



2021-2022 MOCK TRIAL COMPETITION

**State of Nevada
vs. Carolyn Armistad**

Thank you

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INTRODUCTION

This year's mock trial case involves the shooting death of a real estate developer on a project site on the shores of Lake Tahoe, in Douglas County, Nevada. The Defendant, who will not testify in this case, was the victim's employee, and she had become involved in a quarrel with the victim over money as a development project began to go sour. The associates of the victim and the Defendant are each entangled in a web of loyalty, ambition, and most of all, money. None of the witnesses in this case saw the murder, but each offers circumstantial evidence of what might have occurred that fateful night. In addition to calling associates of the victim and Defendant, each side relies on an expert witness to complete the presentation of its case.

CASE BACKGROUND

On the evening of September 1, 2020, 34-year-old Timothy Eagan went to dinner with several of his colleagues at the Lucky Marmot Restaurant in Stateline, Nevada, on the shores of Lake Tahoe. Timothy was originally from Orange County, California, a graduate of Pepperdine University, and Founder and President of Bighorn Development, a real estate company he started in 2016.

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

State of Nevada vs. Carolyn Armistad

Prosecution Witnesses:

- Blaine Mendoza – Computer Hacker and Forensic Investigator
- Haskell Perry – Real Estate Developer and Business Partner of Tim Eagan
- Wynn Wilson – Patrol Officer

Defense Witnesses:

- Rudy Chen – Investment Banker
- Amari Lewis– Firearms Engineer
- Val Warren – Architectural Designer

Exhibits:

- | | |
|--|--|
| 1. Police Report | 7. Text Messages between Tim Eagan and Unidentified Source |
| 2. James Smythe's Affidavit | 8. Crime Scene |
| 3. James Smythe's Curriculum Vitae | 9. Location of Body |
| 4. Crime Scene Path with Key | 10. Construction Site Photos taken by Carolyn Armistad |
| 5. Text Messages between Val Warren and Carolyn Armistad | |
| 6. Ballistics Comparison | |

The Case Background is not to be used as evidence in the case, but rather is provided for background purposes only. This case is a work of fiction. The names and events described herein are intended to be fictional. Any similarity or resemblance of any character to an actual person or entity should be regarded as only fictional for purposes of this mock trial exercise.

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: DC-CR-21-01864
)	DEPARTMENT: 3
CAROLYN ARMISTAD)	
)	
Defendant.)	
_____)	

STIPULATIONS

Note: No witness may contradict or deny knowledge of the facts contained in the stipulations.

1. Timothy Eagan died from injuries caused by a single gunshot wound to the chest.
2. Carolyn Armistad has pled not guilty to the charge of murder.
3. In a real trial, the defendant sits at their counsel's table. However, in this mock trial the defendant has chosen not to testify and will not have a role in the case. It will not be necessary for witnesses to identify the defendant to the jury. If space is available in the courtroom, a team presenting the Defense may leave an empty seat at counsel table, or they may allow a team member not otherwise participating in the round to sit at counsel table as the Defendant, but that team member may not speak, gesture, use dramatic facial expressions, or participate in the round any way. A team's choice to place a team member in the Defendant's chair will not affect that team's score in any way.
4. The affidavit and CV of James Smythe may be admitted by either party, and will not be subject to a hearsay objection.
5. All exhibits included in the case materials are authentic and accurate representations of the items they depict, and their proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection except as to their authenticity.
6. The signatures and signature representations (items marked with /s/) on the witness statements and all other documents, including exhibits, are authentic. No challenges based on the authenticity of a witnesses' signed document will be considered. Each witness was given an opportunity to update or amend his/her statement shortly before trial, and no changes were made.
7. The dates of witness statements are not relevant and are not included. No challenges based on

the dates of the witness statements will be considered. All statements were taken after the alleged incidents but before trial.

8. The jurisdiction and venue are proper.
9. All parties have agreed to the jury instructions.
10. Each witness can be portrayed by a student of either gender. Any instances where a witness is referred to as only "him" or "her" or only "he" or "she" is inadvertent.
11. It is anticipated that the trial time will not permit the use of all the exhibits provided in the following materials. Each party should select and use only those exhibits that best support and illustrate that party's theory of the case.

