

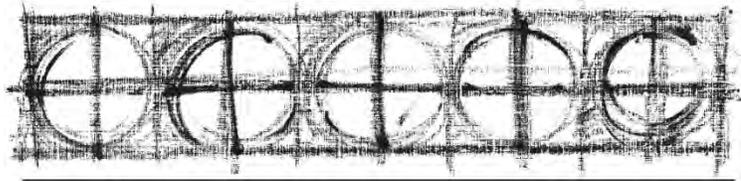
2019
IDAHO HIGH SCHOOL
MOCK TRIAL CASE

State of Idaho
vs.
Carolyn Armistad



This case and the 2019 Idaho Mock Trial season are dedicated to the memory of Michael J. Fica, who was instrumental in making Idaho Mock Trial the great program that it is. We will miss him, but look forward to continuing to build a mock trial program that honors his legacy.

IDAHO LAW FOUNDATION



Helping the profession serve the public

15 November 2018

Dear Mock Trial Teams:

Welcome to the *2019 Idaho High School Mock Trial* season! All of us with the Law Related Education Program look forward to working with you throughout the season.

The Mock Trial Case Committee is excited to provide you the opportunity to try this criminal case and its allegation of first degree murder. Our hope is that this case will give you the chance to grapple with some legal issues while getting to know some interesting characters and exploring some evidentiary materials.

Case materials were developed by the 2019 Idaho Mock Trial Committee including Rob Adelson, Brenda Bauges, Greg Dickison, and Dan Wong. Materials were reviewed by committee members as well as Hon. Jessica Lorello and Tracy Oneale. Thank you to everyone for their hard work, dedication, and invaluable assistance.

Mock trial could not operate without the generous contributions of our donors and volunteers. The Idaho Law Foundation's Law Related Education Program would like to thank the many individuals and organizations who provide ongoing support for our program.

As you participate in the mock trial season, please remember the many people who make this competition possible. Teacher sponsors and attorney coaches will likely spend countless hours preparing you for competition. You will also meet judges, coordinators, and staff members who gladly give their time to support the mock trial program. Make sure you thank all these people for their commitment to making the mock trial program a wonderful experience for you.

Please feel free to contact me at (208) 334-4500 or cshoufler@isb.idaho.gov with any questions or concerns at any time throughout the season. Best of luck to you and your team as you prepare for the 2019 mock trial season.

Cheers!

Carey Ann Shoufler
Law Related Education Director

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CASE BACKGROUND

On the evening of September 1, 2018 34 year old Timothy Eagan went to dinner with several of his colleagues at the Wicked Spud Restaurant in Hailey, Idaho. Timothy was originally from Orange County, California, a graduate of Pepperdine University, and Founder and President of Flying B Development, a real estate company he started in 2014.

The next morning, Timothy Eagan was found dead from a gunshot wound at the site of one of his real estate developments. Carolyn Armistad, 28, of Bellevue, Idaho is an employee of Flying B Development. After two months of investigation she was charged with First Degree Murder in Timothy Eagan's death. Carolyn maintains her innocence.

DISCLAIMER

This is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are (mostly) the product of the authors' very vivid imaginations.

VERSION CHANGES & CLARIFICATIONS

Version 1.0

Version 1.0, dated 15 November, 2018 does not include any changes.

Final Version

The final version of the case, dated February 2019, addresses the following questions and answers submitted by teams.

Q: Are the captions correct on Exhibit 6?

A: The captions are incorrect on Exhibit 6. The words "left" and "right" should be switched. The second paragraph on Exhibit 6 should read as follows: "The photo on the right captioned "No Match" shows one projectile fired from Carolyn Armistad's Glock 26 (on the right half of the circle) and one projectile recovered from the body of Timothy Eagan (on the left half of the circle).

Q: Can you broaden Stipulation 4 to cover Smythe's vitae?

A: Yes. Stipulation 4 will be amended as follows: "The affidavit and CV of James Smythe may be admitted by either party, and will not be subject to a hearsay objection."

Q: Will you provide a scale for Exhibit 4 to allow witnesses to associate Mendoza's affidavit with the exhibit without inviting an unfair extrapolation objection?

A: No changes will be made to Exhibit 4.

Q: Can you clarify Mendoza's statement, lines 224 to 226. As currently written, the second sentence alludes to the first sentence where Mendoza says, "before and after that..." – before and after WHAT, exactly? And what is the relationship between "the construction site" in the first sentence, and "the area of both lots" in the second? Surely Mendoza would know his own opinion on times and locations, yet this grammatical construction leaves us unable to decipher what Mendoza's opinion actually is.

A: No changes or clarifications are necessary.

Q: Jury Instruction 10 mentions identifying Carolyn Armistad as the person who had contact with Eagan at the construction site. How are witnesses supposed to identify Carolyn in the courtroom, without a physical representation her present?

A: Technically, it's not necessary for any witness to identify the defendant to the jury. However, to avoid confusion, we added the following sentence to Stipulation 3: "It will not be necessary for witnesses to identify the defendant to the jury."

STIPULATIONS

1. Timothy Eagan died from injuries caused by a single gunshot wound to the chest.
2. Carolyn Armistad has pled not guilty to the charge of murder.

3. In a real trial, the defendant would sit at their counsel's table. However, in this mock trial the defendant has chosen not to testify and will not have a role in the case. Therefore, teams may not have a student at counsel table portraying the defendant. It will not be necessary for witnesses to identify the defendant to the jury.
4. The affidavit and CV of James Smythe may be admitted by either party, and will not be subject to a hearsay objection.
5. All exhibits included in the case materials are authentic and accurate representations of the items they depict, and their proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection except as to their authenticity.
6. The signatures and signature representations (items marked with /s/) on the witness statements and all other documents, including exhibits, are authentic. No challenges based on the authenticity of a witnesses' signed document will be considered. Each witness was given an opportunity to update or amend his/her statement shortly before trial, and no changes were made.
7. The dates of witness statements are not relevant and are not included. No challenges based on the dates of the witness statements will be considered. All statements were taken after the alleged incidents but before trial.
8. The jurisdiction and venue are proper.
9. All parties have agreed to the jury instructions.
10. Each witness can be portrayed by a student of either gender. Any instances where a witness is referred to as only "him" or "her" or only "he" or "she" is inadvertent.
11. It is anticipated that the trial time will not permit the use of all the exhibits provided in the following materials. Each party should select and use only those exhibits that best support and illustrate that party's theory of the case.

COMPLAINT

Jem Trotter
Blaine County Prosecuting Attorney
501 North Maple Street, Suite 302
Hailey, ID 83333

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)	
)	Case No. IDMT2019
)	
Plaintiff)	
vs.)	
)	COMPLAINT
CAROLYN ARMISTAD,)	
)	
)	
Defendant)	

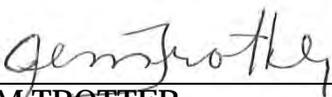
COMES NOW Jem Trotter, prosecuting attorney in and for the County of Blaine, by and on behalf of the State of Idaho, and complains and alleges that the Defendant, Carolyn Armistad, did commit the crime of MURDER IN THE FIRST DEGREE in violation of Idaho Code Sections 18-4001, 4003(a), a felony, as follows:

COUNT I

That the Defendant, Carolyn Armistad, on or about September 1, 2018 did wrongfully and unlawfully kill Timothy Eagan, willfully, deliberately, and with premeditation, to wit: the Defendant did shoot Timothy Eagan with a 9mm handgun, and thereby caused his death, which was done without justification or excuse, and with malice aforethought, while within the County of Blaine, State of Idaho, in violation of Idaho Code Section(s) 18-4001 and 18-4003(a).

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Idaho.

DATED this 15th day of November, 2018



JEM TROTTER
Blaine County Prosecuting Attorney

WITNESS STATEMENTS

Prosecution Witness Statements

Blaine Mendoza

1 My name is Blaine Mendoza. I'm 46 years old and I live in Boise, Idaho. I suppose
2 I'm a typical computer geek. When I was 10 years old my parents bought me a
3 Commodore 64 the Christmas it first came out. I was hooked. I've been a hacker ever
4 since. An ethical hacker, of course. Strictly white hat. When I break into a computer
5 network it's strictly in order to test and evaluate its security with the intent to make it
6 better, rather than with malicious or criminal intent. The intent makes all the
7 difference in the world. I graduated from Stanford in 1994 with a computer science
8 degree. I interned with Apple every summer, and worked there for a short time after
9 college, but it just didn't hold my attention. I liked to hack, and a lot of companies
10 were willing to pay a lot of money for someone with that skill.

11 Of course, I did have to get past that misunderstanding with the Air Force. I
12 hacked into their personnel system and showed them how easy it was and what I
13 found. Then I offered to let them hire me to fix it. My idea was that it would be a
14 great way to get a job, but the government saw it differently. I was arrested and
15 charged with a federal felony computer hacking crime. Of course, they couldn't
16 prosecute me. Like I said, intent is everything, even though the government said that
17 under the statute I was charged with violating, that intent wasn't an element of the
18 offense. In the end we worked it out amicably. I was given a deferred prosecution if I
19 agreed to fix the Air Force system for free. I was a bit put out by that, but I didn't
20 have much choice. Besides, it would still look good on my resume. The Air Force got
21 a more secure personnel system, and I got all the charges dismissed. They have since
22 hired me for pay on various projects. Oh, and Apple did fire me.

23 The whole thing really turned out to be a golden opportunity. I earned a
24 certification as a Licensed Penetration Tester from the International Council of E-
25 Commerce Consultants, also known as the EC-Council. I started freelancing as a
26 security expert. Companies would hire me to penetrate, or break into, their systems,
27 and then tell them how to make their security better.

28 When mobile smartphones took off, that opened up an entire new opportunity. I
29 added forensic analysis to my skill set. Forensic analysis is basically the practice of
30 extracting evidence from electronic devices to investigate security breaches or
31 criminal activity. To make sure I had the chops, I earned a Computer Hacking
32 Forensic Investigator certification from the EC-Council, and now I consult as an
33 expert witness with both private enterprise and law enforcement agencies. All the big
34 law enforcement agencies have a budget for a full time analyst and the necessary
35 equipment, which can be quite expensive, so I work for the smaller agencies that
36 can't afford to keep someone on staff. I have provided training to law enforcement,
37 community college students, and attorneys. I have taught some of the certification
38 courses for the EC-Council certification programs, as well as contributed white
39 papers and articles to the EC-Council. I get paid \$150 per hour. I charge for the work
40 on the device, plus any time spent testifying. In criminal cases, I work strictly for the
41 prosecution. I just don't want to deal with criminals. I'd rather put them in jail than
42 help them go free. I have a 93% success rate in convictions. A good portion of the
43 other 7% is due to prosecutorial incompetence. I'm good at what I do. I've testified in
44 approximately 75 cases. This is the first time I've testified in Blaine County. My
45 understanding is that the prosecutor called me because s/he had heard of my
46 reputation. I don't advertise. I don't need to. I always get my man, and nothing
47 generates business like a solid reputation.

48 Digital devices like cell phones keep track of everything, and when they are
49 connected to a network all that information is tracked and stored on servers. That
50 network can be wired or wireless, cellular or internet. Anything and everything you
51 do is tracked. Most people are amazed at how little privacy they actually have. They
52 think that using their browser in incognito mode will hide them, but nothing could
53 be further from the truth. VPNs, or virtual private networks, are better, but you have
54 to know how to use them to make them an effective security screen. As soon as you
55 enter any personal information, even an email address, your cover is blown. That's
56 how the Silk Road guy got caught. He just wasn't careful enough.

57 To prepare for this case I asked the defendant, Carolyn Armistad, to speak with
58 me, and asked her to voluntarily give me her phone, but she refused. Her lawyer was

59 pretty mad about that. S/he thought I should have gone through him/her. Whatever.
60 Another slimy defense lawyer trying to put some scumbag back on the street.

61 Anyway, since Armistad wouldn't talk to me, Officer Wilson had to get a search
62 warrant for Armistad's phone, which gave him/her the right to search Armistad's
63 home to find the phone. Rather than let Wilson search her house, Armistad gave the
64 phone to Wilson. Officer Wilson also gave me the phone found on Eagan's body at
65 the scene. Officer Wilson used a subpoena to obtain Armistad's and Eagan's cell
66 phone records from their providers, and cell tower records from the towers in the
67 area. I examined both cell phones, reviewed all the records, and visited the scene of
68 the crime where the murder occurred.

69 According to Officer Wilson's report, Timothy Eagan's body was found in the
70 new Silver Hills development in the Hangman Gulch area in Hailey, Idaho. The body
71 had obviously been removed by the time I visited the scene. However, Officer Wilson
72 told me that everything else was just as it had been at the time of the murder,
73 although construction activity had obviously continued and I'm sure some things
74 had been moved around.

75 Officer Wilson sent Armistad's phone to me via overnight courier. Unfortunately,
76 Officer Wilson was not well versed in the preservation of electronic evidence. The
77 phone was in a regular bubble wrap-lined mailing envelope, but turned on and not in
78 airplane mode or in a Faraday bag. A Faraday bag acts as an electronic isolation
79 chamber. Turning a phone off or to airplane mode, as well as putting it in a Faraday
80 bag, insure that the phone cannot send or receive signals, update software, or reset
81 itself. Any of those things can add or delete valuable data.

82 The first thing I did was to install write-blocking software so that I could view the
83 data on the phone, but nothing could be changed or added. I then used HackerBuddy
84 iOS Forensic software, which is forensic data extraction software that allows me to
85 access the data even if the phone is locked and I don't know the passcode. It's
86 important to use the latest version, or almost the latest. HackerBuddy came out with
87 a major upgrade two days before I conducted my examination. I never upgrade right
88 away, though, since there are always bugs that have to be worked out of any major

89 release. I always wait for the first few bug fixes before I upgrade. Anyway, the tool is
90 usually still just as good.

91 I examined Armistad's cell phone, starting with the easy stuff - texts, emails,
92 phone calls, and voicemails that could easily be accessed on the device. I found a text
93 message exchange between Armistad and "Val" in which Amistad expresses a desire
94 to kill Eagan. A printout of that conversation is included in the exhibits. I did a
95 phone number trace, and I was able to confirm that the "Val" named as the contact
96 was Val Warren. The time at the top of the phone is the time I examined it, not the
97 time the messages were sent. None of the other text messages revealed anything of
98 interest. There was an unanswered call from Tim Eagan made at 6:20 p.m. on
99 September 1st. Eagan did not leave a message.

100 I did find photos of the construction site on Armistad's phone. The phone had
101 location services turned on for the camera, which means it used satellite GPS to
102 make a note of where the phone was when the picture was taken. The metadata on
103 the photos indicated that they were taken on September 1, 2018 at 8:05 p.m., which
104 was shortly before the time that Eagan was murdered. The time was well after
105 Armistad arrived at the cul de sac, indicating she was there for far longer than
106 necessary to take these amateurish photos. The photos were taken in quick
107 succession, and all from the same location, as if Armistad was just trying to take
108 pictures to show what she was doing there. As you can see, the photos are low quality
109 and do not show the full extent of the project.

110 Armistad's phone had complete location data going back for quite some time. It
111 looked like Armistad made no attempt to delete anything. I was only interested in
112 location data on the evening of September 1st, so that was the focus of my
113 investigation.

114 I examined the geolocation data on Armistad's phone. There are a couple of ways
115 to determine where a phone was at a given time. One is by using the phone's GPS
116 feature, sometimes called "location services." On an iPhone you can turn that on or
117 off selectively. For example, you can turn it on for all apps, or only for some apps.
118 You can set whether an app can use GPS all the time, or only when the app is being

119 used. Armistad had location services turned on only when certain apps, such as the
120 camera, were in use.

