

1 is no report, there's no affidavit, there's no  
2 summary of their opinions, is there? There's  
3 nothing on file?

4 MR. NEWCOMB: No, we do not have  
5 that. We have no written or recorded statements.

6 THE COURT: Okay. Thank you.

7 MR. NEWCOMB: Essentially, that's  
8 the argument, that Mr. Baldwin's arrest and his  
9 behavior, not only on the individual acts, such as  
10 the individual charge of the count for conspiracy  
11 to commit burglary, but individually and the whole  
12 represents a separate item for the jury to  
13 consider. We would rely on the briefs, but the  
14 briefs are exactly what we argued.

15 THE COURT: Correct.

16 MR. NEWCOMB: If there are any  
17 questions, I'm happy to answer them.

18 THE COURT: No. That would be fine.  
19 Thank you. I just wanted to make sure you had a  
20 chance to be heard on those matters.

21 Mr. Blonigen.

22 MR. BLONIGEN: Well, Your Honor,  
23 first, two procedural notes. This Court set a  
24 deadline to notice this stuff. The burglary case  
25 was well known of, it was addressed in their

1 request, it was addressed in the Court's order,  
2 and the Court made a ruling. We had a pretrial  
3 conference concerning these experts. It was  
4 agreed they would not be mentioned in opening  
5 statement. Now here we are on Wednesday. In  
6 addition to the two experts, Your Honor, they are  
7 excludable under *Sievwright versus State* in and  
8 of itself because no CVs were released to us until  
9 Wednesday, in direct contravention of this Court's  
10 order that they be provided by one week before  
11 trial.

12 More importantly, speaking to these two  
13 experts, Judge, their evidence is inadmissible on  
14 a couple grounds. First, I think it falls square  
15 within the thing you've already ruled on, state of  
16 mind. Secondly, Judge, this is profile evidence,  
17 which the Wyoming Supreme Court has said neither  
18 side can use, repeatedly. In *Stevens* they said  
19 it, in *Ryan* they said it, and particularly in  
20 *Gruwell*, Judge, 254 P.3d 223, where they  
21 specifically said why profile evidence is  
22 irrelevant.

23 Testimony regarding a criminal profile is  
24 nothing more than an expert's opinion as to  
25 certain characteristics which are common to some

1 or most of the individuals who commit particular  
2 crimes. Evidence of a profile does not meet the  
3 relevancy test because the mere fact that the  
4 defendant fits the profile does not tend to prove  
5 that a particular defendant physically abused a  
6 victim, in this case, citing that case from other  
7 jurisdictions. Also what was at stake in *Gruwell*  
8 was Dr. Denison's proposed evidence that the  
9 defendant did not meet the expected  
10 characteristics of a child molester, and that was  
11 what the Court directly held. So these experts  
12 are not admissible on that basis.

13 The Court touched on a third thing.  
14 These offers of proof show that's what the  
15 evidence is going to be. It's very generalized.  
16 Finally, it's just a backdoor way to get in  
17 improper character evidence. Judge, come on,  
18 eluding the police is evidence of violence? One  
19 can even suggest it's evidence of trying to avoid  
20 violence for that matter.

21 These were all things available, could  
22 have been brought to the Court. It seems to me  
23 there's a high likelihood that this stuff is not  
24 admissible. I don't know how the Court is going  
25 to proceed at this point. Finally, Judge, even if

1 we clear all those hurdles, there is still the  
2 *Daubert* question, which remains very active.

3 So as far as the scope of this motion,  
4 which seeks an exception to talk about the items  
5 in opening statement, Judge, we believe it should  
6 be denied. The Court has ruled on this, we had a  
7 discussion on the experts right at the pretrial  
8 conference, Judge. And where you go beyond this,  
9 Judge, though, we believe this evidence as it's  
10 been proposed to you is the type of evidence that  
11 is clearly inadmissible. So certainly at this  
12 time, an exception shouldn't be made to the  
13 Court's previous rulings.

14 Your Honor, at this point in time, the  
15 Court's made rulings covering this, and I see no  
16 good reason to change them now. We believe the  
17 Court should absolutely reject all this evidence  
18 as it has in the past. Not on the base -- and if  
19 we get to it, Judge, we're going to request a  
20 *Daubert* hearing. This is a very dicey  
21 proposition. I mean, what kind of pornography,  
22 what conditions, how many times viewed. There's  
23 no -- you know, has it been tested, has it been  
24 subject to peer review, has it been subject to  
25 normal rates of error.

1           And all this, Judge, I would note, could  
2 have been avoided if it would have been brought up  
3 as the Court directed in its pretrial orders. We  
4 could have had a pretrial hearing. But the Court  
5 has ruled. And, Judge, we believe it is  
6 absolutely inadmissible evidence; and we certainly  
7 don't believe the Court should grant an exception  
8 to its previous rulings at this time.

9           MR. LOW: Your Honor, if I may.

10          THE COURT: You may --

11          MR. LOW: Thank you. We didn't use  
12 our 15 yet.

13          THE COURT: -- in rebuttal.

14          MR. LOW: My memory was that I was  
15 on the phone, I wasn't here, and you asked me,  
16 Mr. Low, are you going to offer the evidence that  
17 the police in this case recovered, clear evidence  
18 of him viewing child pornography --

19          MR. BLONIGEN: Your Honor --

20          MR. LOW: -- clear evidence of him  
21 viewing animal bestiality and cruelty to animals.  
22 And you asked, Mr. Low, are you going to bring  
23 that up, and if so, what are the circumstances.  
24 And I believe I said this to you, Judge: until I  
25 can tell you the exact reason for and the basis

1 for, I won't. I'll give you my word. And we've  
2 kept that word, both in press and everything else.

3 Well, here's what I'd like to say to you  
4 on that. I got that information right away. And  
5 I got you credible experts who focus in this  
6 field. And they rely upon this evidence because  
7 it is something they do in their profession with  
8 regards to testifying oftentimes for the  
9 prosecution.

10 And when we hear this about, well, it  
11 doesn't meet *Daubert*, I didn't just get somebody  
12 to comment on someone else's research. I got the  
13 person who conducted the research, who said that  
14 the most common predicate or predecessor or  
15 indicator for violent activity or violent  
16 attitudes and violent, aggressive behavior is  
17 people who watch bestiality, and that kid was  
18 doing it and a lot of it. If you looked at one of  
19 the URLs, the websites, one of the titles said  
20 "woman who has sex with a horse and it kills her."  
21 I can't think of anything more ugly and disgusting  
22 and violent than that, and this is what this guy  
23 chooses to put into his brain.

24 And that, Your Honor, goes right to the  
25 point of this case, which is is Baldwin more or

1       less likely to be aggressive because, you see,  
2       Mr. Blonigen is going to make the argument -- and  
3       this is the key, and it's in his packet that he  
4       was good enough to give me about his opening  
5       statement. He's actually going to say and tell  
6       the jury and try to persuade them that Mr. Baldwin  
7       never punched that windshield.

8               So now he's directly putting into  
9       evidence or into contention that Mr. Baldwin never  
10      hit that -- that windshield -- I mean, that  
11      window; and that directly goes against the  
12      forensic evidence. That's okay, he can deal with  
13      that; but now he's put at issue whether or not Mr.  
14      Baldwin was aggressive or not. And the jury has  
15      to figure that out, and they're entitled to figure  
16      out everything Mr. Baldwin had done in the past  
17      that gave us an indication of whether or not he  
18      was a violent person. And clearly, according to  
19      the experts who do this for a living and have  
20      actual research on it, they say yes.

21              And then number two, with regard to the  
22      18 burglaries, if you read the police report,  
23      which we didn't get, so we sent someone down there  
24      to get it because I was curious why we didn't get  
25      it, and I was just saying, you know, I got a

1 hunch. And guess what I get when I get it back  
2 Friday? Right in there, the police officer, who  
3 we've subpoenaed, says, Yes, this guy is blowing  
4 down the streets, he turns off his lights because  
5 he's trying to evade us and get away. So now he's  
6 driving at night, and there is oncoming traffic  
7 coming the other way on a two-lane road, one each  
8 direction, and he's going through intersections at  
9 a high rate of speed.

10 So what does that tell you? Here's  
11 somebody who is willing to risk the life of two  
12 other people in his truck and everybody else on  
13 the road so he can continue to get away with  
14 burglaries. That's a violent crime. That is --  
15 he's actively in a crime trying to run from the  
16 cops, and he's willing to risk all our lives to do  
17 it.

18 And by the way, since, again, Mr.  
19 Blonigen is going to put into contention that he  
20 never punched the window, it also goes to habit  
21 because here's a guy who broke into 18 or more  
22 cars that night, and now here he is breaking into  
23 another one in this very case. I mean, the  
24 similarities are overwhelming. Why isn't the jury  
25 entitled to know that this guy acts like this when



1       confronted in these ways and is prone to violence  
2       and aggressive attitudes? And Mr. Blonigen, he  
3       asked me to give him any statement that my experts  
4       gave to me. He sent over a letter.

5               I asked Mr. Newcomb, please look that up,  
6       make sure I don't have -- I asked him, Mr.  
7       Newcomb, am I required to have my experts write a  
8       report? And he -- he double- and triple-checked.  
9       I said, No mistakes. And I was told, No, they  
10      don't have to write a report. I said, Well, I'm  
11      under the impression if we have any correspondence  
12      relevant to the issues, that I'm supposed to turn  
13      that over. Yes. Then I get a letter from Mr.  
14      Blonigen. Said, Well, do I have any? Let me  
15      check. I responded to it instantly, and I gave  
16      him what I had.

17             So I don't understand why since you and I  
18      were in court, I'm sorry -- we had that court  
19      session, you asked me about it, I said, I'll bring  
20      the evidence that I have and the information so  
21      you can make a more informed decision because I  
22      thought that was more fair to you as opposed to  
23      just listening to some lawyer rant and rave about  
24      this is what I think they're going to say or this  
25      is what I believe they're going to say, and here's

1 their credentials.

2 Mr. Blonigen has all those now, he has  
3 the CVs. There's no prejudice. He has their  
4 contact information. He even called one of my  
5 experts. So where is the prejudice? Where is the  
6 hurt? Where is the, Gee, it's not fair or I'm not  
7 prepared or what am I going to do? I don't  
8 understand it.

9 I think I'm repeating myself now. I  
10 appreciate the time, the extra time you gave me.  
11 I'll submit.

12 THE COURT: Okay. Thank you very  
13 much.

14 Well, just so we're clear, since there's  
15 a little bit of confusion at the outset, what I've  
16 been looking at is the Defense's Motion for  
17 Exception and Offer of Proof that was filed  
18 December 11, 2014; I note the State filed a  
19 response on that same date; a Defendant's Motion  
20 for Exception and Offer of Proof filed December  
21 12, 2014; and a Supplemental Motion for Exception  
22 and Offer of Proof filed December 12, 2014. I  
23 think that came in two forms, one of which was  
24 pretty much illegible, but I think that would be  
25 the third matter, this supplemental motion.

1           As to the first motion, the exception  
2           and, I guess, objection was to the Court's order  
3           in limine concerning victim character evidence  
4           related to his viewing pornographic websites. And  
5           I went back and took a close look at this. There  
6           were some earlier deadlines, but in the order  
7           following the July 22, 2014 motion hearing, I  
8           reserved ruling on the State's motions in limine;  
9           and I specifically said that defendant to  
10          specifically identify and give notice of the  
11          proposed evidence of the alleged victim's  
12          character proposed to be -- proposed for  
13          introduction at trial by written notice to be  
14          filed with the Court on or before August 15, 2014.  
15          There was a filing on August 15 that identified  
16          the URL record, but there was no specific  
17          identification of the proposed evidence until last  
18          Wednesday and Thursday of last week, the week  
19          before trial.

20                 That was the first disclosure of these  
21                 two experts that we've talked about. There were  
22                 two very short paragraphs that really give a  
23                 summary, I guess it would be, of the topics upon  
24                 which they may be urged to give testimony; but  
25                 there's no specific identification, no notice to

1 the State or the Court of the proposed evidence  
2 until last week.

3 And so I feel that there's been a failure  
4 to comply with a clearly established deadline in  
5 this case. I also note there was an earlier  
6 deadline for all motions to be brought on behalf  
7 of the Defense, which was months ago, and would  
8 have given the State an opportunity to respond and  
9 would have given the Court an opportunity to look  
10 at things. In any event, obviously, I entered  
11 this order in limine after reviewing everything  
12 that had been presented.

13 Second, while there was mention made of  
14 the potential character evidence of Mr. Baldwin  
15 viewing pornography and somehow correlating that  
16 to a character trait showing that he was either  
17 violent or first aggressor, there's been no  
18 sufficient showing. Not only the lack of the  
19 giving of notice; but there has been no  
20 affidavits, no reports, there have been no case  
21 law cited that would support this type of 404(a)  
22 and 405 evidence. And so the Court was left  
23 without any real opposition and clear showing of  
24 how this evidence could possibly have application  
25 to the defense in this case.

1           Third, I have to agree with the State  
2           that what we're talking about is state-of-mind  
3           evidence. That is, what was going through Mr.  
4           Baldwin's mind. And the State in this case, early  
5           on, filed a motion in limine regarding testimony  
6           of mental health experts. I don't believe there  
7           was any opposition filed to the motion. There may  
8           have been some discussion at hearing concerning  
9           the motion and what was requested; but the Court,  
10          over four months ago, entered its order granting  
11          the motion in limine regarding testimony of mental  
12          health experts. That was entered on August 14,  
13          2014. The rulings included the Court's analysis  
14          from *Duran versus State* and *Witt versus State*.

15                 And I believe the quote was: Testimony  
16          on the accused's state of mind at the time of the  
17          violent act, however, would not be helpful to the  
18          jury. An expert has no basis for evaluation of  
19          the accused's state of mind when he committed the  
20          crime, and such testimony would usurp the function  
21          of the jury. Testimony on the accused's state of  
22          mind at the time of the crime would constitute an  
23          opinion on the accused's credibility and guilt  
24          because it would be a comment upon what the  
25          accused actually believed.

1           I believe along the way, I noted that  
2           that would have application to the victim's state  
3           of mind. And I don't know that any authority was  
4           cited to me that would indicate that those  
5           concerns and that appellate authority would not  
6           have application, not only to the accused but to  
7           the alleged victim and to the witnesses in this  
8           case.

9           So based upon that, I made a very  
10          specific ruling -- and again, this was over four  
11          months ago -- that both parties be and hereby are  
12          precluded from introduction of any opinion  
13          evidence by any mental health expert at trial on  
14          the defendant's, the victim's, or the witness's  
15          state of mind. No authority has been cited in  
16          these exceptions to change that.

17          Fourth, even if somehow this watching of  
18          pornography was a character trait, I don't know  
19          that it would be a pertinent trait of character as  
20          required under the rules. And if -- even if it is  
21          relevant, my thought is that its probative value  
22          is substantially outweighed by the danger for  
23          unfair prejudice and confusion of the issues  
24          pursuant to Rule 403.

25          With respect to the other two motions for

1       exception, I took a close look at those because  
2       when I did my analysis, I went through all of the  
3       offered matters of concern to Mr. Baldwin's prior  
4       criminal past. And I did look -- take a look at  
5       the breach of peace, I did look at the burglary  
6       offenses, and I also looked, as I recall, at the  
7       matter, the battery and interference with peace  
8       officer, which I did not grant an order in limine  
9       on. I looked at what was identified in the  
10      initial notice as Mr. Baldwin's coming uninvited  
11      to a party and evaluated those based upon what was  
12      of record. And I tried to look at those events  
13      and whether they related to a character or trait  
14      of character that could be considered to be  
15      violent or an incident involving first aggression.

16               And in any event, I went through all of  
17      that, I looked closely at the offer of proof as to  
18      all of these items given the requirements of  
19      *Holloman versus State*, and I also took a look at  
20      *Braleley versus State*; and I made the decision that  
21      the interference with a peace officer and the  
22      battery event met the test and these other matters  
23      did not.

