

IN THE DISTRICT COURT, SEVENTH JUDICIAL DISTRICT  
NATRONA COUNTY, WYOMING

Hon. W. Thomas Sullins, Presiding

STATE OF WYOMING, )  
 )  
Petitioner, )  
 )  
vs. ) CR – 19548  
 )  
JOHN HENRY KNOSPLER, JR. )  
 )  
Defendant. )

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**DEFENDANT’S FACTUAL SHOWING IN SUPPORT OF HIS MOTION  
FOR POSTCONVICTION RELIEF**

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The Defendant, JOHN HENRY KNOSPLER, JR., and pursuant to Wyo. Stat. Ann. § 7-14-101 through 7-14-108 (Wyoming Postconviction Act) submits the following evidence in support of an evidentiary hearing vacating and setting aside his conviction and sentence in the above entitled case as more specifically alleged in his original motion. The evidence related to the original investigation, including photographs, reports, emails, law enforcement videos, RACKS security videos, and lab reports were obtained from an external hard drive provided by KNOSPLER’s original trial and appellate attorney, Joseph Low, and will be so identified. These items from original discovery that are photographs or reports have been retained in .PDF format and are designated Def Ex 1, 4, 5, 6, 7 thru 21, 23 thru 26, and 28. These original .PDF documents have been annotated by counsel to identify the significance of this discovery to the issues raised Mr. Knospler’s motion for postconviction relief. There are three

video excerpts videos from the original discovery that has been converted to .MP4 format. Ex 2 is a short section from the Racks security video (front door) showing Mr. Knospler leaving the establishment wearing a cap and sweatshirt. Ex 3 is the section of the Racks security video (front door) showing the period of time from when Mr. Baldwin left and then Mr. Knospler vehicle passed in front of Racks. Ex 6 is an excerpt from the in-car video of Mr. Knospler's stop to show that the snow on his vehicle was not disturbed by law enforcement or Mr. Knospler. Ex 22 is a schematic of the mechanical operation of a 1911 Army .45 semi-automatic pistol. Ex 27 is photographs of the mannequin with the entrance and exit wounds marked according to the autopsy report with dowels and a T-shirt with the WY Crime Lab measurements of the entrance and exit defects and how they don't line up correctly.

Exhibits 29 thru 94 are photographs in .PDF format and videos in .MP4 format of the steps taken to re-enact the State's theory that Mr. Knospler fired through the driver's window of the 2008 Chevy Cobalt killing Mr. Baldwin. There were three shoots performed on September 9, 2017, and three shoots on November 4, 2017. Ex 95 is a video in .MP4 format demonstrating how the "stovepipe" jam can be consistently reproduced as a result of the Mr. Baldwin having grabbed Mr. Knospler's 1911 Army .45. In addition, by grabbing the firearm Mr. Baldwin could have also caused the second issue with the 1911 Army .45 by hitting the magazine release button on the left side of the firearm. When recovered from Mr. Knospler's vehicle, the magazine was about 1" below being set and would not have been able to be recycled to ready fire position regardless of the jammed empty cartridge. Mr. Norris opined that the

“stovepipe” was caused by limp wristing the 1911 Army .45. However, the firearm did not malfunction in this manner during his testing.

## **INTRODUCTION**

### **Names mentioned**

1. John Knospler Jr., WM, DOB 7-29-1980 (accused/defendant) hereafter **“KNOSPILER.”**
2. James Baldwin, WM, DOB 10-3-1989 (deceased) hereafter **“BALDWIN.”**
3. John Daily, Consultant, Jackson Hole Scientific Investigations, Inc., 95 Nelson Dr., Jackson, WY 83001 hereafter **“DAILY.”**
4. John Knospler, Sr. (Father of John Knospler/stand-in for shooter in the 9/9/17 re-enactment hereafter **“KNOSPILER Sr.”**
5. Gerald L. Soucie, Attorney at Law PO Box 83104 1141 H St., Lincoln, NE 68501-3104 here after **“SOUCIE.”**
6. Larry Barksdale (retired Lincoln Police Department Sgt., currently forensic science instructor at University of Nebraska hereafter **“BARKSDALE.”**
7. Brandon Rice (Attorney from Scottsbluff, NE and former marine stand-in for shooter in the 11/4/17 and 11/5/17 re-enactments hereafter **“RICE.”**