121 When location services, or GPS satellite location, is turned off I have to use
122 another method to determine the phone's location. In this case I used cell tower
123 triangulation to determine the location of Armistad's phone. I'll explain what that is:
124 In order to send or receive calls or any other data, the system needs to know where
125 your phone is. Your phone is constantly pinging, or contacting, the cellular system
126 through the nearest cell tower. If you get a phone call, the system will use that tower
127 to send the call to your phone. If more than one tower is in range, I can locate your
128 phone by measuring the time it takes a signal to travel between the towers and your
129 phone. From there I can use high school trigonometry to find your location. Cell
130 tower triangulation is not as accurate as GPS, which relies on satellites that can
131 locate you within a few feet, but it can still provide an acceptable picture of where
132 someone was at a particular time.

133 A third way to determine a phone's location is through the phone's Wi-Fi signal.
134 This works even if the phone doesn't have the password to connect to the router the
135 signal is coming from. Go to your phone's settings and look at the available Wi-Fi
136 networks. You may not have the passcode to any of them, but the fact that your
137 phone can see them means a signal is being exchanged between the router and your
138 phone. I can triangulate your location by using the signal strength and signal travel
139 time.

140 Armistad had Wi-Fi turned on, which meant that I could use the Wi-Fi signal in
141 conjunction with cell tower triangulation to increase the location accuracy. You can
142 try that yourself to see how it works. If you turn Wi-Fi off and then open your map
143 app, the app will sometimes tell you that it needs you to turn the Wi-Fi on in order to
144 be accurate. When you turn Wi-Fi back on, the map will work, even if you are not
145 connected to the internet. When I visited the scene there were only two weak Wi-Fi
146 signals, as this is a new development and the occupied homes are some distance
147 from the crime scene.

148 We know from witnesses that Armistad was at the Wicked Spud restaurant at
149 5:30 p.m. According to her phone's location data she was at the restaurant until 7:20
150 p.m. We know that Armistad sent a text message at 7:44 p.m. saying she was going to
151 the construction site. We know that Armistad sent another text message at 8:15 p.m.
152 saying that she was "on her way" from the construction site.

153 I visited the site and conducted signal strength tests. This is not the same as
154 looking at the number of bars or dots on the phone, which is completely subjective
155 and varies from carrier to carrier. Real signal strength is measured in decibels, or
156 dBm. It's a negative number, generally in a range of -50 dBm to -120 dBm. The
157 closer the number is to zero the stronger the signal. Unfortunately my professional
158 grade signal strength meter was on the fritz at the time I did this investigation, so I
159 had to measure the signal with Armistad's phone. Armistad's phone had a signal
160 strength of -80 dBm - 100 dBm throughout the development. The greater the signal
161 strength, the greater the accuracy of the location data. It would have been nice to
162 have a range closer to -50 dBm, but I had to go with what I got. Also, environmental
163 conditions such as weather, or whether the sun was up, will affect signal strength.
164 Unfortunately I was unable to replicate the exact conditions that existed on
165 September 1.

166 Armistad's phone is an iPhone 6 with iOS version 11.0, which was released in
167 September 2017. The path shows that Armistad was at the restaurant, then left the
168 restaurant at 7:20 p.m. and went to the real estate office, arriving at 7:23 p.m. The
169 accuracy isn't enough that I can trace her movements within the office, but it's likely
170 she was trying to access Eagan's safe or retrieve her gun, or both.

171 Armistad left the office at 7:40 p.m. The path Armistad travelled once she arrived
172 at the development is marked in red. Armistad parked her car at the spot marked
173 with a "1". She then walked up toward the house and took pictures from the location
174 marked "2". She then walked back toward the road, but instead of going directly to
175 her car she went to the spot marked "3". Before she left she travelled generally
176 around the area marked "4". The signal then shows that Armistad moved back to her
177 vehicle, and left. The path and time indicate Armistad went directly from the

178 development to Val Warren's home. She was there for approximately one hour, then
179 she returned to her home.

180 One thing you will notice is that the path is more of a swath than a fine line.
181 Geolocation by cell tower triangulation always has a margin of error. I was able to
182 determine that the data on Armistad's phone has a margin of error of +/- 25-75
183 meters, depending on her location. That's about 82-246 feet, or 27-82 yards. It's not
184 possible to trace an exact path. However, given the movement we can trace, and the
185 times and places we can pinpoint with GPS, we can get a picture of what happened. I
186 included the applicable margin of error in the path, which is why it is wider at some
187 points and narrower at others.

188 Eagan's phone was found on his body. Eagan used an iPhone X with iOS version
189 11.4.1, which was the most recent version at the time. Location services, GPS, and
190 Wi-Fi were activated. That means the location data I have for Eagan is very accurate.
191 You can see that the path on the map I've drawn for Eagan is a much finer line than
192 what I could draw for Armistad. The location services indicated Eagan arrived at the
193 cul de sac at 7:30 p.m. and followed the path indicated on the map in blue. He
194 parked at the end of the cul de sac, at the spot marked "A". Eagan then moved along
195 the path indicated until he ended up at the spot marked "B". That is where Eagan's
196 body was located. Eagan's path ended there at 8:10 p.m., which means we can very
197 accurately determine the time of death. It's important to note that Armistad was still
198 at the scene and in the area where Eagan's body was found.

199 I also found a text message on Eagan's phone from earlier on September 1st. I've
200 also included a printout of that message as an exhibit. The other party is shown as
201 "Unknown." A number trace revealed that the call came from a "burner" phone. A
202 burner phone is one that is purchased at a retailer like Wal-Mart or Walgreen's, often
203 for cash, and doesn't have a contract attached to it. You typically pay as you go on
204 such phones by buying minutes as you need them. You don't have to identify yourself
205 to set up the phone, so they can be used anonymously. People sometimes use a
206 burner phone for a limited time or a limited purpose, such as being able to sell
207 products online without using a personal number, or to cover criminal activity.

208 In this case the caller ID was blocked, so I couldn't get the number from Eagan's
209 phone. Since I knew the time the message was sent I was able to locate cell tower
210 information that included the unique ID of the phone. I called the number associated
211 with that ID but it was inactive. I traced the ID to the retail store where the phone
212 was purchased. As I suspected, the phone was purchased for cash. There was no
213 video surveillance, so I could not get a photo of the person who purchased the phone.

214 All I can say is that Eagan received a text message from someone he apparently
215 knew, but who wanted to remain anonymous to anyone looking into the source of the
216 message.

217 Eagan had no photos on his phone that were taken on September 1st.

218 First, Armistad arrived at the scene after Eagan. It would have been impossible
219 for Armistad not to have seen Eagan's car and know that Eagan was there.
220 Armistad's text message to Val Warren confirms that she did, in fact, know that
221 Eagan was in the area. The area is also fairly flat, so most of both lots is visible from
222 the road, meaning that it would have been almost impossible for Armistad not to see
223 Eagan or for Eagan not to see Armistad.

224 Second, we know that Armistad was at the construction site between 8:00 p.m.
225 and 8:15 p.m. However, before and after that Armistad was moving around the area
226 of both lots and the murder scene for approximately five minutes. While it's true that
227 Armistad's phone's closest geolocation point to the spot where Eagan's body was
228 found is 35 meters, this is well within the margin of error.

229 Third, after Eagan left the restaurant that night, no one else saw him alive again,
230 with the obvious exception of Armistad.

231 I could not find the "Unknown" number in the cell tower data during the time
232 that Eagan was at the construction site. That does not mean whoever used that
233 number was not there. It just means I have no way to verify whether they were or
234 not. So while I can't say that no one else was in the area at the time, I can say that
235 Armistad definitely was.

236 I was not given any other phones or phone numbers to track. My understanding
237 is that Officer Wilson did not have any additional cell phone evidence. Without
238 additional device information I can't determine who else may or may not have been
239 in that area at the time of the murder. While it is possible to determine that from cell
240 tower records, you need to have something to look for. Cell towers receive hundreds
241 and thousands of pings over any given time period. Without knowing what data to
242 isolate it would be like looking for a needle in a haystack.

243 Put all this together and the evidence is conclusive that Armistad shot and killed
244 Eagan.

245 **WITNESS ADDENDUM**

246 I have reviewed this statement and I have nothing of significance to add at this
247 time. The material facts are true and correct.

Signed: 
Blaine Mendoza

1
1

Haskell Perry

1 My name is Haskell Perry. I am 36 years old and moved to Ketchum, Idaho three
2 years ago. I was persuaded to move here by my friend Timothy Eagan. Tim and I met
3 at Pepperdine. He was a year behind me in college, but we became good friends and
4 stayed in touch after we graduated.

5 The Perry family made its name, and its fortune, in real estate in California. My
6 great grandfather bought as much land as he could during the depression, and he
7 and my grandfather developed it right after WWII. With all the GIs coming home
8 and the easy money available for them to buy houses, my family made a killing. My
9 father grew up in real estate, and he took over the business when his dad finally
10 retired. All my aunts and uncles are the execs, although they all have an ownership
11 interest. I also grew up in real estate, working with my dad and grandfather ever
12 since I was old enough to carry stuff. They taught me everything they knew. They
13 were also very generous in gifting company stock, so financially I am set up fairly
14 well. I say that not to brag but to give you context. You see, after college I didn't
15 really need to continue to work, but real estate and development are in my genes.

16 I tried to keep working for my family's business, assuming I would take it over
17 someday, but it has gotten so cut-throat with all the cousins grappling for a piece of
18 the pie. My grandfather didn't have a succession plan, and my dad and his siblings
19 can't come to an agreement about how to hand the business off to the next
20 generation. Consequently, the next generation doesn't get along very well, and the
21 company culture has really changed. Honestly, I'm the only one with the experience
22 and education to run it, so I don't understand why the decision is so hard. Anyway,
23 the restrictive real estate laws in California don't help. I decided to just take my piece
24 of the pie and launch out on my own. I'm sure I can do better on my own, anyway.

25 Tim and I talked about my struggles with the family politics a lot. In spite of his
26 issues he really was one of my best friends. Then, about two years ago, he started
27 talking about me teaming up with him in a real estate development company he'd
28 started in Hailey, Idaho. "Hask," he said, "you need a fresh start. An opportunity to

29 do what you love without having to deal with your family politics.” Tim always knew
30 just what to say to be persuasive.

31 Still, it took me a while to get on board. I loved Tim as sure as the day is long, but
32 he had issues. Tim worked for the Perry company for about three years after college.
33 I got him the job because he was a friend and I thought he would be good at it. Tim
34 didn’t have experience in real estate, but he was a hard charger and was a good
35 talker.

36 It turned out that most of Tim’s talk in college was just that. Even so, he was no
37 dummy. He picked up on the real estate game pretty quick, and when it came to
38 making things happen Tim could wheel and deal with the best of them. My dad gave
39 Tim a lot of leeway and discretion. Too much. See, one of Tim’s issues is that he
40 tends to think he is smarter than he really is, and that he can handle any problem.
41 He put his foot in more than one Perry family deal by extending the company farther
42 financially than was prudent. It was a point of family pride that the Perry’s had never
43 missed a payment, and we never did miss one until Tim came on board. My dad was
44 pretty on top of things, and more than once he questioned Tim about how a
45 particular project was going. Tim would always paint a rosy picture, and dad would
46 believe him. I knew better, and I should have said something, but I trusted Tim to
47 figure it out.

48 The first time we missed a payment was because Tim had not been forthcoming
49 about the problems a project was having. Dad was furious. He was ready to fire Tim
50 then and there, but I felt protective of Tim. I promised Dad I would keep an eye on
51 Tim and persuaded him to give Tim another chance. The next time we missed a
52 payment, Tim didn’t even wait for Dad to fire him. He handed in his notice effective
53 immediately. Tim packed his bags and headed for Hailey, Idaho, of all places. That
54 was around June 2015.

55 Dad was pretty sore at me, too, since I had vouched for Tim, and I noticed that I
56 wasn’t getting the plum projects anymore. I know a lot of people say my dad fired
57 me, but that’s not true. I left of my own free will. Even though Dad was mad at me, I

58 think he knew Tim enough to decide that Tim had probably misled me, too. I didn't
59 think it was in my best interest to clarify that for Dad.

60 Tim also battled alcoholism for years. Even back in college I wondered about his
61 drinking habits, but everyone drinks in college right? I saw Tim with the blind
62 staggers most weekends, and even though I was drinking right alongside him he
63 seemed to have two for every one of mine. There were several parties he could not
64 remember at all. It made great stories, but I probably shouldn't have been so blind to
65 what was going on. Tim cut back some after college, but he was late to work most
66 Mondays, and confided to me that it was because he had a hangover. His battle with
67 alcohol made him somewhat of a wildcard as far as business ventures go. Again, he
68 wasn't stupid or incompetent. He just didn't have the best judgment when he was on
69 the sauce and I think that had a lot to do with why my family had to bail him out of
70 bad deals. I think Dad knew about Tim's struggles and kept Tim on because he
71 wanted to help.

72 I remember once Tim bought a few "fixer upper" properties with expectations to
73 be able to flip them that were clearly too high. He didn't do his research on price and
74 title. I looked at the deal, and it was obvious that Tim had committed us to pay way
75 too much for those dumps, and there was a lien on one that made it virtually
76 impossible to sell or get financing on until we paid off an additional debt. As you can
77 imagine, it wasn't like a bank would give us a loan on these properties, even though
78 we had a perfect credit history, so Tim went rogue and actually got the money from a
79 pretty disreputable Russian character. To top it off, it is not like Tim knew how to fix
80 up the properties anyway. Tim was much more of an idea guy, and he told me he
81 would just hire someone to do it. With what additional funds, I have no idea. What a
82 mess! Tim told me a couple of times - generally when he'd had a couple - that he had
83 no clue what he was doing, and that someone should just put him out of his misery. I
84 was not sure if it was the alcohol or bad business acumen. Well, Dad did bail Tim
85 out, and was willing to keep him on even after that, which is why I think he felt sorry
86 for him. But when Tim made us late on payments, Dad just couldn't overlook that.

87 Anyway, you can imagine I wasn't overly keen on being partners with someone
88 that I couldn't entirely trust to make the best decisions. I wasn't that desperate to
89 leave California.

90 But about the time Tim started talking about becoming partners, I started to see a
91 change in my friend. Tim was also more lucid more of the time. He was making wiser
92 decisions. He had been working in Hailey for about a year, and had done some
93 smaller development projects that were really successful. For example, he took an
94 old run-down building and turned it into a very attractive live-work space. He got it
95 done on time and under budget, and it was all leased out before it was even finished.
96 Tim also did some residential projects, taking an acre here and there and putting a
97 few homes or condos on them. Everything he did sold within a few weeks.

98 Of course, Tim's judgment wasn't perfect. He hired Carolyn Armistad. It doesn't
99 surprise me that she murdered Tim. I should have seen it coming. Carolyn was a
100 local Ketchum girl who never really accomplished much until she met Tim. She told
101 me she never went to college and was working as a waitress at the Jersey Girl when
102 she met Tim. He was a regular customer and they hit it off. Carolyn is very attractive
103 and can be very personable when she wants to be. Tim said she could help him get on
104 the good side of the locals, so he hired her to do marketing and public relations, even
105 though she had zero experience beyond getting people to buy a piece of pie for
106 dessert. She started out doing pretty well, until it went to her head.

107 Right after I joined Tim, Carolyn started talking about becoming a partner
108 herself. She was constantly hounding Tim and me about it. I told her no flat out,
109 since she had nothing to bring to the table. Tim and I were doing fine, just the two
110 amigos. I had no reason to let someone else come on board to screw that up. Tim,
111 though, kept stringing her along, telling her he'd think about it, and that with a little
112 more experience she'd be ready. I had no idea he'd actually asked Rudy Chen to
113 teach her about real estate finance. That just egged her on, and she got pretty
114 disrespectful to both of us. She acted less like an employee and more like she had
115 some say in things, even though she didn't.

116 For example, she started asking a couple of the assistants to do work that she was
117 supposed to do, like take photos and pick up brochures from the printer. I told
118 Carolyn that the assistants were there to help Tim and me, and that she needed to do
119 her job herself. She just said that “if I’m going to be a partner around here they need
120 to get used to my authority.” That frosted me. I got in Tim’s face about it a couple of
121 times, and I told him frankly that he had to get her under control or fire her. Tim just
122 said he’d talk to her. I don’t think he ever did, because nothing ever changed. I think
123 he liked the fact that a young pretty woman would give him any attention at all. After
124 the way she behaved at the meeting on September 1st I thought he’d can her for sure.
125 Now that she’s up for Tim’s murder she’ll be out of my hair. I just wish I hadn’t had
126 to lose Tim to get rid of her.