24               And I do not see where anything in the  
25      record that I looked at as to the burglary --

1 obviously, there was maybe a flight from arrest or  
2 something there that is included in this new  
3 filing, and I'll take a look at that tonight; but  
4 I don't think it meets the requirements. I noted  
5 in the *Brale* case the quote, "A victim's criminal  
6 record may be relevant if it illustrates that the  
7 victim engaged in life-threatening behavior or in  
8 behavior which may have resulted in serious bodily  
9 harm." Maybe that gives us guidelines as to the  
10 type of violence that might fit, and I'll take a  
11 look at the other material today.

12 But the bottom line is I see nothing that  
13 would have changed any of my rulings, so the  
14 previous orders in limine will stand. I will  
15 review these additional filings today, tonight,  
16 and we'll take those up maybe in the morning  
17 tomorrow.

18 So anything else before we have the jury  
19 brought in?

20 MR. BLONIGEN: Judge --

21 MR. LOW: Yes, Your Honor.

22 MR. BLONIGEN: I'm sorry.

23 THE COURT: Go ahead, Mr. Low. Go  
24 ahead. You go first, Mr. Low.

25 MR. LOW: Thank you.



1           One other offer -- and I know what you're  
2 going to say, but I got to do it for the record.  
3 Since Mr. Baldwin had that illegal pornography on  
4 his phone, that means he was in the active  
5 commission of a crime. And then that, again, is  
6 something since it was happening that night and it  
7 was part of the act that he was involved in, I've  
8 heard Mr. Blonigen's office make the same argument  
9 as to why evidence about John and -- sorry -- Mr.  
10 Knospler and some marijuana consumption as to the  
11 reason why it has to come in because it was part  
12 of the events. And then since Mr. Baldwin was in  
13 the active commission of a crime by having illegal  
14 pornography on his phone, it should come in for  
15 that reason since it happened that night. I'll  
16 submit on that.

17           And then I had another matter I wanted to  
18 bring to your attention when you're ready.

19           THE COURT: Okay. I'll stand by my  
20 prior ruling on the additional matter.

21           Go ahead.

22           MR. LOW: Thank you.

23           From Mr. Blonigen, he was kind enough to  
24 give me his -- what I believe are PowerPoint  
25 slides that he believes or that he's going to put

1 in his opening statement. And on page 1, 2, 3 --  
2 and I'll give this to you so you don't have to  
3 listen to me read it. It's on the fourth page  
4 here. It's the bottom point. I'll hand it to you  
5 with your permission.

6 THE COURT: Sure. That's fine.

7 MR. LOW: I'm going to object as  
8 argumentative as well as just not factual. It's a  
9 person trying to represent his opinion as if it's  
10 a fact, and it's improper. And so I'm going to  
11 ask that that not be permitted to be given to the  
12 jury. And so we're clear, it's saying that he's  
13 commenting on John Knospler's state of mind and he  
14 couldn't form the proper or reasonable intent  
15 because he was under the influence. That's not --  
16 that's not -- in my opinion not permissible.

17 THE COURT: Okay. Thank you very  
18 much, Counsel.

19 Mr. Blonigen, anything as to that last  
20 objection?

21 MR. BLONIGEN: Judge, as a summary  
22 point of argument, we're going to argue that he  
23 was intoxicated, and the evidence will show that.  
24 I don't think that's an objectionable phrase. The  
25 standard is, of course, is you can't put anything

1 on that screen you couldn't say anyway. But that  
2 would be a perfectly permissible comment in  
3 opening argument, wrapping up the evidence and  
4 concluding a point.

5 THE COURT: Thank you very much.

6 Once again, the objection is noted. And  
7 the attorneys are held to a very high standard of  
8 only making statements on matters they could  
9 prove. As I understand it, there is evidence  
10 relative to intoxication. I understand the  
11 Defense's position that it may slip over into  
12 argument, but I don't think it's violative of the  
13 general requirements as to openings, so objection  
14 is noted and overruled.

15 Something else, Mr. Blonigen?

16 MR. BLONIGEN: Just two points to  
17 bring up, Judge. And I know you've ruled on this,  
18 but our people looked at this, never said this was  
19 child pornography. There's a couple age difficult  
20 slides, but nothing as David Hulshizer felt he  
21 would ever charge anybody on.

22 Secondly, as to the -- I keep -- you  
23 ruled on the 2009 incident involving the fight at  
24 the party. I've heard several times the Court  
25 state Mr. Baldwin and the Defense say he was

1 convicted of battery. He never was, and he was  
2 never charged with battery. And as far as police  
3 reports go, they don't implicate him in the  
4 battery. So the Court has made its ruling, but I  
5 want to make that clear for the record.

6 THE COURT: Thank you. I'll clarify  
7 that.

8 MR. LOW: I need to make the record  
9 clear.

10 THE COURT: I think the incident is  
11 identified by date.

12 MR. BLONIGEN: Yes, sir.

13 THE COURT: And the other charge  
14 that was --

15 MR. BLONIGEN: It is in the order,  
16 too, February 9, 2009, as I recall.

17 MR. LOW: And may I make the record  
18 clear as well?

19 THE COURT: Sure.

20 MR. LOW: We were informed by  
21 Mr. Blonigen's office that we were not allowed to  
22 turn over a very long list of websites because  
23 they had been identified as being illegal,  
24 underage child pornography, so much so that I  
25 wasn't even allowed to take that and give it to my

1 experts to look at and determine because I would  
2 be committing or the experts would be committing a  
3 federal crime of distributing child pornography.

4 So if his own office and his own police  
5 officers wouldn't allow us to turn it over to  
6 experts to determine because they said it's  
7 illegal, I don't understand what he's saying to  
8 me. So if it's not -- if it wasn't illegal, then  
9 why couldn't my experts look at it?

10 THE COURT: Thank you. I don't know  
11 the specific answer to the concern there. But I  
12 do know we did a proceeding for a protective order  
13 to allow for disclosure within certain parameters  
14 and certain requirements, and that discovery went  
15 forward in the manner that I think was agreed  
16 upon; but if not, it was ordered by the Court, so  
17 it's so noted.

18 Let's have the jury brought in, then, at  
19 this time for opening statements. And permission  
20 is granted to move the podium, Mr. Blonigen, if  
21 you need to.

22 (The following proceedings  
23 were held in open court, in the presence of the  
24 jury:)

25 THE COURT: Please be seated, and

1 court will reconvene with the 13 members of the  
2 jury panel having now joined us. Good afternoon,  
3 ladies and gentlemen of the jury. When we broke  
4 this morning, we were, I guess, right over the  
5 noon hour. I mentioned that we'd have opening  
6 statements by the parties.

7 And preliminary to the opening  
8 statements, I have four jury instructions I'd like  
9 to give to you. These are preliminary  
10 instructions, and the copies are being handed to  
11 you at this time for you to read along with me.  
12 There's a requirement under Wyoming law that jury  
13 instructions be read in open court, and so we do  
14 have to go through the process, and so bear with  
15 me if you would. But we have these four  
16 preliminary instructions, and I'll start with  
17 Instruction Number 1.

18 (Jury Instruction Number 1  
19 was read in open court.)

20 THE COURT: The second instruction  
21 has to do with the note pads and pens that you've  
22 been provided.

23 (Jury instruction Number 2  
24 and Jury Instruction Number 3 were read in open  
25 court.)

1           THE COURT: I note for you if you  
2 served on a civil jury trial, that there is a  
3 procedure for questions to be asked in a civil  
4 trial, but we do not have that apply in this  
5 situation in a criminal case. So that's one of  
6 the reasons that instruction is given to clarify.

7           And finally, Instruction Number 4.

8                     (Jury Instruction Number 4  
9 was read in open court.)

10           THE COURT: So I'd ask you to pass  
11 those copies back, if you would, to the bailiff.  
12 These will be given back to you at the end of the  
13 case along with additional instructions that will  
14 be given before final arguments. Thank you for  
15 bearing with me in the process there, and we'll  
16 turn to opening statements. Once again, per  
17 pretrial order, not more than 60 minutes a side.

18           Mr. Blonigen, opening statement on behalf  
19 of the State of Wyoming.

20           MR. BLONIGEN: Yes, Your Honor.  
21 Could I ask you to switch the monitors on?

22           THE COURT: To number 1?

23           MR. BLONIGEN: Thank you.

24           THE COURT: Do we have it on the  
25 jury's monitors? Okay. Thank you.

1                   MR. BLONIGEN: May it please the  
2 Court, Counsel.

3                   THE COURT: Counsel.

4                   MR. BLONIGEN: On October 3rd, 2013,  
5 James Kade Baldwin was 25 years old. It was his  
6 birthday that day. Things were going well, he was  
7 employed, he had a pocket full of money, and it  
8 was his birthday.

9                   So he did what 25-year-old single men  
10 often do, he went out to party, and he went out  
11 specifically to drink. Kade went out to celebrate  
12 his 25th birthday about nine o'clock at night.  
13 He'd never see another sunset, he'd never see  
14 another sunrise because the defendant shot him  
15 through the chest.

16                   You're going to hear a case that just  
17 didn't need to be. You're going to hear a case  
18 where Mr. Baldwin, obviously intoxicated, simply  
19 wanting to get a ride home, went out in the  
20 parking lot, absolutely unarmed, absolutely  
21 nothing in his hands that could be considered a  
22 weapon, and simply went to the wrong car. And the  
23 defendant, although he has all sorts of options  
24 available to him, you're going to see, without  
25 warning, shoots him straight through the chest,



1 traveling through his heart and his kidney and  
2 exiting out his back. All because James Baldwin  
3 was a little too drunk to figure out the right  
4 car.

5 We're going to talk about two different  
6 evenings and two different people. One of those  
7 people, of course, is Mr. Baldwin. And you're  
8 going to hear from multiple witnesses. You're  
9 going to hear from many people at the bar. You  
10 will hear from his friends, Mr. Syverson and Ms.  
11 Sterner, who went out there to the bar with him  
12 about 8:30 or nine o'clock that night.

13 There are some things that all those  
14 witnesses will agree on. James Baldwin was  
15 extremely intoxicated. Ladies and gentlemen, he  
16 drank way too much, but everybody at the bar  
17 describes him the same way. Yeah, he drank too  
18 much, but he was a happy-go-lucky guy. He didn't  
19 have a problem with anybody, didn't have a problem  
20 with any of the staff, and stayed there through  
21 the evening until just about midnight.

22 How intoxicated? Well, we know in his  
23 autopsy, there was a blood alcohol performed, he  
24 was a .208. The simple truth is by the end of the  
25 night, Mr. Baldwin wasn't a threat to anybody but

1       himself. He could hardly walk.

2               And you're going to find that he went in  
3 and out of the bar that night several times. It  
4 was warm, he had smoked cigarettes, those sort of  
5 things. And you'll also find that he went out  
6 with his friend, Chris Syverson, once in a while.  
7 Now, the good thing about this is it's on tape.  
8 It doesn't have sound to it, but it does have  
9 video. And what that video allows you to do is to  
10 identify the players we're going to be talking  
11 about in this case, including the defendant, and  
12 to also breakdown the time somewhat as to when  
13 things happened.

14               The one thing to keep in mind is the  
15 detective will tell you is there's about a  
16 20-minute difference between real time and the  
17 time stamp, so you'll have to keep that in mind  
18 when you watch it; but it's on video. And you're  
19 going to see a portion of that video as we go  
20 through the trial. And what you see is Mr.  
21 Baldwin interacting with everybody. You'll also  
22 see the defendant on that film, and you'll see the  
23 many things he does.

24               What was the evening of the defendant?  
25 It was a completely different evening, you'll hear

1 from the witnesses. Sonny Pilcher will tell you  
2 that he arrived about 5:30 p.m. that night at his  
3 establishment. He finds the defendant outside in  
4 the parking lot. It's the beginning of a major  
5 storm, but it's just raining at this time. It's  
6 not really snow yet. About 5:30 at night, dancing  
7 in the rain, with his shirt off, walking down a  
8 railing on the front of the building, and acting  
9 very strange. He's moving his car from one spot  
10 to another spot to another spot. In fact, it made  
11 Mr. Pilcher so nervous, he finally says, Hey, you  
12 know, what's going on here? And the defendant  
13 says something about, Well, I got to keep an eye  
14 on my car.

15 And you'll see on the video when he  
16 enters about 5:30, he kind of looks through the  
17 door and things like this and he goes in. You'll  
18 also hear from a number of the people that were  
19 working there that night and who were customers  
20 there that night that the defendant, again, was  
21 acting very unusual and not necessarily aggressive  
22 but strange. He gets in arguments with people  
23 about what way mountain ranges run. And I mean, a  
24 yelling and screaming argument about which way a  
25 mountain range runs. He goes in, he goes out.

1 You'll see that he goes out, he puts on -- he'd go  
2 out and he'd put on a coat. He'll come back in,  
3 he'll go out, and he'll put on a hat.

4 And Mr. Pilcher had warned the help about  
5 this guy is acting a little different, so they  
6 were keeping an eye on him. They were watching  
7 out for him. And Mr. Pilcher continued to have  
8 problems -- or left that evening, but he could  
9 also watch the live feed. And what we'll know  
10 from these people is they can't always say that's  
11 the guy, but when you look at the video and  
12 compare it to what they're telling you, you can  
13 tell who's involved in it, whether it's Mr.  
14 Baldwin or whether it's Mr. Knospler.

15 Now, you know, this goes on for quite a  
16 while. He's getting extremely intoxicated. And  
17 let me tell you, ladies and gentlemen, we talked  
18 about James Baldwin being intoxicated; but this  
19 defendant, when we take a sample four and a half  
20 hours after the shooting, is still a .13. Still a  
21 .13 after four and a half hours. It's been more  
22 than six hours since he left the bar and stopped  
23 drinking. He's still a .13.

24 In addition to that, the testing and the  
25 other evidence of the case will show that he is

1 smoking marijuana. So what we have is two highly,  
2 highly impaired individuals who were involved in  
3 this situation.

4 He also gets in trouble with the help  
5 throughout the night because he's asking them  
6 where he can buy cocaine. And they basically tell  
7 him, Look, we don't need that in here. Don't be  
8 asking us about buying cocaine. So the  
9 description we have of these two gentlemen and the  
10 nights they were having is quite different.

11 There is one brief contact in the bar  
12 between Mr. Baldwin and the defendant. And it  
13 occurs roughly, you know, about two hours before  
14 the shooting. And we can see in the video that  
15 they go into the bathroom about the same time and  
16 they come out about the same time, and then they  
17 head to the front door. And no animosity between  
18 these two people at all. In fact, Mr. Knospler  
19 opens the door for Mr. Baldwin to go outside, and  
20 they're outside for a few minutes.

21 Chris Syverson will tell you the man in  
22 the hoodie or the gray jacket and the beard, which  
23 we will know by the end of the evidence is Mr.  
24 Knospler, is out there; and Mr. Baldwin comes over  
25 and says, Hey, you know, this guy wants to smoke

1       some weed, do you have a lighter. But they never  
2       end up going and doing that, and we know because  
3       Mr. Baldwin's -- first from the evidence on the  
4       video, and secondly, Mr. Baldwin's autopsy showed  
5       no drugs at all in his system, just alcohol. So  
6       there's a brief contact here, but absolutely no  
7       evidence of animosity. None of the witnesses you  
8       will hear from inside that place ever describes a  
9       single transaction, argument, or anything of the  
10      sort between those two individuals, not one.

11                So as the night went on, things  
12      developed. The defendant is eventually kicked out  
13      of the bar. And what happens about a half hour or  
14      so after he goes outside with Mr. Baldwin, Mr.  
15      Andujar, the bouncer, actually catches him  
16      dropping a marijuana cigarette in the bar. And  
17      they have had these issues tonight, it's time to  
18      go. Okay. Mr. Andujar kicks him out and the  
19      defendant goes out. He acts a little strange. He  
20      kind of stops in the back door, and he keeps  
21      looking inside the door, and he goes out in the  
22      parking lot, and he's moved his car yet again.  
23      Now it's facing the doors directly. It's backed  
24      in. The engine is running.

