

# **2015-2016 Nevada High School Mock Trial Competition**

## **STATE OF NEVADA V. QUINN PENNER**

**Co-Sponsored by:  
The School Districts of Nevada  
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The Nevada Mock Trial Committee thanks the Carolina Center for Civic Education and the North Carolina Advocates for permission to utilize the case, which was created by Susan H. Johnson and Lionel F. Earl III with contributions from Maher “Max” Nouredine, Ph.D. The case has been edited for Nevada by Andrew Craner and Lisa McAllister.

The Mock Trial Committee hopes you find these materials interesting and educational. We wish you the best of luck at competition!

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## **STIPULATIONS**

The parties have stipulated as follows:

1. All witness statements, exhibits, and the signatures thereon are authentic.
2. Jurisdiction, venue, and chain of custody of the evidence are proper.
3. Whenever a rule of evidence requires that reasonable notice be given, it has been given.
4. Neither the prosecution nor the defense may ask any witness to demonstrate how Quinn Penner runs.
5. A potential expert witness does not need to be “certified” as an expert by the judge as a prerequisite to proffering testimony as an expert. However, attorneys must still lay sufficient foundation to allow the witness to testify as an expert witness as required by Mock Trial Rule of Evidence 702.
6. Attorneys should feel free to address the scoring judges as though they are the jury.

## Witnesses and Exhibit List

The following witnesses shall be called by the parties.	
FOR THE PROSECUTION	FOR THE DEFENSE
Lee Hayes	Andy Hodges
Jamie Spaulding	Sam Maddox
Kris Vinson	Quinn Penner
<i>All attorneys may call their respective witnesses in any order.</i>	
The following exhibits may be used by teams in competition. They are pre-marked and are to be referred to by number as follows:	
EXHIBIT NUMBER	EXHIBIT NAME
1	State's Offer on a Plea of Guilty
2	Text Messages on Cellular Phone found on Defendant
3	Map of Downtown Utopia City
4	Ballistics Photographs
5	Fingerprint Evidence
6	Curriculum Vitae of Kris Vinson
7	Receipt from Rubicon Sports Bar
8	Disciplinary Report
9	Text Messages on Cellular Phone from bank
<i>The exhibits can be introduced in any order.</i>	



# NEVADA PENAL CODE

## (Selected Provisions)<sup>1</sup>

### PART I. GENERAL PROVISIONS

#### Article 2. General Principles of Liability

##### SECTION 2.01. General Requirements of Culpability

(1) *Minimum Requirements of Culpability.* A person is not guilty of an offense unless they acted purposefully, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.

(2) *Kinds of Culpability Defined.*

(a) *Purposefully.* A person acts purposefully with respect to a material element of an offense when, if the element involves the nature of their conduct or a result thereof, it is their conscious objective to engage in conduct of that nature or to cause such a result.

(b) *Knowingly.* A person acts knowingly with respect to a material element of an offense when, if the element involves the nature of their conduct or is the result thereof, they are aware that the conduct is of that nature or that it is practically certain that their conduct will cause such a result.

(c) *Recklessly.* A person acts recklessly with respect to a material element of an offense when they consciously disregard a substantial and unjustifiable risk that the material element exists or will result from their conduct.

(d) *Negligently. Omitted.*

### PART II. DEFINITION OF SPECIFIC CRIMES

#### OFFENSES INVOLVING DANGER TO THE PERSON

##### Article 2. Principals and Accessories

##### SECTION 2.2. Accessory Before The Fact Punishable As Principal Felon

(a) All distinctions between accessories before the fact and principals to the commission of a felony are abolished. Every person who heretofore would have been guilty as an accessory before the fact to any felony shall be guilty and punishable as a principal to that felony.

(b) If any person shall become an accessory after the fact to any felony, such person shall be guilty of a crime. That person shall be punished for an offense that is two classes lower than the felony the principal felon committed.

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<sup>1</sup> These statutes were created solely for this Mock Trial Problem and do not reflect actual Nevada law.

## **Article 6. Criminal Homicide**

### SECTION 6.1. Criminal Homicide

- (a) A person is guilty of criminal homicide if they purposefully, knowingly, recklessly, or negligently cause the death of another human being.
- (b) Criminal homicide is murder, manslaughter, or negligent homicide.

### SECTION 6.2. Murder

- (a) Criminal homicide constitutes murder when it is committed purposely or knowingly, or committed recklessly under circumstances manifesting extreme indifference to the value of human life.
- (b) Murder is a Class A felony.

## **Article 14. Assaults**

### SECTION 14.1. Simple Assault

- (a) A person is guilty of simple assault if s/he either:
  - (1) Attempts to commit a violent injury to the person of another; or
  - (2) Commits an act that places another in reasonable apprehension of immediately receiving a violent injury.
- (b) A person who commits the offense of simple assault shall be guilty of a misdemeanor.

### SECTION 14.4. Assault With a Deadly Weapon Inflicting Serious Injury

- (a) Any person who assaults another person with a deadly weapon and inflicts serious bodily injury shall be punished as a Class E felon.
- (b) “Serious bodily injury” is defined as bodily injury that creates substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or that results in prolonged hospitalization.

## **Article 17. Robbery**

### SECTION 17.1. Robbery With Firearms or Other Dangerous Weapons

- (a) Any person who, while possessing, using or threatening to use any firearm or other dangerous weapon that endangers the life of a person, unlawfully takes or attempts to take personal property from another or from any place of business, residence, or banking institution at any time, or who aids or abets any such person in the commission of such crime, shall be guilty of a Class D felony.

## AFFIDAVIT OF LEE HAYES

1 After being duly sworn upon oath, Lee Hayes hereby deposes and states as follows:

2 My name is Lee Hayes and I was born June 20, 1990. Since 1996, I have lived at 472  
3 South Road in Utopia City, Nevada. My parents are both journalists who work for *National*  
4 *Geographic*. They married after they met on safari in Africa. They are quite famous and move  
5 frequently for their jobs. When I was little, they brought me along with them. However, when I  
6 reached school age, they wanted me to have a more stable home life. My aunt and uncle have  
7 taken care of me since I was six years old.

8 My aunt and uncle are in the restaurant business. After years of working for others, in  
9 2002 they finally bought a place of their own: the popular local hangout “Shiny Diner.”  
10 Unfortunately, as owners they work crazy hours and are not home often. The best part of living  
11 with them was growing up with my cousin Orson, who was three years older than me. Neither of  
12 us had siblings, so Orson became my older brother. When I was bullied at school because my  
13 parents “abandoned” me, Orson would beat up the kids who taunted me. He was suspended a  
14 few times because of that.

15 After Orson graduated high school in 2005, he did not have any concrete plans. Instead of  
16 attending college or settling on a career, he fell into a bad crowd. Orson moved out of the house  
17 because he did not like being hassled by my aunt and uncle. For a while he worked part-time as a  
18 dishwasher at a bar, and he did not listen when I urged him to go back to school.

19 I rarely saw my parents as I became older. I guess those early adventures influenced me,  
20 though, because I have always wanted to be a photojournalist and travel the world, too.  
21 Unfortunately, even with my family connections, that is easier said than done, as I found out  
22 when I graduated from Nevada University in May 2012 with a photojournalism degree. I had  
23 never bothered to apply for internships because I thought for sure I could get a job with *National*  
24 *Geographic*. Unfortunately, the people in charge of hiring would not even take my call. I  
25 bombarded every newspaper and news magazine in the country with my resumes, but no one was  
26 interested.

27 Meanwhile, Orson seemed to be doing fine even without a college degree. We did not see  
28 each other often after he moved out. However, starting in 2007, whenever I talked to Orson, he  
29 always seemed to have plenty of cash. When I asked how he got it, he would not answer. Yet, if I  
30 needed money to buy expensive cameras or photography equipment for college, he somehow

31 knew about it and would give me what I needed. I finally quit asking him where the money came  
32 from.

33 By October of 2012, having failed in my job search and facing student loan repayments, I  
34 called Orson up and pressured him to tell me how he had so much money. That is when he told  
35 me to meet him at Paradise Pub the next afternoon and he would let me in on his secret.

36 Paradise Pub is not exactly a family place; it is more like a “dive” filled with rough-  
37 looking bikers. Many of them seemed to know Orson. We shared nachos in a corner booth.  
38 Then, when no one was nearby, Orson leaned forward and said, “Well, college boy, guess we  
39 never thought you would be asking me for advice about money, did we? As you can see, I am  
40 well respected around here. That is because this whole part of town is my territory! You could  
41 say I am a mid-level manager.” Then he laughed. I was confused, and I said so. I then learned  
42 that Orson made his money by running a network of drug dealers. Orson said he also made  
43 money gambling on sports because he was good at it, but his real income came from drugs. He  
44 offered me a chance to work with him “until you find something else. You are so clean-cut, so no  
45 one will ever suspect you. Maybe you can help me expand into Nevada University, too.” With no  
46 other options, I reluctantly agreed. Orson said he would make sure I had an easy territory with no  
47 chance of getting hurt. “I will take care of you like I always have.”

48 Even though I agreed, I was scared. I had always stayed far away from drugs in high  
49 school and college, and I hated to be involved with them in any way. Orson was not just dealing  
50 in marijuana. He was also involved with selling and recruiting others to sell methamphetamine.  
51 Within the first few weeks I managed to sell some marijuana at Nevada University, but I was so  
52 unsure of myself that I was not very good at it. Orson eventually gave up and said he would use  
53 me in other ways, as his “go-fer” and driver when he made runs. I felt better and could almost  
54 make myself believe that I was not doing anything wrong. Orson also paid me a very generous  
55 amount of money to help him, which eased the pressure of my student loans.