127 I’m getting ahead of myself. Anyway, Tim and I kept talking about going into
128 business together, and you know my decision. I moved to Ketchum in July 2017 to
129 become Tim’s partner in the Flying B Development Company. I invested \$100,000
130 in cash, and contributed my expertise in real estate development, for a 49% share in
131 the business. I wanted our clients to know that I had trust in our company, and
132 nothing talks louder than money. Also, after a year of talking with Tim and seeing
133 how he was doing, I really did feel like he had his act together and I felt the business
134 was going to take off with me and him at the helm.

135 Our first project together was the Silver Hills development in Hangman’s Gulch.
136 We wanted to start out with something big. Tim worked out a great deal with the
137 landowners, where the family could continue to farm it and get the agricultural break
138 on the property taxes, and Tim and I would do all the work to get the development
139 approved. We would front the costs, which were considerable, pay the landowners
140 some earnest money and we wouldn’t have to pay the landowners anything else until
141 lots actually sold. We didn’t have all the cash we needed, so Tim got Rudy’s
142 investment firm involved. Carolyn put together the marketing plan. We were hoping
143 to start selling lots in the spring of 2018, but the inevitable delays happened, and
144 nothing was marketable until August. We didn’t expect to see any positive cash flow
145 until January. Tim and I were fine with that - we’d been in real estate long enough to

146 know that stuff happens - but it was a test that Carolyn failed miserably, and put the
147 nail in her partnership coffin as far as I was concerned.

148 Tim and I warned Carolyn back in May that since the project was moving slower
149 than expected cash would be tight through the end of the year. We were honest, and
150 said that her paychecks might be a little thin for a while, so she should be frugal and
151 save as much money as she could. We promised her that if we were ever short, she
152 would get all her back pay in January, and a big fat bonus on top of it. Carolyn said
153 she was fine with that.

154 However, in August 2018 we started to hear rumors - I heard them mostly from
155 Carolyn, and none of them were true - that Silver Hills was in trouble because of the
156 delays, and that it looked like the project was about to blow up. I remember getting
157 one call from a planning commissioner about it. Apparently Carolyn said something
158 to Rudy Chen, because Rudy also called me and wanted to know if the development
159 was in trouble. Rudy said s/he had "heard things," but wouldn't tell me who from. I
160 don't know who else Carolyn was talking to, but Tim and I decided to have a meeting
161 with all the stakeholders to try to settle things down. We set it for Saturday,
162 September 1st, at 5:00 at the Wicked Spud. It's a local tavern-style restaurant with a
163 relaxed atmosphere, and we thought it would be a good setting for what could have
164 been a tense situation. Rudy Chen flew up from California, Carolyn and Val Warren
165 were there, and me and Tim.

166 Rudy, by the way, is another college buddy of Tim's. I say of Tim's because while
167 Rudy and I knew each other at Pepperdine we weren't all that close. Rudy was a
168 teetotaler, so we never socialized on the weekends. Honestly, I thought Rudy was a
169 little arrogant and had a holier-than-thou attitude, so I didn't talk to him/her much.
170 That's still my opinion of him/her. My dad had done business with Rudy's firm for
171 years, and he liked Rudy enough to work with him/her on a couple of deals. If it were
172 up to me I wouldn't do business with Rudy, but Tim liked him/her and had a 51%
173 vote. Rudy had money s/he was willing to invest in our projects, so I tolerated
174 him/her.

175 The meeting got pretty tense. We started off by letting everyone know that, while
176 there had been delays, these things happened, and the project was in good shape. We
177 missed the spring selling season, but the streets and utilities were in place, the
178 marketing was going strong, and we had good feedback from the real estate agents.
179 Lots of people with money would be in the area once the snow hit, and we
180 anticipated a brisk winter selling season. Of course, we would probably miss our goal
181 of paying Rudy's firm in full by the end of the year, but we had foreseen that risk and
182 built the deal with Rudy accordingly.

183 Again, I wasn't worried. I ride the ups and downs just fine. But Carolyn was
184 incensed. Carolyn told Tim she needed to get paid everything we owed her, and that
185 she wasn't sure how she was going to pay her rent. I reminded her that we told her
186 cash would be tight about now, and that she should have saved up. I reminded her
187 she was in not only for back pay, but for a big fat bonus. I also told her not to worry;
188 we would make sure her rent got paid. She went off. "Shut up, Perry," she said,
189 "Where do you think all that money is going to come from? Not only do I have to
190 clean up your messes, but then you two act like there are no consequences. You and
191 Tim need to learn that just because you are rich doesn't mean you can walk all over
192 everyone else's life. When you two cowboys shoot first and ask questions later
193 someone has to pay, and it's usually me. Well I am not going to be the only one who
194 has to pay for your bad judgment any more. You two better get ready for a
195 reckoning."

196 That was about all I could take from her. I reminded her that she wasn't a partner
197 that she never would be while I had anything to say about it, and that she should stop
198 acting like one. Tim had the chutzpah to tell me to calm down. Carolyn didn't speak
199 to me again the rest of the night, which was fine with me.

200 I couldn't understand why Tim would let Carolyn run over him like that. At one
201 point she practically screamed at him, "I can't believe I went to work for you! You're
202 just a two-bit loser! An all hat no cattle hustler! I'd be making more money as a
203 waitress!" Good thing the restaurant was so loud, or they would have kicked us out
204 several times over.

205 At the same time, Carolyn was still demanding that she be made a partner. That
206 just shows how brazen she is, to chew Tim out like that and then demand the
207 privilege of partnership. She gave him an ultimatum. “You’ve been saying you’ll
208 make me a partner, so what’s it gonna be? Tell me, right now! Am I in or out?” Tim
209 should have ended it right there, but instead of telling her to get lost he said, “I told
210 you, I’m still thinking about it.” He looked at me, and I think he could tell I was
211 disgusted, because he turned back to Carolyn and said, “In the meantime, you are an
212 employee, and you need to act like one. I want you to go up to Silver Hills tonight
213 and take pictures of the spec house.” That seemed to make her madder than
214 anything. She just said in a low, stone-cold voice, “So that’s how it’s going to be.” The
215 she picked up her stuff and left.

216 The meeting went on another half hour, and broke up about 7:15. The meeting
217 went better after Carolyn left. It was obviously awkward, but I think Rudy was
218 satisfied that the project was not in danger. I don’t know why Rudy is sticking up for
219 Carolyn. Rudy must see how manipulative Carolyn is, and she couldn’t have made a
220 good impression by her behavior at the meeting.

221 When we left the Wicked Spud, Tim said he didn’t think Carolyn was going to
222 take the pictures, so he was going up to Silver Hills to do that before he went home.
223 That’s the last time I saw him. I went home. I didn’t feel like we’d really settled
224 anything, and I really needed Tim to get a spine and let Carolyn go.

225 I got the call on Sunday afternoon that someone had murdered Tim. I knew it was
226 Carolyn before I was ever even questioned. I do not know of anyone that had the
227 kind of animosity towards him that Carolyn did. I guess this was the “reckoning” she
228 told me about. I am just glad she was caught before she turned her scope in my
229 direction.

230 I knew that Tim carried a gun, but it was strictly for show. I asked him about it,
231 and he showed it to me. It was a Glock 9mm, but when he pulled it out of the holster
232 I could see that it wasn’t loaded. I asked him why he carried an unloaded gun, and he
233 just said he was exercising his right to bear arms, but didn’t want to have any
234 accidents. I never saw it out of the holster again, and I never knew him to fire it, even

235 for target practice. I did tell Tim I didn't think it was a good idea to carry it, and that
236 it wasn't the kind of impression I wanted our company to have.

237 For that matter, I have a gun, too - also a Glock 9mm. I know lots of people that
238 have those. It's one of the most popular handguns out there. I got it because a friend
239 recommended it to me. He said they are reliable, and the ammo is readily available
240 and inexpensive. I don't carry it with me like Tim did. I keep it at home on the top
241 shelf in my bedroom closet. I take it out for target practice now and then, but it's
242 been weeks since I did that.

243 As for Val Warren, frankly I think Val is a lying weasel. I had more meetings with
244 Tim than Val ever did, and I never heard any of those suspicious phone calls Val
245 claims Tim got. Sure, we were having cash flow problems, but we'd expected that.
246 There was no reason for Tim to borrow money from loan sharks. And if Tim kept
247 alcohol in the safe, I would know about it. I had the combination, and had just as
248 much access to the safe as Tim did. I didn't need to open it often, but when I was in
249 there a few weeks ago there was no cash and no booze.

250 I just wish I'd been more protective of Tim. There's obviously no company
251 anymore, and I can't go back to California. I feel a little lost. I'm not sure what I'm
252 going to do.

253 **WITNESS ADDENDUM**

254 I have reviewed this statement and I have nothing of significance to add at this
255 time. The material facts are true and correct.

Signed:


Haskell Perry

Wynn Wilson

1 My name is Wynn Wilson. I'm 28 years old and am a Patrol Officer in Hailey,
2 Idaho. I'm law enforcement through and through. It's literally in my blood. My great,
3 grandfather, who I'm named after, was one of the Special Agents for the Railroad in
4 Sun Valley back in the 1930's. These were the very first law enforcement officers in
5 Sun Valley, hired to keep the peace in America's original ski resort.

6 By the early 1970's Sun Valley had grown to the point where the city needed its
7 own police department. My grandfather, who had followed in his father's footsteps
8 and gone into the family business, went along with five other Railroad Special Agents
9 to form the Sun Valley Police Department. And then my father joined the
10 Department.

11 You might say I'm kind of the black sheep of the family, what with me working in
12 Hailey while the rest of my family works in Sun Valley, but my father did put in a
13 good word to help me get job here after I moved back from Baltimore.

14 I admit I was always that kid who wanted to get out of my hometown. After high
15 school I bummed around for a while, working as a chair lift operator in the winter
16 and then hanging out in Venice, California in the summers, surfing with my other ski
17 bum friends. But eventually, my dad made it clear that I needed to get it together and
18 make something of my life.

19 So, on my 21st birthday, I fulfilled my dream of moving out of Idaho and making
20 my way to the big city. I moved to Baltimore, Maryland, took the civil service exam
21 and applied to become a police officer. Unlike a lot of other officers, I don't have a
22 degree in criminal justice. I don't have a degree in anything else for that matter. But,
23 being a member of law enforcement royalty can go a long way to opening doors. So,
24 in September of 2011, I was hired by the Baltimore Police Department and attended
25 the Baltimore Police Academy.

26 The Academy is a 27-week academic, physical and practical training program that
27 provided me with a very solid introduction to my law enforcement career. I learned
28 everything from patrol and investigative procedures all the way through crowd
29 control and report writing. I really got a very good foundation during that time.

30 Unfortunately for me, during my 8-week on the job training with my field
31 training officer, we ran into a situation where a bunch of rabble rousing protesters
32 were disturbing the peace. While I was performing crowd control, my gun
33 accidentally went off and the bullet hit the pavement near a girl. It wasn't really my
34 fault. I had my gun drawn and was ordering the crowd to disperse when a protester
35 came up behind me and jostled my arm.

36 It was awful and I was so grateful that no one was hurt. But, at that point, my
37 training officer thought it would be best if I kept a low profile for a while and
38 assigned me to work as a Property and Evidence Clerk. I really got a lot of good
39 experience in that position. I learned all the steps in cataloging and storing evidence
40 in a way that maintains the integrity of chain of custody. It's a really vital position in
41 a police department and I was quite good at it. I'm sure that's why they kept me there
42 for five years.

43 But after a while, I realized it was time to move on. One day at work someone left
44 a copy of a book called *The Tao of Pooh* on the property check in counter. That book
45 changed my life and really helped make me what I am today. Just really briefly,
46 because I think it is the key to understanding my philosophy as a police officer,
47 Taoism is about going with the flow, following your gut feelings, and trusting your
48 instincts. I can summarize Taoism this way: accept all life, follow your breath to
49 peace, and let go of expectations.

50 And that's really how I ended up back in Sun Valley in January of this year. It
51 became really clear to me after reading this book that I was never going to get a
52 chance to be a real police officer in Baltimore and it was time to let go of that
53 expectation. It was just like Dorothy in the Wizard of Oz. I had to learn that there's
54 no place like home. Only I didn't have any ruby red slippers, so I just got on a plane
55 and went home to look for opportunities where my family name means something
56 and I could build a life and career that would allow me to flow into the kind of police
57 officer I am meant to be.

58 Like I said, my dad helped me get my current job as an officer with the Hailey
59 Police Department. I've been here for a little over six months. In my job, I perform a

60 wide range of patrol duties and enforce all applicable laws and ordinances. I operate
61 my patrol vehicle, conduct traffic control and enforcement, respond to calls from the
62 public, and sometimes even administer first aid. I have a Taser, but not a firearm.
63 The chief thought I should get some solid field experience first. It's just the kind of
64 regular stuff any small town police officer would do.

65 So now we come to the morning of Sunday, September 2, 2018. As part of my
66 spiritual practice of Taoism I try to do Tai Chi as much as possible. That morning I
67 was at the Silver Hills development in the Hangman Gulch area that Tim Eagan's
68 company is putting together. There are streets, so it's easy to get to, but there weren't
69 many houses at the time, so it was very peaceful. I was in the middle of my white
70 crane spreads wings move when I heard a lady scream. I went to see what was
71 wrong, and there was Timothy Eagan's body. She had been out walking with her dog
72 when the dog found the body somewhat hidden between the pond and the pump
73 house. Fortunately I was able to get the dog away before it disturbed any evidence.

74 The first thing I did was examine the scene. It was obvious that Eagan was dead,
75 so I did not call for medical assistance. Eagan's body was slumped on the left side.
76 He had been shot twice - once in the shoulder and once in the chest.

77 I searched the area but did not find any spent shell casings. It occurred to me that
78 I might be able to find shells if I used a metal detector, so I came with one on
79 Tuesday, but that only revealed construction detritus. I didn't know it at the time,
80 but apparently brass is hard for a metal detector to find, so it's possible there were
81 shells there that day and I just didn't see them.

82 The ground was soft compact dirt. It had not rained in several days. I looked for
83 footprints or tire tracks, but there had been so much construction traffic that it was
84 impossible to distinguish one print from another. I looked at the bottoms of the
85 shoes Eagan was wearing, but was unable to locate that print even in the area around
86 his body.

87 When I examined Eagan's body I saw that an empty holster was attached to
88 Eagan's belt. Eagan was known to carry a handgun in a holster at his side. I found
89 the gun lying on the ground two feet behind Eagan's back. The gun was a Glock 19

90 9mm. Later examination revealed that the magazine was full and there was a round
91 in the chamber. Forensic examination determined that the gun had not been fired.
92 Only Eagan's fingerprints were on it.

93 After I finished my investigation of the scene I called dispatch and told the
94 dispatch officer what I found. Other officers came to the scene to remove the body.

95 I knew Eagan and Haskell Perry were partners in a real estate firm, so I started
96 my investigation there. Since Eagan was murdered in his development, this looked to
97 me like the classic business-deal-gone-bad situation. Naturally, my first inclination
98 was to suspect someone Eagan worked with.

99 I interviewed Haskell Perry, Rudy Chen, and Val Warren. I learned that there had
100 been a company meeting the evening of the murder, that it was contentious, and
101 Eagan's business associates were probably the last ones to see him alive. This made it
102 even more likely that one of Eagan's associates was the killer.

103 Haskell Perry told me that s/he and Eagan held a meeting on the evening of
104 September 1, 2018 at the Wicked Spud. The meeting was to discuss the status of the
105 Silver Hills development and put to rest rumors that the development and the
106 company were in financial trouble. Perry blamed Carolyn Armistad for being the
107 source of the rumors. Perry said that Armistad wanted to be a partner but was
108 unqualified, but that Eagan seemed to be leading her to believe that she could be a
109 partner at some point in the future. Perry described several confrontations that s/he
110 and Eagan had with Armistad. Perry said that Armistad was having financial
111 problems, that she blamed Perry and Eagan, and that she seemed to think that Perry
112 and Eagan had a slush fund of cash. Perry said that Carolyn Armistad had been very
113 aggressive toward Eagan during the meeting and that I should focus my
114 investigation on her.