25                And despite the fact that he has over

1       \$300 in his pocket, despite the fact he has plenty  
2       of money, he can call a taxi, do whatever he  
3       wants, he has his cell phone, too; he doesn't do  
4       that. What he does is he sits in that car for an  
5       hour and a half, backed in, watching the front  
6       door.

7                 In the meantime, Mr. Baldwin has gone  
8       back and drank some more. But what's happened is  
9       his friend, Ms. Sterner, says, I'm done with this,  
10      you need to take me home to her then-boyfriend,  
11      Christopher Syverson. So he says, I'm going to  
12      take your car, James, and I'll -- we'll be back.  
13      I'm going to take her home, and I'll come back to  
14      get you. And that's fine with Mr. Baldwin. He's  
15      having a good time, he has a pocket full of money.  
16      In fact, even after spending all that money  
17      tonight, we still find, I think, \$173 in Mr.  
18      Baldwin's pocket. So, you know, he's not a man  
19      that needs money or a ride or anything like that.  
20      He has a ride coming.

21                Well, what happens is -- all the  
22      witnesses will tell you this, is Mr. Baldwin  
23      finally gets so drunk that he passes out at the  
24      table. I mean, head on the table, not moving.  
25      Okay. Finally, Mr. Andujar says, Okay, time to

1 go, you know, you're sleeping on the table, it's  
2 time to go. I'll get you a taxi. Mr. Baldwin  
3 says, insists, No, no, I got a ride coming back.  
4 I got a ride coming back. And there's some more  
5 discussion at the door. And he says, Oh, my ride  
6 is here. This is about a quarter after midnight  
7 or so.

8 And he staggers out in the parking lot  
9 and he makes a really bad mistake. You see, when  
10 his friend, Mr. Syverson, and he went there, they  
11 had parked about two spaces from where the  
12 defendant ends up parking his vehicle. Mr.  
13 Baldwin, you can see on the video, is extremely  
14 impaired. He's having balance problems. He's not  
15 walking real well. He's not talking real well.  
16 And he heads to the area after saying, My ride is  
17 here, he heads that way.

18 According to the witnesses, we'll hear  
19 the car was backed in, the engine was running.  
20 That seems supported by the physical evidence  
21 you'll hear the law enforcement officers talk  
22 about. Just a short distance from the door. It's  
23 a little over 30 yards. I think it was measured,  
24 you'll hear from Mr. Norcross, right at about a  
25 hundred feet. Pretty brightly lit parking lot.



1 It is starting to snow out there. If -- the best  
2 view of what this weather is like when this  
3 shooting happens is probably Mr. Miller's video.  
4 He's the first responding officer. He gets there  
5 about ten minutes after the shooting. So when you  
6 see the weather on Mr. Miller's video, that will  
7 probably give you a pretty good idea of what it  
8 looked like in the parking lot. All the witnesses  
9 will tell you they had no trouble seeing into that  
10 parking lot.

11 Here's the problem. This is Mr.  
12 Baldwin's brother's car he was driving that night,  
13 blue four-door Ford. You can see it the next day  
14 when we found it, it was covered with snow from  
15 the snowstorm we had that day. It's a relatively  
16 common car and not very unusual. This is the  
17 defendant's car. It's a Chevy instead of a Ford,  
18 but it's a small four door. And you can see when  
19 the police officer stopped them about ten minutes  
20 later, that the front end is pretty well covered  
21 in snow. Mr. Baldwin staggers towards the blue  
22 vehicle.

23 This is a picture of the Racks parking  
24 lot. It's taken in the daytime at a later day,  
25 but its purpose is not to show you that night but

1 to show you the relationship of things because  
2 things are physically in the same place. The  
3 front doors can be seen in the building, those two  
4 double doors. He is parked almost directly across  
5 from there, not quite, about where you see that  
6 pickup truck parked in the second picture. It's,  
7 as I said, not very far. People have been in and  
8 out of there all night.

9 There are going to be approximately four  
10 witnesses who see, hear, or do not hear parts of  
11 this situation. The first is Ervin Andujar. He's  
12 the bouncer who's been dealing with these folks  
13 most of the night. And he's looking outside and  
14 they're kind of laughing, they'll tell you, about  
15 this fella going towards the car because they  
16 think the young couple that's left before him are  
17 out there having fun. So they think it's pretty  
18 funny this guy is walking out there, he's going to  
19 catch his friends in the backseat of the car or  
20 whatever.

21 But he describes he goes out there and  
22 what he sees -- and this is confirmed by the  
23 physical evidence at the scene -- is Baldwin goes  
24 towards the passenger side door of the vehicle and  
25 apparently tries the handle because he doesn't get

1 in. Goes -- can be seen going around to the other  
2 side. And what he's doing, seeing that -- he's  
3 kind of leaning into the -- hands on the door  
4 sill, lean -- kind of leaning in towards the  
5 window like he's trying to talk to him.

6 Westy Guill, who was there, will tell you  
7 he actually -- Mr. Baldwin kind of knocked on the  
8 window, like roll the window down. At that  
9 point -- and Amber Hudson also sees a good part of  
10 this. And she -- they will all three tell you  
11 they never see any violent movement on the part of  
12 Mr. Baldwin. The most they see is this little tap  
13 on the window. And all of a sudden, though they  
14 don't hear anything, Mr. Baldwin falls to the  
15 ground. It is only at that point that the car  
16 begins to move.

17 He's -- Mr. Andujar will tell you that  
18 he -- the tires slipped a little bit on the snow,  
19 but he took off on out of there, like, right away.  
20 Ladies and gentlemen, he did what a person who did  
21 something wrong would do, he fled. Mr. Knospler  
22 fled. Has a cell phone in the car, has a hundred  
23 places he could stop, but he fled. And that's  
24 what the evidence will show, and it will be  
25 uncontradicted.

1           When they go out there to find him, Mr.  
2 Baldwin is down on the ground. He's having  
3 trouble breathing. They see blood on the chest,  
4 but they never heard anything. So they call it  
5 in, and what they told them originally is it's a  
6 stabbing. Didn't hear a shot, right? Stabbing.  
7 So that was actually the presumption people were  
8 working on for a while, that this was a stabbing.  
9 Turned out not to be a stabbing. You'll hear  
10 these three witnesses tell you they never saw any  
11 aggressive movement on the part of Mr. Baldwin,  
12 rather he just seemed to be a drunk fella who  
13 couldn't, you know, went to the wrong car.

14           Now, he is good sized man, he's about  
15 six-two, 230. He's good size, no doubt about it.  
16 But he's wearing a simple white T-shirt over a  
17 pair of jeans. He has no place to hide an object,  
18 he has no object in his hand, he has nothing that  
19 can be mistaken as a weapon, he has no place he  
20 can hide a weapon when he goes out there to that  
21 car that night.

22           They find him, he's been shot. The  
23 police immediately begin looking for a vehicle  
24 after the defendant flees. Oh, one more witness,  
25 there's one more person that you'll see from the

1 video who has to be in the parking lot when this  
2 happens. Now, we understand why the people inside  
3 don't hear anything because that music, they'll  
4 tell you, is loud, I mean, very, very loud.

5 Jennifer Cormier. And you'll see her on the video  
6 leave with a friend just shortly before Mr.

7 Baldwin leaves. And you'll hear the story of what  
8 she and her friend did. They have to be out there  
9 in that parking lot at that time. They didn't  
10 hear any shouting or carrying on. They didn't  
11 hear a gunshot either. So all these witnesses  
12 will testify to that effect.

13           The defendant flees. Mr. Andujar will  
14 tell you he tried to yell at him to stop. He  
15 wouldn't stop. The window glass is already  
16 largely missing. We don't know exactly how much,  
17 but most of it. And this is going to be the  
18 driver's side window on the Knospler vehicle. At  
19 the scene, we'll find about two shovels full of  
20 glass on the ground outside. But there's more  
21 glass inside, most of it along the driver's seat,  
22 you know, right inside the driver's seat, like it  
23 just collapsed inward. And if you're familiar  
24 with automobile glass and how it breaks into these  
25 tiny squares, it often comes out in bigger pieces

1       then breaks into those little squares. And you'll  
2       see that's exactly what's going on here when you  
3       see the photographs as well.

4               Mr. Knospler takes off. An attempt to  
5       locate is put out. And Johnny Taylor, one of the  
6       deputies, is responding, and he spots the vehicle.  
7       When he spots Mr. Knospler driving that vehicle,  
8       Mr. Knospler is driving 50 miles an hour through a  
9       construction zone, and he's all over the road.  
10      It's wet and slushy at this time, as you'll see in  
11      the photographs. Snow is really starting to stick  
12      more as we go through the evening.

13              He follows him. And, you know, to get to  
14      where he is going down First and Wolcott here  
15      where our stop takes place right by the federal  
16      building just down the street here, he goes by the  
17      Mills Police Department, he goes by numerous other  
18      businesses. He even goes by the turn to the  
19      Casper Police Department in this building right  
20      over here. Keeps going.

21              You'll also find that as he fled through  
22      that scene, he was attempting to clear a jam that  
23      occurred in the firearm so that the firearm would  
24      be ready to fire again. He is finally pulled over  
25      at about First and Wolcott right around the

1 corner. And one thing you're going to get an  
2 opportunity to hear in just a little bit, and it's  
3 a very brief conversation, Mr. Knospler makes  
4 several general statements when he's pulled over  
5 on the stop. And you'll be able to see it through  
6 the videotape camera of Deputy Taylor.

7 Deputy Taylor approaches the vehicle,  
8 asks him what happened to his window because it's  
9 broken out in the middle of a snowstorm. You  
10 know, anybody would ask that question. What he  
11 says is, Well, I wonder how that happened. And he  
12 keeps talking just for a very brief period of  
13 time, as you'll see, and they're very general  
14 statements. And the defendant does say he was  
15 threatened, but he also says something interesting  
16 when Mr. Taylor brings up whether there was a  
17 fight. He says, There was no altercation. There  
18 was no altercation. Ten minutes after the stop,  
19 that is what the defendant, you'll hear in the  
20 evidence, will say to Officer Taylor. He is  
21 secured, and he is taken down to the Sheriff's  
22 Office. Of course, it's a very brief drive down  
23 here from there.

24 Why? You know, we don't ask if this is a  
25 premeditated case. You heard the judge read the

1 charge. But Mr. Knospler might have been mad. He  
2 might have been annoyed because he was dealing  
3 with a drunk individual. Or it may be what he  
4 said, something he said to Crystal Mize that night  
5 who was working at the bar and who tells us that  
6 Mr. Knospler was talking about killing folks, how  
7 it would be easy. And then he says to her, Nobody  
8 means nothing to me. When we talk about what  
9 happened, we got to look at the facts of that  
10 night. These are what these witnesses are going  
11 to tell you occurred that night.

12 Now, as we said, he started moving right  
13 away. He didn't stick around for anything. He  
14 doesn't take advantage of his opportunities, and  
15 that's what ends up happening.

16 Sorry. We somehow got all the way back.

17 What ends up happening, then, is that  
18 he's taken to the Casper Police Department. And  
19 as he's taken to the Casper Police Department --  
20 or excuse me, the Natrona County Sheriff's Office,  
21 same building, they begin to work on what happened  
22 out there at the scene. And what they eventually  
23 determine, although it takes some time because  
24 they don't want to move Mr. Baldwin at first  
25 because, you know, they don't want to disturb the



1 evidence; but what we find is that Mr. Baldwin has  
2 been shot through the chest. It hits his rib when  
3 it enters and comes out down towards the kidney  
4 here. One gunshot. And of course, it kills him  
5 very quickly. It goes through his heart and kills  
6 him very quickly. But you can see there was quite  
7 a bit of blood on his shirt.

8 About this gunshot wound, we'll hear from  
9 the experts that it's what they call an  
10 indeterminate or intervening target wound. In  
11 other words, there are certain physical  
12 characteristics we look for in the evidence, and  
13 Mr. Norris will talk about this. Guns leave  
14 certain materials on a shirt or skin at a certain  
15 distance from contact to 6 inches to out to about  
16 18 to 24 inches depending on the firearm. And  
17 this particular firearm leaves debris about 24  
18 inches out unless there's something in between the  
19 muzzle and the target. Then that stuff, of  
20 course, goes on that surface. If I shot through  
21 this desk, there wouldn't be the same marks  
22 because of that. So we're going to hear about  
23 that a little bit.

24 This weapon, as we'll hear about it, is  
25 also a very well functioning weapon. But it often

1       jams if it's, what they call, limp wristed. And  
2       that just means it's not held in a steady enough  
3       position either because awkward angle or a loose  
4       grip on the gun, and it jams. It doesn't cycle  
5       the cartridge out. The cartridge gets jammed in  
6       here. And that's what happened in this case.

7               Dr. Carver is the pathologist, and Dr.  
8       Carver will testify when he comes on probably  
9       Wednesday that he'd agree with Mr. Norris that  
10      this is a wound of indeterminate range because  
11      really once we get beyond that 24 inches for this  
12      weapon, it could be 2 feet, it could be 20 feet,  
13      they can't tell the difference. That's why they  
14      call it indeterminate range. It was either that  
15      or an intervening target. He will also tell you  
16      the path the bullet took for striking the first  
17      rib and then passing through. And of course, he  
18      looked at the other things on the body as well.

19              But one of the very interesting things  
20      Mr. Carver or Dr. Carver will tell you about is  
21      that he took microscopic slides of that entry  
22      wound. And what he did is he goes back to what we  
23      were looking at before, and he cuts around that  
24      wound. And what he's going to do -- looking for  
25      is debris on the surface of the wound; and, in

1 fact, he found what we call a refractile material  
2 consistent with glass. And what that really means  
3 is that he found glass-like particles on the wound  
4 itself, which would indicate, again, that it  
5 passed through the window on the way there.

6 In fact, if you look through the slides,  
7 he'll tell you that you see this nice aquamarine  
8 colored stuff kind of like automobile glass, and  
9 it's refractile because it reflects light. And  
10 that's what Dr. Carver found upon the autopsy. An  
11 intervening target -- that would be an intervening  
12 target, and we wouldn't be able to tell the  
13 distance.

14 You're going to hear about lots of this  
15 car and this glass. And as I said, there's some  
16 glass on the outside, substantial amount; there's  
17 quite a bit on the inside, too, though.  
18 Automobile glass, if you're familiar with it, it  
19 comes out in these cubes. And it will kind of  
20 break into a sheet first, and then you got to  
21 break it more to break it into the little pieces.  
22 And you'll hear the officers testify that they  
23 have to do this at accidents and things sometimes,  
24 and it's a very difficult thing to do. You just  
25 don't grab something and break a window. In fact,

1       they use their metal batons to break windows. And  
2       many times, they have to hit it several times  
3       before they can first, A, shatter it; and then  
4       next, B, force out the glass. So this is a very  
5       difficult thing to do. Certainly, Mr. Baldwin was  
6       never described taking any actions like that in  
7       the evidence.

8               Now, you're going to hear, it's going to  
9       be suggested that he punched out that window. And  
10      there are injuries to his hands and contact with  
11      glass. But when you remember that, remember two  
12      things. First, he is leaning towards the glass  
13      when he's shot. And this isn't Hollywood, folks.  
14      You don't fly around when you get shot. You  
15      pretty much just go down, as the pathologist will  
16      tell you. These are extremely minor cuts. And  
17      these are the worst of them, actually. It's on  
18      his right-hand side, and you can see there's a  
19      little cut there. This is after they were cleaned  
20      up. They were bleeding, but they're cleaned up so  
21      you can see them better. And then some right  
22      here.

23               What you'll notice missing in that  
24      photograph -- and think about punching  
25      something -- nothing here, nothing here. This big

1 old knuckle here, it's off to the side. What hits  
2 first if you punch something with that knuckle?  
3 That big old knuckle.