56 On June 26, 2015, everything went horribly wrong. The date is burned into my memory  
57 because it was several days after my birthday. Orson called me up around 8 a.m. and said he  
58 needed help with a problem. He did not tell me details except that I would be driving. Orson  
59 soon pulled up in his car and told me to take the wheel. Next thing I knew, Orson told me to  
60 park across the street from a bank downtown, and to keep the engine running. I was surprised by  
61 Orson’s request, but I assumed he needed to make a quick deposit. While I was waiting in the

62 car, I saw a police officer walking down the sidewalk toward the bank. It made me a bit nervous  
63 to see the officer. I did not have any idea what was about to occur, but Orson had been arrested a  
64 few times and we tried to keep away from police officers as much as possible. I had not seen the  
65 officer before, but I know now that s/he was Detective Penner.

66 Detective Penner strolled into the bank. I had my windows down because it was such a  
67 nice day. The next thing I knew, I heard shouting, followed by several rapid gun shots. Orson  
68 then bolted out of the bank. He leaped in the car and told me to floor it. I hit the gas and looked  
69 in the rear view mirror. I saw Detective Penner dash out of the bank and sprint toward our car,  
70 pointing a weapon towards us. I remember being surprised both by how fast Detective Penner  
71 could move, as well as by the odd, jerky way in which s/he ran. With my photojournalism  
72 training, I pay attention to unusual scenes and movements, and Detective Penner's motions were  
73 very distinctive. Fortunately for us, Detective Penner likely decided it was too dangerous to  
74 shoot at us because of all the people nearby. We got away cleanly.

75 Orson told me to take him to a friend's house and to ditch the car, which I did. I left the  
76 car in a parking lot near the mall, removed the license plate, used a cloth to wipe my prints off  
77 everything, and then caught a bus home. When I heard on the news that a college student had  
78 been shot in the bank and was in critical condition, I almost called the police to turn Orson in.  
79 Selling drugs to willing customers is one thing, but shooting innocent bystanders in a bank is  
80 completely different. However, I was afraid I would also be charged. Since the police had not  
81 come to get me, I decided to just lay low.

82 The next evening, Orson called and asked me to meet him again at Paradise Pub. I did not  
83 recognize the phone number when it popped up on my "caller ID" because it was different than  
84 Orson's usual number. When I mentioned it, Orson said he had lost his phone during the robbery  
85 and was using a prepaid phone. Orson said he needed to skip town for a while and wanted to talk  
86 with me before he left. He told me to get to the bar by 10:30 p.m.

87 When I arrived, Orson was watching the Women's World Cup playoffs on the big screen  
88 TV. The United States was playing Colombia and I suspected Orson had bet a lot of money on  
89 that game. Orson told me he had recently lost a large amount of money gambling and did not  
90 have the cash to pay his drug bosses. That is why he took the extreme step of trying to rob the  
91 bank before his bosses lost patience and "made an example out of him." I had never seen Orson  
92 look so stressed. Several times during the game, he checked his phone for texts. When Colombia

93 beat the United States in a last-ditch rally around 12:00 a.m., Orson moaned and said, “Now I am  
94 done for.” Orson told me he needed to go outside for some fresh air.

95 Orson exited by the tiny side door to the alley. I wanted to make sure Orson was okay, so  
96 I waited a moment and followed him outside. I heard Orson exclaim, “What are *you* doing  
97 here!?” I leaned against the dumpster and tried to listen, although they were speaking quietly. At  
98 first, I could not see clearly because there were no lights in the alley. However, there was a full  
99 moon that night, so I could see better after my eyes adjusted to the darkness. Twenty feet away  
100 from me, a person the same height and build of Detective Penner was standing opposite of Orson  
101 with his/her right hand on the alley wall. Their left arm was raised towards Orson and it looked  
102 like s/he was holding a large handgun. Then Orson begged loudly, “Please do not do this.” The  
103 person said, “You brought this on yourself, and it is time you get what is coming to you. No  
104 more getting away with stuff. I am going to make an example of you.” I am not familiar with  
105 Detective Penner’s voice, so I could not identify the person by sound, even if I heard that person  
106 again today. Orson lunged at the figure and tried to grab his/her left arm, but the person blocked  
107 Orson with his/her right arm and immediately fired several shots. Orson clutched his side and  
108 fell to the ground and the figure ran away, dropping something as s/he fled. I rushed over to  
109 Orson and tried to stop the flow of blood. I yelled, “Call 911!”

110 A security guard from the bar across the street ran over to me. I grabbed the guard’s arm  
111 and tried to tell the guard to chase the shooter, but the shooter had already disappeared. The  
112 security guard said s/he was an off-duty police officer, Officer Hodges. S/he quickly called an  
113 ambulance and then asked if I had seen or heard what happened. I told Officer Hodges about  
114 seeing the person leaning on the wall before shooting Orson and that the shooter dropped  
115 something as s/he fled. Officer Hodges searched the area and identified a water bottle in the spot  
116 where I had seen an object fall.

117 The paramedics arrived shortly afterwards and I rode with Orson to the hospital. The  
118 paramedics kept telling me everything was going to be okay, but Orson died before the doctors  
119 could help him. By that time, Officer Hodges had arrived at the hospital accompanied by several  
120 other police officers. Before I could even grasp what was happening, they started asking me  
121 questions. Officer Hodges asked me if I knew who shot Orson. I was so stunned by all these  
122 events that I could hardly think. I could not even tell the officers about the shooter’s gender or  
123 race.

124           The next morning, I was taken to the police station. Officer Hodges had more questions  
125 for me. We were sitting in an interrogation room with windows that looked out on the main part  
126 of the station. After a few minutes, Detective Penner walked by the window, and I was shocked  
127 to realize that Detective Penner was the shooter! When I informed Officer Hodges, s/he looked  
128 angry and told me I was crazy. Nonetheless, the other officer in the interrogation room  
129 immediately started writing down my statement.

130           I thought I would be free to leave after I gave my statement. However, before I finished  
131 telling the officers all that I knew, Officer Hodges interrupted and started interrogating me about  
132 the bank robbery. Apparently, a security camera had caught my image on video and they had  
133 connected me to the attempted robbery. I stopped talking until I could get a lawyer.

134           Even though I only drove Orson to and from the bank and did not know what he was  
135 planning, I was charged with assault with a deadly weapon inflicting serious injury and robbery  
136 with a firearm. The State has agreed to reduce my crimes to simple assault and accessory after  
137 the fact to robbery with firearms in exchange for my testimony against Detective Penner. The  
138 State has also agreed to recommend a maximum sentence of 13 months to be served after I  
139 testify. I have been in the Bexar County jail since then.

140           I would still testify so justice can be served even if the State had not offered me a plea  
141 bargain. I am convinced that Detective Penner is responsible for Orson's murder, although I will  
142 admit I am not 100% sure because it was difficult to see that night. Nonetheless, the person in  
143 the alley was exactly the same size as Detective Penner and the person ran exactly the same way  
144 as Detective Penner ran when s/he dashed out of the bank: fast, and with jerky, unusual motions.  
145 I have never seen anyone else run like that. What Orson did was wrong, but he did not deserve to  
146 be shot down like a dog in the alley by a crazy officer.

147           I am familiar with Exhibits 1 and 3. Exhibit 1 is my guilty plea and plea deal. Exhibit 3  
148 is the map of downtown that shows Paradise Pub. However, I am unfamiliar with all other  
149 exhibits.

150           I hereby attest to having read the above statement and swear or affirm it to be my own. I  
151 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
152 should contain everything I knew that may be relevant to my testimony and I followed those  
153 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
154 me until the moment before opening statements begin in this case.

155

156 *Elizabeth Eckhardt*

157 Elizabeth Eckhardt, Notary Public

158

*Lee Hayes*

Lee Hayes

## AFFIDAVIT OF JAMIE SPAULDING

1 After being duly sworn upon oath, Jamie Spaulding hereby deposes and states as follows:

2 My name is Jamie Spaulding. I was born in New York and spent my childhood there.  
3 When I was four years old, my parents enrolled me in tumbling lessons. To my teacher's  
4 amazement and my parents' delight, I was a natural. After years of grueling training in  
5 gymnastics, I entered the 1996 Olympics where I won a bronze medal. Unfortunately, my  
6 athletic journey ended when I sustained a serious concussion in 1999. Because it is not a contact  
7 sport, most people do not realize that you can become seriously injured doing gymnastics. I was  
8 one of those people. Due to my injuries, pressures from my parents, and my waning interest in  
9 the Olympics, I quit competitive gymnastics.

10 I spent some time in California receiving treatment by renowned concussion expert Dr.  
11 Bevin Register. Although Dr. Register provided extensive help, I still have some lingering  
12 problems with short-term memory loss. That is one reason I do not drive without a friend in the  
13 car since I get lost too easily, even with a GPS. It is just easier for me to depend on friends to  
14 help direct me or to call a cab.

15 In 2006, I decided to put my knowledge of gymnastics to use and opened my own gym—  
16 one which is unconventional, to say the least. To attract both adults and kids, I teach a blend of  
17 parkour and gymnastics. Parkour is a noncompetitive discipline, also known as freerunning,  
18 which involves acrobatics and movement over obstacles. A lot of college students come to the  
19 gym because they think parkour is fun, but I even have doctors, lawyers, and businessmen as  
20 members. I think they like pretending to be special agents.

21 I first met Quinn Penner in 2011 when s/he joined my gym. Quinn was so friendly and  
22 polite, we really hit it off. We started going out after workouts to have a drink or watch a game.  
23 It turned out that we were both fans of the United States Women's National Soccer Team. At  
24 first, I was surprised when Quinn told me s/he was a police officer. Quinn is very athletic but  
25 his/her demeanor seemed more like that of a businessperson to me. Of course, I knew about  
26 Penner Enterprises, the huge computer software company founded by Quinn's family, and I  
27 originally assumed Quinn worked with computers.