115 Rudy Chen told me that s/he had also been at the meeting at the Wicked Spud.
116 Chen said his/her firm was an investor in the Silver Hills project. Given what Perry
117 told me, I focused my questioning of Chen on Armistad. Chen said that Armistad had
118 told him/her prior to the meeting that the project was in financial trouble, and that
119 s/he asked Eagan and Haskell about it. Chen said s/he believed the meeting was the

120 result of that. Chen said that Armistad and Eagan had argued about money and
121 about Armistad becoming a partner during the meeting.

122 Val Warren confirmed to me that s/he had been at the meeting, and that
123 Armistad had argued with Eagan about money. Warren tried to make it sound like
124 Armistad was “just blowing off steam” and “clearing the air.” Warren said that
125 Armistad was not a violent person, and that once she had her say she let it go.

126 I asked Warren what communication s/he had with anyone after the meeting.
127 Warren told me s/he had a text message exchange with Carolyn Armistad about
128 getting together that night to talk about the meeting. I asked Warren to show me the
129 text messages, and Warren pulled them up on his/her phone. The messages did
130 include a request from Armistad that they get together later than night, but the
131 exchange also contained information that Warren did not initially disclose to me.
132 One message from Armistad said that she saw Eagan’s car, and another discussed
133 shooting Eagan if she saw him.

134 I asked Warren why s/he did not disclose these to me. Warren became defensive,
135 and said that Armistad was “just joking” when she made those remarks, that she was
136 not angry after the meeting, and that Armistad would be “incapable” of shooting
137 anyone, “even Tim Eagan.” I asked Warren if s/he knew where Armistad was when
138 she sent these text messages. Warren said that Armistad was on her way to the Silver
139 Hills development to take photos of a home under construction. Warren also told me
140 during the course of the conversation that s/he knew Armistad owned a handgun.

141 Obviously, everything I learned from Chen, Warren, and Perry made Armistad
142 the prime suspect. I attempted to interview Armistad at her place of residence.
143 Armistad did not invite me in, but stood behind a screen door while I stood on the
144 front porch. I asked Armistad about the meeting on September 1st. Armistad said
145 that was the last time she saw Eagan. She characterized the meeting as “a frank
146 exchange of views” about business matters. I asked Armistad to confirm that the last
147 time she saw Eagan was at the Wicked Spud at the meeting, which she did.

148 I then confronted Armistad with the text message that Warren had showed me in
149 which Armistad said she saw Eagan’s car and Eagan at the Silver Hills development.

150 Armistad became flustered, and stammered that she “saw Tim there, but I didn’t see
151 him. I mean, I saw him from a distance but we didn’t talk. I’m pretty sure he didn’t
152 see me.” I asked Armistad if she could explain to me the text about shooting Eagan.
153 She was silent for several seconds, and then asked me if she was being detained. I’ve
154 seen those YouTube videos, too, so I pegged her for one of those constitutionalists. I
155 didn’t answer her directly, but told her I was just trying to find out what happened to
156 Eagan. I asked her if I could see her cell phone. Armistad asked again if she was
157 being detained. I asked her if she owned any weapons. Armistad asked me for a third
158 time if she was being detained. Armistad was polite, and told me she understood I
159 was just doing my job, but she told me she wasn’t going to answer any further
160 questions. She asked me again if she was being detained. I had to tell her she was
161 not, so she closed the front door.

162 I thought Armistad’s behavior was suspicious. Most people are happy to
163 cooperate with law enforcement. Even people who are guilty want to tell their side of
164 the story, or at least the story they want you to believe. Based on my training and
165 experience people who refuse to talk to a police officer have something to hide,
166 especially when confronted with the evidence of their crime. To me it’s an indication
167 of guilt.

168 Based on the information I had that Armistad argued with Eagan at the meeting,
169 that she was at the crime scene around the time of the murder, the text messages
170 admitting she saw Eagan at the crime scene and wanted to “shoot” him, and the
171 information from Val Warren that Armistad owned a handgun, I obtained a search
172 warrant for Armistad’s office and home. I specifically wanted to seize her cell phone
173 and handgun to see if they provided evidence to prove or disprove Armistad’s
174 involvement in Eagan’s death. Armistad must have somehow found out about the
175 warrant, because she came to the police station and turned over her cell phone and a
176 Glock 9mm handgun. She told me, “I might as well just let you have these, since I
177 have nothing to hide.” I was disappointed that I no longer could conduct the search,
178 as searches often turn up evidence other than what you are specifically looking for.
179 Armistad’s apparent cooperation made me even more suspicious. It was as if she was
180 trying to hide something.

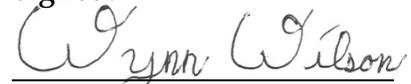
181 I was told by Perry, Chen, and Warren that Warren suspected that Eagan had
182 been borrowing money privately. I also saw the text message exchange between
183 Eagan and "Unknown." Blaine Mendoza was unable to determine the identity of
184 "Unknown" so I had no way to follow up on that. It seemed highly unlikely to me that
185 someone other than Armistad was the killer. I mean, people borrow money from
186 other people all the time and don't get murdered over it. I thought it was much more
187 likely that a business associate was the murderer, so that's where I focused my
188 investigation.

189 After I completed my investigation I referred the matter to the prosecutor's office.
190 I was later advised that Carolyn Armistad would be charged with first degree
191 murder, and that an arrest warrant had been issued. I drove to Armistad's home and
192 placed her under arrest. I advised Armistad of her rights and asked her if she had
193 anything she wanted to say to me. Armistad said she wanted a lawyer. I did not ask
194 any further questions. I took Armistad to the Blaine County jail and released her to
195 the custody of the jail staff.

196 **WITNESS ADDENDUM**

197 I have reviewed this statement and I have nothing of significance to add at this
198 time. The material facts are true and correct.

Signed:


Wynn Wilson

Defense Witness Statements

Rudy Chen

1 My name is Rudy Chen and I am an investment banker with a firm in California.
2 As a little kid, I was always interested in money and what it could buy. My dad taught
3 me that there were a couple of ways to make money. One way was to work and earn
4 it. Another was to take that earned money, invest it and have it earn money on top of
5 the original investment. Of course, one has to be smart in determining what are good
6 or bad investments. That's where investment banking comes in. My job is to connect
7 people and/or banks and their money to profitable investments.

8 I grew up in Orange County, California with Tim Eagan and we have been lifelong
9 friends. We both ended up at Pepperdine University and I got my accounting degree
10 from Seaver College within Pepperdine. I wanted to get my MBA from Pepperdine.
11 However, due to a number of financial setbacks (not poor investments – let's just say
12 "unlucky"), I could not go back to Pepperdine. I subsequently got and am proud of
13 my MBA from DeVry's University.

14 Tim and I have always kept in touch. He was constantly telling me about his real
15 estate developments and/or schemes. He always dreamt big. He was very excited
16 when he first started Flying B Development.

17 I am not sure how a Southern California kid educated at Pepperdine University
18 on the Pacific Coast Highway in Malibu, California ended up in rural Ketchum,
19 Idaho. I guess that is where the "open spaces" are compared to urbanized Southern
20 California. I know he worked with Haskell Perry's family firm for a while, but
21 apparently he thought he could do better on his own. That doesn't surprise me. Tim
22 is a go-getter, and it's hard to imagine him working for anyone other than himself.
23 Anyway, he told me about his plan for a good-sized real estate development in
24 Ketchum called Silver Hills, and he asked me to help him fund it. He flew me up
25 there in the fall of 2017 to look at the project, see what Hailey had to offer. I could
26 see why he liked it there. The landscape and country are nice if you are into that sort
27 of rural environment.

28 Tim had three other people with him when we met. Haskell Perry had just joined
29 Tim as a partner, which was a surprise to me. I knew Haskell from Pepperdine,
30 although s/he was much more Tim's friend than mine. They were drinking buddies,
31 and I didn't drink. Honestly, I didn't like Haskell that much. S/he was one of those
32 people who was nice to you if s/he thought it would benefit him/her; otherwise s/he
33 didn't give you the time of day. Haskell was a year or two ahead of me in college, so it
34 did make sense that we wouldn't be close. However, if we were both out with Tim,
35 which was rare, Haskell generally ignored me. On one of the rare occasions s/he did
36 talk to me I told him/her that I was doing an internship with the firm that his dad
37 did business with. I was just trying to make polite conversation, but all of a sudden
38 Haskell acted like we were best buds. That really put me off.

39 I did intern two summers with that California investment firm, and then went to
40 work for them after college. I got to know the principles of Haskell's family business,
41 as my firm had invested money in some of their California real estate developments.
42 I think my firm's founder and Haskell's dad went back a ways. I worked on some of
43 the Perry deals when I started. My boss told me the Perry's were an excellent risk
44 and had historically never missed a payment, although there had been a couple in
45 2016.

46 Val Warren was also with Tim. He said Val worked with a design firm that would
47 be responsible for doing the plat and getting the infrastructure installed. They could
48 also do home design if necessary. Val was friendly enough, but aloof. S/he was older,
49 and apparently had a lot of experience, but s/he was not exactly a ray of sunshine.

50 The last person present was Carolyn Armistad. Tim said he hired Carolyn to do
51 marketing and PR. Carolyn was very attractive and personable. I could see why Tim
52 would hire her.

53 One of my jobs is to do due diligence regarding all sorts of factors in an
54 investment. The question we ask in the industry is, "Does it pencil?" In other words,
55 when you crunch all the numbers and eliminate as much risk as possible, is the
56 return on the investment going to be worth it? Tim had worked with Val Warren to
57 come up with a development plat. They initially had an idea for around 20 really big

58 lots of at least 2.5 acres, which they thought they could sell for at least \$500K each. I
59 looked at the market and thought that was unrealistic. Given property sales history
60 in the area, I thought it would take too long to sell the lots, as you need a particularly
61 high-end buyer for something like that. Not only do they have to be wealthy enough
62 to buy the land, but to make it attractive you have to put in building restrictions that
63 translate into \$1M-plus in construction costs. No one wants to spend half-a-mil on
64 land and have their neighbor put a mobile home on the lot next to it. High-end
65 buyers want exclusivity. Those kinds of buyers are out there, but it takes longer to
66 find them, and I knew my firm would not want its money on the line for more than a
67 year or so.

68 Val Warren was not happy with my objections. Val said s/he had more experience
69 in the Wood River Valley than I had in my whole career, and that maybe I should
70 trust his/her judgment a little more. I told Val s/he could leave the meeting with
71 his/her judgment or my money, but not both. Val was pretty quiet after that. Tim,
72 Haskell and I kept talking, and we settled on a development with 35-40 lots, ranging
73 from .2 to 2.5 acres, with prices ranging from \$165,000 to \$500,000, with the
74 median between \$200,000 and \$250,000. We could put some reasonable
75 restrictions on it, and expect to sell enough lots to break even within a few months.
76 The higher-priced lots might take longer to sell, but we could take that risk through
77 sales of the smaller lots. Val Warren was apparently well-connected with the
78 necessary city officials. Tim asked Val if we could get all the approvals by early 2018
79 and be able to start selling the lots in March or April 2018. Val said, "I'm sure that
80 will be enough time, unless college friend Rudy here thinks s/he knows more about
81 that, too." I let the insult roll off and told Val I trusted him/her to handle that end of
82 things. Spring is the ideal time to sell, as buyers have been hunkered down for the
83 winter and are enticed by the warm weather and natural beauty of spring.

84 It's easy to think that selling empty lots is a no-brainer, no-risk deal. Just get
85 approvals and sell them, right? It's not that easy. Approvals take time and cost
86 money, and you need approval from both the city and the county for something on
87 the edge of town. You have to pay for marketing, you have to come up with some
88 sample designs to show how the restrictions work, and in some cases you might have

89 to build a spec home. Most significantly, you have to pay the landowner and put in
90 infrastructure. The landowner stands to make the largest amount of money in the
91 deal, but you can't expect them to tie up good farmland for free. You have to put in
92 streets and utilities, and if the land doesn't sell the infrastructure makes it impossible
93 to farm while you wait. You don't have to pay them everything up front, since they
94 take some of the risk just like everyone else, but you have to pay them something to
95 show you have skin in the game and that you're serious.

96 Without going into all the details, my firm decided to put up \$2M. That would
97 cover the front money to the landowners, the costs of getting the approval, and the
98 work Val's firm would put into the plat and the infrastructure, which is streets and
99 utilities extended to the lot lines. Tim and Haskell guaranteed us a minimum 10%
100 return, with the principal and return due in full after the sale of 15 lots. If the
101 principal and guaranteed return were not repaid by December 31, 2018, we would
102 get an additional 1% for each additional month. Honestly, I didn't expect we would
103 need to extend the investment, as this plan penciled just fine.

104 I should say that I asked Haskell about the late payments from his/her family's
105 firm, as Haskell's partnership with Tim made the family history a risk factor I had to
106 consider. Haskell blamed the "next generation," and said that as the younger Perry's
107 were taking over the culture and business practices were changing. Haskell said
108 that's why s/he decided to get out. I knew that Haskell's dad was getting older, and
109 the friendship with Tim was a natural explanation for the partnership, so I accepted
110 the explanation. I still took that into account when I considered the risk factors, but
111 it was much less significant than it would have been if, say, s/he or Tim had been
112 responsible for the Perry's financial woes.

113 I had to maintain close contact with Tim to make sure everything was moving
114 forward on schedule. I spent a lot of time on the phone with Tim, and made a trip to
115 Hailey now and then. As I got to know Carolyn, I learned about her background as a
116 waitress, and that this was her first job in marketing or real estate. That surprised
117 me. It was a huge risk for Tim to take in someone with no experience or education to
118 take on such a significant project. However, Carolyn impressed me. She was
119 confident, smart, and not afraid to assert herself or say what was on her mind.

120 In January 2018 Tim said Carolyn wanted to be a partner with him and Haskell.
121 As impressed as I was with Carolyn, that sounded nuts to me. Normally it would take
122 years of demonstrated competence to be made a partner. However, Tim asked me to
123 show her the finance side of things, and I figured I had nothing to lose. If she didn't
124 get it, I would be able to tell Tim that before he made a mistake. As it happened, she
125 did get it. She also studied hard. I gave her a couple of my college finance textbooks,
126 and she ate them up. I won't say it came easy to her, or that she was a natural or a
127 phenom. She struggled with some of the concepts like any student would. But she
128 plugged away until she did understand it. In August Tim asked me how she was
129 doing, and I told him she was doing great. Give her a few years of experience and she
130 would be partner material. Tim said he was thinking of making her a partner before
131 the end of the year. I didn't think that was a good idea, but I let it go.

132 I stayed in close touch with Tim during the course of the project. My firm had a
133 lot of money on the line, so I wanted to make sure Tim was on top of things. He
134 assured me things were going fine. I had no reason to doubt him. I made a trip to
135 Hailey in mid-June and early August to see for myself, which is not unusual at all in
136 my business. I would have liked to see things moving faster, but what investor
137 wouldn't. I was disappointed that Val had not been able to get the approvals as soon
138 as anticipated. S/he was supposed to have everything ready so we could sell lots in
139 the spring. Tim said it was unusual, and that Val is normally much faster than that. I
140 hope it wasn't because Val was still mad that I had gone against him/her about how
141 to develop the property. Anyway, by the start of summer it was pretty clear we would
142 not be able to sell lots until August. In any other market, missing the critical spring
143 selling season would be death, but Hailey actually thrives in winter. It's probably the
144 best time of year to catch wealthy tourists who come for the skiing in Sun Valley, so
145 there wasn't anything to alarm me. If it took longer to sell lots that was more Tim's
146 and Haskell's problem than mine. Every month of delay just meant an extra 1% for
147 my firm. Delay within reason, of course.