4 It'll be alleged that this shows somehow  
5 that this fella punched through this window. It's  
6 not going to match the forensic evidence; it's not  
7 going to match what was seen by the bar people.  
8 But he has another little cut, you can see it just  
9 at the wrist there. I mean, very small. He has  
10 one very little one about the same size here, and  
11 he has some scratches running this way up by his  
12 shoulder. But large stretches of his arms,  
13 bottoms of his arms, there's no nicks or cuts at  
14 all. So, you know, the evidence will show that  
15 they're very superficial. There's no broken  
16 bones. There's some light bruising, there is some  
17 slight bleeding, but certainly not the kind of  
18 injuries you would expect if one, especially with  
19 a .21, could even begin to punch through the  
20 window. So we need to be aware of all that.

21 There's going to be a reconstruction  
22 you'll hear about, I suspect. But keep in mind  
23 something about reconstructions. They come up  
24 with different scenarios, and that's just it.  
25 There could be multiple scenarios. You're going

1 to find that some facts were assumed in that that  
2 should not have been assumed. You're going to  
3 find that some facts were ignored that should not  
4 have been ignored. And you're going to find that  
5 if you change those facts just the tiniest bit,  
6 they will give you a scenario that very much marks  
7 and follows what the eyewitnesses told you.

8 There's no evidence of a struggle on  
9 either person other than these things. Defendant  
10 [sic] James Baldwin's fingernails were even cut  
11 off, tested for DNA. None of Mr. Knospler's DNA  
12 under his fingernails. The defendant, when he was  
13 arrested, as you can see looked quite different  
14 that day. He had on this clothing that many of  
15 the witnesses will identify. There were no  
16 injuries associated with this event found on the  
17 defendant. He does have like one little hangnail  
18 thing on his finger, but it appears to be older,  
19 and you'll be able to see it in the photos that  
20 are submitted; but no injuries whatsoever. Does  
21 have a little bit of glass on him from where that  
22 glass fell in, probably after Mr. Baldwin fell  
23 into it on his way down, but that's it. No real  
24 injuries.

25 But he has the clothing on he had on at

1 that time. Where was the gun found? Gun is found  
2 right next to him in the front seat. It is  
3 sitting in a backpack that is open. It is jammed.  
4 You'll see that the -- it's stovepiped, as they  
5 call it. It appears that it's been attempted to  
6 be cleared, as I said. And it also appears that  
7 there's two extra loaded clips of ammunition in  
8 the backpack. And so in this little car, he's in  
9 the driver's seat, it's right there in the front  
10 seat. It's not something you got to get out of  
11 the glove box, it's not something you have to get  
12 out. You have to unzip a backpack, which would  
13 tell us that in all likelihood, he had it out at  
14 the time Mr. Baldwin approached the car.

15 You know, he had a hundred different  
16 options, you'll see in the evidence. He could  
17 have driven off. He could have warned the guy  
18 away, Hey buddy, get away from the car. He could  
19 have showed him the gun and said, Get away from  
20 the car. He could have driven away. He never  
21 took advantage of any of those situations in this  
22 situation at all. He shot him through the chest.

23 The interesting thing about the clothing,  
24 as you'll note, is this gray jacket. Now, this  
25 gray jacket, if you think about it, he was wearing

1       this at the time of the event. The left side will  
2       be the one that's closest to the window. That  
3       will be the one that presents itself on the  
4       driver's side window.

5               What you'll find, ladies and gentlemen,  
6       despite the bleeding arm, despite the bloody  
7       chest, there is not one drop of James Baldwin's  
8       blood on that jacket or in that car. And if there  
9       indeed is a struggle, even though the defendant  
10      says there is no altercation, how in the world  
11      does that occur? The absence of the DNA will tell  
12      you as much as the presence of a DNA. In this  
13      instance, it is absolutely unthinkable that that  
14      could have occurred, that there could have been a  
15      struggle inside of that car, and none of these  
16      things could have happened.

17             In addition, there's gunshot residue  
18      around the inside perimeter of the driver's side  
19      window and, of course, on Mr. Knospler's hands;  
20      but that's really not in question. Everybody  
21      acknowledges he fired that gun.

22             It's not that the lab just looked at a  
23      few places either. You will hear testimony from  
24      Leah Innocci and Jennifer Brammeier from the  
25      Wyoming State Crime Lab that they tested this coat



1 extensively. Each of the marks you see, those  
2 little circles, those little dots, are all places  
3 they tested. They will tell you that they looked  
4 for stains so small that you could only see some  
5 of them under the microscope. That's how small  
6 they were. Something I think like over 37 sites  
7 they tested, none of them giving any indication of  
8 James Baldwin's blood. The only blood they found  
9 was clear down on the hem there where you see the  
10 number nine. And there's a tiny, tiny spot, and  
11 that's Mr. Knospler's blood. Don't know if it's  
12 from this event or not. There were no injuries,  
13 so it wouldn't seem so, but it's his jacket so  
14 it's not surprising to find his DNA on his jacket.

15 But if there's an altercation in that  
16 car, ladies and gentlemen, how come none of the  
17 eyewitnesses see it, how come it's not showing up  
18 in the forensic evidence? Mr. Knospler himself  
19 has no damage from glass. He does have a few  
20 glass particles on him when he's taken into  
21 custody. You combine that evidence with the  
22 evidence of Dr. Carver, who tells you that there  
23 is bullet -- blood on the -- or excuse me, glass  
24 on the entry wound, and it's a compelling case  
25 that he certainly was not shot until that car

1       went -- he was shot through the car window. Every  
2       single piece of evidence points to that. It's  
3       contained in the initial investigation.

4               The defendant is well versed in firearms.  
5       This is a well maintained firearm. It's a very  
6       expensive model 1911. It does have issues, as I  
7       said, as most 1911s will, they'll tell you in the  
8       evidence, with this jamming business; but that is  
9       what's going on here.

10              When we look at the gunshot residue,  
11       Jennifer Malone, again, what do they tell you?  
12       Again, Dr. Carver, who we believe's microscopic  
13       evidence will not be seriously questioned. We  
14       take all these and we add them up, and we know  
15       what we saw. We saw the same thing that those  
16       folks at the bar saw, and the defendant telling us  
17       there is no altercation. We have to look at that  
18       day and look at what happened. Of course, we have  
19       to look at all the evidence because sometimes you  
20       can look at one piece of evidence and say, Yeah,  
21       yeah; but then you look at another piece of  
22       evidence and you say, No, not quite.

23              But what we'll have when we combine this,  
24       ladies and gentlemen, is a group of people who  
25       tell you that James Baldwin did nothing aggressive

1 that night, has no injuries that suggest he was in  
2 an altercation, that the defendant made light of  
3 the altercation when he was stopped by the police,  
4 and you'll get a chance to watch that video. We  
5 have a person who wants us to believe that even  
6 though he's extremely intoxicated, he's just  
7 making decisions left and right, who hung out at a  
8 bar for an hour and a half, shot a man who came  
9 out in the parking lot, a man he was willing to go  
10 smoke weed with earlier, but now somehow is some  
11 great threat and danger.

12 Simple truth will show that two highly  
13 impaired individuals made bad decisions that  
14 night. Mr. Baldwin's bad decision was going to  
15 the wrong car. The defendant's bad decision was  
16 killing another man. The two do not compare.  
17 When you add up all the evidence that you will see  
18 here in the coming week and you compare it to the  
19 legal standards the judge will give you at the end  
20 of the case, it's clear this defendant was not  
21 justified in shooting James Baldwin. There was no  
22 need for James Baldwin to die. And that's what  
23 the law requires is a need, a necessity, as it's  
24 defined in the law of self-defense. You can't  
25 answer a drunken man's attempt to open your car

1 door with a gun blast to the chest.

2 And at the end of this case, ladies and  
3 gentlemen, we will ask that you take all the  
4 evidence into consideration and hold the defendant  
5 responsible for what he did that night when he  
6 took James Kade Baldwin's life for next to  
7 nothing. Thank you.

8 THE COURT: Thank you, Counsel.

9 Opening statement on behalf of the  
10 Defense, Mr. Low.

11 MR. LOW: Yes, Your Honor. Thank  
12 you. Madame Clerk, do I -- how do I -- the judge  
13 has it, thank you.

14 THE COURT: From the computer in the  
15 back table, is that what you're asking?

16 MR. LOW: Yes, how to turn that one  
17 on back there.

18 THE COURT: Yes, sir.

19 MR. LOW: Thank you.

20 THE COURT: Make sure we have the  
21 proper connection here.

22 MR. LOW: Is that all right with you  
23 if I put that over there?

24 THE COURT REPORTER: (Nodded.)

25 THE COURT: Why don't we do this.

1 It was a close call whether to take the afternoon  
2 break, but let's go ahead and take a 15-minute  
3 break and give us a chance to make sure everything  
4 is set up right.

5 Ladies and gentlemen, as we break, I want  
6 to advise you of these rules or admonitions. I  
7 already sort of gave them to you before. But I  
8 would remind you not to discuss the case with  
9 anyone, and that includes with one another, and  
10 not to permit anyone to discuss the case with you;  
11 to not form or express any opinion on the case  
12 until you've heard all the evidence and the case  
13 is submitted to you; to not try to learn anything  
14 about the case from outside the courtroom; and to  
15 avoid all publicity and accounts there may be in  
16 the news media. If you keep those rules in mind,  
17 we'll go ahead and take our break at this time,  
18 and we'll reconvene about 3:25. Court will stand  
19 in recess until then.

20 (At 3:08 p.m., a recess was  
21 taken until 3:24 p.m.)

22 MR. BLONIGEN: Your Honor, could we  
23 approach briefly before jury is brought in? Oh,  
24 they're coming in.

25 THE COURT: I believe we have

1 everybody. Thank you very much. Please be  
2 seated. Court will reconvene after the afternoon  
3 break, and the Court would note the presence of  
4 the 13 members of the jury panel, counsel for the  
5 State of Wyoming, and counsel for the Defense.

6 Opening statement on behalf of the  
7 defendant, Mr. Low. You may proceed when ready.

8 MR. LOW: Thank you, Your Honor.  
9 Appreciate that very much.

10 So I was asking myself during Mr.  
11 Blonigen's opening statement what am I feeling  
12 right now, how does that make me feel. I heard  
13 myself saying, Sounds pretty bad. Couldn't you  
14 feel it? I mean, if what he's saying is fact, not  
15 opinion dressed up to look like fact. You know,  
16 you've seen people represent their opinions like  
17 they're facts. If what he said was really true  
18 and it wasn't argumentative, I asked myself, Well,  
19 why are we even here for a trial, then, because  
20 what's the issue and what's all the fuss going to  
21 be about?

22 What do y'all think? Do we just go home,  
23 just leave it like that? Does that feel right to  
24 you right now? I was writing on a brand new pad  
25 of paper here. Where did I put that thing? Well,

1 I guess it disappeared. Anyway, it was a brand  
2 new pad of paper. And I was writing down the  
3 points that I heard, and I was saying to myself,  
4 Man, either I read the wrong file or I'm missing  
5 facts. And I started questioning, like, Did I  
6 miss something?

7 I'll give you an example. What's the  
8 first thing that you heard Mr. Blonigen tell you  
9 right before you -- the start of his opening  
10 statement, very first thing. Do you remember?  
11 There was a lot of material, you may not. I wrote  
12 it down, I remember. He says that it was October  
13 the 3rd, 2013, last year, about a year ago.  
14 October the 3rd, 2013. And then he said to you  
15 that James Kade Baldwin was 25 years old and  
16 celebrating his 25th birthday. Every single thing  
17 I read, every place I read, and all the detailed  
18 reports from the coroner, from the police  
19 department, and everything else said that James  
20 Baldwin was there, his friends as well and the  
21 text messages, he was there celebrating his 24th  
22 birthday. And he was actually born, according to  
23 the paperwork, on October the 3rd, 1989. He  
24 doesn't even have his birthday right or how old he  
25 was.

1           But look, let's not nitpick because who  
2           cares, right? Not that his birthday is not  
3           important, that's not what I mean; but here's what  
4           I do mean, and this is real important: devil's in  
5           the details. Devil's in the details. And I'm  
6           going to count on you to use an analytical,  
7           scientific, inquisitive, skeptical, oh, I'm not  
8           just taking that, I want science, not argument,  
9           facts, because that's going to make all the  
10          difference. Remember I said that. You can write  
11          it down if you like. Remember how that made you  
12          feel to hear that from me. I'll tell you why.

13                 This is probably one of the most  
14          persuasive facts in the case for me, and it's  
15          almost a nonfact. You see, the police -- and  
16          Detective Ellis, he's a good man. I've heard some  
17          good things about Detective Ellis before today. I  
18          heard some more from y'all today as well. And  
19          he's earned those things and his family as well.  
20          He wanted to know how this thing happened. He  
21          wanted to know, with his inquisitive mind, how  
22          things happen. And he and the district attorney  
23          on the case at the time, Joshua Stensaas, who was  
24          also at the scene of the accident or the shooting,  
25          they wanted to figure it out because there was



1 something that bothered them. Something didn't  
2 add up.

3 You see, they found virtually all of the  
4 glass, if you say most of the glass, inside the  
5 car; right? I remember Detective Ellis telling us  
6 earlier, on another occasion, that they actually  
7 found a good amount of -- let's be accurate --  
8 they found some of the glass from the driver's  
9 door window not only in the driver's seat,  
10 remember, it was all the way over in the  
11 passenger's seat, a good amount. I don't mean one  
12 or two crumbs. This glass traveled so far, it  
13 actually ended up in the passenger's side door  
14 pocket. It's all across the windshield -- I'm  
15 sorry, the windshield -- the dash, you know, the  
16 dash, that you got the gauges here and stuff and  
17 you got the -- the dash, you got the windshield  
18 there, it's all over there. It's in the backseat  
19 on both sides.

20 And so think about it. If he got shot  
21 through the window, how would that glass get all  
22 over the car like that? Good detective wanted to  
23 know the answer to that, and he's a good one. And  
24 so they decided that they were going to hire an  
25 expert, a guy who's trained in this, a guy who has

1 dedicated his life and his education and his  
2 experience and his training to figuring these  
3 things out. He's an engineer. Well, guess what  
4 else he is? He is former law enforcement, 25  
5 years. His name is John Daily, and he now trains  
6 virtually all the officers here in this state on  
7 how to do accident reconstructions, accidents, all  
8 the way through crime scenes, as well as across  
9 the country.

10 More importantly, this gentleman, John  
11 Daily, has been hired by Mr. Blonigen's office on  
12 many occasions to do this for him. See, they  
13 think quite a bit of him. They rely on him a lot  
14 for a long time. Since before 1999, John Daily  
15 has been doing accident reconstruction of crime  
16 scenes for them and telling them how things go.

17 Guess who was not asked to come to this  
18 trial. Anybody got a guess? It's Officer John  
19 Daily. I'm sorry, retired Officer John Daily.  
20 But I called him up, and I asked if he would be  
21 willing to accept my subpoena and if he'd come  
22 testify on behalf of us. I haven't paid him a  
23 nickel. See, he completed a complete  
24 investigation. He went out to the scene. Mr.  
25 Blonigen didn't. He went into the stall, if you

1 will, or the house where John's car was stored,  
2 and he did a complete reenactment with all the  
3 scientific evidence available to him.

4 And guess what he came up with? That  
5 Alec -- I'm sorry, I almost said the actor's  
6 name -- that James Baldwin, on that night, based  
7 on the science and the forensic evidence  
8 available, went out and punched that window out  
9 and then went inside of the vehicle, assaulting  
10 John Knospler. And he could prove it.

11 And here is the key, the fact that I  
12 didn't understand when I first read Mr. Daily's  
13 report, and then I had to read the whole thing to  
14 get it. There's one piece of evidence that, well,  
15 you didn't hear in the first opening statement;  
16 and I want to make sure you get it: that they  
17 found a bullet dent. All right. Who cares? So  
18 what? What does that mean?