28 When Quinn told me that s/he was a police detective, I could see how that made sense,  
29 too. Quinn clearly loves his/her job; s/he often talks about how s/he feels the work is important  
30 because it gets criminals off the street and keeps "ordinary citizens" safer. Quinn said parkour

31 was really helpful for his/her job because it made it easier to catch the “perps.” Of course, just as  
32 with other police officers I have known, Quinn became upset when lawyers would get the  
33 criminals off on a technicality. Yet, the intensity of Quinn’s emotions when one of the criminals  
34 got off “scot-free” seemed out of proportion to me on occasion, at least until I found out the  
35 reason behind Quinn’s passion. One night when we were out at a bar and Quinn was ranting  
36 about a drug dealer who had just received a plea deal, I asked why s/he was so worked up about  
37 it. Quinn told me that back in college, Quinn’s roommate was an innocent bystander who was  
38 shot and killed during a drive-by gang shooting. The shooter got off when he turned state’s  
39 evidence on another gang member and Quinn was outraged by the injustice of it. That event  
40 prompted Quinn to change his/her major from a Business degree to Criminal Justice.

41 Quinn was sometimes busy with investigations, so his/her attendance at the gym was  
42 sporadic. Even so, Quinn was an ideal student. S/he focused on the athletic elements to promote  
43 self-mastery and focused on the acrobatics to help apprehend criminals. Quinn could be intense  
44 during workouts and sometimes got upset if s/he did not learn a new skill right away. I told  
45 him/her to relax and not stress, but Quinn would glare at me and say, “I need to get this right so I  
46 can get those scum off the street.” It is almost like Quinn could be two different people: really  
47 easy-going most of the time, and then abruptly exhibit an intense, almost scary persona. Some of  
48 the other gym members even commented on it to me after they observed Quinn’s demeanor at  
49 the gym on such occasions.

50 I never ended the friendship or voiced my concerns to anyone because, I have to admit,  
51 being friends with Quinn had its benefits. We do not use computers very often for our gym, but  
52 Quinn still gave us free software from Penner Enterprises. Quinn also secured some funds for  
53 my gym to start a proper advertising campaign. After Quinn’s help, our gym’s membership  
54 doubled! Additionally, Quinn made sure that we had extra police patrols on nights that they had  
55 live bands at Paradise Pub so we did not have to worry about vandalism from drunken patrons.

56 Whenever Quinn was available, we would spend Saturday nights together. June 27, 2015  
57 was a Saturday so, naturally, we had plans to hang out and watch the Women’s World Cup  
58 playoff game. Quinn seemed on edge during the workout, and when I asked if something was  
59 wrong, Quinn just said, “I am just tired of perps getting away with stuff” without elaborating  
60 further. After our workout, we went to Rubicon Sports Bar, part of a chain that started in  
61 California. Even though Paradise Pub is closer to the gym than Rubicon, it draws a pretty rough

62 crowd that is not much to our liking. We usually go to Rubicon because it has bigger TVs, better  
63 food, and the owners do not require the employees to wear sexually demeaning clothing or  
64 surrender portions of their tips to management.

65 Usually, we walk to Rubicon because it is only a mile away from the gym and parking  
66 can be difficult, but Quinn insisted on driving that night to save time. We were still in our  
67 workout clothes because we did not want to take time to change and miss the game. I had to  
68 move a large black “fanny pack” out of my way when I got in Quinn’s car. I was surprised by  
69 how heavy it felt. When we arrived at Rubicon, Quinn ordered dinner and we both had several  
70 drinks, although I had more than Quinn.

71 I remember being disappointed when the United States Team lost to Colombia.  
72 Sometime after 11:30 p.m., Quinn went outside for some fresh air and carried a free plastic water  
73 bottle. Rubicon has large plate-glass windows, and I saw Quinn open the passenger side door of  
74 the car when s/he went outside. I assumed s/he needed to grab something from the car, and I  
75 went back to watching the post-game analysis. I am pretty sure Quinn came back inside by  
76 midnight. Quinn seemed slightly out of breath, but at the time, I assumed that it was a result of  
77 jogging around the parking lot. Quinn also seemed kind of sweaty, but it was a muggy June  
78 night, which is one reason I did not mind driving to Rubicon. Quinn drove me home around 1:00  
79 am. I do not remember seeing the fanny pack in the car during the ride home.

80 The next day I heard about Orson Hayes’ murder on the news, and I remembered that  
81 Orson was one of the criminals Quinn had mentioned as “getting away with stuff one time too  
82 many.” It made me think again about the length of time Quinn was gone from Rubicon and about  
83 Quinn being sweaty and out of breath when s/he came back in. I know Quinn’s car did not move  
84 while s/he was outside because I glanced out several times and saw it while Quinn was gone.  
85 However, I often heard Quinn brag about how s/he could run a mile faster than any other police  
86 officer on the force. Given Quinn’s great athletic condition and parkour training, Quinn easily  
87 could have run to Paradise Pub and back in the twenty-five minutes s/he was outside and away  
88 from me.

89 Ordinarily, I never would have thought of such a thing, but when Quinn came to the gym  
90 several days after Orson’s murder, s/he seemed happier than I had seen him/her in a long time.  
91 When I asked why Quinn was so happy, Quinn said, “It is always great when a perp gets what is  
92 coming to them. Sometimes it is nice to see justice served, even if it does not happen in a court

93 of law.” Quinn’s statement gave me the chills and I decided I had better come forward and tell  
94 the police what I knew. If a police officer thinks they are above the law, all of us are in danger.

95 I am familiar with Exhibits 3 and 7. Exhibit 3 is a map of downtown Utopia City. Exhibit  
96 7 is the receipt from Rubicon Sports Bar, which Quinn paid. I am unfamiliar with all other  
97 exhibits.

98 I hereby attest to having read the above statement and swear or affirm it to be my own. I  
99 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
100 should contain everything I knew that may be relevant to my testimony and I followed those  
101 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
102 me until the moment before opening statements begin in this case.

103

104 Constance Eisenberg  
105 Constance Eisenberg, Notary Public  
106 and 2015 Court Reporter of the Year

Jamie Spaulding  
Jamie Spaulding

## AFFIDAVIT OF KRIS VINSON

1 After being duly sworn upon oath, Kris Vinson hereby deposes and states as follows:

2 My name is Kris Vinson and I live in Springfield, Nevada, just outside Utopia City. I am  
3 a forensic specialist at the Utopia City Police Department. I studied chemistry at Stanford  
4 University in Stanford, California because I was originally planning to attend medical school, but  
5 I was bitten by the CSI bug and decided to pursue forensics instead. I attended Nevada  
6 University to earn my Masters in Forensic Science. Because of my excellent grades, I was  
7 chosen for a fantastic summer internship with NCIS near Washington, D.C. and co-authored a  
8 paper for the *Journal of Forensic Sciences* with two of the NCIS agents. I graduated from the  
9 Master's Program in December of 2002, and began working as an assistant forensic specialist at  
10 the San Jose Police Department in March of 2003. In March of 2015, I moved to Utopia City and  
11 began working in my current position. My job is nothing like the television shows as I do not  
12 conduct crime scene investigations. Instead, I spend most of my time in the lab analyzing  
13 evidence collected from crime scenes by others. Most of the cases I have analyzed have been  
14 resolved by plea deals before going to trial. I have testified in court in four previous cases  
15 ranging from kidnapping to armed robbery, but this is my first time testifying in a murder trial.

16 I do not interact with many people at the Police Department besides the other CSI staff. I  
17 had worked at my job several weeks before I even saw Detective Penner. I had heard about  
18 him/her before we met. Most of my coworkers had great things to say about Detective Penner.  
19 In 2003, Detective Penner won an award for his/her excellent work and it was not just a fluke. I  
20 was told that Detective Penner was responsible for more convictions than any other detective in  
21 each of the previous three years. Yet, several officers did not seem as enthusiastic, especially  
22 Officer Cochran. My coworkers told me Officer Cochran was jealous because Detective Penner  
23 was promoted over Officer Cochran, even though Officer Cochran had been with the police force  
24 longer.

25 My impression of Detective Penner is less positive than his/her record would suggest. I  
26 specifically remember that I arrived at work early on Monday to view our new mass  
27 spectrometer. The officers were all talking because a repeat offender named Orson Hayes had  
28 been shot and killed on Saturday night. I have heard that Detective Penner often generated good  
29 case leads right away. When Detective Penner entered the station in the middle of the  
30 discussion, the Chief asked Detective Penner who s/he thought may have murdered Mr. Hayes.

31 Detective Penner seemed jumpy and blurted out, “I have no idea” before turning abruptly and  
32 leaving the room.

33         Afterwards, I did not have any further interactions with Detective Penner until I was  
34 officially assigned the Orson Hayes case. Even though I had been hired by the Utopia City  
35 Police Department because of my outstanding work in San Jose, I was a bit surprised to be  
36 named the lead forensic specialist on a big murder case so soon after joining the UCPD.  
37 However, when I was told that an eyewitness had identified Detective Penner as the shooter, I  
38 realized that my lack of personal connections to Detective Penner would be an asset to the  
39 investigation. I have always been a facts person. I rely on evidence to draw inferences and  
40 conclusions. After completing my investigation, the facts reinforce my gut feeling that Detective  
41 Penner is guilty.

42         From Day One on the case, I was swamped. The investigators and technicians delivered a  
43 box full of evidence and left it to me to sort everything out. First, I analyzed DNA samples. DNA  
44 is a biological molecule present in every cell in the body with the exception of red blood cells  
45 and each person’s DNA is unique unless they are an identical twin. Every police officer in  
46 Utopia City must give a DNA reference sample when they begin employment. I compared the  
47 DNA sample from Detective Penner to a swab taken from under the victim’s nails.

48         I next completed a Short Tandem Repeat (“STR”) analysis without incident. In this type  
49 of test, we examine 15 specific locations (“loci”) on a DNA sample. At those locations, short  
50 segments of DNA repeat a specific number of times that varies among individuals. At each locus  
51 or marker, a person will have two “alleles” (genetic variants), one allele from each parent. Each  
52 person’s pattern of alleles at these 15 locations is almost always unique. In addition to the 15  
53 markers, the test also contains a special marker which is used to determine the person’s gender.

54         The STR test produces a computer-generated graph called an “electropherogram” that  
55 uses “peaks” to represent the alleles. In forensic tests, we compare the electropherogram from the  
56 evidence with electropherograms from reference DNA samples taken from possible suspects  
57 who might have contributed DNA to the crime scene sample. If the electropherograms match, we  
58 can calculate the random match probability (RMP). The RMP tells us the probability that a  
59 randomly chosen, unrelated person would happen to have the same DNA profile as the evidence  
60 sample.

