, 2 x 8 centimeter area, left ribcage
4. Hands and Wrists
 - a. Defensive wounds; contusions
5. Abdominal area
 - a. Large contusions on the left stomach area
 - b. Liver damage resulting in internal bleeding

CAUSE OF DEATH: Cardiac arrest; blunt force trauma; internal bleeding

MANNER OF DEATH: Homicide

B. D. Wan

B.D. Wan
Associate Medical Examiner

Date signed: January 18, 2019