### **Vehicles and firearms**

The defense obtained release of the 2008 Chevrolet, Cobalt, 4dr, blue, EMR 7851 (Pennsylvania) involved in the November 4, 2013 shooting and it was used for all re-enactments. A Ruger SR 1911 model .45 caliber semi-auto belonging to BARKSDALE was used in the September 9, 2017 re-enactments. A Kimbar model 1911 .45 cal.

Semi-auto belonging to RICE was used in the November 4-5 re-enactments. Federal .230 grain FMJ .45 caliber ammo purchased at Walmart, the same as recovered from Mr. Knospler's firearm was used for all testing. The actual Nighthawk Custom, 1911 style, 45 caliber, semi-automatic pistol, serial number NC00439 (suspect firearm) used in the original shooting is still in State custody and not available to the defense. However, should the State want to conduct their own re-enactment using this firearm, the defense will make the COBALT and mannequin used available upon request.

### **PURPOSE OF RE-ENACTMENT**

In the re-construction report prepared by DAILY at the request of the State, there was no "live fire" conducted it focused primarily on an attempt to determine the position of BALDWIN at the time the fatal shot was fired. Def Ex "1." Mr. Low received a copy of this report in July of 2014. DAILY recommended to the State that an actual shooting re-enactment take place as follows:

"A 230 grain .45 caliber FMJRN bullet fired from inside the passenger compartment would be directing all of its impact force toward the outside of the vehicle. The transit time through the glass for this bullet at a muzzle velocity of about 800 feet per second would be on the order of 0.00006 to .00007 seconds. In addition, the applied force, while relatively large, is concentrated in a very small area. Because of the inertial properties of the glass that would be penetrated, there is only a small amount of glass that could have been projected outward during the transit of the bullet. Absent other forces, it is not unusual for the bulk of a tempered glass window that has been penetrated by a bullet to remain essentially in place except for the region immediately in contact with the bullet. **I recommended this shooting test be done in this case, but it has not been carried out as of this writing.** If the glass collapsed on the driver's side window after the passage of the bullet, some would likely have fallen to the outside of the Cavalier, with the remainder of the glass being inside the passenger compartment very near the driver's side. It would not have been scattered so widely throughout the passenger compartment." Ex 1 at p. 6 (Emphasis added.) See also, p.12.

The shooting re-enactment was intended to determine whether the State's theory that KNOSPLER shot BALDWIN through the closed window while in a position of safety and that deadly force was not required could withstand live fire re-enactment. In particular, the State's expert (Norris) had opined that breaking of tempered glass can react "counter-intuitively" and broken glass can travel in the opposite direction from the path of the bullet. This opinion testimony by Norris was used by the State to explain the significant amount of glass shards on the dashboard and passenger's side of the driver's compartment of the COBALT.

During the process of conducting the re-enactment, an additional issue arose related to the "stovepipe" jam and the magazine drop (about 1") found in KNOSPLER's 1911 Nighthawk a few minutes after the shooting at the time of his arrest. RICE as an ex-Marine questioned the "limp wrist" theory after having been the actual shooter and having positioned the .45 caliber weapon so as to strike the mannequin through the window. He repeatedly attempted to "limp wrist" his .45 caliber firearm, but it would not jam. He then took the mannequin's right "hand" which was covered with a leather glove and the stovepipe jam was easily reproduced three times in succession. A subsequent Internet search revealed that in close self-defense situation, grabbing the semi-automatic firearm can make the weapon non-functional and/or create a stovepipe jam. A live fire re-enactment should be performed on KNOSPLER's 1911 .45 semi-automatic in custody.