61 As expected, the evidence sample contained a mix of DNA from two individuals: Orson  
62 Hayes and the unknown person whose DNA was found under Mr. Hayes' fingernails. Detective  
63 Penner's DNA sample was the same gender as the evidence sample and it was identical to the  
64 unknown person's DNA in the evidence sample at 13 out of 15 markers. The other alleles were  
65 missing, or "dropped," from the evidence sample as sometimes happens when the sample is  
66 amplified to conduct the test. I calculate that the RMP for this sample is one in one billion, which  
67 means that the chance of a random person's DNA matching the unknown person's DNA profile  
68 is only one in one billion.

69 I admit that, with any DNA technique, jurors should not rely on DNA evidence alone if  
70 other factors raise doubt, because contamination of samples can sometimes occur. I did not  
71 collect the DNA evidence for this case myself, so I cannot say with 100% certainty that no cross-  
72 contamination took place. However, from all that I have seen, the Utopia City crime scene  
73 investigators are well-trained and very careful to prevent any such problems.

74 In any case, I followed the standard procedure for a DNA test and it was successful. The  
75 samples from Detective Penner and the foreign skin cells collected from the victim matched.  
76 Usually, this scenario happens when the victim scratches the attacker in a struggle.  
77 Unfortunately, I have no context for how or when such a struggle may have occurred. It could  
78 have been from the time of the murder or earlier. However, given that I have complete  
79 confidence in our crime scene investigators, I am certain that Detective Penner had a violent  
80 encounter with the victim at some point before the victim's death.

81 Next, I examined the plastic water bottle found at the scene where the fleeing criminal  
82 dropped an item. I first tested the bottle for fingerprints, but no prints were complete enough for  
83 a usable result. I then tested the bottle for DNA, which matched Detective Penner. Dozens of  
84 other bottles were found in the alley, but I did not test them against Detective Penner or other  
85 potential criminals in our database or in the local, state, or federal levels of the national CODIS  
86 DNA database.

87 Unfortunately, I cannot determine exactly when Detective Penner dropped the water  
88 bottle. A DNA match can link a person to an item found at a scene but cannot prove exactly  
89 when the person was there. So, if a person claims they were at a crime scene for a different  
90 reason, the DNA evidence alone is not sufficient to prove they committed the crime.  
91 Nonetheless, I know that at some point, Detective Penner dropped a plastic bottle in the vicinity

92 of the crime scene, and it had to be close to the timeframe of June 27, 2015. Otherwise, I would  
93 have been unable to extract DNA from the water bottle because the DNA would have  
94 degenerated too much to be analyzed.

95 The detectives lifted a clear latent fingerprint from the alley wall where the victim's  
96 cousin said s/he saw the shooter leaning right before the murder. Fingerprint analysis involves  
97 comparing the structure and characteristics of the ridge patterns (or "minutia") between two  
98 sample prints, including the spacing, location, shape, and number of ridges. These ridge patterns  
99 are unique; even identical twins do not have identical fingerprints.

100 I was able to match 12 different points on the latent print from the alley wall with the  
101 same points on Detective Penner's fingerprint, which qualifies as a match in the state of Nevada.  
102 Given how many people use that well-traveled alley on a regular basis, and the excellent  
103 definition of the fingerprint, I concluded that it was deposited within a few days of the murder.

104 I admit that questions have been raised recently about the validity of fingerprint analysis,  
105 claiming that analysts can be biased or inconsistent in their findings. However, my results have  
106 never been challenged, and I pride myself on my objectivity in this case. Fingerprint analysis is  
107 still heavily used as a reliable method in Nevada and other police departments around the  
108 country. Nonetheless, it is wise not to rely solely upon fingerprint analysis for a criminal  
109 conviction.

110 I next examined the bullet taken from the victim. I determined that the bullet, a .357  
111 Magnum, came from a Colt Python with a 6-inch barrel. Normally Colt Pythons are pretty rare,  
112 akin to a collector's item, because they are no longer manufactured. They are also large, nearly a  
113 foot long including the barrel and handgrip. The Police Chief told me that one of the local drug  
114 gangs uses Pythons when enforcing gang "justice" against those who cross the gang in some  
115 way. Evidently, the gang thinks it is acceptable to use Pythons to keep people in line.

116 To conduct a test firing for ballistics analysis, I used three Pythons that we had in the  
117 evidence locker from a raid on the gang. The chain-of-evidence sign-in sheet said that we were  
118 supposed to have four Pythons, but one seemed to be missing. Of course, Detective Penner had  
119 access to the evidence locker and could have taken one to commit the crime. The murder weapon  
120 itself has never been found. The Department investigated to determine what happened to the  
121 missing Python, but the investigation never turned up any plausible alternatives. If Detective  
122 Penner did not take the missing Python, I have no idea what happened to it.

123 I also examined a black leather “fanny pack” found in a trash can near Spaulding’s Gym,  
124 two blocks from the crime. It was large enough to hold a Colt Python—over 14 inches long in  
125 all. Unfortunately, I was unable to obtain any usable fingerprints from the case as it was wiped  
126 clean, which was rather unusual.

127 A disposable cell phone recovered on the victim’s body contained several text messages  
128 that Orson Hayes received right before he was killed. The texts were sent using an unlisted  
129 number. They seemed to indicate a meeting had been arranged between Orson Hayes and a  
130 person trying to collect on a debt Mr. Hayes owed. This evidence did not fit with the physical  
131 evidence implicating Detective Penner, which concerned me. However, as I was concluding my  
132 investigation, Officer Cochran brought me the cell phone that Orson Hayes dropped and  
133 Detective Penner recovered at the scene of Mr. Hayes’ June 26 attempted bank robbery. While  
134 most of the texts were unremarkable, one message stood out. It was sent at 11:00 pm on June 27  
135 and later deleted, but I recovered it. The message said: “Meet me at Paradise Pub on Saturday at  
136 quarter to midnight. Bring what you owe me, or you will be sorry.” The message was sent using  
137 an unlisted one-time use cell phone. I could not determine if the text was deleted by Mr. Hayes  
138 before the attempted bank robbery or by Detective Penner before s/he put the phone into the  
139 evidence locker.

140 Overall, the evidence indicates that Detective Penner had a violent altercation with the  
141 victim in which the victim scratched Detective Penner. I am almost certain that Detective Penner  
142 was in the alley around the time the murder occurred, as revealed by the fingerprint on the alley  
143 wall and the dropped water bottle. Because of the bank cell phone text, Detective Penner had an  
144 opportunity to know that Orson Hayes would be at Paradise Pub around the time that Mr. Hayes  
145 was murdered. While I cannot conclusively tie Detective Penner to the bullet that killed Hayes,  
146 Detective Penner had access to the type of gun that was used in the murder that is missing from  
147 the evidence locker. When considered as a whole, these facts, along with Detective Penner’s  
148 unusual behavior, are enough to convince me that Detective Penner murdered Orson Hayes.

149 I am familiar with Exhibits 2, 4, 5, 6, and 9. Exhibit 2 is the transcript of the text  
150 messages on the disposable cell phone found on the deceased. Exhibit 4 shows the photographs  
151 from my ballistics report and Exhibit 5 shows the fingerprints obtained at the scene. Exhibit 6 is  
152 my Curriculum Vitae and Exhibit 9 is the transcript of the text messages I recovered from the

153 phone that Detective Penner brought to the station after the deceased's attempted bank robbery.  
154 However, I am not familiar with all other exhibits.

155 I hereby attest to having read the above statement and swear or affirm it to be my own. I  
156 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
157 should contain everything I knew that may be relevant to my testimony and I followed those  
158 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
159 me until the moment before opening statements begin in this case.

160 *Brandy Jo Wilson*  
161 Brandy Jo Wilson, Notary Public

*Kris Vinson*  
Kris Vinson

## AFFIDAVIT OF ANDY HODGES

1 After being duly sworn upon oath, Andy Hodges hereby deposes and states as follows:

2 My name is Andy Hodges. I have lived in Utopia City for over 20 years. I was educated  
3 at Santa Barbara University in Santa Barbara, California where I majored in Legal Studies with a  
4 minor in Cognitive Science. Immediately after receiving my undergraduate degree in 1992, I  
5 relocated to Utopia City where I began working as a patrol officer for the Utopia City Police  
6 Department. In 1998, I was promoted to staff sergeant and put in charge of training all of the new  
7 recruits. When Quinn Penner joined the force in 2000, I saw that s/he had real potential to be an  
8 outstanding officer. To speed up the process, I partnered us together from 2000 until 2002, when  
9 Officer Penner was promoted to Vice Squad Detective. The Vice Squad focuses on moral crimes  
10 including gambling, bookmaking, drugs, and prostitution. Admittedly, this promotion was  
11 exceedingly rapid, but Detective Penner had demonstrated that s/he was one of our best officers  
12 with a noteworthy ability to locate and arrest criminals.

13 In 2003, Detective Penner won an award for meritorious service. In fact, Detective  
14 Penner was consistently at the top of the squad statistics in numbers of criminals arrested and  
15 percentage of those arrests that resulted in jail time for the criminals. Because of his/her excellent  
16 record, Detective Penner had been first on the list for promotion to the Homicide Division when  
17 an opening became available.

18 When I started working with Detective Penner, s/he told me that s/he was related to the  
19 Penners of "Penner Enterprises," the renowned software company. Detective Penner did not  
20 want anyone to know s/he came from a wealthy family because s/he did not want to be treated  
21 differently. I honored Detective Penner's request and did not tell anyone else at the station.