148 There was something that did alarm me, though. When I travelled to Hailey in
149 August, 2018, I had a sit-down face-to-face meeting with Carolyn regarding the
150 financing for the Ketchum development. I figured since I was there I might as well

151 teach her something. I was surprised when she expressed skepticism about whether
152 the project would succeed. It seemed she had been putting her real estate finance
153 education to use, and had been crunching her own numbers on the Silver Hills
154 project. I listened to her, and there was a possible worst-case scenario where not
155 enough lots would sell in time and Tim and Haskell would go under. But it was a very
156 worst-case scenario, and I thought it was a pretty slim chance.

157 I told Carolyn that I wasn't worried. I was confident lots would sell, even if it took
158 a few extra months. Carolyn said she was worried Tim and Haskell didn't have a few
159 extra months. She said she was stressed because money was tight, and she wasn't
160 sure she could pay her rent this month. She didn't know if Tim and Haskell could
161 afford to keep paying her, and she couldn't stay on the job if they couldn't. She
162 needed a steady income. I confess I felt a little sorry for her, and I told her I would
163 make her a short term loan and she could pay me back when things were stable
164 again. She thanked me, and said that made her feel more confident in being able to
165 stick it out. She said that Tim had talked more about making her a partner, but she
166 didn't know how soon that would happen. I didn't say anything, but I didn't think
167 Carolyn had partner nerves if she was stressed over money and hadn't saved up for a
168 rainy day.

169 Anyway, like I said, I offered to help her financially if she needed it, so if they're
170 saying that she killed Tim over money that's just not so. I was that confident that this
171 project would succeed. I'm still confident it would have succeeded if Tim had lived.
172 Now it's all up in the air. Haskell Perry might be able to see it through, but I have my
173 doubts. Now that Carolyn's in jail and can't work I'm afraid I might take a huge loss.
174 In spite of her shortcomings, Carolyn was very good at her job. Without her being
175 able to market the development I'm concerned it might fail. Yes, it was terrible what
176 happened to Tim.

177 Back to my story. The next time I came to Hailey was September 1, 2018. Tim and
178 Haskell wanted me to come to a meeting to talk about the financial status of the
179 Silver Hill project. Apparently there were rumors going around that the project was
180 in trouble. Nothing travels faster in a small town than bad news, and if a city is not
181 behind your project it can spell disaster. I came up expecting to talk to some of the

182 local real estate agents and city officials. Instead, I found myself in some dingy bar
183 with Tim, Haskell, Carolyn, and Val Warren.

184 The meeting was more of a circus than anything. I had not been aware of all the
185 tension in the firm. I grew concerned that Carolyn's worst-case scenario was
186 becoming more likely. I asked Tim again about the schedule, and he told me for the
187 first time that they were in danger of falling farther behind. Approvals were late,
188 which made infrastructure late, and until it snowed there was going to be no
189 potential buyers in town. Val said something about Tim getting private loans, and I
190 became alarmed. Part of my firm's financing deal was that there would be no other
191 lenders without my approval. If what Val said was true, Tim had violated our
192 agreement. Val also made it sound like these private loans were from dangerous
193 people. I asked Val what he knew about that, but s/he blew me off. Obviously, in the
194 investment business, you come across some unsavory characters now and then, and
195 some of them can be downright dangerous. Someone said something about a slush
196 fund, and I asked Tim for assurances that there would be enough cash flow to pay off
197 these private lenders and finish the project. Tim said there was no slush fund, but he
198 was confident the project would finish strong and do well.

199 I was still jittery, so at one point I excused myself and made a phone call to my
200 assistant. We routinely get a key man insurance policy any time we make an
201 investment. That just means that if something happens to a key person in the
202 process, such as death or a disability that keeps them from working, we are insured
203 for enough money to either replace that person or be reimbursed for any losses on a
204 project. I had my assistant in California pull the policy on Tim. I had him review it
205 for me over the phone, as I particularly wanted to know whether the policy would
206 pay out if the insured were murdered. That may sound a little paranoid, but a
207 healthy level of paranoia is what keeps investment firms solvent. After going over the
208 policy, I was satisfied that as long as the firm did not cause Tim's death, the policy
209 would pay out if something happened to him. In fact, it did. Sadly, Tim was worth
210 more to the firm dead than alive.

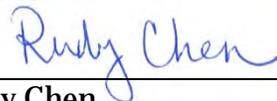
211 I don't understand why Carolyn is charged with the murder. While she was a little
212 upset with Tim during the meeting, she was very calm afterwards. After the meeting

213 I talked to her again and assured her that I would lend her enough to get by until
214 January. She thanked me for being supportive, and said that made her feel better.
215 We made plans to meet on Monday to work it out.

216 **WITNESS ADDENDUM**

217 I have reviewed this statement and I have nothing of significance to add at this
218 time. The material facts are true and correct.

Signed:



Rudy Chen

Amari Lewis

1 My name is Amari Lewis. I'm 48 years old and reside in McCall, Idaho. I have a
2 Bachelor's degree in mechanical engineering from Northwest Nazarene University,
3 and a Master's in mechanical engineering from Boise State University, both summa
4 cum laude.

5 I've spent my entire 26-year career in firearms and ballistics. After I obtained my
6 Bachelor's degree I went to work for Nemo Arms in Nampa as a design engineer.
7 Basically, my job was to design new and improved handguns, and come up with ways
8 to make existing handgun designs better and safer. I gained a highly detailed,
9 intimate knowledge of how handguns function. I got my Master's in ME by going to
10 school part time and online while I was working, and did my thesis on making
11 handguns less prone to accidental discharge. I wish I'd known Wynn Wilson when I
12 was working on that. S/he would have been a great test case.

13 After seven years at Nemo I decided to pursue my real passion, which is using my
14 expertise to prevent abuse of the justice system by people who are inadequately
15 informed about firearms. I've seen far too many cases where people were wrongly
16 convicted of crimes because juries were told by so-called experts that a particular
17 bullet came from a particular gun. People think ballistics is just like fingerprints, but
18 it's not. I wanted to be part of the solution, not part of the problem.

19 I went to work for a variety of forensics labs around the northwest getting hands-
20 on training and experience in firearms and ballistics investigation and analysis. I
21 also thought they would benefit from the expertise I gained from my education and
22 employment. I found that labs run by states and law enforcement agencies were
23 pretty closed off to new opinions, so I started working exclusively in private labs. In
24 about 70% of the cases the labs were hired by a firearms manufacturer to investigate
25 accidental deaths and determine whether a firearm was defective. The other 30% of
26 cases were criminal, where we were hired by the defense. Most law enforcement
27 agencies either have their own forensics lab, or a state lab available, so we were never
28 hired to do prosecution work. That was just fine with me. I worked the lab circuit for
29 15 years until I qualified as a Distinguished Member of the Association of Firearm

30 and Toolmark Examiners (AFTE), and at that time decided to open my own lab in
31 McCall.

32 The AFTE “is the international professional organization for practitioners of
33 Firearm and/or Toolmark Identification and has been dedicated to the exchange of
34 information, methods and best practices, and the furtherance of research since its
35 creation in 1969,” as their mission statement puts it. It’s not easy to join, either. You
36 have to demonstrate you have the education and experience to qualify, and you have
37 to be recommended by three other members who have reviewed your work. Once
38 you join, you are expected to contribute to the profession by furthering the art and
39 science of toolmark identification.

40 I don’t do any civil work in my lab, only criminal. I testify exclusively for
41 defendants in criminal trials. I get paid \$185 per hour for any time I spend on the
42 case, including investigation, trial prep, and testimony. I also get reimbursed for my
43 expenses. It’s rare that I’m called to testify, as cases usually settle once the experts
44 have weighed in. I’ve been interviewed or deposed more times than I can count, but I
45 think I’ve testified at trial less than 20 times in my entire career. I’ve been hired by
46 Carolyn Armistad’s defense attorney in about 30 cases, so s/he obviously knows the
47 value I can bring.

48 Like I said, I made the decision to work exclusively for the defense after seeing
49 how closed law enforcement agencies are to new ideas. Some of the law enforcement
50 labs I worked for were downright rude to me when I tried to show them how they
51 could do their jobs better. I also witnessed what a poor job police departments do
52 when it comes to firearms and ballistics evidence. Their work tends to be sloppy
53 when collecting and preserving evidence and their so-called experts tend to be the
54 beat cop who happened to get chosen for the training.

55 The training is a joke. One cop with five years of experience trains cops with no
56 experience, and the cycle repeats itself. Police ballistics examiners usually have no
57 formal scientific education, let alone any education beyond high school. Most are not
58 certified by ballistics organizations. They are only “self-certified” by the department

59 that trained them, and there is virtually no oversight of that. You would not send
60 your dog to an obedience school with that kind of a system.

61 Anyway, I wanted my expertise to stand above the law enforcement crowd.
62 Therefore I decided to blaze my own trail and use my knowledge where it would be
63 respected.

64 So let me explain to you in as simple terms as I can how this works, so you can
65 understand. There are four types of ballistics. First is “internal,” or what goes on
66 inside the firearm when the trigger is pulled. Second is “external,” which describes
67 what happens between the time the bullet leaves the firearm and the moment of
68 target impact. Third is “terminal” ballistics, which is just what it sounds like: the
69 mechanics of impact on the target and the projectile. Fourth is “forensic” ballistics,
70 which analyzes the bullet and the cartridge to see if they can be linked to a particular
71 weapon. Some nitpicky people say that forensic ballistics is not really ballistics at all,
72 and prefer to call themselves firearms examiners. To me it’s six of one, half dozen of
73 the other.

74 Forensic ballistics relies on an analysis of what we call “toolmarks.” When two
75 objects come into contact the harder object will leave marks on the softer object,
76 even though the marks may be very small and only visible under a microscope. For
77 example, when the firing pin on a weapon comes into contact with the shell casing,
78 and when the projectile comes in contact with the barrel of the weapon as it travels
79 through, that contact leaves what we call toolmarks. Those toolmarks are unique for
80 different types of weapons, and often they are unique to a particular weapon. The
81 more toolmarks we can match between a projectile or a shell casing and a weapon,
82 the more likely it is that this particular weapon fired that particular bullet. It’s not
83 perfect, and not as unique as fingerprints. However, when taken in conjunction with
84 other evidence, it can be very useful.

85 Here’s an example. Let’s say that I examine the toolmarks on a bullet and can say
86 with 100% certainty that the bullet was fired by a particular make and model of rifle,
87 but it could have been any one of 1,000 such rifles. That by itself doesn’t tell you that
88 a particular person fired the fatal shot. However, if 999 of those rifles belong to

89 people who live in another area, and who weren't anywhere near the crime scene
90 when the murder was committed, and the only other rifle that could have fired that
91 bullet is owned by the defendant, now you have a case.

92 A ballistics expert will come to one of three conclusions based on the examination
93 of the evidence. I might be able to make an "identification" and be able to say with
94 varying degrees of certainty that this weapon fired this bullet. I might make an
95 "elimination" and say that this bullet did not come from this weapon. Or, my analysis
96 might be "inconclusive," meaning I can't say one way or the other. It's important to
97 keep in mind that inconclusive does not mean that a bullet could not have come from
98 a particular weapon. It may very well have, but I can't be certain of that based on the
99 evidence available.

100 A lot of people don't consider ballistics to be a real science, but that's just not the
101 case. It is true that while ballistics uses scientific methods and instruments, ballistics
102 involves a whole lot of nuance and subjectivity, but that doesn't make it unscientific.

103 It's also true that there are as of yet no studies or statistical findings to
104 demonstrate its scientific reliability. However, there are no studies debunking it,
105 either. It takes years of experience like I have to be able to read the nuances in the
106 evidence. That's probably why the prosecution's expert could not be certain, since
107 s/he is only a police officer and does not have nearly the education, training, or
108 experience that I have. With a pure science you should be able to get five people to
109 conduct the same tests and come to the same conclusions. Now, when you are
110 dealing with semi-trained police officers with high school educations, you are not
111 going to get that. While ballistics thus appears to be highly subjective, my training
112 and experience enable me to come to conclusions where others can't. If you have five
113 people like me conduct the tests, you will get a high degree of agreement about the
114 results.

115 So let's talk about the evidence in this case. I obtained the weapon that Officer
116 Wilson was given by the defendant - a Glock 26. The 26 is also known as a "Glock-
117 for-girls," not because it's less powerful than another model, but because it's small
118 and light, so women find it easier to carry and use. Glock 9mm models are by far one

119 of the most popular handguns for self-defense. There are hundreds of thousands of
120 them out there. One of the reasons for their popularity, aside from their quality and
121 ease of use, is that 9mm ammo is plentiful and cheap. I don't know how many there
122 are in Idaho, but it wouldn't surprise me if half the people in Hailey own one.

123 To determine whether the slugs taken from Eagan's body were fired by
124 Armistad's Glock I went through a standard testing procedure.

125 First I made sure the weapon was functioning correctly, and it was. That means
126 both that it worked as designed, and that it was not susceptible to accidental firing. I
127 fired five test rounds from the subject weapon. I fired the rounds into a tank of
128 water, which is a standard practice, in order to slow the velocity as quickly as
129 possible and minimize the change due to impact. I then examined each of the five
130 test projectiles and the subject projectiles from the victim's body under a comparison
131 microscope. One of the projectiles was, as the state lab tech determined, far too
132 misshapen by the impact to make any determinations, and as to that particular slug I
133 agree with the opinion that it is inconclusive. However, that is not the case with the
134 other slug.

135 Let me slow down for you and explain what a comparison microscope is. Anyone
136 who was paying any attention in high school science class should be familiar with a
137 standard microscope. A comparison microscope is, to put it in very simple terms,
138 two standard microscopes tied together side-by-side. It allows you to view two
139 objects at the same time. Without a comparison microscope the examiner simply has
140 to remember what he saw on one object while looking at another. That's really
141 impossible to do, given the nature of toolmarks. Most of them are very subtle, and no
142 one can keep that perfect picture in their head while going back and forth. Even if the
143 prosecution's examiner did have a comparison microscope, you must be carefully
144 trained in its proper use. Again, most law enforcement personnel are not.

145 Toolmark comparison must be done very carefully. A very simplistic analogy
146 would be comparing barcodes on products. You have to look carefully to see the
147 similarities and differences, and to see those properly you really need a way to have
148 them both in front of you side by side at the same time. Using a comparison

149 microscope in forensic ballistics is like that, but the number of markings you are
150 looking at is exponentially greater.

151 When conducting a forensic examination you are looking for three things. First
152 are class characteristics - they belong to all weapons of a particular make and model
153 and are part of the design. For example, rifling, or the spiral pattern in a gun barrel
154 that gives a projectile spin, which gives it stability in flight and keeps it on a straight
155 path. Rifling will be either a right or left “twist,” and will create a land-and-groove
156 pattern on the projectile. Rifling will leave striations on the projectile that match the
157 rifling pattern. The grooves in the bullet are from the spiral pattern in the barrel, and
158 the lands are the spaces between the grooves. If you fired a round from 100 guns of
159 the same make and model you would see a high degree of similarity in their rifling
160 pattern.

161 Second are subclass characteristics - they belong to all weapons in a particular
162 manufacturing run, or that were made during a certain time period or using a certain
163 machine, etc. They are the result of a temporary and probably unintended feature of
164 the manufacturing process. They are generally imperfections or quirks. For example,
165 if the machine used to create the rifling pattern is older and worn, it will leave a less
166 distinct land-and-groove pattern than a brand new rifling machine.

167 Third, and most importantly, are individual characteristics - they belong to this
168 particular weapon. They generally come from customization by the owner, from use
169 of the weapon over time, or even from cleaning. They can change over time
170 depending on factors such as how the weapon is used, how it’s cleaned, and what
171 kind of ammunition is used.

172 You look for toolmarks on the shell casing and the projectile. Marks on the
173 projectile will come from the barrel, which I’ve already discussed. Marks on the shell
174 casing will come from the firing pin, from the breech, and from the ejection
175 mechanism. Unfortunately in this case there were no shell casings recovered at the
176 scene. However, even that is significant, and I’ll get to that in a moment.