JURY INSTRUCTIONS

Instruction No. 1

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

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

Instruction No. 2

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

The evidence you are to consider consists of:

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

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

1. arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
2. testimony that has been excluded or stricken, or which you have been instructed to disregard;
3. anything you may have seen or heard when the court was not in session.

Instruction No. 3

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

Instruction No. 4

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

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

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

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

Instruction No. 5

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

Instruction No. 6

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

Instruction No. 7

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

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

Instruction No. 8

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

evidence.

Instruction No. 9

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

Instruction No. 10

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

1. On or about September 1, 2020
2. in the state of Nevada
3. the defendant, Carolyn Armistad, engaged in conduct which caused the death of Timothy Eagan,
4. the defendant acted without justification or excuse,
5. with malice aforethought, and
6. the murder was a willful, deliberate, and premeditated killing.

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

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

Instruction No. 11

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

Instruction No. 12

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

Instruction No. 13

Malice may be express or implied.

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

Malice is implied when:

1. The killing resulted from an intentional act,

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

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

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

Instruction No. 14

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

Instruction No. 15

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

Statement of Blaine Mendoza

My name is Blaine Mendoza. I'm 46 years old and I live in Sacramento, California. I graduated from Stanford in 1994 with a computer science degree. I interned with Apple every summer, and worked there for a short time after college, but it just didn't hold my attention. I liked to hack, and a lot of companies were willing to pay a lot of money for someone with that skill. When I break into a computer network it's strictly to test and evaluate its security with the intent to make it better, rather than with malicious or criminal intent. The intent makes all the difference in the world.

Of course, I did have to get past that misunderstanding with the Air Force. To show off my skills, I hacked into the Air Force's personnel system and showed them how easy it was and what I found. Then I offered to let them hire me to fix it. Instead of getting hired, I was arrested and charged with a federal felony computer hacking crime. In the end we worked it out amicably. I was given a deferred prosecution if I agreed to fix the Air Force system for free. I was a bit put out by that, but I didn't have much choice. Besides, it would still look good on my resume, and I got all the charges dismissed. They have since hired me for pay on various projects. Oh, and Apple did fire me.

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

I have also earned a Computer Hacking Forensic Investigator certification from the EC-Council, which gave me experience in forensic analysis, and now I consult as an expert witness with both private enterprise and small law enforcement agencies who can't afford to keep a full-time analyst on staff. I have provided training to law enforcement, community college students, and attorneys. I have taught some of the certification courses for the EC-Council certification programs, as well as contributed white papers and articles to the EC-Council. I get paid \$150 per hour. I charge for the work on the device, plus any time spent testifying. In criminal cases, I work strictly for the prosecution. I just don't want to deal with criminals. I'd rather put them in jail than help them go free. I have a 93% success rate in convictions. A good portion of the other 7% is due to prosecutorial incompetence. I'm good at what I do.

I've testified in approximately 75 cases. This is the first time I've testified in Douglas County. My understanding is that the prosecutor called me because s/he had heard of my reputation. I don't advertise. I don't need to. I always get my man, and nothing generates business like a solid reputation.

Digital devices like cell phones keep track of everything, and when they are connected to a network all that information is tracked and stored on servers. That network can be wired or wireless, cellular or internet. Anything and everything you do is tracked. As soon as you enter any personal information, even an email address, your cover is blown.

To prepare for this case I asked the defendant, Carolyn Armistad, to speak with me, and asked her to voluntarily give me her phone, but she refused. Her lawyer was pretty mad about that. S/he thought I should have gone through him/her. Whatever. Another slimy defense lawyer trying to put some scumbag back on the street.

Anyway, since Armistad wouldn't talk to me, Officer Wilson had to get a search warrant for Armistad's phone. Officer Wilson also gave me the phone found on Eagan's body at the scene. Officer Wilson used a subpoena to obtain Armistad's and Eagan's cell phone records from their providers, and cell tower records from the towers in the area. I examined both cell phones, reviewed all the records, and visited the scene of the crime where the murder occurred. The body had obviously been removed by the time I visited the scene. However, Officer Wilson told me that everything else was just as it had been at the time of the murder, although construction activity had obviously continued and I'm sure some things had been moved around.