22 Detective Penner was the best partner I ever had. S/he was extremely courteous and  
23 charismatic, with terrific instincts as a cop. Detective Penner was also very athletic and could  
24 chase down even the fastest criminals. Admittedly, Detective Penner has an unusual way of  
25 running, different from anyone I have ever seen, but somehow it is effective. One time, Detective  
26 Penner's quick reactions saved my life when s/he saw that a driver I had pulled over was about to  
27 draw a gun on me. Detective Penner grabbed the driver's arm, twisted it to make him release the  
28 gun, dragged the driver out of the car, and handcuffed him. I was thankful that Detective Penner  
29 realized what was about to happen and embarrassed that I had put myself in danger by a  
30 moment's inattentiveness.

31 I acknowledge that Detective Penner was involved in a troubling incident in 2004. That  
32 summer, s/he led an important narcotics investigation. While performing standard street  
33 surveillance, Detective Penner harassed a potential witness by yelling and shining a blinding  
34 light in her eyes. The witness never pressed charges, but the Police Chief issued an official  
35 warning to Detective Penner even though other detectives have reacted similarly when placed  
36 under stressful situations. In 2007, Detective Penner was again disciplined, this time for roughing  
37 up two drug dealers. To help channel his/her energy, Detective Penner took up sports as a way to  
38 vent frustration and stay physically and mentally healthy. Detective Penner told me that s/he had  
39 joined a gym which taught parkour and the physical outlet really seemed to help. I prefer martial  
40 arts myself, but to each his/her own.

41 In 2014, my twin sons graduated high school and began attending Duke University. To  
42 help pay for their tuition, I started moonlighting as a security guard at Thomas' Tavern.  
43 Thomas' is a British-themed tavern that caters to a fairly sophisticated clientele. The manager at  
44 Thomas' Tavern hires security guards to keep out the lowlifes from the woefully misnamed  
45 Paradise Pub across the street.

46 I was working security at Thomas' Tavern on the evening of June 27, 2015 before going  
47 on police duty at 1:00 a.m. on June 28, 2015. It was a beautiful night with clear skies and a full  
48 moon. Paradise Pub was packed with customers watching the Women's World Cup playoffs  
49 between the United States and Colombia. I am not a big soccer fan myself, so I did not mind  
50 missing the game. At around 11:30 p.m., I had to keep out disgruntled fans leaving Paradise  
51 after the United States lost, but things died down pretty quickly. I had just checked my watch and  
52 noted that it was 11:45 p.m. when I heard someone cry out in fear in the alley beside Paradise,  
53 followed right away by three rapid gunshots. I ran across the street just in time to see a man  
54 lying on the ground with someone bending over him, and another person running rapidly away  
55 down the alley. The fleeing person ran in an awkward, unusual fashion, but from the brief  
56 glimpse I caught before the person turned the corner, I think the person's motions were distinctly  
57 different from those of Detective Penner.

58 The person kneeling over the man on the ground urged me to follow the shooter, but I  
59 knew I would never catch him/her, and I felt it was more important to attend to the injured  
60 person. As I bent closer, I was shocked to see that the victim was Orson Hayes, a well-known  
61 repeat offender who had served time for drug trafficking. I dialed 911 to report that we needed

62 the police and an ambulance, and then I tried to help Mr. Hayes, who was bleeding profusely. I  
63 asked Mr. Hayes if he knew who shot him, but he just said “Why? Why? I cannot believe this is  
64 happening . . . Lee, do not make the same mistakes I did.” I did not know who Lee was until the  
65 person kneeling over Mr. Hayes said, “I will not, Orson, I will not. Hang in there. It will be  
66 okay, just hang in there.” Mr. Hayes then lost consciousness. Since time is of the essence if  
67 arriving officers were to have a chance of catching the shooter, I asked Lee if s/he had seen what  
68 happened. Lee told me that the person who shot Orson Hayes had been leaning on the alley wall  
69 right before the shooting. Lee also said the shooter had dropped something in the alley when s/he  
70 was running away. Lee told me where to look, and when I searched, I found a plastic water  
71 bottle. I carefully draped my handkerchief over the bottle to protect it until the police on duty  
72 could arrive to collect it as evidence. I then continued my conversation with Lee, who told me  
73 that s/he was Orson Hayes’ cousin. Lee seemed to be in shock and was not making sense; s/he  
74 could not provide sufficient details about what had happened.

75         Officer Cochran and his partner arrived only a moment later, as did the paramedics. The  
76 paramedics quickly loaded Orson Hayes into the ambulance and let Lee ride with them to the  
77 hospital. I told the officers what I had seen and showed them the water bottle. By the time the  
78 officers finished interviewing me it was nearly the end of my shift at Thomas’ Tavern and time  
79 for me to go on duty. We decided it made sense for me to ride to the hospital with the other  
80 officers to question Lee. However, when we tried questioning Lee, s/he seemed too shocked by  
81 all that happened to remember anything else.

82         The next morning, Officer Cochran picked up Lee and brought him/her to the station for  
83 more questioning. By that time, we had bank security video footage that showed Lee had driven  
84 the getaway car for Orson Hayes’ attempted bank robbery two days before. We did not reveal  
85 what we knew at first because we hoped to get more information about Orson Hayes’ shooting.  
86 Lee started talking about how the shooter ran funny, and just then Detective Penner walked by  
87 the window of the conference room where we were talking. Lee saw Detective Penner, turned  
88 white as a sheet, and said, “That is the person! That is who shot Orson!” I admittedly became  
89 upset because the accusation was so crazy, but Officer Cochran eagerly started writing down  
90 Lee’s statement. Officer Cochran was always looking for ways to get back at Detective Penner  
91 for being promoted over him. He egged Lee on and almost coached Lee in his/her statement,  
92 volunteering specific information about the way Detective Penner runs and asking Lee to

93 confirm the details. I became so disgusted that I cut the interview short by telling Lee we knew  
94 s/he was involved in the attempted bank robbery. Lee immediately stopped talking when I said  
95 that.

96 I was not worried by Lee's accusation because I knew the evidence would reveal that Lee  
97 was making it all up. It is crazy to think that an exemplary officer like Detective Penner would  
98 murder Orson Hayes in cold blood. That is why I could not believe that Detective Penner was  
99 charged with the crime. I knew Officer Cochran would be thrilled with what was happening (and  
100 he indeed was) but I could not understand why the Police Chief would believe such an  
101 outrageous claim. Maybe he felt threatened by Detective Penner's success? Several other  
102 officers seem happy to join the bandwagon against Detective Penner, too, but they were mainly  
103 the officers who have been jealous of Detective Penner's record. That is distressing to see.

104 Lee Hayes has been offered a plea deal to testify against Detective Penner. I now  
105 understand Detective Penner's disgust at the way our legal system sometimes fails to pursue the  
106 truth in its zeal to punish someone for a crime. I plan to remain in Utopia City to support  
107 Detective Penner and make sure everyone knows that Detective Penner is innocent. However,  
108 after this matter concludes, I plan to look for a position in California because I cannot stand the  
109 way some officers have turned on Detective Penner. It reminds me of a pack of dogs attacking  
110 an injured member of the group. It is rather disgusting.

111 I am familiar with Exhibit 1, the plea deal offered to Lee Hayes, and Exhibit 3, the map  
112 of downtown. I am not familiar with all other exhibits.

113 I hereby attest to having read the above statement and swear or affirm it to be my own. I  
114 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
115 should contain everything I knew that may be relevant to my testimony and I followed those  
116 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
117 me until the moment before opening statements begin in this case.

118 Beverly Bryson  
119 Beverly Bryson, Notary Public

Andy Hodges  
Andy Hodges

120

## **AFFIDAVIT OF SAM MADDOX**

1 After being duly sworn upon oath, Sam Maddox hereby deposes and states as follows:

2 My name is Sam Maddox. I was born in Midlands, Texas in 1986 but my family moved  
3 to Nevada when I was small. My parents have a farm where they grow organic vegetables and  
4 raise free-range chickens to sell to the gourmet restaurants in Utopia City. I was very involved in  
5 4-H as a child, raising my own goats and cattle for competition, so naturally when it came time  
6 for college, I went to California State University to study zoology. After graduating with my  
7 bachelor's degree in 2008, I was fortunate enough to get my "dream job" working as an animal  
8 trainer and facility manager at the Utopia City Zoo. Owner Jordan Hammond is a fantastic  
9 employer; he really cares about his employees and ensures the zoo visitors have a memorable  
10 experience. I have the chance to work with animals ranging from snakes, to otters, to gazelles, to  
11 gorillas! I get to work outside much of the time, which is perfect for me.

12 The Zoo grounds are large, with nature paths that allow visitors to see the exhibits up  
13 close. Part of my job involves patrolling the paths, making sure that the fences are in good  
14 condition, and confirming no repair work is needed. Walking around the zoo also gives me a  
15 chance to interact with our visitors, which I enjoy most of the time. However, during the last  
16 two years, we had some issues with local gangs trying to infiltrate the outskirts of the Zoo. It  
17 appears that the gangs arrange meetings in secluded places for drug sales. I have called the  
18 police several times to deal with the intruders or gather evidence on the ground after dealers have  
19 run away when they saw me approaching. It is a major concern, so I always keep my eyes and  
20 ears open when I am patrolling.

21 One of the individuals arrested for drug sales in April 2014 was Taylor Malcolm, the  
22 rowdy college student who incited the gorillas on the tram ride back in 2011. The gorillas  
23 attacked the tram, injuring Mr. Malcolm and dashing his hopes for an NBA basketball career.  
24 After Mr. Malcolm lost his lawsuit against Jordan Hammond (and rightfully so!) he evidently  
25 turned to drugs. I saw Mr. Malcolm in the woods in April of 2014 with a big gentleman, clearly  
26 exchanging drugs for money. Our own Zoo security guard was nearby, so I called him on my cell  
27 phone and he managed to nab Mr. Malcolm before he could escape. The other man got away; I  
28 did not know who he was at the time. However, I would soon find out he was Orson Hayes  
29 because he did not stay away for long.