19 We've got pictures, and I'll get one for  
20 you, get it up in a second, alongside, Mr.  
21 Knospler. You pronounce it, by the way, Knospler,  
22 K-N-O-S-P-L-E-R. I'm probably still saying it  
23 wrong. His dad is in the front row, he's a former  
24 highly decorated Army soldier, so I better watch  
25 how I say that.

1           But John's car is parked facing the bar,  
2           and there's a truck right alongside. Nobody in  
3           it. And they looked on the side of that truck  
4           because when they had Mr. Baldwin there, they saw  
5           the hole where the bullet went in, and they found  
6           the hole where the bullet went out, so they know  
7           it's not in the body. And they always want to  
8           find the bullet, so they start looking around.  
9           Lots of snow on the ground. They get the metal  
10          detectors out there, and they don't find it.

11           But based on where he would have been  
12          standing and the footprints in the snow, guess  
13          what they had to do? They just looked behind  
14          them, and guess what's right there in the side of  
15          that truck? Yeah, a dent. Just like a bullet.  
16          It didn't go in and penetrate, but it put a real  
17          nice dent in there. They got a hold of the driver  
18          the next day and they asked him about it. They  
19          said, You ever seen that dent before?

20           He said, Oh no. That's brand new. I did  
21          not have that yesterday.

22           Who cares? Why is that important?  
23          Simple. What they did is they measured how high  
24          it was, distance this way from the car, GPS  
25          position where the truck is at, GPS position where

1 Mr. Knospler's car was at, and they figure out  
2 from the footprints where Mr. Baldwin is, and  
3 guess what they figure out? That that dent came  
4 because Mr. Baldwin was bent over and the bullet  
5 went straight in here and came straight out his  
6 back. They said it was a straight line right  
7 through him and hit that truck. Well, that's  
8 important because now you get -- you get a  
9 trajectory, and you get two lines.

10 Guess what they could figure out? Not  
11 only where everybody was standing, but where they  
12 were -- and this is important because he did this  
13 reenactment and you had the angles, the  
14 measurements, the rod, you got all these pictures.  
15 You're going to hear from them. You're going to  
16 get to see him. And after he went through  
17 absolutely everything, he says he's convinced he  
18 was inside that car -- "he," Mr. Baldwin -- when  
19 he got shot. And why is that important? Facts  
20 are going to tell you because there's no glass  
21 there. That's right. Where is the glass at?  
22 It's broken all inside the car.

23 He'll tell you, Well, could that glass  
24 have been broken from a gunshot and then all that  
25 glass blew back the other way, the opposite

1 direction the bullet is traveling? And he's,  
2 like, Absolutely not. Not only does that defy  
3 physics, that's just ridiculous. The only way you  
4 could blow glass from this side of the car all the  
5 way over there is by serious force from the  
6 outside, from the outside.

7 Credible. His witness. And I got to  
8 work with him, and I've asked him to come talk to  
9 you so you don't just have to take some lawyer's  
10 word for it. But there's a whole lot more.

11 May I? On that evening, John Knospler is  
12 out here because since 2005 and 6, since that time  
13 period, he and his family, his daddy and his  
14 brother, been coming out here to enjoy a nice  
15 piece of property. There's a nice lady, she's  
16 been here forever, she's lives out in Lusk, and  
17 she invited them to come out here to her property.

18 You see, John's brother and John are both  
19 United States Marines. His brother was in the  
20 Battle of Fallujah, which you may have heard about  
21 as some of the worst fighting the Marine Corps has  
22 seen since the Battle of Huê -- that's a city in  
23 Vietnam -- or Iwo Jima. The hand-to-hand combat  
24 and the close quarters fighting that those young  
25 men and some women endured was, like they said,

1 the worst they've seen in a long time.

2 John wasn't there for that battle, but  
3 his brother was. And during the battle, some of  
4 his buddies were in trouble, they were getting  
5 pinned down and shot. He ran up and tried to save  
6 them and the insurgents, the Jihads, they threw  
7 some grenades down there and they blew up, and  
8 they blew off the top of the roof of his mouth and  
9 his jaw. It was an open wound to his face. They  
10 hauled him off and stitched him back together. He  
11 was over at Bethesda, and they did the best they  
12 could trying to save his life. For 30 days, he  
13 wasn't allowed to be conscious for 30 days, and  
14 that's how they treated him.

15 Well, the short version is that President  
16 Bush comes out there and shakes his hand. Can you  
17 put that picture up there for me of that?  
18 President Bush comes out and shakes his hand. And  
19 John Knospler -- I'm sorry, Jacob Knospler is  
20 laying there in bed, and Newsweek does a big  
21 article about it. His baby, his brand new baby,  
22 first time he ever saw it, that disfigured face is  
23 laying there next to him.

24 And a gal by the name of Ria, I want to  
25 make sure I say this right, she's got a good

1 German name, Engebretsen, Ria Engebretsen, she's  
2 out there at Lusk, been here forever, big rancher  
3 out there, is so taken with the story and with  
4 Jacob and what he went through, that she invites  
5 him to come out to her land for solace, R and R,  
6 and recovery. And as a result, Jacob brings his  
7 brother, John Knospler, right there, and his  
8 daddy.

9           They all hunt -- they all did hunt.  
10 They're from Pennsylvania. And they're all  
11 military, they're a very patriotic family. John  
12 joined the Marine Corps in 19 -- or in 2000,  
13 before 911. When that happened and that came  
14 down, he was an infantry person in the United  
15 States Marine Corps and decided, you know what? I  
16 want to do more. I can do more. And John says, I  
17 want to join Recon. That's -- at that time,  
18 Marine Corps' elite fighting force. They get the  
19 most training, and it is the hardest and, of  
20 course, the most physical commitment and mental  
21 commitment. And you don't just show up and say,  
22 it's me, you got to try out for that; and he does.  
23 He does very well.

24           John gets two tours to Iraq, two combat  
25 tours. And he's decorated for his service and



1 things that he did and people he fought for, his  
2 brothers and sisters. John gets out of the Marine  
3 Corps, honorably, 2008, and the government says,  
4 We need to keep you. We want you. You see, John  
5 had not only been a Marine Corps Recon at that  
6 time, but they then put him in the Marine Corps'  
7 brand new unit called MARSOC, Marine Special  
8 Operations Company. It's equivalent to Navy  
9 Seals, Seal Team 6. These guys are the best  
10 trained in the world, and he's one of their top  
11 guys.

12 And they say, Look, we don't want all  
13 that experience and talent going to waste, so we'd  
14 like to have you come work for the government  
15 here, state department and a few other government  
16 agencies. And his job was to train CIA members  
17 and other people like that on their missions  
18 before they would go and conduct them overseas.  
19 His job was to make realistic scenarios so they  
20 could practice here so they wouldn't make mistakes  
21 over there. And that was the guy they relied upon  
22 to do all this for them. That's how much they  
23 relied on him, that's how much they trusted and  
24 depended on him. Top secret security clearance.  
25 This is not some whacked out, crazy lunatic. This

1 is one of the coolest, calmest people you'll meet.

2 He then served in places like Sudan,  
3 south Sudan, Somalia. As one person will tell  
4 you, a place they consider the most dangerous and  
5 violent place in the world beyond Iraq and  
6 Afghanistan, Mogadishu. What you're also going to  
7 hear is that John, at that point wearing civilian  
8 clothes and out training the different troops  
9 teaching them how to defend themselves and how to  
10 conduct a military operation, legitimate ones for  
11 the government against the rebels, would walk and  
12 go with them and wouldn't take a gun, wouldn't  
13 take a gun.

14 So he came out here and he's here in  
15 2013. You see, John did that job for about five  
16 years, and he got pretty hurt. He got his arm  
17 broke so bad and in such a rotten place that when  
18 it broke, he kind of broke it at an angle. And it  
19 shifted up like this, and he couldn't get it fixed  
20 there. And he had to finish out his contract  
21 where he was out there in the bush, and the people  
22 relying on him, so he just let it grow back the  
23 way it wanted to, said, I can get surgery on it  
24 later. Came back to the United States, they cut  
25 it open and put it back together. Well, it took

1 about a year of surgery and rehab, so from 2012 to  
2 2013, John's rehabbing and going to college,  
3 trying to get his degree.

4 And he comes out here in October, and  
5 he's going to be out here for two weeks with his  
6 daddy and his brother. John comes up, and he  
7 doesn't shoot the deer or the elk. He walks the  
8 land. Quiet and solitude. He likes the peace.

9 In October last year, he's done that for  
10 about two days and decided to come into Casper.  
11 Got himself a steak. Right around -- depending on  
12 the video and what you see, it looks like he gets  
13 to this place called Racks, and he gets there  
14 right around 5:30 p.m. 5:30. And you'll see that  
15 from the video camera, he walks in the bar, looks  
16 around. He's got his shirt on and walks a small  
17 distance. And he's in there I believe all of  
18 about one minute. Yeah, just over a minute, just  
19 over 60 seconds, and he goes out to the car, comes  
20 back two minutes later, I believe, and now he has  
21 pants on and a jacket so he stays warm. Walks  
22 across, sits on the other end of the bar. And  
23 there he ordered some drinks, and he begins his  
24 evening. That's John.

25 Well, later that evening, guy by the name

1 of James Baldwin texts his friend Kara. He says,  
2 Hey, it's my birthday today. And she's, like, Oh,  
3 well happy birthday, I forgot or yeah, it's your  
4 birthday, I meant to say something.

5 Well, I'd like to go do something for my  
6 birthday. How about we go out and -- forgive the  
7 word, but she'll tell you and this is her word,  
8 not mine, she'll tell you he said, Let's go out  
9 and look at some titties. I guess what he meant  
10 was he wanted to go to a local strip club here  
11 called Racks, and he's asking her to go.

12 And she says, Well, I've got a boyfriend,  
13 words to that effect, and I gotta ask Chris, but  
14 I'm broke. And he says, Oh, well I'm going to pay  
15 then. I want to celebrate my birthday and will  
16 you go with me.

17 Well -- she says, Well, let's get us a  
18 baby-sitter, then, for my boy -- or I think it's a  
19 boy, but my child. Let's get us a baby-sitter,  
20 let me call Chris and see if -- that's her  
21 boyfriend -- see if he wants to go, and we'll see  
22 if we can work it out. The short version is that  
23 she comes home, and he was there waiting for her  
24 already. And I guess they used to be roommates.  
25 And they eventually get in his car, and they drop

1 off the child and they get Chris and all go to  
2 Racks. And they get there about 8:30.

3 And Tim, if you would, I'd like to show  
4 them Mr. Baldwin's car, if you can, that they all  
5 drove there in.

6 All right. That's what it looked like  
7 parked on the street. I'll tell you how it got  
8 there in a little bit, part of the story, but  
9 that's his car.

10 Go to the next one, please, if you would,  
11 Grant.

12 Are we able to turn those lights off over  
13 there at all or do they have to stay on? Would  
14 that increase resolution at all?

15 THE COURT: Just for a short period  
16 is fine.

17 MR. LOW: Thank you. Appreciate  
18 that.

19 There's the back end, the license plate.  
20 Go to the next one, if you would, please.

21 There's the side view.

22 Next one, please.

23 There's the front seat. You note that's  
24 black interior. That's going to be significant in  
25 a minute.

1                   Next one, please.

2                   Okay. Close-up, same thing.

3                   Next one.

4                   That's looking into the backseat.

5                   Next one, please.

6                   I think that's the same one. Next one.

7                   Seen that. You can just close them when  
8 we're done with them. Next one, please.

9                   That's the floorboard in the backseat.

10                  Next one, please.

11                  There's the other side of the backseat.

12                  That's also the backseat. That's the car that the  
13 three of them drove to Racks in that night.

14                  Now, we're going to take a quick look at  
15 the car that John Knospler went in. I'm sorry,  
16 that's the trunk of Mr. Baldwin's car. That's the  
17 last picture right there. All right.

18                  Can we go to John's car now, please.

19                  There's his car parked on the side of the  
20 road shortly after he's stopped. There's the  
21 window. Take a look at that. You'll note the  
22 glass around the edges. I'm going to get to that  
23 in just a second.

24                  Next one, please. Next one, please.

25                  That gives you an idea how much snow was

1 on it.

2 Next, please.

3 There's the front seat. Now, here's the  
4 glass I told you about. Look at the amount of  
5 glass on the floor. Look at the amount of glass  
6 on the seat.

7 Next one, please.

8 There's a better angle. Look at the  
9 glass inside there on the side of the seat. That  
10 brown hat is the hat that John had on that night.  
11 You'll find out, you'll see it in the video, he  
12 went out to the car at one point and put that hat  
13 on, so he was wearing it that evening.

14 There's the upper sill. You'll note the  
15 glass, not only on the far left, forgive me here,  
16 but all the way across the top all the way over  
17 here.

18 Oh, and freeze that for a second.

19 You see this right here? That looks like  
20 a pill bottle, right? They took that pill bottle  
21 and they tested it and -- there was nothing inside  
22 of it, but they tested it, and they said that  
23 there was marijuana residue in it. You need to  
24 know that. That's John's car, that's a pill  
25 bottle, and it had marijuana residue, no marijuana

1 in it.

2 Can you go to the next one, please.

3 Again, there's the backpack you heard  
4 about. You see the glass on the dash again on the  
5 top. See it all over the bag here, you see it  
6 even in the seat here. You see it in the center  
7 console here and all over here.

8 Next one, please.

9 Floorboard again.

10 Next one, please.

11 This is the backseat. Worth noting,  
12 let's take a look. In the backseat, what do we  
13 have? This is a plastic container having water  
14 bottles, you know, the individual water bottles  
15 you get when you go buy a thing of water bottles.  
16 These are all waters. This is a towel, and that's  
17 an unopened case of water.

18 Next picture, please.

19 That's John's trunk. Got a blanket laid  
20 out, all his clothes are neatly folded, stacked.  
21 That's the way we're taught in the Marine Corps.  
22 If you're going to have clothes, you're going to  
23 keep them folded, same size, same thickness.  
24 You're going to fail inspection on that one, John.  
25 They're not square. Those are your habits that



1       you get taught in the training. Here's the  
2       passenger side. Note the glass on the floor.

3               Freeze right there.

4               This is the passenger side door pocket.  
5       It sits below the seat itself, and it has glass in  
6       it.

7               Next slide.

8               Now, here's my favorite fact. This --  
9       what you're looking at -- and I'm sorry because  
10      the picture is sideways and it shouldn't be, so  
11      I'm going to draw it for you.

12              I'm going to sit inside of John's car  
13      right now, and we're going to sit -- leave it  
14      there, please. And we're going to sit in the  
15      driver's seat or you can sit in the passenger's  
16      seat and look over at the driver's window, okay.  
17      And as you look at the driver's window, it looks  
18      like this. Okay.

19              And what you have over here, and you've  
20      all seen it in your cars, this is the frame, that  
21      solid part. You know, the window, the glass comes  
22      up into it, and it holds up the roof of the car.  
23      Are you with me so far? And then over here -- I'm  
24      not a very good artist, so forgive me -- this is  
25      the windshield over here. That's the front

1 windshield coming this way and the dash. There is  
2 that pillar that holds the roof up and makes the  
3 union between the side window and the front  
4 windshield. Just so I can orient you, this is the  
5 front windshield up here. The picture is sideways  
6 so forgive me. This ought to be standing up.  
7 That's my mistake.

8 But what I want you to look at is see  
9 those flecks, see those spots? See what looks  
10 like spatter on the gray? That's blood.

11 MR. BLONIGEN: Your Honor, I'm going  
12 to object to that. Counsel knows that was tested  
13 by the Wyoming State Crime Lab and was not blood.

14 MR. LOW: Sorry, I disagree with  
15 that.

16 THE COURT: Okay. We've got,  
17 obviously, a factual dispute. We'll have to, as I  
18 noted in my preliminary instruction, the  
19 statements of the attorneys are not evidence, and  
20 that will be for you to hear. But obviously,  
21 we've got a contest as to that factual matter, so  
22 it's noted. You may proceed, Counsel.