Officer Wilson sent Armistad's phone to me via overnight courier. The first thing I did was to install write-blocking software so that I could view the data on the phone, but nothing could be changed or added. I then used HackerBuddy iOS Forensic software, which is a forensic data extraction software that allows me to access the data even if the phone is locked and I don't know the passcode. It's important to use the latest version, or almost the latest. HackerBuddy came out with a major upgrade two days before I conducted my examination. I never upgrade right away, though, since there are always bugs that have to be worked out of any major release. Anyway, the tool is usually still just as good.

I examined Armistad's cell phone, starting with the easy stuff - texts, emails, phone calls, and voicemails that could easily be accessed on the device. I found a text message exchange between Armistad and "Val" in which Amistad expresses a desire to kill Eagan. A printout of that conversation is included in the exhibits. I did a phone number trace, and I was able to confirm that the "Val" named as the contact was Val Warren. The time at the top of the phone is the time I examined it, not the time the messages were sent. There was an unanswered call from Tim Eagan made at 8:20 p.m. on September 1st. Eagan did not leave a message.

I did find photos of the construction site on Armistad's phone. The phone had location services turned on for the camera, which means it used satellite GPS to make a note of where the phone was when the picture was taken. The metadata on the photos indicated that they were taken on September 1, 2020 at 8:05 p.m., which was shortly before the time that Eagan was murdered. The time was well after Armistad arrived at the cul de sac, indicating she was there for far longer than necessary to take these amateurish photos. The photos were taken in quick succession, and all from the same location, as if Armistad was just trying to take pictures to show what she was doing there. As you can see, the photos are low quality and do not show the full extent of the project.

I examined the geolocation data on Armistad's phone. There are a couple of ways to determine where a phone was at a given time. One is by using the phone's GPS feature, sometimes called "location services." On an iPhone you can turn that on or off selectively. Armistad had location services turned on only when certain apps, such as the camera, were in use.

When location services, or GPS satellite location, is turned off I have to use another method to determine the phone's location. In this case I used cell tower triangulation to determine the location of Armistad's phone. I'll explain what that is: In order to send or receive calls or any other data, the system needs to know where your phone is. Your phone is constantly pinging, or contacting, the cellular system through the nearest cell tower. If you get a phone call, the system will use that tower to send the call to your phone. If more than one tower is in range, I can locate your phone by measuring the time it takes a signal to travel between the towers and your phone. From there I can use high school trigonometry to

find your location. Cell tower triangulation is not as accurate as GPS, which relies on satellites that can locate you within a few feet, but it can still provide an acceptable picture of where someone was at a particular time.

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

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

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

I visited the site and conducted signal strength tests. This is not the same as looking at the number of bars or dots on the phone, which varies from carrier to carrier. Real signal strength is measured in decibels, or dBm. It's a negative number, generally in a range of -50 dBm to -120 dBm. The closer the number is to zero the stronger the signal. Unfortunately, my professional grade signal strength meter was on the fritz at the time I did this investigation, so I had to measure the signal with Armistad's phone. Armistad's phone had a signal strength of -80 dBm - 100 dBm throughout the development. The greater the signal strength, the greater the accuracy of the location data. It would have been nice to have a range closer to -50 dBm, but I had to go with what I got.

Armistad's phone is an iPhone 6 with iOS version 13.0, which was released in September 2019. The path shows that Armistad was at the restaurant, then left the restaurant at 7:20 p.m. and went to the real estate office, arriving at 7:23 p.m. The accuracy isn't enough that I can trace her movement within the office, but it's likely she was trying to access Eagan's safe or retrieve her gun, or both.

Armistad left the office at 7:40 p.m. The path Armistad travelled once she arrived at the development is marked in red. Armistad parked her car at the spot marked with a "1". She then walked up toward the house and took pictures from the location marked "2". She then walked back toward the road, but instead of going directly to her car she went to the spot marked "3". Before she left she travelled generally around the area marked "4". The signal then shows that Armistad moved back to her vehicle, and left. The path and time indicate Armistad went directly from the development to Val Warren's home. She was there for approximately one hour, then she returned to her home.

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

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

I also found a text message on Eagan's phone from earlier on September 1st. I've also included a printout of that message as an exhibit. The other party is shown as "Unknown." A number trace

revealed that the call came from a “burner” phone. A burner phone is one that is purchased at a retailer, often for cash, and doesn’t have a contract attached to it. You typically pay as you go on such phones by buying minutes as you need them. You don’t have to identify yourself to set up the phone, so they can be used anonymously.