HOWEVER, epithelial DNA is can be found on firearms and has been used to identify the shooter in many case. This technique was not used in this case because law enforcement and defense counsel accepted the "limp wrist" theory without any

confirmatory testing or consideration of any other theory of why the gun would jam. The existence of BALDWIN's DNA on the firearm or spent cartridge would conclusively establish that the window was broken before any shot was fire.

<http://www.policemag.com/channel/weapons/articles/2010/02/firearms-forensics/page/2.aspx>

There are obvious concerns that since Norris has already repeatedly fired the 1911 .45 semi-auto, BALDWIN's epithelial DNA might be rubbed or shaken off the weapon. Any additional live fire testing should NOT take place until the firearm has been swabbed for the presence of epithelial DNA on the top, sides, and gun sight.

The nature of the indentations to stovepipe cartridge indicates that it was at an angle of 45-60 deg from vertical position when the metal hood to the chamber hit the top of the spent cartridge making the two dents. Live fire testing should be capable of safely reproducing the odd 45-60 angle that caused the dents. When in this position the sharper top edge of the spent cartridge may be at or slightly above the top of the firearm. This odd angle was then "corrected" by some external force pushing the slide back towards the grip, This force would be consistent with Baldwin pushing the firearm away in the milliseconds after he was shot. The inside edge of the spent cartridge has not been subject to the same handling as the firearm and should be swabbed and tested for epithelial "touch" DNA. <http://www.dnaforensics.com/TouchDNA.aspx>

#### **ADDITIONAL FACTS FROM THE 2013 INVESTIGATION**

On October 3, 2013, at 22:31:26 (per video date/time stamp) KNOSPLER left Racks wearing a cap and had his sweatshirt hood pulled over his head. Def Ex 2.

When he was stopped by law enforcement, the cap was on the floor on the driver's side covered with shards of glass. Def Ex. 8.

On October 4, 2013, at 00:35:55 (Racks date/time stamp), BALDWIN left RACKS with the assistance of one of the front door bouncers Ervin Andujar. The front door view on Ex 3 documents the locations and potential times of observation of the witnesses, Ervin Andujar, Amber Hudson, Wesley Guill, and Ashley Logan. They were all looking through the glass front door, over the snow covered vehicles parked in front of the establishment (Def Ex 4) and the approximately 100' to where BALDWIN was involved with the COBALT and was shot by KNOSPILER. (Def Ex 5, 21). The State relied heavily on the testimony of these witness and the provable times of potential observations were as follows:

	Start	Stop	Tot secs	
<b>Ervin Andujar</b>	00:35:58	00:36:19	00:00:21	At front, Baldwin leaving at 00:35:55
1	00:36:39	00:36:45	00:00:06	Looks back after two women leave
2	00:36:54	00:36:57	00:00:03	Points towards Baldwin looks away
3	00:36:59	00:37:09	00:00:10	Talking looking
4	00:37:18	00:37:21	00:00:03	Looking talking turns away
5	00:37:28	00:37:36	00:00:08	Talking pointing lifts girl lifts girl
6	00:37:40	00:37:41	00:00:01	Turns
7	00:37:44	00:37:48	00:00:04	Talking waving hand
8	00:37:49	00:38:02	00:00:13	Watching, talking Turns head
9	00:38:09	00:38:16	00:00:07	Andjurur goes out door
10	00:38:17	00:38:17	00:00:00	Knospler Drives by
11	00:38:21	00:38:21	00:00:00	Andujar motions @ Knospler going by
Total time viewing			00:01:16	55.00%
Total time overall time	00:35:58	00:38:16	00:02:18	
Time not looking			00:01:02	45.00%

	Start	Stop	Tot secs	
<b>Amber Hudson</b>	00:36:54	00:36:54	00:00:00	Gets off chair
				At door stretch
1	00:37:00	00:37:05	00:00:05	neck
2	00:37:30	00:37:32	00:00:02	Attempted to look
3	00:37:36	00:37:38	00:00:02	Andujar lifts amber then drops her
4	00:38:06	00:38:06	00:00:00	Hudson goes back to counter
5	00:38:16	00:38:16	00:00:00	Andujar leaves- Hudson @ counter
Total time viewing			00:00:09	11.00%
Total time overall time	00:37:00	00:38:16	00:01:16	
Time not looking			00:01:07	89.00%