177 To come to my conclusion in this case I compared the bullets I fired in the lab
178 with the bullet removed from the Eagan’s body. Terminal ballistics - the changes to

179 the bullet caused by impact - will affect the analysis. Of course, the impact marks will
180 be different, as there is no way to reproduce the exact mechanics of the impact. They
181 are as unique as snowflakes. In fact, it's typical that bullets taken from human bodies
182 are pretty beat up. Again, one of the slugs recovered from Eagan's body is in pretty
183 bad shape, and no meaningful comparison can be made. It's amazing how even the
184 soft tissue of a human being can disfigure a piece of lead.

185 When we look at the other bullet recovered from the victim, we are looking for a
186 number of things. We are looking for matches, which would indicate the bullet came
187 from the test weapon. Or, we are looking for the absence of matches, which would
188 indicate inconclusive. Finally, we are looking for inconsistencies, which would
189 indicate elimination.

190 In this case, the patterns we see on the evidence bullet are inconsistent with the
191 patterns on the test bullets. If the evidence bullet came from the same gun, we would
192 expect to see patterns that are consistent with the patterns on the test bullets.
193 Instead, we see patterns that are contrary to and inconsistent with the patterns on
194 the test bullet. You can see that for yourself when you look at the photograph I took
195 using my comparison microscope. What we have to conclude therefore is that the
196 weapon recovered from the defendant is not the weapon that fired the bullet that
197 killed the victim.

198 There are lots of marks on a weapon and on a spent bullet. Determining how to
199 distinguish one from another, which to discount, and which to focus on, that's the
200 real trick, the real art. That's where an expert like me can make all the difference.
201 The police lab tech should have been able to spot the inconsistencies that you see in
202 the photograph. I don't know why he didn't see them, but there they are plain as day.
203 I don't know how anyone can't see them. They are obvious.

204 It's true that there is no defined standard for how many points of similarity are
205 required for a given level of confidence. However, forensic ballistics evidence has
206 been admissible in courts for decades, even though some courts in some jurisdictions
207 have taken the regressive and unscientific view that experts like me can only testify
208 how tool marks are similar, but can't state a conclusion as to whether they were

209 made by a specific firearm. That may be fine for the police officers who masquerade
210 as experts, but I have much more true expertise than they do. Fortunately, Idaho is
211 not trying to turn back the clock on science and I am still free to testify about my
212 conclusions. However, it is generally accepted that ballistics examination is certainly
213 helpful, even if not entirely conclusive. That's why a high level of education, training,
214 and experience like I have are necessary, so that you can separate the mere
215 uneducated guess from the solid opinion.

216 Sometimes it's just a matter of perspective. For example, holding the bullet one
217 way will make it appear there are no matches, but if you manipulate it and hold it
218 another way you can see the matches. That's one of the tricks with examining a bullet
219 from a victim. Because it's deformed, it's not always easy to know how to line it up. It
220 takes trial and error. If there is no way you can line it up and see any matches, you
221 know you have an inconclusive result, if not an elimination.

222 It is true that there is no set standard for how many similarities you have to find
223 in order to say you have an identification, although there is some agreement that you
224 have to have at a minimum two groups of three. In this case we don't even have the
225 recommended minimum number of similarities that we can repeat reliably - in other
226 words there is no way this bullet came from this gun.

227 I said earlier that there are things we can learn from the absence of shell casings.
228 I find it significant that Officer Wilson failed to obtain shell casings at the scene of
229 Eagan's murder. Any expert would like to have those, as they can also be used to
230 determine whether a shell could have been fired by a particular weapon. However,
231 the absence of shells also provides useful information. It's possible that the shooter
232 picked up the spent shells, but that is highly unusual. Most shootings are not that
233 well planned, if they are planned at all. Shooting another human being is a traumatic
234 event for all but the most hardened killers. In the adrenaline rush of the moment
235 people don't stop to think about cleaning up the evidence of the crime. Instead, they
236 panic, and can think only of getting away from the scene as quickly as possible. If
237 Carolyn Armistad really was the shooter, I find it unfathomable that she would be
238 the kind of person to shoot someone and then have the presence of mind to pick up

239 | the spent shells. The fact that the shells are missing is strong evidence that she did
240 | not fire the fatal shots.

241

WITNESS ADDENDUM

242 | I have reviewed this statement and I have nothing of significance to add at this
243 | time. The material facts are true and correct.

Signed:



Amari Lewis

1

Val Warren

1 My name is Val Warren. How old am I? I'm old enough not to have to answer that
2 question. But I will anyway. I'm 54. I grew up in Homestead, Florida. If you've heard
3 of Homestead at all, it's probably because of Hurricane Andrew. In fact, you might
4 say that Hurricane Andrew is directly responsible for who I am and where I am now.

5 At the time, I lived in a trailer park, in a mobile home I had inherited from my
6 mama when she passed. I had a pretty basic life, working as a checkout clerk at the
7 local Winn-Dixie. It was as good a job as I could expect, what with me being a high
8 school dropout and all. I don't usually tell people this part of my life because I really
9 consider it another life and not who I am now, but it's probably important for you to
10 know the whole truth about who I am so no one feels the need to go digging up dirt
11 from my past to use against me.

12 Anyway, in one afternoon, I went from having a basic life to having nothing. My
13 mobile home was completely flattened. All I had left was literally the clothes on my
14 back. It was a real wake up call. I had nothing, so it was a real opportunity to
15 redefine who I wanted to be.

16 With 40 bucks in my pocket, I got on the first bus I could find out of town and
17 made my way to St. Petersburg. I had read somewhere that it had been over 80 years
18 since a hurricane hit St. Pete's so I figured I was probably a little safer there than in
19 Homestead. In the course of just a few days, I found a job, got an apartment, and
20 signed up for a class to help me study to get my GED.

21 Less than two years later, I applied and was accepted to St. Petersburg College. I
22 wasn't really sure what I wanted to do with my life, but I have always known I had a
23 creative flair. At the Winn-Dixie, I was always known for putting together some of
24 the most creative displays. They're probably still talking about my Frank 'n Beans
25 end cap design from Memorial Weekend in 1984. Who knew you could make a
26 bunch of cans look like a pig sculpture?

27 So, I decided to enroll in the Business program and work towards my Associates
28 Degree in Architectural Design and Construction Technology. Most people don't
29 really have a clear idea what that is, so I'll spell it out for you. It's really about

30 learning how to design spaces from a whole housing development, to the individual
31 houses, to even the interior layout for a house.

32 In a way, it's kind of like being an architect without the fancy degree. I do a lot of
33 work with drafting and design and often work with the construction people to make
34 sure the plans are workable and up to code. I am not one to brag on myself, but at
35 this point, my work is just as good, if not better, than any architect you can name. I
36 have everything but the four year degree. Try telling that to the likes of Tim Eagan
37 (may he rest in peace, I guess) and Haskell Perry. They have always treated me like a
38 second class citizen. I think that's why I gravitated towards Carolyn. She always
39 treated me and everyone else like they deserved a seat at the table.

40 I moved to Pocatello, Idaho to work for Black Bear Real Estate Consultants right
41 after college. Black Bear is a front-to-back real estate consulting firm. We have
42 engineers who will do site analysis and plan where the infrastructure and buildings
43 should go, and we have people like me who design the visual presentation. About
44 seven years ago I worked out a deal with Black Bear that let me move to Ketchum
45 and work remotely. It means I have to travel more, but I love the lifestyle of the
46 Wood River valley. The people here don't know anything about my roots, so they
47 treat me like an equal. I like that. I feel like I've earned it.

48 One of the first people I met was Carolyn Armistad. She was a waitress at Jersey
49 Girl, my favorite breakfast place. I liked Carolyn immediately, and we became good
50 friends, probably because we're both working class. Carolyn has been interested in
51 real estate as long as I've known her. She asked me lots of questions about my job,
52 and she was quick on the uptake. Unfortunately, Black Bear didn't have any
53 positions for her. We are a very elite firm, and without a college education Carolyn
54 wasn't going to get in.

55 I knew Tim Eagan. I worked for him. I remember when he came to town. He
56 started frequenting Jersey Girl and Carolyn introduced us when she found out he
57 wanted to start a real estate development company. Tim started joining me for
58 breakfast, not because I invited him (which I didn't) but because he saw me as an
59 "in" to the local market. At least, that's all he ever wanted to talk about. Did I know

60 anyone in the planning department? Did I know people on the planning and zoning
61 commission? Did I know people on the city council? Obviously, I did, but I built
62 those relationships over years and I wasn't about to let an outsider wannabe just butt
63 in. I earned the trust of those people, so he had to earn it, too.

64 Honestly, Tim came across as a nice enough guy, but he never really did earn my
65 trust. He was one of those guys who made you feel like he was always selling
66 something, even if it was just himself. He talked a big game, but I always thought, "If
67 this guy was half as accomplished as he says he is, why is he here?" Tim told me he
68 worked for a real estate development firm in California, but decided to leave the "rat
69 race" and start fresh in Idaho. He said the California firm begged him to stay. He
70 made it sound like they would fold without him. Yeah, whatever.

71 At the same time, Tim was obviously not an idiot. He did know a lot about real
72 estate development. He bought some older buildings and some smaller acreage here
73 and there in the valley, and he asked me to do the design work for him. Plus, he
74 needed my contacts if he wanted to get anything done. We worked out an
75 arrangement through Black Bear. Tim liked our work, and my ability to move things
76 through the process, so we became his go-to firm, and I was always the project lead.

77 A couple of years ago Tim offered Carolyn a job. She told me Tim offered her a
78 decent salary to do marketing and PR work, much more than she was making as a
79 waitress. She talked about the bonus potential, and said that Tim told her if things
80 went well she could be looking at partnership down the road. She asked me about it -
81 I think she got the same vibe about Tim that I did. I told her to be careful. I said, "No
82 offense, Carolyn, but for Tim to offer you all that money - and partnership for crying
83 out loud - when you have no experience and no education sounds pretty unrealistic."
84 At the same time, I tried to be encouraging. I told her she was smart, and that
85 working for Tim she could learn a lot, make a lot more money, and get some solid
86 experience. I told her as long as she was careful not to get too wrapped up in Tim's
87 reality distortion field she would be fine. I told her it might be a way to get into Black
88 Bear someday. I just didn't see a full partnership in Tim's firm as a real possibility,
89 and I told her so.

90 Unfortunately Carolyn did get too wrapped up with Tim, and now she's accused
91 of his murder. I don't believe for a minute that she did it. Carolyn and I are tight, and
92 she just isn't the violent type. Sure, she has a temper, and if she disagrees with you
93 she isn't afraid to tell you about. She let me have it plenty of times, but it didn't
94 bother me. She would chew you out and be done. She didn't carry it around. She let
95 you know how she felt, and then she was done. No grudges.

96 I also worked closely with Tim, and let me tell you, the reality he could distort
97 was unbelievable.

98 I spent a lot of time in Tim's office going over plans for projects, particularly the
99 Silver Hills development below Hangman's Gulch. Tim was one of those guys who
100 had to take every phone call, so I was frequently in on his side of a conversation. I
101 always knew who he was talking to. He would say, "Hi, Joe," or "Hi, Rudy," or "Hi,
102 Haskell," or whoever was calling him.

103 I was in Tim's office at least twice a week during August 2018. We had a lot of
104 work to do for Silver Hills. Lots hadn't moved like Tim hoped, so we were building a
105 couple of spec homes to show people what life in Hailey could look like. Spec homes
106 are expensive. The developer has to pay the full cost of the construction, and there is
107 no guarantee the home will sell anytime soon. During every one of our meetings,
108 without exception, Tim would get a call from Rudy Chen or Haskell Perry, if not
109 both. I obviously couldn't hear what Rudy or Haskell were saying, but they must
110 have been asking Tim how the project was going. I heard him say things like, "Don't
111 worry, Rudy, we are right on schedule," and "Haskell, the budget is great. We are
112 right where we need to be." Tim was always the picture of enthusiasm. I heard other
113 calls, too, from guys with names I'd never heard of. Tim sounded a little more
114 deferential, and less enthusiastic when on those calls. I heard him say things like,
115 "don't worry, I'll have the money," or "I just need a little more time. Things aren't
116 moving like I expected."

117 I never asked Tim about his business. However, after one call during the last
118 meeting we had in August - it was two or three days before the dinner at the Wicked
119 Spud - Tim opened the safe in his office. I'd never seen him do that before, and I was

120 naturally curious what he kept in there. What he pulled out was a bottle of Jack
121 Daniels, but I also saw a couple of bundles of cash that looked fresh from the bank,
122 still wrapped in the currency band. I couldn't see the denominations, but it looked
123 like a decent amount of money. Honestly, at the time I didn't give it a second
124 thought. Why wouldn't a business have cash in a safe?

125 But the Jack Daniels concerned me. I mean, I've seen business people drink
126 during the day, myself included, but Tim poured a full glass and knocked it back in
127 one long pull. The only people I've seen do that are people who have a problem with
128 alcohol, and I've seen plenty of people who have a problem with alcohol. After Tim
129 set down the glass and put the bottle back in the safe - I swear I thought he'd keel
130 over, but he didn't - he looked at me and said, "Val, I don't know if I can keep this
131 up. Someone should just put me out of my misery." I didn't know we were going to
132 have a counseling session, but Tim was obviously stressed, so I asked him what was
133 going on.

134 He said the project was behind schedule and was probably going to bust the
135 budget, and he wasn't sure he could bring it home. He also confessed that he'd
136 borrowed some money from some "private individuals" (his words) and that he was
137 having trouble paying it back. He said the interest was piling up, and that "these are
138 not the kind of people you miss payments with." He also said, "Carolyn is already
139 mad at me, and Rudy and Haskell are about to be mad at me if I can't pull this thing
140 off and they find out the truth." He said, "Maybe the Perrys were right about me."

141 And then, just as suddenly as the funk came over him, it went away. He looked at
142 me with the old Tim bravado and said, "Okay, let's look at these designs. We've got a
143 lot of work to do." And that was the end of it. I figured it was none of my business, so
144 I let it go. At least until the meeting.

145 Tim and Haskell set this meeting for the evening of September 1st. Apparently
146 there were "rumors" about the project and they wanted to have a frank discussion to
147 set the record straight. I thought that would be good. Given my talk with Tim it
148 sounded to me like the rumors were true, and I expected Tim to come clean about his
149 financial problems and project troubles.

150 By the way, the delays in getting the approvals for Silver Hills had nothing to do
151 with me. Sometimes things just move slowly. I do have relationships with the right
152 people, but when you're doing a development as large as Silver Hills it takes a while.
153 Tim's earlier projects were pretty small, so getting the approvals went pretty quickly.

154 We met at 5:30 at the Wicked Spud. Rudy Chen came up from California, Carolyn
155 was there, and Haskell and Tim. Carolyn was clearly unhappy with Tim and Haskell.
156 I don't recall everything she said, but money and her lack of it was the general theme.
157 I didn't know exactly what her financial arrangement was. Based on what we talked
158 about when Tim offered her the job, I thought she was getting a decent salary,
159 benefits, and a good bonus potential. Apparently she hadn't been paid in a while, as
160 she was demanding that Tim and Haskell get current on her salary. She said she
161 wasn't sure she could pay September rent, and there was no way she could wait to
162 get paid until January. Honestly, when Carolyn said that, it made me a little angry.
163 Like I said, Carolyn and I are good friends, and I'd encouraged her to take this job. I
164 was annoyed and embarrassed that she wasn't getting paid. She was an employee,
165 not a partner, so it wasn't right for Tim and Haskell to expect her to bear any risk.