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

All I can say is that Eagan received a text message from someone he apparently knew, but who wanted to remain anonymous to anyone looking into the source of the message. Eagan had no photos on his phone that were taken on September 1st.

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

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

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

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

163 Without additional device information I can't determine who else may or may not have been in
164 that area at the time of the murder. While it is possible to determine that from cell tower records, you
165 need to have something to look for. Cell towers receive hundreds and thousands of pings over any given
166 time period. Without knowing what data to isolate it would be like looking for a needle in a haystack.

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

168 I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief
169 and knowledge.

170
171 Dated: October 20, 2020

/s/ Blaine Mendoza .

Statement of Haskell Perry

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

The Perry family made its name, and its fortune, in real estate in California. My great grandfather bought as much land as he could during the depression, and he and my grandfather developed it right after WWII. My father took over the business when his dad finally retired. All my aunts and uncles are the execs, although they all have an ownership interest. I also grew up in real estate, working with my dad and grandfather ever since I was old enough to carry stuff. They taught me everything they knew. They were also very generous in gifting company stock, so financially I am set up fairly well. I tried to keep working for my family's business, assuming I would take it over someday, but it has gotten so cut-throat with all the cousins grappling for a piece of the pie. The next generation doesn't get along very well, and the company culture has really changed. I decided to just take my piece of the pie and launch out on my own. I'm sure I can do better on my own, anyway.

Tim and I talked about my struggles with the family politics a lot. Then, about two years ago, he started talking about me teaming up with him in a real estate development company he'd started in Stateline, Nevada. "Hask," he said, "you need a fresh start. An opportunity to do what you love without having to deal with your family politics. You'd love the lake." Tim always knew just what to say to be persuasive.

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

Tim picked up on the real estate game pretty quick, and when it came to making things happen Tim could wheel and deal with the best of them. My dad gave Tim a lot of leeway and discretion. Too much. See, one of Tim's issues is that he tends to think he is smarter than he really is, and that he can handle any problem. He put his foot in more than one Perry family deal by extending the company

farther financially than was prudent. It was a point of family pride that the Perry's had never missed a payment, and we never did miss one until Tim came on board. My dad was pretty on top of things, and more than once he questioned Tim about how a particular project was going. Tim would always paint a rosy picture, and dad would believe him. I knew better, but I trusted Tim to figure it out.

The first time we missed a payment was because Tim had not been forthcoming about the problems a project was having. Dad was furious. He was ready to fire Tim then and there, but I felt protective of Tim. I promised Dad I would keep an eye on Tim and persuaded him to give Tim another chance. The next time we missed a payment, Tim didn't even wait for Dad to fire him. He handed in his notice effective immediately. That was around June 2015.

Dad was pretty sore at me, too, since I had vouched for Tim, and I noticed that I wasn't getting the plum projects anymore. I know a lot of people say my dad fired me, but that's not true. I left of my own free will. Even though Dad was mad at me, I think he knew Tim enough to decide that Tim had probably misled me, too. I didn't think it was in my best interest to clarify that for Dad.

Tim also battled alcoholism for years. Even back in college I wondered about his drinking habits. I saw Tim with the blind staggers most weekends, and even though I was drinking right alongside him he seemed to have two for every one of mine. Tim cut back some after college, but he was late to work most Mondays, and confided to me that it was because he had a hangover. His drinking made him somewhat of a wildcard as far as business ventures go. Again, he wasn't stupid or incompetent. He just didn't have the best judgment when he was on the sauce and I think that had a lot to do with why my family had to bail him out of bad deals.

I remember once Tim bought a few "fixer upper" properties with expectations to be able to flip them that were clearly too high. He didn't do his research on price and title. Tim had committed us to pay way too much for those dumps, and there was a lien on one that made it virtually impossible to sell or get financing on. We couldn't get a bank to give us a loan on these properties, so Tim went rogue and got the money from a pretty disreputable Russian character. To top it off, it is not like Tim knew how to fix up the properties anyway. Tim told me a couple of times - generally when he'd had a couple - that he had no clue what he was doing, and that someone should just put him out of his misery. Well, Dad did

bail Tim out, and was willing to keep him on even after that, which is why I think he felt sorry for him. But when Tim made us late on payments, Dad just couldn't overlook that.