	Start	Stop	Tot secs	
<b>Wesley Guill</b>	00:36:55	00:36:59	00:00:04	shows up at door
1	00:37:03	00:37:04	00:00:01	Looks
2	00:37:07	00:37:07	00:00:00	Walks away
3	00:37:18	00:37:26	00:00:08	Back at door
				Walks away 2 <sup>nd</sup>
4	00:37:27	00:37:27	00:00:00	time
5	00:37:50	00:38:02	00:00:12	Andjur waves him back
6	00:38:05	00:38:05	00:00:00	Begins to walk way 3 <sup>rd</sup> time
7	00:38:16	00:38:16	00:00:00	Andjur goes out door
Total time viewing			00:00:25	34.00%
Total time overall time	00:37:03	00:38:16	00:01:13	
Time not looking			00:00:48	66.00%



	Start	Stop	Tot secs	
<b>Ashley Logan</b>	00:37:23	00:37:23	00:00:00	shows up at door
1	00:37:32	00:37:33	00:00:01	Backs away from window
2	00:37:36	00:37:40	00:00:04	Looking out, Andujar lifts Hudson
3	00:37:41	00:37:44	00:00:03	turns away
4	00:37:46	00:37:53	00:00:07	Turns talks to Guill
5	00:37:55	00:38:06	00:00:11	Turns again talking
6	00:38:08	00:38:13	00:00:05	Turns to
7	00:38:15	00:38:16	00:00:01	Watches Andujar go out door
Total time viewing			00:00:32	60.00%
Total time overall time	00:37:23	00:38:16	00:00:53	
Time not looking			00:00:21	40.00%

The snow “void” shown on Ex 5 is the location where KNOSPLER was parked in the RACKS’ parking lot at the time BALDWIN approached the COBALT. This is a complete void and the COBALT had to have been there for several hours. This void indicates the the COBALT was backed at least to the 6’ concrete parking barriers. The snow cover and darkness interfered with the ability of law enforcement to identify the area of glass debris. BALDWIN’s body was covered with a tarp, but the area between BALDWIN’s feet and the parking barriers was left to the snow. On October 5, 2013, law enforcement returned to the location and glass debris was located about 6’ to 8’ from the edge of the parking barriers. (Def Ex. 18, 19, 20, 21). While glass that might be “hung up” after being fractured might be found on the drive path out of the Racks parking lot, the glass location shown on Def Ex 19, 20, and 21, would be the location

where the initial breaking of the window took place. This location creates a significant problem with the State's theory because the indentation on the Ford pickup parked 6' from the KNOSPLER vehicle doesn't have the bullet dent until about 16' away from the barriers. Even allowing for the 72 degree angle of impact (and with 10% variation), This puts the firearm about 12' to 14' from the barrier. The math doesn't work and it is not a matter of opinion,

KNOSPLER stop by law enforcement that was capture on in car video. (Ex 6) Neither KNOSPLER nor any of the officers inadvertently tampered with the snow on the vehicle or the contents, including the black duffle bag containing KNOSPLER's 1911 .45. The hood of the COBALT showing that snow had been scrapped of the driver's side of the hood and the snow on the top of the vehicle above the driver's door was recently disturbed. (Def Ex 7) The photograph of the interior showing the cap worn by KNOSPLER when he left Racks is on the floor and covered large clumps of fracture glass. (Def Ex 8) Glass shards scattered the entire width of the front window/dash area. (Def Ex 10) In none of the six live fire shooting were we able to recreate even one shard of glass on the window/dash area.