23 MR. LOW: But remember I said that,  
24 and here's why. If I've made a mistake, then I'm  
25 going to embrace it. I've made more mistakes than

1 anybody I've ever met. But we are getting to the  
2 language -- and I'm glad that got pointed out.  
3 When we get to the expert who tested it, let's be  
4 real careful and listen to what it is they  
5 actually have to say about it, what they say it is  
6 and what it's not. Devil's in the details.

7 But here we have another picture, and  
8 I'll just put this up here so you can get a better  
9 view. Again, it's sideways, so forgive me. But  
10 this is a picture of all the different markings  
11 that were there. And they put the yellow tabs on  
12 there. I threw that up there so you could see it  
13 better. And they have those up there so that they  
14 can, for the camera, pinpoint all the spots that  
15 they saw; and they wanted to try and figure out  
16 what those things were.

17 And you'll see some other pictures later  
18 where you'll see how they do the test. They take  
19 a little vial and they pull it apart. It's got a  
20 little sponge on it, and they dab it on each one  
21 of those spots and see if they can lift it off,  
22 and they put it back in the vial, and they send it  
23 off. That's what those marks are, so that they  
24 can mark where they dabbed and so forth.

25 But now let's look at what's not there.

1                   Can you go to the window sill? Can you  
2 go back? It's okay. When you get a chance, find  
3 me the one of the inside door, of the driver's  
4 door. It's a couple back, and we'll go back there  
5 and look in a second.

6                   So here's what they did not find. And  
7 I'm going to explain this later, but I want you to  
8 hold on to this as best you can. At no point did  
9 they find any blood pooled on the inside of the  
10 car. Let me be clear on what I mean by that.  
11 Here's the door right down like this, okay. We  
12 got a handle over here somewhere, and here's the  
13 sill and door pocket over here and an armrest.  
14 Y'all see that okay? What was not there, nowhere  
15 there, is that there's no blood dripping down  
16 here. There's no pools anywhere here or here or  
17 here. Nowhere. None. Very important. Down here  
18 on the floor, no blood pooled whatsoever. None.

19                   You're, like, so what, Mr. Low. Let's  
20 get to the so what.

21                   Madame Clerk, thank you.

22                   Here's the door I'm telling you about.  
23 No blood anywhere, pooling, gushing out, spurted  
24 out, dripping down, coagulating, nothing, nowhere.  
25 Gray interior by the way, not black.

1           Madame Clerk, may I borrow this water  
2 bottle? Would that be okay? Here's why, again,  
3 Officer Daily -- sorry, retired Officer Daily,  
4 their expert for their office for years, is so  
5 important. When we all heard that Mr. Blonigen  
6 said that Mr. Baldwin was leaning on the window  
7 and leaning on the sill and then he got shot  
8 through the glass and then he fell into the car,  
9 do you remember hearing him say that? Remember  
10 that? Do you realize that that is the very first  
11 time in the history of this case that anybody has  
12 ever said that happened? And here's the key where  
13 that's so important. Do you realize not a single  
14 one of his experts will tell you that's what  
15 happened? Nobody.

16           And that's his proof. You see, he can't  
17 argue it. Argument don't equal facts in this  
18 case. You're supposed to have science. But  
19 here's why we asked Officer -- sorry, retired  
20 Officer John Daily that question because maybe it  
21 happened. Let's find out. Hey, if I'm leaning  
22 here on the car like this, leaning on it, and I  
23 get shot, and the shot causes me to collapse, am I  
24 going to fall inside the car? Who here thinks  
25 that's going to happen?

1           Let's do a little physics experiment, and  
2 this will clear it up for you so you don't have to  
3 take my word for it. Which way does gravity pull?  
4 Every time, right? So let's check it out. The  
5 experts in science and physics will tell you that  
6 gravity is going to pull you one way, if you  
7 actually collapse. And if you're leaning on the  
8 car and your center of gravity is right about  
9 here -- and I'll do it this way, your chest is,  
10 anywhere here, and all of a sudden you drop,  
11 what's going to give out on me first? My knees,  
12 right?

13           If I'm going to collapse, my legs aren't  
14 going to stay straight because the only way that  
15 works is if my legs and the muscles are  
16 contracting and they're solid. If I'm going to  
17 collapse, everything is going. The only way his  
18 makes sense is if my arms collapse but my legs  
19 stay straight. That doesn't happen. The medical  
20 experts, the doctors, the coroner is going to even  
21 tell you that. If I collapse, guess where I'm  
22 going? Straight down.

23           Yeah, that's right, it defies physics,  
24 logic, common sense, anything else you can think  
25 of to suggest that that man fell into the window.

1 That's ridiculous. But there's more. This is my  
2 favorite. And it's, again, stuff you didn't hear  
3 in the opening. This is critical. He's going to  
4 tell you -- can you bring up that picture of the  
5 arm -- this is going to be -- I want to be fair to  
6 everybody. I'm going to show a picture of an arm.  
7 And I don't want to hurt anybody's feelings, and  
8 we may have some people here who don't want to see  
9 it, so I'm just going to show an arm.

10 On the arm, you're going to see cuts.  
11 The resolution is not real good because of the  
12 light, but I can point it out. You can probably  
13 see it better on your monitor. You'll get to see  
14 them better with other pictures we have, and you  
15 get to hold them in your hands. You got some  
16 here, but the major ones or the significant ones  
17 with blood are here, as you can see, and up on the  
18 hand; and we'll get you those in a minute. That's  
19 the right arm. And as you will also find out, it  
20 didn't just get up the right arm, it's all the way  
21 almost up here on the shoulder. You'll get to see  
22 some pictures of that.

23 But here's the key. Guess what is not on  
24 the left arm? That's right. Not a single  
25 scratch. I don't understand. I mean, if we got

1       our arms on the window sill and suddenly now  
2       physics ceased to exist in this one spot in this  
3       one place in time only and somehow I'm going to go  
4       through the window, even though gravity never  
5       pushes you forward, that's momentum, why aren't  
6       both my arms cut? That don't make any sense. And  
7       if I'm on the window and my hands are on the sill  
8       like this, how are my knuckles getting all cut up  
9       and bruised? That don't make any sense.

10               Oh, I got another one. Remember the  
11       picture I showed you with all the glass on the  
12       window sill? Maybe Grant could find that. But if  
13       you have glass, and you do, all throughout there,  
14       it crumbles, then when I fall into the car and I'm  
15       on the window sill, even though it again defies  
16       physics, wouldn't my chest get cut up? I mean,  
17       that's where most of the weight is, isn't it? Can  
18       you imagine that with -- this kid is six-three,  
19       240 pounds, and he supposedly falls into the  
20       window, and there's not a single scratch anywhere  
21       on his chest, yet there's glass there.

22               Things that make you go hmm. Devil's in  
23       the details. And if you look at it the other way,  
24       like the good Detective Ellis did, you have the  
25       straight line here of the window, that's this part



1 here, standing on the outside; but on his left  
2 side, you have this part of the window. It's  
3 shorter, it's lower.

4 Show that picture with the glass on this  
5 side on the curved part of the window. It's the  
6 next one back. Give him a second. Grant's good  
7 at this. He came in and saved us today because we  
8 had a technical meltdown.

9 See the glass up here, ladies and  
10 gentlemen? See it kind of broken out here?  
11 Here's the stuff on the sill. See that up there?  
12 Remember, this is a big boy. That's lower and  
13 closer to his left shoulder. How come there's not  
14 a single mark on his left arm? Hmm. Things that  
15 make you go hmm.

16 These are the facts. There's no argument  
17 there. You'll get to see all that. But there's  
18 more. Leave that picture there if you would. We  
19 heard somebody -- I'm sorry, Mr. Blonigen say, and  
20 I wrote it down, all of the evidence, all the  
21 facts point to only one thing. I wrote that down  
22 because I plan on referring to that later. All of  
23 them. Okay. So here's a question you're going to  
24 get to hear. You know that when John Knospler was  
25 pulled over and taken to the station, they did a

1 search of him and whatnot, and you'll get to see a  
2 picture of it. He's sitting at the table, you  
3 know, it's a room and they question him and things  
4 like that in there. And sitting on the desk in  
5 front of him, guess what's there in front of him?  
6 It's a pile of glass, falling off his clothes.  
7 Pile of glass falling off his clothes. How did it  
8 get there? Well, it'll be pretty obvious in a  
9 minute, but it's still falling off of him.

10 So what's the likelihood that James  
11 Baldwin has glass on his shirt? Pretty likely,  
12 especially if he fell into the window and he cut  
13 himself? We just heard that he definitely had  
14 contact with the glass. How come he doesn't have  
15 any glass on him? Well, we're going to find out a  
16 lot more about that. I'm going to ask you to  
17 really tune into that.

18 But here's my question. If you got glass  
19 on your shirt, your T-shirt, because you just  
20 punched a hole through the window and you bring  
21 your body in through it, you think you're going to  
22 have some glass on the shirt? Does that seem  
23 reasonable? It does. So here's my question,  
24 then. If you then have a T-shirt and it's got  
25 small fragments, crystalline structure, glass

1 particles, exactly like that safety glass is  
2 designed to do, and now a bullet comes and hits  
3 that T-shirt with that small glass particles on  
4 it, penetrates the T-shirt, and goes into the  
5 person wearing it, what's it going to take with  
6 it?

7 Be sure when his expert comes to testify,  
8 we're going to listen for that because you're  
9 going to get hopefully the truth on that. I  
10 expect you will. You see, here's what's being  
11 done, and this is how it happened. They looked at  
12 the T-shirt, and they try to find something called  
13 stippling. I'm going to write that word down to  
14 you -- for you, okay. Stippling.

15 Stippling is one of them scientific  
16 words, and it means this. Any time you shoot a  
17 gun, okay, not only does a bullet come out; but  
18 guess what else comes out? Unburned black  
19 powder -- or I'm sorry, not black powder, but  
20 gunpowder and some burned stuff, too, but usually  
21 that's gas, okay. So not all of the little  
22 particles inside the cartridge of the bullet burn,  
23 so they get thrown out. And depending on the  
24 range of where the pistol was in this case to the  
25 target, you can find some residue on there, and

1       you test for it.

2               And the closer you are to it, and here  
3       I'll draw a couple patterns for you.  If you're  
4       really, really close, you'll actually see, like, a  
5       circle-like pattern.  And the further away I get  
6       from it and I shoot it, it becomes very disperse  
7       and there'll be pieces like that.  Here's version  
8       one, close; here's version two, distance.  Very  
9       few particles.

10              So what the experts did in this case is  
11       they got the gun, they said, Well, let's test it.  
12       And they got a piece of cloth material -- which by  
13       the way is different from the T-shirt, and you're  
14       going to hear about it in a minute -- and they set  
15       it down, and they said we're going to start real  
16       close, we're going to shoot at our cloth, and then  
17       we're going to look at the pattern.  Now we got a  
18       sample from this gun.

19              Step back a little further, do it again.  
20       Step back a little further, do it again.  Step  
21       back a little further, do it again.  Now they got  
22       four or five different patterns from different  
23       ranges.  They figured out that the gun, the one in  
24       this case, won't leave a pattern you can really  
25       figure out or see right about two feet.  Two feet,

1 so that's 24 inches from the end of here, that's  
2 roughly right about here, right about there.

3 Won't leave a stippling pattern.

4 Okay. Then they look at the T-shirt and  
5 Mr. Baldwin, and they couldn't find a stippling  
6 pattern on the T-shirt. Ah, wait a minute,  
7 devil's in the details. What you're going to find  
8 out is by the time they got that T-shirt, it had  
9 been outside in the elements for how long was it,  
10 12 hours? More? I can't recall. We'll find out.  
11 It was soaking wet.

12 Not only that, it had been -- the T-shirt  
13 had been face up for a while, rolled over in the  
14 snow. Some people from the bar had run out with  
15 bar towels and were rubbing it on the T-shirt  
16 trying to do the right thing and seeing if they  
17 could helped medically, rubbing it on the chest.  
18 There was, I think, three towels out there, people  
19 messing and fussing and trying to do things. Be  
20 sure and listen to the expert when they come and  
21 ask them, just because you didn't find a stippling  
22 pattern on there doesn't mean there wasn't one at  
23 some point. And hopefully you're going to get the  
24 honest answer about that.

25 Now, here's what's critical about it. At

1 the end of the day, does that matter? I want to  
2 tell you why it does. Inside the car, here's what  
3 you're going to hear. This will come from their  
4 expert. Imagine you've been in that bar, you've  
5 been drinking, it's time to go home. It's cold  
6 out, it's snowing. What's the right thing to do?  
7 Anybody? What's the right thing to do. Should  
8 you drive away? Take a chance? Be easier to go  
9 get a hotel, maybe drive back to your -- your free  
10 place you're staying in the middle of nowhere. If  
11 you do the responsible thing and you take a nap  
12 and you sleep it off, you turn the car on because  
13 it's cold outside and snowing, you want it to stay  
14 warm, you go to sleep, you're there, it's so  
15 quiet -- it gets quiet when it snows, doesn't it?  
16 It's quiet. And you saw all the snow on the cars.

17 Show them that one with all the snow on  
18 it.

19 And as you lay there, you sit there and  
20 you sleep, and you rest, your car gets covered by  
21 the snow. There's a picture of the amount of  
22 snow. You become cocooned. You're there and you  
23 can't see, it's black, and you can't see out the  
24 front windshield. You can't see out the sides.  
25 In fact, one of the witnesses will tell you that

1 they could see that the lights were on, but you  
2 couldn't see them through all the snow. You could  
3 just see the dull color, the yellow.

4 And you hear banging on the window. Get  
5 out of the car, banging on the window, I'm taking  
6 the car, I'm going to kill you. And then right  
7 there, slugs through the window and comes through  
8 the window.

9 Now, mind where we're at. You're in a  
10 car. Be in that car. He's got a door on your  
11 left right here and you have a steering wheel  
12 right in your lap in front of you. Got a roof  
13 right above your head and a seat and a floor right  
14 below you. You got an armrest, center console,  
15 and you got another room over here, and you're  
16 sleeping it off. And in that moment, here comes  
17 the glass hitting you in the face, body, and  
18 spreads all over the car.

19 And here's my question. Where are you  
20 going to go? Where are you going to go? Where?  
21 And think about what you just heard. I'm going to  
22 kill you. And punches out that window. That's no  
23 small feat. And it's dark and you're cocooned.  
24 But this is the part I -- I was disappointed to  
25 hear. Well, you should have done something else.

1 You should have driven off. You should have --  
2 something.

3 Okay. Well, this is what's so important  
4 again about his expert that I'm calling and asked  
5 to come and tell you the truth, all of the truth,  
6 a hundred percent of it. That he looked at the  
7 tire marks, and they took detailed photos and  
8 pictures and whatnot of the -- of the scene. And  
9 they were there shortly afterwards. And you could  
10 see the black spot where there was no snow from  
11 where the car had been, and you could see the tire  
12 tracks out and the ones in the front. And guess  
13 what they found? Guess what he determined from  
14 his extensive education and accident  
15 reconstruction? The science as an engineer, which  
16 he is, of studying tire skid marks and tread marks  
17 and patterns and living here in Casper, if you  
18 don't understand the snow and what it does to  
19 tires, you probably aren't a very good expert.

20 And you know what he figures out, and  
21 this comes back to the bullet, critical. What he  
22 figures out is that before Mr. Baldwin dropped,  
23 John's car moved forward about 7.2 feet. You know  
24 what the expert concluded? John tried to drive  
25 away first. He did exactly what Mr. Blonigen says



1 he should have done in his -- and Mr. Daily told  
2 him that. You know, how else you can prove that  
3 he moved the car 7.2 feet? Again, with the GPS  
4 settings and the markings.