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

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

Of course, Tim's judgment wasn't perfect. He hired Carolyn Armistad. It doesn't surprise me that she murdered Tim. I should have seen it coming. Carolyn was a local who never went to college and was working as a waitress at the Green Hut Café when she met Tim. Carolyn is very attractive and can be very personable when she wants to be. Tim said she could help him get on the good side of the locals, so he hired her to do marketing and public relations, even though she had zero experience beyond getting people to buy a piece of pie for dessert. She started out doing pretty well, until it went to her head.

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

For example, she started asking a couple of the assistants to do work that she was supposed to do, like take photos and pick up brochures from the printer. I told Carolyn that the assistants were there to help Tim and me, and that she needed to do her job herself. She just said that "if I'm going to be a partner around here they need to get used to my authority." That frosted me. I got in Tim's face about it

a couple of times, and I told him frankly that he had to get her under control or fire her. Tim just said he'd talk to her. I don't think he ever did, because nothing ever changed. After the way she behaved at the meeting on September 1st I thought he'd can her for sure. Now that she's up for Tim's murder she'll be out of my hair. I just wish I hadn't had to lose Tim to get rid of her.

I'm getting ahead of myself. Anyway, Tim and I kept talking about going into business together, and you know my decision. I moved to South Lake Tahoe in July 2019 to become Tim's partner in the Bighorn Development Company. I invested \$100,000 in cash, and contributed my expertise in real estate development, for a 49% share in the business. After a year of talking with Tim and seeing how he was doing, I really did feel like he had his act together and I felt the business was going to take off with me and him at the helm.

Our first project together was the Silver Hills development in Round Hill, in Douglas County near the shore of Lake Tahoe. Tim worked out a great deal with the landowners, but we still didn't have all the cash we needed, so Tim got Rudy's investment firm involved. Carolyn put together the marketing plan. We were hoping to start selling lots in the spring of 2020, but then the pandemic happened, and nothing was marketable until August. We didn't expect to see any positive cash flow until January.

Tim and I warned Carolyn back in May that since the project was moving slower than expected cash would be tight through the end of the year and her paychecks might be a little thin for a while. We promised her that if we were ever short, she would get all her back pay in January, and a big fat bonus on top of it. Carolyn said she was fine with that.

However, in August 2020 we started to hear rumors - I heard them mostly from Carolyn, and none of them were true - that Silver Hills was in trouble because of the delays, and that it looked like the project was about to blow up. Rudy Chen also called me and wanted to know if the development was in trouble. Rudy said s/he had "heard things," but wouldn't tell me who from. I don't know who else Carolyn was talking to, but Tim and I decided to have a meeting with all the stakeholders to try to settle things down. We set it for Tuesday, September 1st, at 5:00 at the Lucky Marmot. Rudy Chen flew up from California, Carolyn and Val Warren were there, and me and Tim.

Rudy, by the way, is another college buddy of Tim's. While Rudy and I knew each other at

Pepperdine we weren't close. I thought Rudy was a little arrogant and had a holier-than-thou attitude, so I didn't talk to him/her much. That's still my opinion of him/her. My dad had done business with Rudy's firm for years, and he liked Rudy enough to work with him/her on a couple of deals. If it were up to me I wouldn't do business with Rudy, but Tim liked him/her and Rudy had money s/he was willing to invest in our projects, so I tolerated him/her.

The meeting got pretty tense. We started off by letting everyone know that, while there had been delays, the project was in good shape. The streets and utilities were in place, the marketing was going strong, and we had good feedback from the real estate agents. We anticipated a brisk winter selling season. Of course, we would probably miss our goal of paying Rudy's firm in full by the end of the year, but we had foreseen that risk and built the deal with Rudy accordingly.

Again, I wasn't worried. But Carolyn was incensed. Carolyn told Tim she needed to get paid everything we owed her, and that she wasn't sure how she was going to pay her rent. I told her not to worry; we would make sure her rent got paid, and that once we started selling we could give her back pay. She went off. "Shut up, Perry," she said, "Where do you think all that money is going to come from? Not only do I have to clean up your messes, but then you two act like there are no consequences. Well I am not going to be the only one who has to pay for your bad judgment any more. You two better get ready for a reckoning."