30           After the incident in April of 2014, Jordan Hammond asked the Utopia City Police  
31 Department if they could increase their patrols of the area surrounding the Zoo. They did, which  
32 meant the police could respond more quickly when we called them about suspected gang  
33 activity. I got to know several of the vice squad members, including Detective Penner who was  
34 always very courteous and professional when s/he responded to our calls. Detective Penner  
35 expressed determination to do all s/he could to catch the “perps,” as s/he called them, because “a  
36 zoo should be reserved for zoo animals for little kids to enjoy. It is our job to keep these other  
37 ‘animals’ away by whatever means are necessary.” I am in full agreement with Detective  
38 Penner’s sentiment!

39           Although the Police Department increased its presence, we still had problems with gangs  
40 infiltrating the Zoo grounds. In October of 2014, I saw the same large gentleman back at the Zoo  
41 again, about to climb over the Zoo fence. I hid behind a tree taking photos with my cell phone of  
42 him climbing over the fence. I managed to keep the trespasser in my line of sight without being  
43 spotted, and I called the police. Detective Penner responded right away and I was able to direct  
44 the detective to the man upon his/her arrival. Detective Penner yelled, “Orson Hayes, you are  
45 under arrest!” When Mr. Hayes saw Detective Penner, he tried to run away. However, Detective  
46 Penner ran like lightning and threw Mr. Hayes to the ground. It was amazing! Mr. Hayes  
47 struggled, yelled, and cursed until Detective Penner got him under control. Maybe Detective  
48 Penner was rough with Mr. Hayes, but that did not bother me.

49           Detective Penner handcuffed Orson Hayes, frisked him without finding any drugs, and  
50 hauled him off. Jordan Hammond pressed charges against Mr. Hayes for trespassing, which was  
51 all we could do. The next time I saw Detective Penner, s/he told me Mr. Hayes was let off with  
52 only a warning. Detective Penner seemed disgusted by the outcome, as was I.

53           I did not see Orson Hayes for a while after that, and the gangs seemed to stay away from  
54 the Zoo. However, it started up again in May of 2015, when I resumed chasing off gang  
55 members and finding evidence of drug sales in the outer areas of the Zoo grounds. I started  
56 patrolling more frequently. In early June of 2015, we started renovating a number of exhibits at  
57 the Zoo and I had to work several evenings in a row to get everything done. The Zoo maintained  
58 its normal hours of 9 a.m. to 7:00 p.m. It was peaceful at the Zoo after all the visitors left and I  
59 did not mind the late hours.

60           Around 10:00 p.m. on Thursday, June 11, 2015, I finally finished for the day and made  
61 one last sweep of the grounds. As I neared the corner of the building housing the snake exhibit, I  
62 heard angry voices coming from behind the building. I quickly ducked into a dark shadow and  
63 listened. I heard a man with a deep voice say in a threatening manner, “I have given you enough  
64 time! You owe me over 50 grand for the drugs you were supposed to sell through your dealers,  
65 and I want my money NOW!! Otherwise you might find yourself at the bottom of the alligator  
66 pond in this zoo!!!” I thought about trying to call the police, but I was afraid they would hear me,  
67 so I just kept listening. Then I heard the other guy respond, and I recognized his voice: it  
68 sounded just like Orson Hayes! Mr. Hayes sounded shaken up and he begged the other  
69 gentleman to give him more time. He said, “I will get it to you before the end of the month, I  
70 promise! I will get the money from my dealers, and I am also set to clear a lot of money on the  
71 Women’s World Cup playoff games this month. Just be patient; I will get it for you!! If you hurt  
72 me now, you will never see it.” The deep-voiced man threatened him more but said he would  
73 give Mr. Hayes until June 28 and not a day longer. Otherwise, he would send “Aaron” or “Erin”  
74 after Mr. Hayes. The names sound the same, so I am not sure if he meant A-A-R-O-N or E-R-I-  
75 N. Aaron/Erin growled, “yeah, that is right. Do not mess with us or you will regret it!”

76           I heard the men split up in different directions, and the angry gentleman started coming  
77 my way! I quickly ducked behind a trash bin so he would not see me in the dark. The angry man  
78 had a “friend” with him, and they walked within 10 feet of me as I held my breath, hoping the  
79 sound of my heart pounding would not give me away. When the men were under the dim lights  
80 in front of the snake house, I saw them more clearly. The angry man was huge, much bigger than  
81 Detective Penner; his “friend” Aaron/Erin was about the same size as Detective Penner and was  
82 holding a plastic water bottle in his/her right hand, cursing under his/her breath. However, I  
83 could not tell the “friend’s” gender because s/he wore a baggy sweatsuit and had a scratchy  
84 voice. Aaron/Erin seemed agitated and was flinging his/her arms around like a crazy person  
85 while s/he talked. It looked weird, like s/he had been using some of their own products. I heard  
86 Aaron/Erin tell the big man that s/he would be glad to “take care of” Orson Hayes if the  
87 gentleman just gave the word.

88           I called the police after they were gone. Detective Penner and his/her partner came right  
89 away because they were patrolling together nearby. They were upset to hear that such thugs were  
90 on the Zoo grounds and promised to do all they could to catch them. They asked for descriptions

91 and I told them that the man who owed the money sounded like Orson Hayes, although I did not  
92 see him and could not be 100% positive. Detective Penner looked upset and said, “We have to  
93 get this culprit before he does something desperate.” I provided a general physical description of  
94 the other two people but could not identify the gender of Aaron/Erin.

95 I was not upset when I read in the newspaper that Orson Hayes had been shot and killed  
96 in an alley on June 28, 2015. Immediately, it made me think of that late-night meeting at the  
97 Zoo. However, when I heard that Detective Penner was arrested for the murder, I could not  
98 believe it. Although Detective Penner is “tough on crime,” based on all my interactions with  
99 Detective Penner, it is crazy to think s/he would gun down a criminal like that! Detective Penner  
100 is always talking about honor and integrity and how s/he wants to make his/her family proud.  
101 Detective Penner would never do anything outside the law. Clearly, Orson Hayes was murdered  
102 when he could not pay this other gentleman the money that Mr. Hayes owed him. The police  
103 should be trying to find the real killer.

104 I hereby attest to having read the above statement and swear or affirm it to be my own. I  
105 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
106 should contain everything I knew that may be relevant to my testimony and I followed those  
107 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
108 me until the moment before opening statements begin in this case.

109 Kelly Owens  
110 Kelly Owens, Notary Public

Sam Maddox  
Sam Maddox

## AFFIDAVIT OF QUINN PENNER

1 After being duly sworn upon oath, Quinn Penner hereby deposes and states as follows:

2 My name is Quinn Penner and I am a lifelong resident of Nevada. I am the first person in  
3 my family to work in law enforcement. My grandfather, Jon Penner, started Penner Enterprises,  
4 for which my family is known. Penner Enterprises innovates, develops, and sells computer  
5 software throughout California, Arizona, and Nevada. My older brother and sister both entered  
6 the family business and have been promoted to high positions within the Company. My dad  
7 urged me to study Organizational Management in college and join Penner Enterprises, too,  
8 which I reluctantly agreed to do. As a child, I had always dreamed of being an FBI agent, but I  
9 set my dream aside for a more “practical” career.

10 That all changed when I was a sophomore in college at Utopia City University. I was  
11 rooming with my best friend from high school; we had joined the same service clubs and played  
12 on intramural sports teams together. One evening, s/he made a run to a late-night copy center to  
13 print flyers for an upcoming event. On the way back to the dorm, s/he was gunned down in the  
14 street by a low-level drug dealer who was trying to kill a rival gang member. S/he died on the  
15 way to the hospital. They caught the shooter but let him plead to a lesser charge in return for  
16 testifying against one of the gang leaders. Instead of going away for felony murder, the shooter  
17 only received 5 years for voluntary manslaughter and was paroled after only two years. I could  
18 not believe it! My best friend was dead and the shooter would be released before I would even  
19 graduate from college. I changed my major to Criminal Justice and never looked back. My dad  
20 was disappointed at first but eventually understood. I am fortunate that my family has provided  
21 emotional and financial support throughout these proceedings, too. They know I would never do  
22 anything to embarrass the Penner name.

23 I graduated *cum laude* with my degree in Criminal Justice in 2000. I immediately  
24 became a sworn officer of the Utopia City Police Department. I worked on patrol for two years  
25 before accepting a position as a Vice Squad detective. It was quite an honor to earn a promotion  
26 so soon. Most of my coworkers were glad for me, but Officer Cochran seemed resentful. He has  
27 gone out of his way to make disparaging remarks about me at the station. I never did anything to  
28 earn that kind of response. I guess he was just jealous about my promotion.

29 Working vice was exhilarating and challenging work. I always felt my efforts were  
30 making a difference. My superiors appreciated my hard work and passion. In 2003 I won an

31 award for my service. I am known at the station for putting away more criminals than anyone  
32 else on the squad. I knew if I worked hard enough, I could get promoted to the Homicide  
33 Division and maybe be Police Chief one day. That way, I could bring honor to the family name  
34 in my own way. After my name is cleared, I still hope to do that somewhere—if not in Nevada,  
35 then in California or Oregon.

36 I admit making a few mistakes along the way. In 2004, I led my first investigation and  
37 let the stress get to me. I did not hurt anyone physically, but I was too intense during an  
38 interview and scared a potential witness. The only other time I was reprimanded was in 2007.  
39 Two drug informants became hostile and uncooperative during a sting operation and I responded  
40 with force. My partner at the time vouched for me and explained how my response was harsh,  
41 yet proportional and appropriate. However, my superiors disagreed after listening to Officer  
42 Cochran's version of events. Besides those two incidents, I have maintained a great working  
43 relationship with my past partners and Police Chief Skupin.

44 To help me deal with job stress, I decided to get involved in sports again. Specifically, I  
45 started learning basic gymnastics and parkour from my trainer, former Olympian Jamie  
46 Spaulding. Parkour is a great stress-reliever and lots of fun. It involves moving from place to  
47 place in the most efficient manner while dealing with obstacles, similar to James Bond. Jamie  
48 and I are both lefties, so s/he is able to show me some effective moves that right-handed trainers  
49 cannot fully demonstrate. Parkour takes a lot of balance and strength and it is very handy when I  
50 chase down "perps" on the job. Parkour also helps me to excel in the annual physical fitness  
51 tests we have to pass as detectives on the force. Some people joke that I "run funny," but last  
52 year I came in first out of the whole station in the mile run.