After the stop of the COBALT it was transported to the garage where it was searched for additional evidence. The right side of KNOSPLER's 1911 Nighthawk was photographed and glass was documented. (Def Ex 12) The firearm was removed showing the left side with the magazine not set, magazine button, and moisture on the barrel. (Def Ex 13.) The presence of small shards of glass were documented cup holder, center console, passenger side floor and door, and back seat. (Def Ex 14.) In

none of the six re-enactments were we able to remotely recreate the amount of glass on the passenger side as found by law enforcement on October 4, 2013.

An autopsy was performed on BALDWIN by Dr. John Carter, forensic pathologist, that identified the location of the entrance and exit wounds. (Def Ex 15) He further used dowels to track the bullet's path through the soft tissues of the body until the exit wound at 26" below the top of the head. (Def Ex 16) While there may be the possibility of a deflection associated with the entrance wound, this would only affect the position of the firearm relative to BALDWIN's body. This location of the firearm would be limited by the 3-dimensional space within the driver's compartment. However, the near horizontal positioning of BALDWIN's torso is determined by the bullet track through the body, exit wound, and defect on the Ford pickup truck 48  $\frac{3}{4}$ " above the ground.

### **RE-ENACTMENT PROTOCOL**

The initial shoot held on September 9, 2017, was at the ranch of Tom Dunlop, a family friend who lives near Lusk, Wyoming. The COBALT had been picked up by a tow truck driver and taken to the location as sealed by law enforcement. This re-enactment was, in part, for "proof of concept" to see whether meaningful data could be obtained that would either prove or refute the State's evidence and theory that the single shot by KNOSPLER was through a closed side window in a place of safety. Former Lincoln Police Dept Sgt Larry Barksdale and current University of Nebraska forensic science instructor was retained to assist in the re-enactment.

Mr. Barksdale advised that he had conducted a limited literature review to find data on the mass or spatial distribution of glass as a result of impact with a bullet to a

side window of a motor vehicle. Bruce Moran, a firearms examiner and shooting incident reconstructionist, reported that tempered glass fractures into numerous small cubical and rectangular pieces Meshulam, a glass expert, reported that tempered glass, when broken, falls into a pile of tiny cubes, and this would be due to a lot of stored energy in the original glass. Moran BR. 2007. Shooting incident reconstruction. In Chisum J, Turvey B, editors. Crime reconstruction. Burlington, MA: Elsevier Academic Press, p. 215-312; Meshulam M. Diagnosing glass breakage. Chicago Window Expert. [accessed 2017 October 20] <http://chicagowindowexpert.com/2009/06/20/diagnosing-glass-breakage/>. Meshulam M. Diagnosing glass breakage. Chicago Window Expert. [accessed 2017 October 20]. <http://chicagowindowexpert.com/2013/08/20/glass-evidencein-crimes-and-accidents-2/>.

Mr. Barksdale conducted an additional literature review as the proof of concept exercises. Garrison opined that glass fragments falling to the interior or exterior of a broken window are due to numerous factors and should not be given too much significance, and furthered noted that tempered glass may not always collapse instantly such that the whole pane drops at the same time. In his example the next bump in the road may provide the additional energy to cause a tempered pane to fully drop from its original state. Garrison DH. 2003. Practical shooting scene investigation. Boca Raton, FL: UniversalPublishers.com., p. 95; Garrison DH. 2003. Practical shooting scene investigation. Boca Raton, FL: UniversalPublishers.com., p. 97.

Haag suggests that tempered glass can create problems for investigators due to its characteristics to dice and break into tiny small cubs and fall from its frame. Haag LC. 2006. Shooting incident reconstruction. Burlington, MA: Academic Press, p. 102-

103. He notes that pressure differentials inside and outside of a vehicle with closed windows and doors and close-range post blast pressures are variables that can cause the window to not remain intact after a bullet impact, and he notes that post shooting events, even if the window remains intact, can cause an immediate failure of the window pane. Such events are those like driving the vehicle, hitting bumps, and vehicle vibration. This goes along with investigative actions such as opening or closing a door. Haag LC. 2006. Shooting incident reconstruction. Burlington, MA: Academic Press, p. 102-103.