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

At the same time, Carolyn gave Tim an ultimatum. "You've been saying you'll make me a partner, so what's it gonna be? Tell me, right now! Am I in or out?" Tim should have ended it right there, but instead of telling her to get lost he said, "I told you, I'm still thinking about it." He looked at me, and I think he could tell I was disgusted, because he turned back to Carolyn and said, "In the meantime, you are an employee, and you need to act like one. I want you to go up to Round Hill tonight and take pictures of the spec house." That seemed to make her madder than anything. She just said in a low,

stone-cold voice, "So that's how it's going to be." Then she picked up her stuff and left.

The meeting broke up about 7:15. It was obviously awkward, but I think Rudy was satisfied that the project was not in danger. Rudy must see how manipulative Carolyn is, and she couldn't have made a good impression by her behavior at the meeting.

When we left the Lucky Marmot, Tim said he didn't think Carolyn was going to take the pictures, so he was going up to Silver Hills to do that before he went home. That's the last time I saw him. I went home. I got the call on Sunday afternoon that someone had murdered Tim. I knew it was Carolyn before I was ever even questioned. I guess this was the "reckoning" she told me about. I am just glad she was caught before she turned her scope in my direction.

I knew that Tim carried a gun, but it was strictly for show. It was a Glock 9mm, but when he pulled it out of the holster one time I could see that it wasn't loaded. I asked him why he carried an unloaded gun, and he just said he was exercising his right to bear arms, but didn't want to have any accidents. I never saw it out of the holster again, and I never knew him to fire it, even for target practice.

For that matter, I have a gun, too - also a Glock 9mm. It's one of the most popular handguns out there. I don't carry it with me like Tim did. I keep it at home on the top shelf in my bedroom closet. I take it out for target practice now and then, but it's been weeks since I did that.

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

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

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Dated: October 22, 2020

/s/ Haskell Perry

Statement of Wynn Wilson

My name is Wynn Wilson. I'm 28 years old and am a Deputy Sheriff in Douglas County, Nevada. I'm law enforcement through and through. It's literally in my blood, as my father and grandfather and great grandfather were in local law enforcement in Yerington.

You might say I'm kind of the black sheep of the family, what with me working in Tahoe while the rest of my family still lives and works in Yerington, but my father did put in a good word to help me get job here after I moved back from Baltimore.

I admit I was always that kid who wanted to get out of my hometown, so on my 21st birthday I moved to Baltimore, Maryland, took the civil service exam and applied to become a police officer. Unlike a lot of other officers, I don't have a degree in criminal justice. I don't have a degree in anything else for that matter. But, being a member of law enforcement royalty can go a long way to opening doors. So, in September of 2011, I was hired by the Baltimore Police Department and attended the Baltimore Police Academy.

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

Unfortunately for me, during my 8-week on the job training with my field training officer, my gun accidentally went off While I was performing crowd control at a protest and the bullet hit the pavement near a girl. It wasn't really my fault. I had my gun drawn and was ordering the crowd to disperse when a protester came up behind me and jostled my arm.

It was awful and I was so grateful that no one was hurt. But, as a result, my training officer assigned me to work as a Property and Evidence Clerk. I really got a lot of good experience in that position. I learned all the steps in cataloging and storing evidence in a way that maintains the integrity of chain of custody. It's a really vital position in a police department and I was quite good at it. I'm sure that's why they kept me there for five years.

But after a while, I realized it was time to move on. I think I realized I was never going to get a

chance to be a real police officer in Baltimore and it was time to let go of that expectation. I decided to return to Nevada in January of this year.

Like I said, my dad helped me get my current job as an officer with the Douglas County Sheriff and I am based in the town of Stateline. I've been here for a little over six months. In my job, I perform a wide range of patrol duties and enforce all applicable laws and ordinances. I operate my patrol vehicle, conduct traffic control and enforcement, respond to calls from the public, and sometimes even administer first aid. I have a Taser, but not a firearm. The chief thought I should get some solid field experience first. It's just the kind of regular stuff any small town police officer would do.