5 Well, here's the key. They lined up that  
6 bullet, the one on the car, because they take  
7 measurements from inside John's car where John  
8 hasn't been, they line it up with that bullet,  
9 then, on the truck. So where it lines up on his  
10 window, they went out there and marked it off, and  
11 that was 7.2 feet according to satellites, GPS,  
12 and the markings in the road and the trajectories  
13 and the angles, proving that John had tried to get  
14 out. And here's what they found. Slip marks in  
15 the snow.

16 You see, John tried to drive away. And  
17 at first he's got traction because his car is on  
18 dry pavement where it sets, where it was parked.  
19 But then the snow piled up. And as soon as he  
20 tried, then, to get away with it, not have this  
21 escalation, not have what happened because he's  
22 got a drunk, a mean, angry drunk that you're going  
23 to hear about in a minute, banging on his window,  
24 the tires lost traction. And now he's stuck and  
25 now he's going nowhere.

1           Think about it. Be, say, Mr. Baldwin for  
2 a minute. Get out of my car. I mean, remember,  
3 this guy wants to go home. You'll see he's got a  
4 T-shirt on and a pair of short -- pants. That's  
5 it. It's snowing. It's cold. He's standing  
6 outside what he thinks is his car because he's so  
7 drunk, he's so drunk he doesn't even recognize his  
8 own car. But hey, let's give him credit. It had  
9 a lot of snow on it, and it can happen. It's the  
10 same general color, even though he knew that his  
11 car had left earlier that evening because his  
12 buddy, Chris, came up and said, I'm taking the  
13 car, taking my gal home, I'll come back and get  
14 you. That's what he said.

15           But he stumbles out there and says  
16 supposedly -- and we're going to hear about that  
17 by the way, and we're going to get to that --  
18 that he thinks it's his car and no, it's just  
19 gone. That's okay, it happens. He's a little  
20 confused. He comes out there. And imagine being  
21 him and all of a sudden you see someone sitting in  
22 your car who you don't recognize. Think about  
23 that for a minute. How might that make you feel  
24 because you ain't thinking too straight? What if  
25 you're an angry person? Maybe you get liquored

1 up, and you get a little mean. But then, when  
2 you're trying to tell him to get out of the car  
3 and you're threatening them and they won't, and so  
4 as a result they start to drive off, what do you  
5 do, then? Yeah, you're getting even more angry.  
6 Oh, you're taking off in my car? Oh, hell no.

7 You know what he did to try and stop that  
8 car from leaving? You know exactly what he did.  
9 The experts are going to tell you, he punched that  
10 window in. The car gets stuck, and he's going  
11 through the window to get John. And he had one  
12 moment, one quick second, and nowhere to go.

13 I'm sorry -- no, I'm not sorry. You're  
14 training and your experience kick in at that  
15 point. So I ask you a question. If we had that  
16 exact same set of facts and this exact same story  
17 that was officer -- good Deputy Ellis sitting in  
18 that car that night as opposed to John Knospler,  
19 do you think we'd even be here right now? You'd  
20 be saying that cop or that police officer had a  
21 right to fear for his life.

22 There's even more. You're going to hear  
23 some evidence -- let me make sure I'm exact, I'm  
24 precise -- about Mr. Baldwin. You see, people who  
25 sometimes are prone to act certain ways, sometimes

1 going to be a flash in the pan, a one-time kind of  
2 deal, sometimes it can be a habit. You're going  
3 to hear about a prior run-in with the law with Mr.  
4 Baldwin and the police officers involving a  
5 battery and interference with a police officer.  
6 That's from February 2009.

7 But there's more. You're going to hear  
8 from a young man by the name of Kevin Elkin.  
9 Kevin Elkin, a man who grew up -- he's a young  
10 man, he grew up with James Baldwin, known him for  
11 a long time. In fact, anybody here ever had the  
12 experience where you had certain friends, even  
13 close friends when you were in grade school, maybe  
14 even -- what do they call it, middle school, then  
15 all of a sudden you get to high school and  
16 somehow, something changes and something's  
17 different and no longer they're your friend and  
18 they go one -- with some clique and leave you  
19 behind?

20 James El -- I'm sorry, Kevin Elkin is  
21 going to tell you about how he and James Baldwin  
22 grew up together, were buddies, then all of a  
23 sudden they get a little older now and closer to  
24 high school years, and James Baldwin starts  
25 running with a pretty bad boy, guy by the name of

1 Mike Keeley, gets in a lot of trouble. Lot of  
2 trouble. So suddenly now he's not friends with  
3 Kevin Elkin anymore.

4 One night, Kevin Elkin is at a party.  
5 Young gals come up to him, there's some gals  
6 who some guys there at this party were being mean  
7 to this one nice girl and being physically rude to  
8 her. They were touching her in inappropriate ways  
9 and being a little aggressive. She knew Kevin and  
10 said, Would you give me a ride?

11 He says, I sure will.

12 And so he and another guy took the two  
13 girls in the car, and they were driving them  
14 over -- and she wanted to go to where James  
15 Baldwin was at with his buddy. They pull up in  
16 the driveway, and guess who comes running out  
17 angry? James Baldwin. And you know what he does?  
18 He goes right for the passenger door of the car,  
19 opens that passenger door, and goes right there  
20 into that passenger compartment and bam, lays it  
21 on Kevin Elkin. James didn't get his facts right.  
22 He was hitting the wrong guy. That's how he  
23 solves a problem, at least that night.

24 Well, here's the key that's worth  
25 considering. James Baldwin, six foot three, 240

1 pounds, he's a big boy then, too. Kevin Elkin  
2 is -- he's got cerebral palsy. He walks with a  
3 limp. He's got some physical problems. And he's  
4 only about five foot tall, about 111 pounds at the  
5 time. That was James Baldwin. He was kind of a  
6 bully.

7 There's more.

8 THE COURT: Counsel, you're right at  
9 your 60-minute time limit. I'll give you another  
10 minute or so to conclude.

11 MR. LOW: I appreciate it. That's  
12 kind of you, sir.

13 Last thing you'll hear is that Kevin  
14 Elkin threw a party out at the lake. James  
15 Baldwin definitely was not invited, shows up  
16 anyway with this Mike Keeley guy, not acting  
17 right. Kevin asked him to leave. James gets mad  
18 with the other guy, they go to the truck, and they  
19 get weapons and they come back. It gets ugly. No  
20 one gets hurt or shot, but they finally leave.  
21 Kevin Elkin drives home later that night, gets to  
22 his house, pulls in the driveway, and guess whose  
23 truck is parked right there? James Baldwin,  
24 laying in wait for him. And as soon as he gets in  
25 the driveway, James Baldwin comes out with weapons

1 and his buddies and surrounds the car, and they're  
2 threatening to kill him.

3 MR. BLONIGEN: Your Honor, the Court  
4 specifically ordered notice to be given of any of  
5 this type of evidence. I have no notice of this  
6 evidence.

7 THE COURT: Mr. Low?

8 MR. LOW: Yes, sir. I believe Kevin  
9 Elkin told me that Mr. Blonigen's office has  
10 interviewed him.

11 MR. BLONIGEN: That's fine, Your  
12 Honor, but --

13 MR. LOW: And he does have his  
14 contact information.

15 THE COURT: Okay. Here's what I'm  
16 going to do. You're past your time limit, and you  
17 may be right that it comes within a general  
18 disclosure of some type, I'm not sure; but I think  
19 we should sustain the objection and cut it off  
20 there because I do not recall a specific notice.  
21 And since you're at your time limit, unless you  
22 have just have a couple follow-up thoughts or  
23 requests, you can conclude.

24 MR. LOW: I have just one follow-up  
25 thought. I appreciate what you've extended to me,

1 and I'll be very brief. Thank you for that, Your  
2 Honor.

3 THE COURT: Okay. You can do that.

4 MR. LOW: Please listen to the  
5 science, listen to the experts, critical,  
6 analytical, what they can tell you and what they  
7 can't, and arrive at what you know is the right  
8 thing to do. I trust you're going to do that.  
9 Thank you.

10 THE COURT: Thank you very much,  
11 Counsel.

12 If I can ask you to pick up your  
13 displays.

14 MR. LOW: Yes, sir.

15 THE COURT: Ms. Koski, maybe you can  
16 help us with the lectern and the podium. Thank  
17 you very much for everyone's help in that regard  
18 sort of getting things set back up.

19 The State may call its first witness  
20 since opening statements have now concluded.

21 MR. ITZEN: State would call Officer  
22 Miller.

23 THE COURT: Please come forward if  
24 you would, Officer. The Clerk of Court to my left  
25 will give you the oath, and then after you're



1 sworn, sit to the other side in this courtroom.

2 Thank you.

3 THE CLERK: Please raise your right  
4 hand. You do solemnly swear that the testimony  
5 you will give in the case before the Court will be  
6 the truth, the whole truth, and nothing but the  
7 truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Out and around and that  
10 seat over there, please.

11 THE COURT: As you may know, we ask  
12 you to speak directly into the microphone. And  
13 those are adjustable, so you can move it if you  
14 need to. You may proceed.

15 ZACK MILLER,  
16 called for examination by the State, being first  
17 duly sworn, on his oath testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ITZEN:

20 Q. Good afternoon, sir.

21 A. Good afternoon.

22 Q. Could you please state your name.

23 A. Zack Miller.

24 Q. And where are you employed, sir?

25 A. I'm employed with the Mills Police

1 Department.

2 Q. What do you do for them?

3 A. I'm a police officer.

4 Q. And how long have you been so employed?

5 A. It will be five years next month.

6 Q. Were you so employed on October 3rd and  
7 early morning hours of the 4th of last year?

8 A. Yes, I was.

9 Q. And did you respond to a call of a male  
10 being stabbed?

11 A. Yes, I did.

12 Q. Where was that, sir?

13 A. That was at 1910 Talc Road, otherwise  
14 known as Racks Gentlemen's Club.

15 Q. All right. Is that here in Natrona  
16 County?

17 A. Yes, it is.

18 Q. How did the call initially come in?

19 A. It came in as an assault with a knife  
20 where the victim had been stabbed in the parking  
21 lot.

22 Q. Tell us what the weather was like when  
23 the call came in.

24 A. The weather was pretty bad that night.  
25 It was cold and windy and blizzard-like

1 conditions.

2 Q. When did you arrive on scene, Officer?

3 A. It was about 12:18 or midnight 18.

4 Q. And describe to the ladies and gentlemen  
5 of the jury what the parking lot looked like upon  
6 arrival.

7 A. When I got there, there was three people  
8 in the parking lot trying to flag me down. There  
9 was a male laying in the -- on the ground in the  
10 parking lot.

11 Q. Did you get out and check on the male  
12 laying on the parking lot?

13 A. I first secured the scene to make sure  
14 there wasn't any further threats, and then I  
15 checked on the male's condition, yes.

16 Q. All right. And what did you notice about  
17 the male?

18 A. I noticed he had a large amount of blood  
19 coming from the upper portion of his chest.

20 Q. Do you recall if his shirt was up or  
21 down?

22 A. I believe it was down.

23 Q. What was the first thing you did?

24 A. I first checked for breathing and for a  
25 pulse.

1 Q. Did you find a pulse?

2 A. I wasn't able to find one, no.

3 Q. And when you arrived, how was Mr.  
4 Baldwin's body positioned on the ground?

5 A. His head was facing north, and his body  
6 was in the southwest corner of the parking lot.  
7 He was -- his body was positioned between two  
8 parking stalls. One of the stalls, the one to the  
9 west, was occupied by a truck; and the one on the  
10 east side was vacant, but it appeared there had  
11 been a vehicle there recently.

12 Q. All right. And head to the north, that's  
13 closest to the building?

14 A. Yes, it is.

15 Q. After you checked for a pulse and didn't  
16 receive it, what was your next course of action?

17 A. I started CPR.

18 Q. And how long did you try those  
19 life-saving measures?

20 A. Approximately two minutes and twenty  
21 seconds.

22 Q. Was there also an ambulance crew in the  
23 area?

24 A. Yes, there was.

25 Q. And were they staged somewhere?

1           A.     Yeah.

2           Q.     Why is an ambulance crew staged?

3           A.     Typically when you have a critical  
4 incident like this where there's the possibility  
5 of the person having a weapon and a suspect still  
6 at large, medical will stage until law enforcement  
7 can secure the scene to make sure there isn't any  
8 further threat.

9           Q.     All right.  And did they also attempt CPR  
10 upon arrival?

11          A.     Yes, they did.

12          Q.     Were they successful?

13          A.     No, they were not.

14          Q.     Was Mr. Baldwin pronounced dead at the  
15 scene?

16          A.     Yes, he was, by medical personnel at  
17 midnight 35 I believe, or 12:35.

18          Q.     All right.  Now, is your patrol car  
19 equipped with a camera?

20          A.     Yes, it is.

21          Q.     Was it working that night?

22          A.     Yes, it was.

23          Q.     And when did it start, if we look at your  
24 video?

25          A.     It started recording the video section

1 while I was still en route to the scene.

2 Q. All right. And does the audio take a  
3 while to catch up, if you will?

4 A. As soon as I turn on my microphone, the  
5 audio; the video will back-record approximately  
6 two minutes.

7 Q. Okay. Allow me to show you State's  
8 Exhibit 300.

9 MR. ITZEN: If I may approach, Your  
10 Honor.

11 THE COURT: You may.

12 Q. (BY MR. ITZEN) Do you recognize State's  
13 Exhibit 300, sir?

14 A. Yes, I do.

15 Q. How do you recognize that?

16 A. It has my initials on it and the case  
17 information.

18 Q. All right. And is that a copy of the  
19 video from your patrol car that evening?

20 A. Yes, it is.

21 Q. Is it a true and accurate depiction of  
22 what you saw that night as well?

23 A. Yes.

24 MR. ITZEN: Your Honor, State would  
25 move to introduce 300.

1 THE COURT: Any objection?

2 MR. LOW: No, sir. Thank you.

3 THE COURT: State's Exhibit 300 is  
4 received.

5 MR. ITZEN: Your Honor, State would  
6 move to play it.

7 THE COURT: Permission granted to  
8 play it to the ladies and gentlemen of the jury.  
9 For the Court's information, how long is it?

10 MR. ITZEN: I want to say around 15  
11 minutes, Judge, to ballpark it.

12 THE COURT: Very good. Thank you.

13 (State's Exhibit 300 was  
14 played in open court.)

15 MR. ITZEN: Your Honor, may I ask  
16 the Court to dim the lights?

17 Q. (BY MR. ITZEN) Officer, where are you  
18 at, here?

19 A. I'm westbound on West Yellowstone  
20 Highway, just passing Zero Road.

21 Q. All right. And this will be the turn to  
22 1910 Talc coming up on your right?

23 A. Yes, it would.

24 Q. Did that conclude your video?

25 A. I'm sorry?

1 Q. Did that conclude your video at that  
2 time?

3 A. Yes, it did.

4 Q. Did it appear that the bar patrons were  
5 attempting to give aid to Mr. Baldwin?

6 A. Yes.

7 Q. Was the body moved when you first  
8 arrived?

9 A. From the time I got there?

10 Q. Did it appear that the bar patrons had  
11 moved the body?

12 A. Not to my knowledge.

13 Q. All right. I believe that's all the  
14 questions I have. Mr. Low may have a few for you.

15 A. Okay.

16 THE COURT: Thank you.

17 Cross-examination. Anything on behalf of  
18 the Defense?

19 MR. LOW: Thank you, sir.  
20 Appreciate it.

21 CROSS-EXAMINATION

22 BY MR. LOW:

23 Q. Afternoon, sir.

24 A. Good afternoon.

25 Q. When you got out there, you saw some



1 people gathered around someone laying there in the  
2 snow; correct?

3 A. Yes.

4 Q. And you could tell that as they were  
5 gathering around, they were frantic or they were  
6 maybe excited but in a concerned way?

7 A. Yes.

8 Q. And you got the feeling that they were  
9 trying to see if there was something that now that  
10 they could do because it appeared someone was in  
11 distress?