166 I probably should have kept my mouth shut, but I said, "Since we're being honest
167 tonight, Tim, you should tell everyone about your real financial situation." Tim
168 looked at me like he wanted to hit me. Tim denied there was anything to say about
169 the finances, but now everyone else was pressing him about it. Finally, Tim
170 confessed that he had a couple of "personal loans" through some "private lenders."
171 Haskell said, "I thought you left that behind in California." Tim did not respond.
172 Haskell asked Tim if he was drinking again, too, and Tim said he wasn't. I knew that
173 was a lie, but I didn't say anything else. I didn't want to get in the middle of it.
174 Carolyn already seemed to know about the cash in the safe, as she was telling Tim to
175 use that to pay her. Tim denied there was any cash in the safe. I kept my mouth shut
176 about that, too.

177 Later on, Carolyn asked Tim when he intended to make her a partner. It was
178 really more of a demand than an ask. Tim, Haskell, and Carolyn argued about that
179 for a minute. Tim reminded Carolyn that she was still an employee and told her to go
180 up and take some photos of one of the spec homes. Carolyn looked at him for a few

181 seconds, said, “So that’s the way it’s going to be,” and left. I thought that was best.
182 Again, I knew Carolyn would shake it off and be done with it, but there obviously
183 wasn’t any progress to be made by her staying around. Besides, I intended to tell
184 Carolyn her best option now was to find another job. Maybe I could find something
185 for her at Bear.

186 We took a break at one point, and Rudy Chen asked me what I knew about Tim’s
187 financial situation. I figured I’d already done enough damage to my career at that
188 point, so I told Chen I didn’t know anything, and that s/he should talk to Tim.
189 Honestly, I was a little worried about whether Bear would get paid. I wasn’t worried
190 about me. I have a nice salary, although I’d miss out on my bonus if Silver Hills went
191 bust.

192 Carolyn and I texted later. You have the messages. There’s no way that Carolyn
193 would shoot Tim. She didn’t have any financial problems that I wasn’t willing to help
194 her with, and apparently Rudy Chen offered her money, too. Apparently Carolyn
195 owned a gun, but that was news to me. I’ve been in her office, in her car, and in her
196 home, and I’ve never seen it. She never talked about it. I can see why a woman would
197 have a gun at home for self-protection, but it’s not like she was running around with
198 it on her hip like Tim did.

199 Carolyn came over after she took the pictures. She was fine. She didn’t have a gun
200 she wanted me to hide, she didn’t have to clean up, she wasn’t upset. She was not
201 acting at all like she just killed someone. We talked about the meeting for a while. I
202 told her I’d help her with money if she needed it, and I told her to think about
203 leaving Tim’s firm. She said she would, but she said she really did have faith in Tim,
204 and she wanted to give him another chance. Just like that. “I want to give him a
205 chance.” You don’t say that about someone you know is dead.

206 I know Tim carried a gun. It was impossible not to know that Tim carried a gun.
207 It was a Glock 9mm that he carried in a holster on his hip. He showed it to me a
208 couple of times. It made me uncomfortable. I’m not against guns or anything. In
209 fact, I own a Glock 9mm myself, but I don’t flash it around. Tim seemed to make a
210 point of carrying it and letting people see it. I asked him about it once. He told me he

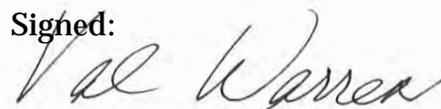
211 was just exercising his Second Amendment rights. He let me know he did a lot of
212 target practice and that he was a pretty good shot. “No one better mess with me,” he
213 said. I thought it was just Tim talking big, but I guess he really did have a reason to
214 protect himself. Certainly not from Carolyn.

215 Wynn Wilson did come talk to me a day or two after Tim was killed. I told Wynn
216 the same things I’ve written here. S/he asked me about my texts with Carolyn so I
217 showed them to him/her. I can’t believe s/he thinks Carolyn was suggesting she
218 would really shoot Tim. It was a joke, for Pete’s sake. We were laughing about it. I
219 know she didn’t kill him. She went up, took her pictures, and that was it. I don’t
220 know who shot Tim, but it was definitely not Carolyn.

221 **WITNESS ADDENDUM**

222 I have reviewed this statement and I have nothing of significance to add at this
223 time. The material facts are true and correct.

Signed:



Val Warren

EXHIBITS

The following pages contain the exhibits described below.

- Exhibit 1:** Official police report of the homicide investigation prepared by Wynn Wilson.
- Exhibit 2:** Affidavit prepared by James Smythe.
- Exhibit 3:** Curriculum Vitae of James Smythe
- Exhibit 4:** Aerial photo and locations based on cell phone data, prepared by Blaine Mendoza.
- Exhibit 5:** Text messages exchanged between Carolyn Armistad and Val Warren on September 1, 2018.
- Exhibit 6:** Photographs taken by Amari Lewis using a comparison microscope
- Exhibit 7:** Text messages exchanged between Timothy Eagan and “Unknown” on September 1, 2018
- Exhibit 8:** Aerial photograph created by Wynn Wilson from Google maps showing the crime scene and approximate locations of construction sites and location where Eagan’s body was discovered
- Exhibit 9:** Photograph taken by Wynn Wilson showing area where Eagan’s body was located between pond and pump house
- Exhibit 10:** Photographs of construction site taken by Carolyn Armistad on September 1, 2018

Exhibit 1: Police Report



HOMICIDE REPORT – HAILEY POLICE

DEPARTMENT

NAME OF VICTIM	SEX	AGE	DOB	RESIDENCE OF VICTIM
Eagen, Timothy	M	34	July 24, 1984	Ketchum, Idaho

LAST, FIRST NAME

REPORTED BY

Det. Wynn Wilson	City of Hailey Police Department	Det. Wynn Wilson
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REPORTED BY	ADDRESS OF PERSON REPORTING	REPORT MADE TO
September 2, 2018	6:00 a.m.	Det. Wynn Wilson

DATE OF REPORT	TIME OF REPORT	OFFICER RECEIVING REPORT

DESCRIPTION OF DECEASED

5'9"	155	Green	Brown	Gucci jean shorts, Gucci tank top, Gucci slides
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HEIGHT	WEIGHT	EYES	HAIR	CLOTHING

INITIAL NARRATIVE

On Sunday, September 2, 2018, at approximately 6:00 a.m., I was practicing tai chi in a new residential development in the Hangman Gulch area of Hailey, Idaho. At that time and place I came upon the body of a man lying on his stomach, right cheek of his face down on a dirt mound leading up to an unfinished residential lot. The body was near what looked to be an under construction garden pond. The arms were resting down towards that man's waist, and his feet were both facing to the man's left. I touched the man's left cheek with the back of my hand and it very cold and exhibited no lividity.

Upon turning the man over I saw that he had two bullet entry wounds, one on his left shoulder, and one in the center of the chest. There were no exit wounds that I could see. The shoulder wound was relatively small, indicating it either came from a small caliber round or from a distance. The chest wound was massive, either from a high caliber round or from close range. The man was deceased. There was a small amount of dried blood around the shoulder wound. The chest wound was a mess. The front of the man's tank top was stained with smeared blood mixed with dirt. His thighs, legs, and arms were marred with dirt. The tops of his arms, the palms of his hands, his fingers, and his fingernails were clean.

In the right rear pants pocket was a wallet containing an Idaho drivers license issued to Timothy K. Eagan, DOB 07/24/1984, a Visa credit card issued by the D.L. Evans Bank in the name of Timothy K. Eagan, a receipt from the Pioneer Saloon dated September 1, 2018, and \$33 in cash.

This is part of Exhibit 1.

The body had a gun holster on the hip, which was open and empty. I found a Glock 9mm handgun approximately five feet to the right of the body. Later examination revealed that the magazine was full and there was a round in the chamber. However, it did not appear that the gun had been fired recently. I visually searched the area and could find no spent shells. Later examination of the area with a metal detector failed to reveal any spent shells. However, because this was a construction site, there was a tremendous amount of stray metal in the ground, so it's possible any spent shells were lost in the "noise."

At approximately 6:15 a.m. on September 2, 2018, I called HPD dispatch to report the discovery of the body.

Further examination of the crime scene failed to reveal anything helpful. Again, as this was a construction site, there were footprints and tire tracks everywhere. The ground was soft packed dirt. It was dry, as it had not rained in several days. It was impossible to discern which tracks were laid when, or to distinguish one track from another. I later took photographs of Carolyn Armistad's shoes and car tires, but by then there had been further construction activity and I was unable to find prints or tracks that matched hers.

According to official National Weather Service records, sunset in Hailey on September 1, 2018 was 8:12 PM MDT.

I interviewed the residents in the area to determine whether they had seen or heard anything helpful. The neighbors reported that they had not seen or heard anything around the time of the murder. They reported that people are always coming and going, either to and from construction sites or to check out the homes. The construction tends to generate a lot of pounding and banging, and there are hunters in the area, so a gunshot would not have attracted any attention.

INVESTIGATION SUMMARY

On September 3, 2018, I met with Blaine County Deputy Chief Assistant Coroner Frankie Mittens to discuss the case. DC Mittens took me to view the body and personal effects.

DC Mittens told me that he had identified the body as that of Timothy Eagen, 34, of Ketchum. Once DC Mittens said the name I immediately remembered that I had seen Mr. Eagen previously at a zoning hearing related to the Hangman Gulch development.

DC Mittens also told me that he had recovered two 9mm caliber bullets from Eagen's body, but that the cause of death was massive hemorrhaging and internal organ damage due to a single gunshot wound to the chest.

On September 4, 2018, I took the two bullets recovered from Eagen's body from DC Mittens and placed them into a sealed evidence bag marking them as TES1 and TES2. I then drove to Meridian, Idaho and dropped them off with Sgt. James Sirjin Smythe for analysis, along with the handgun found near Eagen's body and the handgun belonging to Carolyn Armistad.

On September 8, 2018, Sgt. Smythe emailed to me the results of his analysis of TES1 and TES2, and the handguns. Smythe's analysis was inconclusive. See Smythe's report for further details.

Exhibit 2: James Smythe's Affidavit

AFFIDAVIT OF Sgt. James Sinjin Smythe

STATE OF IDAHO)
) ss.
COUNT OF ADA)

The undersigned, being first duly sworn, deposes and says as follows:

I am an investigator with the Idaho State Police Forensic Services Division in Meridian, Idaho. The lab has a current certification as an Accredited Testing Laboratory from the American Association for Laboratory Accreditation.

I specialize in firearms and toolmarks examination. My full CV is attached.

Evidence:

On September 4, 2018 Officer Wynn Wilson of the Hailey Police Department delivered to me two bullets that were purportedly recovered from the body of one Timothy K. Eagan. The bullets were properly sealed in an evidence bag and were marked TES1 and TES2. Officer Wilson also delivered two firearms: a Glock model 26 and a Glock model 19. Both are 9mm handguns. Officer Wilson did not tell me the origin or ownership of the firearms.

The scope of my examination was narrow. Officer Wilson asked me to conduct testing and evaluation to determine whether either TES1 or TES2 could have been fired from either of the handguns.

Procedure:

I fired three test rounds from each handgun into a ballistics tank filled with water. I then used a comparison microscope to examine each of the six test rounds against TES1 and TES2.

TES1 was too deformed by impact to be useful. There was no part of its surface that retained any tool marks from the weapon that fired it.

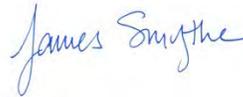
TES2 had a small surface area that had not been damaged by impact, and which retained some of the land and groove patterns from the weapon that fired it. This area did show tool marks that were somewhat similar to one of the test rounds fired from the Glock 19. However, the area on TES2 was too small to show a repeating pattern, and the pattern was not seen on either of the other test rounds fired from the Glock 19.

This is part of Exhibit 2.

Conclusions:

Based on my training and experience, and the examination I conducted, my opinion within a reasonable degree of scientific certainty is that it is INCONCLUSIVE whether TES1 was fired by either the Glock 28 or the Glock 19.

Based on my training and experience, and the examination I conducted, my opinion within a reasonable degree of scientific certainty is that it is INCONCLUSIVE whether TES2 was fired by either the Glock 28 or the Glock 19.



James Sinjin Smythe, Sgt., ISF

On this 8th day of September, 2018 James Sinjin Smythe personally appeared before me and having been first duly sworn did execute the foregoing affidavit.



Notary Public for the State of Idaho
Residing at: Pocatello
My Commission Expires: February 20, 2019

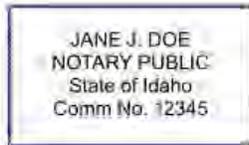


Exhibit 3: James Smythe's Curriculum Vitae

James Sinjin Smythe

4589 South 23rd Avenue
Meridian, Idaho, 83642

208-976-3587 • jsmythe@isp.idaho.gov

Personal Profile

I am a certified firearms and toolmark examiner with the Idaho State Police Forensic Services Division.

Memberships

- The Association of Firearm and Tool Mark Examiners (AFTE) - 1985 to present (Regular Member). AFTE is an organization that "has been dedicated to the exchange of information, methods and best practices, and the furtherance of research since its creation in 1969."
- National Clearinghouse for Science, Technology & The Law (NCSTL) - 2003 to present

Education and Training

1983-1985	Basic Ballistics Training	Idaho POST Academy
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Grade achieved: 98% on the final exam

2000 - Present	Firearms and Toolmark Examiner Certification	The Association of Firearm and Toolmark Examiners (AFTE)
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Grade achieved: 100% on the final exam. I have attended the AFTE Annual Training Seminar since 2001 and have been recertified each year.

Employment

1983 - Present	Firearms and Toolmark Examiner	Idaho State Police
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This is part of Exhibit 3.

Job Duties and Relevant Skills

I am a forensic scientist who is an expert in evidence regarding firearms, toolmarks, and ballistics.

In addition to forensic examinations, I am called upon to test-fire and photograph firearms and firearms-related evidence and prepare investigative reports based upon my examinations. My work includes performing chemical and electrolytic etching and magnetic processes for firearms serial number restoration, and determining the muzzle proximity and trajectory of firearms used at the scene of a crime. I also engage in footwear and tire track comparisons, primer residue analyses, and toolmark comparisons.

Although the majority of my work is done in the forensic laboratory, I also engage in crime scene processing. I am also required to serve as an expert witnesses, prepare courtroom evidence, and provide courtroom testimony, and provide training to law enforcement personnel.

Other duties include reviewing case notes and reports; preparing written case reports resulting from observations and findings; developing specific applications involving the comparison, analysis, and identification of physical evidence; preserving evidence for laboratory analysis and comparison; and conducting research for the development of new techniques, methods, and equipment.

My relevant skills include:

- Performing standard ballistics tests
- Photographing firearms and related evidence
- Operating specialized equipment, such as a comparison microscope
- Performing chemical testing for forensic analysis
- Preparing clear and concise reports
- Using modern theories and methods for firearms classification and identification
- Comparing bullets to barrels
- Silencer testing
- Comparing cartridge cases to firearms
- Ejection pattern testing
- Shot pattern examinations
- Trigger pull measurements
- Serial number restoration
- Shot pattern examinations
- Accidental discharge determination
- Gunshot distance determination
- Fracture matching
- Lock and key examinations
- Comparing stamps with stamped impressions for identification
- Comparing tools with toolmarks found at the crime scene

This is part of Exhibit 3.

Publications

I have written numerous articles ranging from highly technical to "popularized" for publications produced by The Association of Firearm and Tool Mark Examiners (AFTE), the National Institute of Justice (NIJ), the National Clearinghouse for Science, Technology & The Law (NCSTL), and the American Bar Association (ABA).