53 On the Vice Squad, we focus on apprehending drug dealers and stopping gambling and  
54 prostitution. That is how I first encountered Orson Hayes in 2009. My partner and I were  
55 working to disrupt the flow of drugs into the county. We started with apprehending dealers and  
56 distributors to gain information on the large scale importers. On March 17, 2009, we obtained a  
57 warrant to search the home of a suspected drug distributor. The suspect was not home and we did  
58 not find any drugs, but we did encounter Orson Hayes passed out on the couch. Given Mr.  
59 Hayes' association with the suspect, we took him in for questioning, but ultimately we released  
60 him due to a lack of evidence. Several months later, I encountered Orson Hayes again when we  
61 stopped a car that was weaving on the road. Mr. Hayes tested positive for marijuana and we

62 found small amounts of marijuana in the trunk. He was arrested, but as a first-time offender he  
63 got off with a slap on the wrist. In June of 2011, Hayes was arrested selling marijuana  
64 downtown, and this time he served 6 months in jail. Mr. Hayes seemed to “lay low” for a while  
65 but was arrested in October of 2014 for trespassing at the Utopia City Zoo after he climbed over  
66 the fence to get in. Sam Maddox, the Zoo Facility Manager, told me he had seen Mr. Hayes in  
67 April at the Zoo, talking to a tall scruffy looking guy in a secluded area and acting suspiciously.  
68 When Sam yelled at them and started to approach, Mr. Hayes scaled the fence and escaped. The  
69 Zoo security guard caught the other person when he lost his grip on the fence, and it turned out to  
70 be Taylor Malcolm, who had recently lost a civil lawsuit against the Zoo for injuries suffered on  
71 a tram ride. When the police searched the area where Mr. Malcolm and Mr. Hayes had been  
72 meeting, they found several bags of methamphetamine. Mr. Malcolm refused to implicate Orson  
73 Hayes, but it seemed pretty clear that Mr. Malcolm was only the “small fry.”

74 We suspected Orson Hayes was moving up in the local drug gang hierarchy but lacked  
75 sufficient proof. I determined to do all I could to get enough evidence to put him away before  
76 anyone got hurt. We tried to insert an undercover officer in the gang but were unsuccessful.  
77 None of our attempts to bribe an informant paid off, either. It became clear that someone high up  
78 in the gang, higher than Orson Hayes, had really put fear into all of them.

79 The last time I saw Orson was on the morning of Friday, June 26, 2015. I had just ended  
80 a night shift and decided to stop by the bank on my way home. As I entered the bank, I saw  
81 Orson Hayes pointing a gun at a bank teller, demanding money be put into a bag. Other  
82 customers were cowering against the wall. Surprised, I hesitated for a split-second, just long  
83 enough for Mr. Hayes to turn around and see me. As he started to run, I lunged forward to grab  
84 him, yelling “Police! Drop your weapon!” However, instead of dropping the gun, Mr. Hayes  
85 panicked and tried to shoot me, firing three shots in quick succession. I kept dashing forward  
86 and tried to grab Mr. Hayes’ gun rather than risk shooting the bank teller. Mr. Hayes clawed at  
87 my hand, causing me to drop my gun for a second.

88 During the scuffle, Mr. Hayes dropped his gun, and a cell phone fell out of his pocket. He  
89 dashed out of the bank while I grabbed my gun and ran after him. I saw Mr. Hayes jump into a  
90 car parked on the street and momentarily raised my gun to shoot at the car. However, too many  
91 pedestrians were on the sidewalk and I could not risk it. Just then, I heard someone in the bank  
92 yelling that a customer had been shot. I radioed for help as I turned to run back in the bank. To

93 my horror, I saw a college student lying on the ground in a pool of blood. It made me think of  
94 my college roommate's senseless death. Fortunately, the student was alive but in a lot of pain  
95 and going into shock. I put Mr. Hayes' cell phone in my pocket so no one would take it. I stayed  
96 with the student until the paramedics arrived and loaded the student into an ambulance.

97 When the other officers arrived, I told them what had happened. However, in the rush of  
98 adrenaline, I completely forgot about Orson Hayes' cell phone. The officers secured Mr. Hayes'  
99 gun, which turned out to be a Colt Python. The gun was put into the evidence locker and labeled  
100 as being connected to Mr. Hayes' case. After I gave my statement, I wanted to go out and help  
101 with the investigation, but the Chief told me I had just finished my shift and instructed me to get  
102 some rest so I would not make hasty decisions from fatigue. I became upset and the Chief put  
103 me on administrative leave, directing me to take the next two days off. It was hard to follow  
104 those orders as the whole bank scene brought back so many memories of my college roommate's  
105 murder. However, I knew the Chief was right. I went home and threw off my uniform without  
106 thinking about the cell phone and immediately fell asleep. Six hours later, I woke up and found  
107 the phone, so I took it to the station and went back home.

108 On Saturday, I kept thinking about the shooting at the bank while I puttered around,  
109 wishing I were not on administrative leave. That evening, I met up with Jamie at the gym just as  
110 we had already planned to do. I thought the exercise would help to settle my nerves. Sometimes  
111 after workouts, Jamie and I will have a drink together, and we did so on that night.

112 Around 9:30 p.m., I drove us to Rubicon Sports Bar to watch the Women's World Cup  
113 playoff game between the United States and Colombia. To attract patrons, Rubicon was giving  
114 away free plastic bottles of water. It was hard to concentrate on the game, as I kept thinking  
115 about that poor student. The evening did not get any better when the United States lost. Most of  
116 the men in the bar were in tears and had to be consoled by their dates. These events did not help  
117 lift my mood.

118 Around a quarter to Midnight, I wanted some fresh air. I grabbed a bottle of water and  
119 went outside to drink my water and reflect on the past two days. I began to feel better and  
120 rejoined Jamie around Midnight.

121 I understand Orson Hayes was killed around the time I was standing outside. If that is  
122 true, it was physically impossible for me to be responsible. Rubicon Sports Bar is nearly a mile  
123 away from Paradise Pub where Orson Hayes was shot. There is no way I could run to that bar,

124 shoot Orson Hayes, and run back all within 15 minutes. Just like Jamie told the police, I visited  
125 the car to sit and relax, but the car itself never moved. I think I left the door unlocked, too,  
126 because I noticed the next day that the fanny pack I use as a concealed-carry case was missing.  
127 Good thing I didn't leave my gun in it at the time. I am aware that my DNA was extracted from a  
128 water bottle that investigators found in the alley of Paradise Pub. But, the bar is right across the  
129 street from Jamie's gym, so I have gone to the alley to chug water after my workouts on  
130 numerous occasions. The only crime that water bottle should link me to is littering.

131 I admittedly disliked Orson Hayes and I am not sorry he is gone. I have a tendency to get  
132 frustrated with criminals, especially repeat offenders. Nonetheless, I would never murder  
133 someone. Orson Hayes' murder was sloppy, public, and, most importantly, a heinous crime. I  
134 would never be involved with that. I became a police officer to stop criminals, not to become  
135 one! Given that Orson Hayes had escalated his crimes from being a drug dealer and cog in the  
136 gang machine, to armed robbery of a bank, it seems like Mr. Hayes must have owed money to  
137 someone above him and was trying desperately to pay it off. Instead of wasting time with me,  
138 my colleagues should be trying to find the real murderer.

139 Of the available exhibits I am familiar with Exhibits 3, 7, and 8. Exhibit 3 is a map of  
140 downtown Utopia City, and Exhibit 7 is my receipt from the food and drink that Jamie Spaulding  
141 and I ordered at Rubicon Sports Bar. Exhibit 8 is the disciplinary report from 2007. I am  
142 unfamiliar with the other exhibits.

143 I hereby attest to having read the above statement and swear or affirm it to be my own. I  
144 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it  
145 should contain everything I knew that may be relevant to my testimony and I followed those  
146 instructions. I also understand that I can and must update this affidavit if anything new occurs to  
147 me until the moment before opening statements begin in this case.

148 Patti Parrish  
149 Patti Parrish, Notary Public

Quinn Penner  
Quinn Penner

150

**EXHIBIT 1**

**STATE OF NEVADA**  
v.  
**LEE HAYES**

**CASE NO.:** CR-2015-0012  
**COURT:** Dept. XXXVII  
**COUNTY:** Bexar

**STATE’S OFFER ON A PLEA OF GUILTY**

**1. Charges and Penalties**

**Charge:** Assault with a Deadly Weapon Inflicting Serious Injury (AWDWISI)

Penalty: 20 to 25 months

**Charge:** Robbery with Firearms

Penalty: 64 to 80 months

**2. Amended Charges (if any)**

Amended Charges: Simple Assault; Accessory After the Fact to Robbery with Firearms

Penalty: 10 – 13 months

**3. Reason(s) for Amended Charges (if any)**

The Defendant, Lee Hayes, has accepted responsibility for criminal actions and has agreed to assist the State by providing a statement of what the defendant Quinn Penner did that resulted in the death of Orson Hayes. This Defendant also agrees to testify on behalf of the State at any future trial or hearing.

**4. Facts of the Case**

On June 26, 2015 in Bexar County, Nevada, the Defendant arranged for Orson Hayes to be transported to and from the commission of an armed robbery with a firearm. The Defendant was aware of the intentions of Orson Hayes. During the course of the armed robbery, a bystander was shot by Orson Hayes, inflicting serious injury.

**5. Recommendations in Exchange for a Plea of Guilty**

In the interest of justice, the State recommends as follows: Simple Assault—Time Served. Accessory After the Fact to Robbery with Firearms—10 to 13 months. This offer comes with the express understanding that the Defendant agrees to provide truthful testimony at any future trial or hearing involving the facts aforementioned. The truthfulness element of this agreement shall be determined by the trial judge using a preponderance of the evidence standard. The Defendant’s failure to satisfy the Defendant’s obligations under this agreement shall result in revocation of this agreement after which the Defendant shall stand trial on the charges of Assault with a Deadly Weapon Inflicting Serious Injury and Robbery with Firearms.