12 A. Yes.

13 Q. I mean, you had already been told that  
14 someone had been stabbed, and when you pull up to  
15 the scene and you see someone laying on their back  
16 in the snow, it fit, didn't it?

17 A. As far as them being in distress?

18 Q. What you heard and what you see?

19 A. Yes.

20 Q. And one of the things you see is there's  
21 at least one gentleman, and he's over top of Mr.  
22 Baldwin's body and he's pressing on his chest?

23 A. Yes.

24 Q. And. As he's pressing on his chest, he's  
25 trying to press a bar towel into his chest, isn't

1 he?

2 A. To stop the bleeding, yes.

3 Q. Yes. And there was more than one towel,  
4 I think there was three of them, does that sound  
5 about right?

6 A. There could have been. I didn't count.

7 Q. Fair enough. And he's pressing on it,  
8 the chest is moving up and down?

9 A. I can't say. I didn't look that closely.

10 Q. Side to side as he's pressing up and  
11 down?

12 A. Possibly.

13 Q. And it's snowing?

14 A. Yeah.

15 Q. And it's wet on the ground?

16 A. Yes.

17 Q. And as you come up -- at some point, you  
18 do come up to Mr. Baldwin and the people that were  
19 around him?

20 A. Yes.

21 Q. And you can see that the -- Mr. Baldwin  
22 is wearing what appears to be a white T-shirt?

23 A. Yes.

24 Q. And the white T-shirt is kind of crumpled  
25 up around in his chest area, not in a ball, but

1 it's not laying out flat, kind of a mess and in  
2 disarray, disheveled, I think, is what they say?

3 A. Yes.

4 Q. And it's full of blood; correct?

5 A. Yes.

6 Q. And the towel is on top of that T-shirt;  
7 correct?

8 A. Yes.

9 Q. But between the hands of the person who  
10 is moving it around; right?

11 A. Yes.

12 Q. And there's other people trying to figure  
13 out what to do and they're yelling at each other  
14 and there's different ideas, but they all mean  
15 well; is that fair?

16 A. Yeah.

17 Q. But as you look, you didn't see the  
18 person laying on the ground talking or  
19 communicating or he didn't appear to be listening  
20 to anybody; is that fair?

21 A. Yes.

22 Q. Did he appear to be unconscious?

23 A. Yes.

24 Q. And did you ask them to move and so that  
25 you could try and see if you could aid Mr.

1 Baldwin?

2 A. I had them step back away from the body,  
3 yes.

4 Q. And the one person who stepped away from  
5 the body, I believe he was wearing the dark top  
6 there, did you come to find out that man may have  
7 been named Mr. Ragsdale?

8 A. Yes, I did.

9 Q. Mr. Ragsdale; correct?

10 A. Yes.

11 Q. Thank you. And when you asked Mr.  
12 Ragsdale to step away, it's because you didn't  
13 know what his training and experience was with  
14 CPR. I mean, you just saw him for the first time;  
15 right?

16 A. Yes.

17 Q. But you do have some skill and some  
18 training in maybe some life-saving techniques that  
19 you get; correct?

20 A. Yes.

21 Q. And you know what your experience and  
22 training is because you've had it?

23 A. Yes.

24 Q. And so you decide, Give me a shot because  
25 it's important for you to do the right thing, you

1 want to try and help?

2 A. Yes.

3 Q. And so you get down there, and what's the  
4 first thing they taught you to do when you  
5 approach someone who appears to be unconscious and  
6 you want to try to give them some aid?

7 A. Check for pulse and breathing.

8 Q. And you did that, didn't you?

9 A. Yes, I did.

10 Q. And then after that?

11 A. Chest compressions if you're not able to  
12 get either one.

13 Q. And tell the jury what you did to start  
14 the compressions and how you did that.

15 A. I just followed the procedures as far as  
16 CPR and doing chest compressions.

17 Q. Can you demonstrate those for us? You  
18 can use the ledge there in front of you. Using  
19 your hands, go ahead and show us how you did that  
20 that night.

21 A. Just a hand-over-hand motion and press  
22 down in the middle of the chest.

23 Q. And when you're pressing down, are you  
24 pushing forward or pushing down or how is that?

25 A. Just in a downward motion.

1 Q. Do you do it lightly? What's the force  
2 you use?

3 A. Just moderate force. You have to  
4 decompress the chest.

5 Q. All right, then. And about how many  
6 times do you think you did that?

7 A. I couldn't give you a number.

8 Q. Can you ballpark it for us, was it more  
9 than five?

10 A. Yes.

11 Q. More than ten?

12 A. Yes.

13 Q. Maybe more than 50?

14 A. Yes.

15 Q. And when you were giving those  
16 compressions, what did you have on your hands?

17 A. Gloves.

18 Q. And did you use anything besides your  
19 gloves when making contact with Mr. Baldwin's  
20 body, his chest?

21 A. No.

22 Q. Was there any towels there?

23 A. I don't believe so.

24 Q. Do you recall one way or the other?

25 A. I can't.

1 Q. So out of fairness to you, I mean, at the  
2 time it didn't seem like a big detail, did it?

3 A. No.

4 Q. So maybe you used the towels to do  
5 compressions, maybe you put them aside, you don't  
6 remember, fair enough?

7 A. Uh-huh.

8 Q. I'm sorry?

9 A. Yes.

10 Q. I'm sorry. Not trying to be rude, but  
11 one of my jobs is I'm supposed to make sure you  
12 get a word answer as opposed to a sound because  
13 she has to write it down.

14 A. Okay.

15 Q. So forgive me.

16 After you did 50 or so, you've estimated  
17 for us, compressions, did you do anything else?

18 A. I continued the compressions until other  
19 officers arrived and they had an IED -- or AED.  
20 Sorry.

21 Q. And please tell us what that is.

22 A. It's a device that tells you whether the  
23 body needs shocked or devises a shock and helps to  
24 defibrillate the body.

25 Q. Is it a machine that kind of looks

1       like a -- do you know what a battery jump-start  
2       is, that little box, and the cables come out and  
3       you jump-start your battery?

4           A.     Yes.

5           Q.     Kind of looks like a box, and you take  
6       some white plastic squares out of it.  Is that  
7       what it was?

8           A.     Yes.

9           Q.     And what they do is they then take the  
10      shirt or any clothing -- in this case it was a  
11      white T-shirt -- and they put their hands on it,  
12      and they push it all the way up so it's high on  
13      his neck; correct?

14          A.     Yes.

15          Q.     And so now it's all crumpled up; right?

16          A.     Yes.

17          Q.     Whose hands did that?

18          A.     I can't recall.

19          Q.     How many sets of hands in that moment  
20      were messing with the T-shirt?

21          A.     I would say mine and another deputy's.

22          Q.     And Mr. Ragsdale's?

23          A.     At the time, he wasn't there at that  
24      time.

25          Q.     Right.  And the reason I push the shirt



1 up is now they put the plastic patches, one on  
2 each side of the chest; correct?

3 A. Yes.

4 Q. And they run the current through there,  
5 and the idea is it may jump-start that heart?

6 A. Yes.

7 Q. And how many times did they try that?

8 A. I wasn't running the machine. I couldn't  
9 tell you.

10 Q. Thank you, sir. And the people who did  
11 that -- you said there were other deputies?

12 A. Yes.

13 Q. At some point, do some other people come  
14 out to the scene and see if they can do something  
15 to help?

16 A. Medical personnel arrived.

17 Q. About how many of them were there, best  
18 you recall?

19 A. Five to eight.

20 Q. Okay. And do you know, did they come up  
21 to where Mr. Baldwin was laying?

22 A. Yes, they did.

23 Q. And did they lay their hands on him?

24 A. Yes.

25 Q. And did some of them -- do you see any of

1       them touch his chest area?

2           A.     I didn't personally see it, no.

3           Q.     Okay.  Have you ever seen that sort of  
4       thing done before?

5           A.     Yes.

6           Q.     Do they usually start with the same exact  
7       thing that your procedure taught you, and that was  
8       doing chest compressions?

9           A.     Yes.

10          Q.     Because the reason why is that when they  
11       get there, they don't know what's already been  
12       done, if it was done right, so they just start all  
13       over, don't they?

14          A.     Yeah.  Yes.

15          Q.     So we have a whole 'nother set of hands  
16       on him; correct?

17          A.     Yes.

18          Q.     Before -- and this is going to be a  
19       ridiculous question, but I have to ask to be  
20       specific or factually accurate, so forgive me.  
21       But I'm getting that nobody did any stippling  
22       tests before you got there as far as you know;  
23       right?

24          A.     Any what tests?

25          Q.     Stippling tests?

1 A. I'm not familiar with those.

2 Q. Okay. After the medical personnel got  
3 there, the five to eight of them, did any other  
4 people arrive to the scene to try and lend  
5 assistance?

6 A. After the medical?

7 Q. Yes, sir.

8 A. I don't believe so.

9 Q. Okay. How -- how long were you out there  
10 at the scene that night or that morning, because  
11 it was early morning?

12 A. I arrived, like I stated before, at  
13 midnight 23, and I was there until 4:02 I believe.

14 Q. Four o'clock in the morning?

15 A. Uh-huh.

16 Q. And did some other law enforcement  
17 personnel come out there?

18 A. Yes.

19 Q. And is it people you'd associate with,  
20 say, securing a crime scene?

21 A. Yes.

22 Q. In other words, they put up the yellow  
23 tape?

24 A. Yep.

25 Q. And they try and, well, preserve the area

1 as best they can?

2 A. Yes.

3 Q. Did you see anybody come out and take  
4 some pictures?

5 A. Yes.

6 Q. All right. Did you notice that truck  
7 that was parked -- it was in the background of  
8 your video from your car?

9 A. Yes, I did.

10 Q. And that truck stayed there the whole  
11 time as well?

12 A. Yes, it did.

13 Q. Didn't move at all, did it?

14 A. No.

15 Q. In fact, is it your understanding that  
16 the driver of that truck was asked to leave it  
17 there and he could come back and get it later?

18 A. I couldn't attest to that.

19 Q. Okay. Did you see if any people come out  
20 that kind of look like scientists, you know,  
21 sometimes if you watch TV, they call them CSI  
22 folks, you know what I'm talking about?

23 A. I know what you're talking about, yes.

24 Q. Did you see any of those people come out  
25 to the scene while you were there until four

1 o'clock in the morning?

2 A. Not any scientists, no.

3 Q. Okay. Anything else that you did to --  
4 let me ask it this way. This is a silly question.  
5 Did you touch Mr. Baldwin's body at any other time  
6 other than what you'd already said while giving  
7 the compressions?

8 A. No.

9 Q. Did you see if the coroner came out at  
10 some time?

11 A. No.

12 Q. Okay. Did you leave before then?

13 A. Yes.

14 Q. Okay. And lastly, did you take any  
15 witness statements while you were there?

16 A. Yes, I did.

17 Q. And whose witness statements did you  
18 take?

19 A. I took a statement from Ervin Andujar.

20 Q. Thank you. Anybody else?

21 A. And Mr. Ragsdale.

22 Q. Thank you. And can you please describe  
23 for us the way that you preserved the information  
24 that you received from Mr. Andujar?

25 A. I preserved it with my video recording,

1 and I wrote a report on it.

2 Q. And the video recording, is that the  
3 only -- the one we just saw?

4 A. Yes, it is.

5 Q. Did you take any other statements or use  
6 any other means to record any statements from  
7 Mr. Andujar other than what you've shown us  
8 already?

9 A. No, I did not.

10 Q. Did you take any handwritten notes?

11 A. No.

12 Q. Did you write a report?

13 A. Yes, I did.

14 Q. Thank you. And what -- do you remember  
15 the date you authored that?

16 A. I believe I made a mistake and put  
17 September 4th on it, but it should have been  
18 October.

19 Q. Thank you. And Mr. Ragsdale, I'm going  
20 to assume that the report or the statement you  
21 took from him was already on the video?

22 A. No, it was not.

23 Q. Okay. Thank you. Tell us about how you  
24 preserved -- if you did and how you preserved the  
25 statement you took from Mr. Ragsdale.

1           A.     I wrote a report about it.

2           Q.     Did you write the report while you were  
3 out there at the scene?

4           A.     No, I did not.

5           Q.     You wrote it later?

6           A.     Yes, I did.

7           Q.     When you wrote it later, what did you  
8 use, if anything? Did you use your memory, some  
9 notes, how did you -- how did the information that  
10 you heard from Mr. Ragsdale find its way into your  
11 report?

12          A.     I used my memory.

13          Q.     Do you remember how much time elapsed  
14 from the time Mr. Ragsdale talked to you to the  
15 time you wrote it?

16          A.     A couple hours.

17          Q.     Thank you. Any other statements?

18          A.     No.

19          Q.     All right. Thank you. I appreciate your  
20 kindness.

21                   MR. LOW: Thanks, Judge.

22                   THE COURT: Redirect examination,  
23 Mr. Itzen.

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## REDIRECT EXAMINATION

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BY MR. ITZEN:

Q. What was the purpose of your interviews?

A. I was trying to get suspect information.

Q. They were field interviews?

A. Field interviews, yes.

Q. Were people later transported to the Sheriff's Office?

A. I believe so, yes.

Q. For formal interviews?

A. Yes.

Q. And what's the purpose of a field interview, Officer?

A. To gain information about why I'm there.

Q. All right. Just a preliminary report?

A. Yes.

MR. ITZEN: Thank you for your time.

THE COURT: Any request for any recross, Mr. Low?

MR. LOW: No thank you, sir.

THE COURT: Thank you very much, Officer. You can step down and you are excused.

MR. ITZEN: We'd ask that he be released from his subpoena, sir.

THE COURT: You are so released.



1           We'll go ahead and break for the day.  
2       Ladies and gentlemen of the jury, ask that you be  
3       back at 9:30 tomorrow morning. I wish we could  
4       start a little bit earlier on some of these days,  
5       but the Court has other hearings on Tuesday,  
6       Wednesday, and Thursdays at 8:30, sort of ongoing  
7       business. So 9:30 is the best that we can do.  
8       Thank you very much for a long day of service  
9       today.

10           I want to again remind you of the rules.  
11       I'm sure that any, if not all of you, will have  
12       people that will be very interested in your day  
13       today. And you have to be very firm in telling  
14       them that you cannot discuss the case. You can  
15       sure advise them that you're on jury duty, of  
16       course; but you're not to discuss the case with  
17       anyone, including those loved ones, and not to  
18       permit them to discuss the case with you. So if a  
19       spouse or family member is insistent on knowing  
20       what's the judge like, what's the case like,  
21       what's the -- what are the attorneys like, you  
22       just need to be very firm in saying you cannot  
23       discuss this case with them until you get to the  
24       verdict, and then you'll be released of that  
25       requirement.

1           We also ask you to not try to learn  
2 anything about the case outside the courtroom.  
3 Your job is to be a juror, and that's different  
4 from being an investigator. And so please do not  
5 attempt to learn anything from any other source.

6           Avoid all publicity and accounts in the  
7 news media. I think I gave you that advisement  
8 and advice. And we ask you to keep your minds  
9 open. You've heard an awful lot today from the  
10 attorneys, from a witness now, but we ask you to  
11 keep your minds open until you've heard all the  
12 evidence and the case is finally submitted to you.  
13 So please keep those admonitions in mind.

14           We'll stand adjourned in this case until  
15 9:30 tomorrow morning.

16                           (The trial proceedings recessed at  
17 5:03 p.m., December 15, 2014.)

C E R T I F I C A T E

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2  
3 I, JONI L. CHANEY, Official Court  
4 Reporter within and for the Seventh Judicial  
5 District Court of Wyoming, do hereby certify that  
6 I reported by machine shorthand the proceedings  
7 contained herein and that the foregoing 282 pages  
8 constitute a full, true, and correct transcript.

9 Dated this 8th day of June, 2015, at  
10 Casper, Wyoming.

11  
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13 \_\_\_\_\_  
14 JONI L. CHANEY, RPR  
15 Official Court Reporter  
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