Teaching

- The Association of Firearm and Tool Mark Examiners (AFTE)
 - Member of the committee that studied the need for a professional certification program for firearm and toolmark examiners (1995-1998)
 - The Proper Setup and Use of Comparison Microscopes
- National Institute of Justice (NIJ)
 - Equipment and Instrumentation - Measurement, Standards, and Accuracy
 - Characterization and Evaluation of Fired Projectiles
- National Clearinghouse for Science, Technology & The Law (NCSTL)
 - Continuing Legal Education courses in small arms tool mark analysis, comparison microscopy, and the proper gathering and preservation of scientific evidence

Exhibit 4: Crime Scene Path with Key

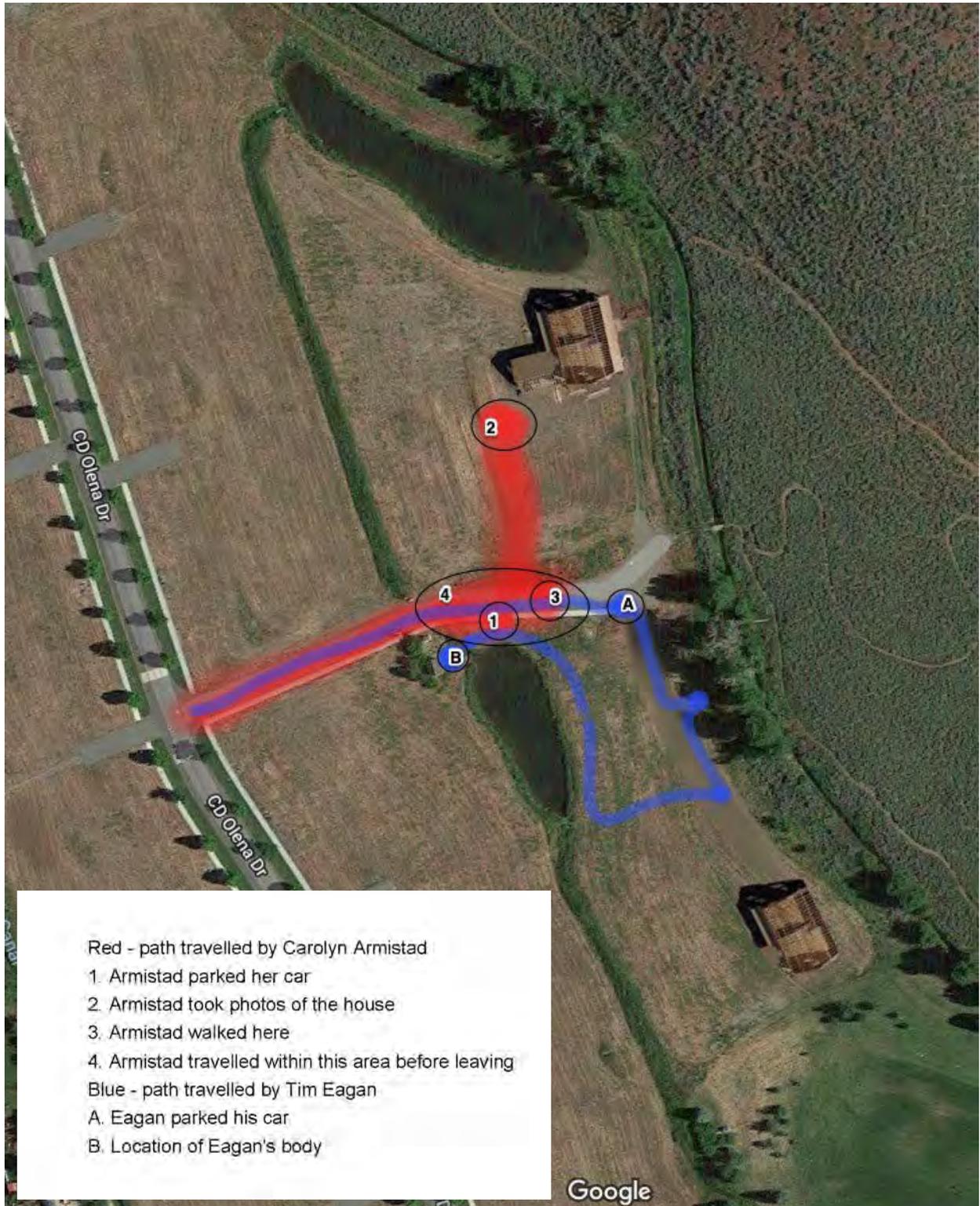
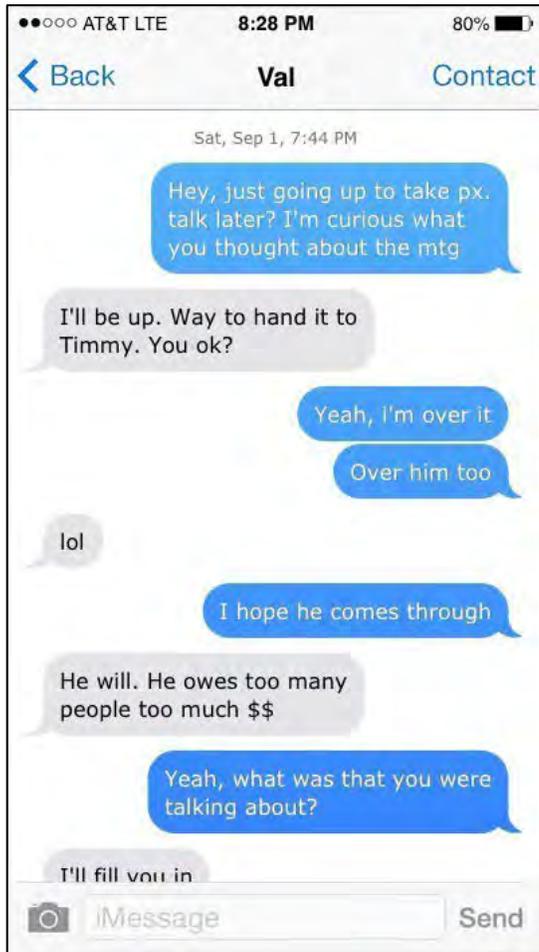


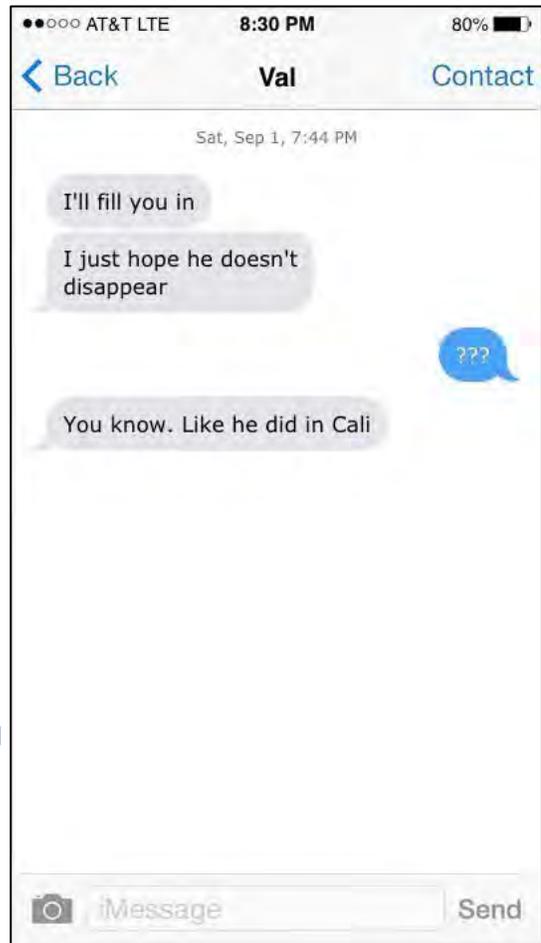
Exhibit 5: Text Messages between Val Warren & Carolyn Armistad

NOTE: Text messages are marked in the order they were sent.

1



2



This is part of Exhibit 5.

3



4

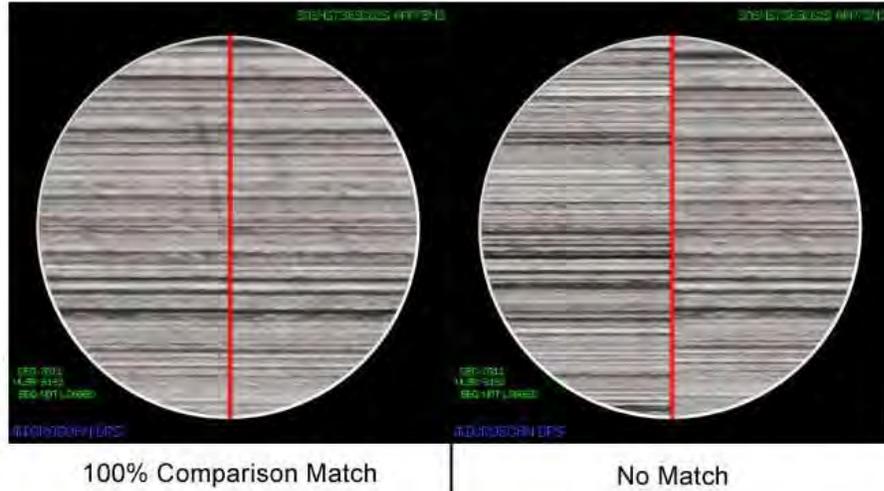


This is part of Exhibit 5.



5

Exhibit 6: Ballistics Comparison



The photo on the left captioned "100% Comparison Match" shows two projectiles fired from Carolyn Armistad's Glock 26.

The photo on the right captioned "No Match" shows one projectile fired from Carolyn Armistad's Glock 26 (on the right half of the circle) and one projectile recovered from the body of Timothy Eagan (on the left half of the circle).

Exhibit 7: Text Messages between Tim Eagan and an Unidentified Source



Exhibit 8: Crime Scene

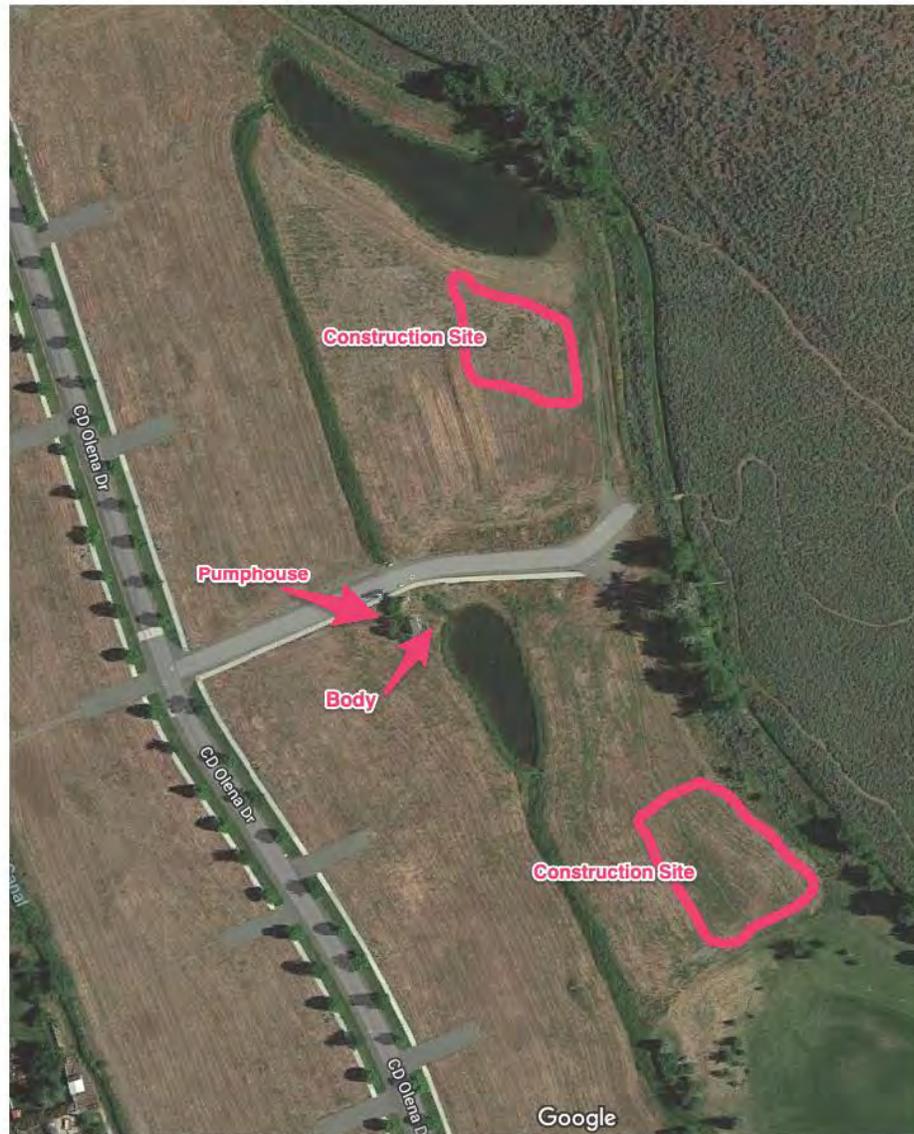


Exhibit 9: Location of Body



Exhibit 10: Construction Site Photos Taken by Carolyn Armistad



JURY INSTRUCTIONS

Instruction No. 1

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be.

You must consider these instructions as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

Instruction No. 2

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case.

The evidence you are to consider consists of:

1. sworn testimony of witnesses;
2. exhibits which have been admitted into evidence; and
3. any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

1. arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;

2. testimony that has been excluded or stricken, or which you have been instructed to disregard;
3. anything you may have seen or heard when the court was not in session.

Instruction No. 3

The production of evidence in court is governed by rules of law. At times during the trial, an objection was made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I was being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustained an objection to a question or to an exhibit, the witness could not answer the question or the exhibit could not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

Instruction No. 4

Some of you have probably heard the terms “circumstantial evidence,” “direct evidence” and “hearsay evidence.” Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.

Instruction No. 5

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

Instruction No. 6

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

Instruction No. 7

A defendant in a criminal action is presumed to be innocent. This presumption places upon the state the burden of proving the defendant guilty beyond a reasonable doubt. Thus, a defendant, although accused, begins the trial with a clean slate with no evidence against the defendant. If, after considering all the evidence and my instructions on the law, you have a reasonable doubt as to the defendant's guilt, you must return a verdict of not guilty.

Reasonable doubt is defined as follows: It is not mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is the state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

Instruction No. 8

This criminal case has been brought by the state of Idaho. The defendant, Carolyn Armistad, is charged by the state of Idaho with the crime of Murder in the First Degree. The charge against the defendant is set forth in the Indictment. The Indictment is simply a description of the charge; it is not evidence.

Instruction No. 9

Murder is the killing of a human being without legal justification or excuse and with malice aforethought.

Instruction No. 10

In order for the defendant to be guilty of First Degree Murder with malice aforethought, the state must prove each of the following:

1. On or about September 1, 2018
2. in the state of Idaho
3. the defendant, Carolyn Armistad, engaged in conduct which caused the death of Timothy Eagan,
4. the defendant acted without justification or excuse,
5. with malice aforethought, and
6. the murder was a willful, deliberate, and premeditated killing.

Premeditation means to consider beforehand whether to kill or not to kill, and then to decide to kill. There does not have to be any appreciable period of time during which the decision to kill was considered, as long as it was reflected upon before the decision was made. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not premeditation.

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of first degree murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of first degree murder.

Instruction No. 11

An act is “willful” or done “willfully” when done on purpose. One can act willfully without intending to violate the law, to injure another, or to acquire any advantage.

Instruction No. 12

“Malice” and “maliciously” mean the desire to annoy or injure another or the intent to do a wrongful act.

Instruction No. 13

Malice may be express or implied.

Malice is express when there is manifested a deliberate intention unlawfully to kill a human being.

Malice is implied when:

1. The killing resulted from an intentional act,
2. The natural consequences of the act are dangerous to human life, and
3. The act was deliberately performed with knowledge of the danger to, and with conscious disregard for, human life.

When it is shown that a killing resulted from the intentional doing of an act with express or implied malice, no other mental state need be shown to establish the mental state of malice aforethought. The mental state constituting malice aforethought does not necessarily require any ill will or hatred of the person killed.

The word “aforethought” does not imply deliberation or the lapse of time. It only means that the malice must precede rather than follow the act.

Instruction No. 14

A defendant in a criminal trial has a constitutional right not to be compelled to testify. The decision whether to testify is left to the defendant, acting with the advice and assistance of the defendant’s lawyer. You must not draw any inference of guilt from the fact that the defendant does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

Instruction No. 15

You heard testimony that the defendant made statements concerning the crime charged in this case. You must decide what, if any, statements were made and give them the weight you believe is appropriate, just as you would any other evidence or statements in the case.