BARKSDALE found from Hueske that there were similar issues with tempered glass and recounts personal experiences where a vehicle window was shot and as the vehicle moved the glass fell from its original position. See, Hueske EE. 2006. Practical analysis and reconstruction of shooting incidents. Boca Raton, FL: CRC press, p. 176. Hence, the location of a pile of glass contained in the shovel collected on the morning of October 4, 2013, might not have been the original shooting scene. He was not able to find any literature on the distribution of glass within and without the passenger compartment of a motor vehicle.

## **DEFENSE RE-ENACTMENT PROTOCOL**

### **Question presented and goal of re-enactment**

The initial question presented for our exercises revolved around the position of BALDWIN at the time he was shot. Was he inside or outside the vehicle. We surmised that the mass and spatial distribution of glass within and without a motor vehicle when a side window was shot could provide useful information. John Daily had observed that there was a lot of glass in the COBALT and it was spread out in the vehicle. This

evidence was not collected or weighed by law enforcement during the investigation and prosecution of this case. Daily's observations along with a trajectory determination lead him to conclude that the victim was most likely inside the vehicle at the time of the fatal gunshot. What is significant for this motion is that Daily suggested doing research on the distribution of glass through a re-enactment. (Def Ex 1). The State did not conduct any re-enactment, nor did KNOSPLER's attorney after the State decline to conduct this examination.

Our goal was photograph with video equipment and still camera the mass and spatial distribution of glass in the COBALT when the driver's side window was impacted with a .45 caliber bullet fired from the inside as claimed by the State. We had the secondary crime scene (COBALT) with which to conduct the re-enactment. Since we did not have the actual KNOSPLER 1911 Nighthawk, the best we could do was to use a similar firearms with similar muzzle velocity and the same Federal .230 grain .45 auto FMJ (full metal jacket) ammunition purchased at Walmart.

### **Materials and equipment**

Replacement, tempered glass windows, manufactured for a Chevrolet, Cobalt were used as replacement windows. A shop vac was used to collect glass from inside the vehicle on September 9, 2017. (Def Ex 33). For the collection of glass outside the vehicle, a standard 9 by 12' drop cloth purchased at Lowes was used on September 9. A similar, but more detailed drop cloth with distances and angles, was used on November 4, 2017. (Def Ex 68)

Multiple video and digital camera equipment was used, including a Canon, Vixia HFR10 video recorder was used to record video digital images, a Fujifilm, FinePix

HS50EXR digital camera was used to record digital images, a Fujifilm FinePix HS10 was used to record digital images, a standard B+W 486 UV IR Cut MRC filter was used with both Fuji cameras. This filter was necessary for the function of the camera to record data for more accurate colors in the human visible light wave range. A B + W 093 IR filter was used with the Fuji cameras for recording of infrared images. Additional recordings were used with Galaxy S5 cameras and on November 4-5, a Sony super slo-mo digital camera.

### **Method**

The overall method was to visually and digitally document the test site, suspect vehicle, and glass distribution before, during, and after a shooting incident. Additional document included recovering window glass and weighing the mass from a given location.

### **Test site and test vehicle documentation**

The test site for the September 9 shoot was at a private ranch near Casper, Wyoming. A livestock corral was used for the shooting area. The test area and test vehicle are show in the below images. The test site for the November 4-5 shoot was a private acreage bordering a game reserve.

Vehicle conditions before and after each shoot were documented by digital photographs. Between each shoot the vehicles were vacuum to remove existing glass shards. The driver's door panel was removed and some of the accumulated glass was removed. However, this glass was not relevant to the re-enactment and could not all be removed every time. A replacement glass was placed in the window and the window glide moved to the full upright position. The COBALT had manual windows, not electric.

In Scottsbluff on November 4-5, the door panel was re-installed before each shoot.

**Collecting glass and preparation of test vehicle:**

The glass in the test vehicle was vacuumed by region of the interior of the vehicle. A window was inserted into the driver's side vehicle.