**6. Offered this day of July 1, 2015.**

Lee Hayes

DEFENDANT

Diana Dickinson

ATTORNEY FOR THE DEFENDANT

Megan Miller, ADA

ATTORNEY FOR THE STATE

## EXHIBIT 2

**Taken from cell phone retrieved on the victim (Orson Hayes)**

**Type of Report:** All text records between specified accounts

**Date of report:** 7/06/15 11:07 am

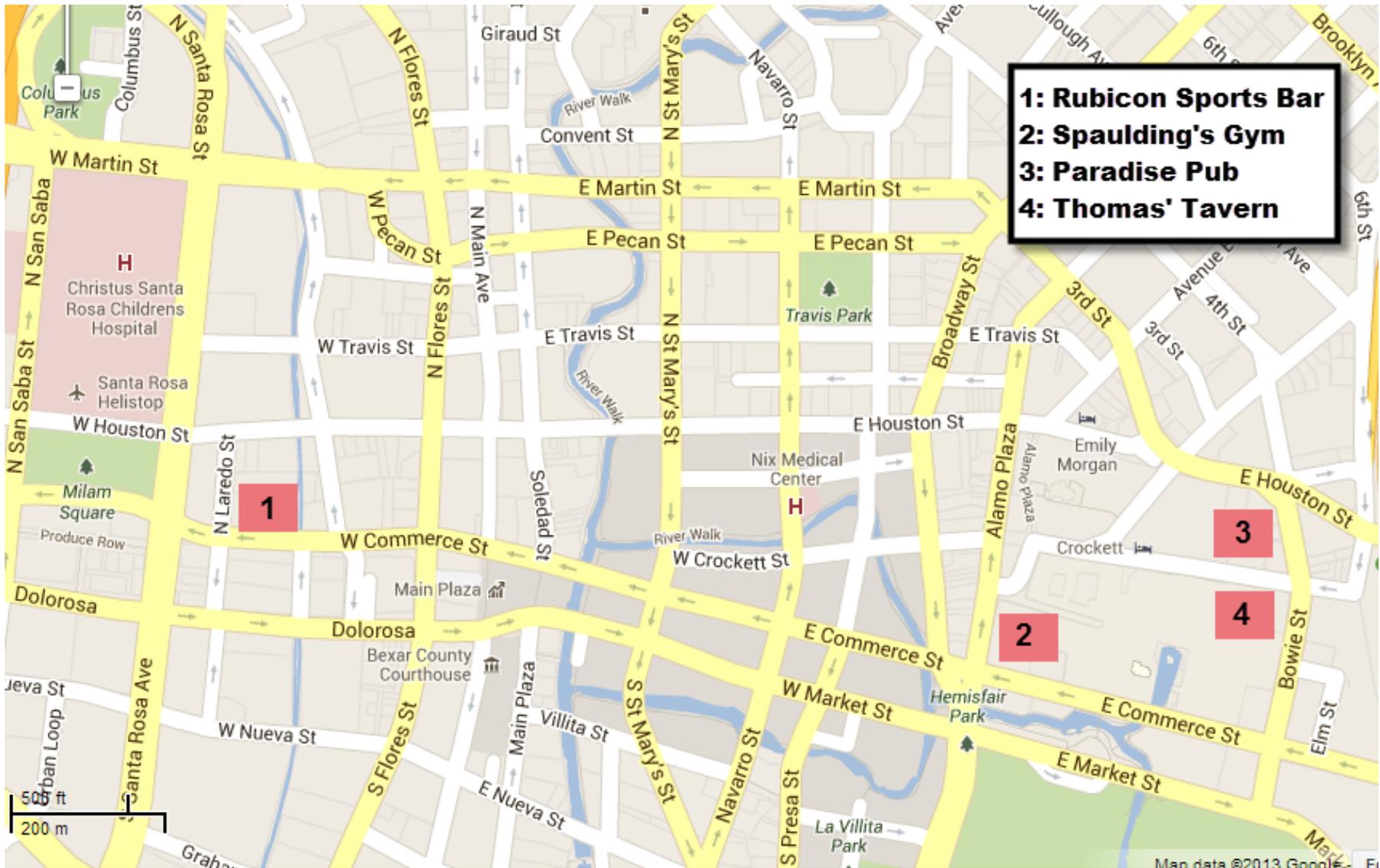
**Search parameters:**

**Dates:** 26-June-2015 to 27-June-2013

**Accounts:** 775-545-1999 [Subscriber: Orson Hayes; disposable phone]  
775-555-2003 [Subscriber: unknown; disposable phone]  
775-555-2007 [Subscriber: unknown; disposable phone]

<b>From:</b>	<b>To:</b>	<b>Date/Time:</b>	<b>Content:</b>
775-545-1999	775-555-2003	6/26/15; 9:06 pm	Purged
775-555-2003	775-545-1999	6/26/15; 9:20 pm	Purged
775-555-2007	775-545-1999	6/27/15; 10:48 pm	Tonight is the night.
775-545-1999	775-555-2007	6/27/15; 10:52 pm	Who is this??
775-555-2007	775-545-1999	6/27/15; 11:00 pm	Do not play games, you know who this is.
775-545-1999	775-555-2007	6/27/15; 11:02 pm	I will have the money this time. I just need an hour.
775-555-2007	775-545-1999	6/27/15; 11:11 pm	You are out of time! You will regret it if I have to hunt you down.
775-545-1999	775-555-2007	6/27/15; 11:38 pm	Okay, okay. I am already here. But we need to talk.
775-555-2007	775-545-1999	6/27/15; 11:41pm	I am almost there.

### EXHIBIT 3



**EXHIBIT 4**



**Colt Python, 6 inch barrel**



**.357 Magnum shells**  
**(Left): from victim**  
**(Center): new, not fired**  
**(Right): test fire shell from Python in evidence locker**

## EXHIBIT 5

Fingerprints have been enlarged for visibility



**Water bottle  
(insufficient to make  
a determination)**



**Alley wall  
(match)**



**Quinn Penner**

## EXHIBIT 6

# KRIS VINSON

(775) 111-5555 kvinson@ucpd.com  
22 Julip Street, Springfield, Nevada 89999

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### EDUCATION

Nevada University, Winnemucca, Nevada  
Master of Forensic Science, December 2002  
Cumulative GPA, 3.75

Stanford University, Stanford, California  
Bachelor of Science, Chemistry, May 2001  
Cumulative GPA, 3.83

### WORK EXPERIENCE

Forensic Specialist  
Utopia City Police Department, Utopia City, Nevada  
March 2015-present

Assistant Forensic Specialist  
San Jose Police Department, San Jose, California  
March 2003-February 2015

### AWARDS

Gibbs Outstanding Forensic Science Award, California Division of the International Association for Identification, NCI AI Conference, San Francisco, California, October 2012

Delta Delta Epsilon (Forensic Honor Society), March 2002, Nevada University

Phi Beta Kappa, October 2000, Stanford University

### PRESENTATIONS

“The Use of Short Tandem Repeat DNA Analysis in Crime Scene Investigation.” Presentation, American Academy of Forensic Sciences Fall Conference, October 5-7, 2012. San Diego, CA

“Basic Evaluation and Comparison of Latent Print Workshop.” Lead presenter for 40 hour workshop, NCI AI Conference, Sacramento, California, October 2010

### PUBLICATIONS

“An Overview of Ballistic Analysis and GSR Testing for Attorneys.” Abby Sciuto, Donald Mallard, and Kris Vinson. *Journal of Forensic Sciences*, Volume 58, January 2003, pp. 200–232

**EXHIBIT 7**

**RUBICON SPORTS BAR**  
1012 W. Commerce Street  
Utopia City, Nevada 89969  
(775) 148-1285

-----  
TABLE 2  
-----

Super Caesar Burger  
Med. Rare, fries 9.00  
Rubicon Chicken Wrap  
Fruit, no fries 10.00  
Coors  
4x 3.00 12.00  
Whiskey & Ginger 3.00  
Whiskey – Black Label 8.00  
Whiskey & Ginger 3.00

Items: 9  
Total \$45.00  
Tip \$13.50  
TOTAL \$58.50

X Quinn Penner

06/28/15 Bill #0011  
12:30 am  
CARD TYPE ACCT NUMBER  
VISA xxxx xxxx xxxx 1212  
TRANSACTION APPROVED  
AUTHORIZATION #1225  
REFERENCE 1950

## EXHIBIT 8

### Employee Disciplinary Report

Name: Quinn Penner

Position: Detective

Date of Incident: 11/18/2007

Nature of Incident (Code and Description):

(4) Threatening or Engaging in Violence

(13) Improper Conduct

Witnesses:

Phillip Cochran, Officer

Earl Johnson, Detective

Actions to be taken: Suspension Recommended

Timetable for Improvement: 60 days

Additional Comments:

Suspension was not instituted at this time but will be applied should further incidents occur. Detective Penner will be assigned to desk duty for 60 days with reevaluation at the end of that time.

Signature of Supervisor: *M. Skupin*

Date: 11/19/2007

Signature of Employee: *Quinn Penner*

Date: 11/19/2007

## EXHIBIT 9

**Taken from cell phone retrieved at bank by Detective Penner**

**Type of Report:** All text records between specified accounts

**Date of report:** 7/01/15 11:10 am

**Search parameters:**

**Dates:** 25-June-2015

**Accounts:** 775-545-1937 [Subscriber: Orson Hayes]  
775-555-2003 [Subscriber: unknown; disposable phone]

<b>From:</b>	<b>To:</b>	<b>Date/Time:</b>	<b>Content:</b>
775-555-2003	775-545-1937	6/25/15; 11:00 pm	Meet me at Paradise Pub on Saturday at quarter to midnight. Bring what you owe me, or you'll be sorry.
775-545-1937	775-555-2003	6/25/15; 11:02 pm	I need more time.
775-555-2003	775-545-1937	6/25/15; 11:11 pm	No. This is it. Be there or else!