**Participant safety:**

All participants were required to wear ear protection and safety glasses during the actual shoot. No one was allowed "down range" and the down range area was walked prior to the shoots. The "shooter" would not load the firearm until in position within the vehicle. Once the cameras were set up, the shooter was given a count down for freedom to fire. Once the shot had been taken, the shooter would unload and disable the firearm.

**EXECUTION OF RE-ENACTMENT PROTOCOL (Sept 9, 2017)**

**Shoot # 1**

The first test shot was with the shooter position in the front passenger seat. Data from the original scene indicated an above ground level (agl) of the bullet impact to a pick-up adjacent pick-up. The back drop for the scene was constructed to reflect the agl value. Strings were run from the test vehicle parameters to this agl point. This was to give the shoot a reference target for the test shot. John Knospler Sr. was the person who fired the test shots. Once the shot was completed, the glass external to the vehicle was poured into a zip lock bag. The vehicle was photographed after each test shot, and then thoroughly vacuumed prior to the next test shot. This procedure was followed for all test shots. The videos and still photographs are included as Def Ex 29 thru 43.



Snapshots were taken from the videos to show the manner the glass would break and fall.

**Shoot # 2:**

Test number two was with the shooter in the front driver seat. The same procedures as set forth above were followed. The results are documented in Def Ex 44 thru 56.

**Shoot # 3:**

For test number three, the shooter was in the passenger seat area for this test. The test involved shooting at a dummy outfitted with a white tee shirt. The results are documented as Def Ex 37 thru 68. One video camera was used to record the effect inside the vehicle at the time of the shoot.

**EXECUTION OF RE-ENACTMENT PROTOCOL (Nov 4, 2017)**

**Shoot # 1 (Window A)**

Test number four followed the same basic procedures as on September 9. There was no mannequin involved in this shoot. However, there was also available a slow motion video camera. These results are documented as Def Ex 68 thru 83.

**Shoot # 2 (Window B)**

Test number five followed the same basic procedures as on September 9, and as set forth above. However, a mannequin form at the height and position of BALDWIN was placed at the maximum distance away from the COBALT, but he could just touch the vehicle. These results are documented as Def Ex 84 thru 90.

### **Shoot # 3 (Window C)**

Test number six followed the same basic procedures as in Shoot #2 (Window B) above. However, the mannequin was moved closer to the vehicle. These results are documented as Def Ex 91 thru 94.

### **Stovepipe re-enactment**

The use of a gloved mannequin hand to re-enact a potential explanation for the stovepipe jam in the KNOSPLER firearm was documented in Ex 95.

### **SUMMARY OF RESULTS:**

In none of the six re-enactments involving a variety of scenarios were we able to ever reproduce the glass dispersal pattern exhibited in the original crime scene. We never had any glass shards deposited on the dashboard. On a few occasions there would be one or two shards of glass on the front passenger side floor, but nothing like found by law enforcement on October 4, 2013. In none of the re-enactments did the fractured glass ever respond counter-intuitively and be thrust into the driver's compartment.

In all of the re-enactments, the glass after being fractured and a quantity blown outward, responded to the force of gravity and fell straight down. Some of that glass would hit the bottom of the window sill and would accumulate between the door and the driver's seat. A smaller quantity of glass would be in the lap of the driver. Glass would not be in the hair, head, neck, or upper chest area of the shooter.

We were able to reproduce a stovepipe “jam”, but suggest that the actual KNOSPLER .45 caliber semi-auto should be used for this experiment. These “jam” results further suggest that touch or epithelial DNA from BALDWIN might be present on the firearm and/or spent cartridge.

RESPECTFULLY SUBMITTED:

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2017, I caused to be served on Caitlin Harper, Asst AG, Wyoming Attorney General’s Office, 2320 Capitol Ave, Cheyenne, WY 82002, attorney for the State, a copy of this showing with exhibits by USPS overnight mail.

By: \_\_\_\_\_  
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Attorney for Defendant, John Knospler Jr.