So now we come to the morning of Wednesday, September 2, 2020. That morning I was on a jog at the Silver Hills development in the Round Hill area that Tim Eagan's company is putting together. There are streets, so it's easy to get to, but there weren't many houses at the time, so it was very peaceful until I heard a lady scream. I went to see what was wrong, and there was Timothy Eagan's body. She had been out walking with her dog when the dog found the body somewhat hidden between the pond and the pump house. Fortunately I was able to get the dog away before it disturbed any evidence.

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

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

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

When I examined Eagan's body I saw that an empty holster was attached to Eagan's belt. Eagan

55 was known to carry a handgun in a holster at his side. I found the gun lying on the ground two feet
56 behind Eagan's back. The gun was a Glock 19 9mm. Later examination revealed that the magazine was
57 full and there was a round in the chamber. Forensic examination determined that the gun had not been
58 fired. Only Eagan's fingerprints were on it.

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

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

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

68 Haskell Perry told me that s/he and Eagan held a meeting on the evening of September 1, 2020
69 at the Lucky Marmot. The meeting was to discuss the status of the Silver Hills development and put to
70 rest rumors that the development and the company were in financial trouble. Perry blamed Carolyn
71 Armistad for being the source of the rumors. Perry said that Armistad wanted to be a partner but was
72 unqualified, but that Eagan seemed to be leading her to believe that she could be a partner at some
73 point in the future. Perry said that Armistad was having financial problems, that she blamed Perry and
74 Eagan, and that she seemed to think that Perry and Eagan had a slush fund of cash. Perry said that
75 Carolyn Armistad had been very aggressive toward Eagan during the meeting and that I should focus my
76 investigation on her.

77 Rudy Chen told me that s/he had also been at the meeting at the Lucky Marmot. Chen said
78 his/her firm was an investor in the Silver Hills project. Given what Perry told me, I focused my
79 questioning of Chen on Armistad. Chen said that Armistad had told him/her prior to the meeting that
80 the project was in financial trouble, and that s/he asked Eagan and Haskell about it. Chen said s/he
81 believed the meeting was the result of that. Chen said that Armistad and Eagan had argued about

money and about Armistad becoming a partner during the meeting.

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

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

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

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

I then confronted Armistad with the text message that Warren had showed me in which Armistad said she saw Eagan’s car and Eagan at the Silver Hills development. Armistad became flustered, and stammered that she “saw Tim there, but I didn’t see him. I mean, I saw him from a distance but we didn’t talk. I’m pretty sure he didn’t see me.” I asked Armistad if she could explain to me

109 the text about shooting Eagan. She was silent for several seconds, and then asked me if she was being
110 detained. I didn't answer her directly, but told her I was just trying to find out what happened to Eagan. I
111 asked her if I could see her cell phone. Armistad asked again if she was being detained. I asked her if she
112 owned any weapons. Armistad asked me for a third time if she was being detained. Armistad was polite,
113 and told me she understood I was just doing my job, but she told me she wasn't going to answer any
114 further questions. She asked me again if she was being detained. I had to tell her she was not, so she
115 closed the front door.

116 Based on my training and experience people who refuse to talk to a police officer have
117 something to hide, especially when confronted with the evidence of their crime. To me it's an indication
118 of guilt.

119 Based on the information I had that Armistad argued with Eagan at the meeting, that she was at
120 the crime scene around the time of the murder, the text messages admitting she saw Eagan at the crime
121 scene and wanted to "shoot" him, and the information from Val Warren that Armistad owned a
122 handgun, I obtained a search warrant for Armistad's office and home. I specifically wanted to seize her
123 cell phone and handgun to see if they provided evidence to prove or disprove Armistad's involvement in
124 Eagan's death. Armistad must have somehow found out about the warrant, because she came to the
125 police station and turned over her cell phone and a Glock 9mm handgun. She told me, "I might as well
126 just let you have these, since I have nothing to hide." I was disappointed that I no longer could conduct
127 the search, as searches often turn up evidence other than what you are specifically looking for.
128 Armistad's apparent cooperation made me even more suspicious. It was as if she was trying to hide
129 something.

130 I was told by Perry, Chen, and Warren that Warren suspected that Eagan had been borrowing
131 money privately. I also saw the text message exchange between Eagan and "Unknown." It seemed
132 highly unlikely to me that someone other than Armistad was the killer. I mean, people borrow money
133 from other people all the time and don't get murdered over it. I thought it was much more likely that a
134 business associate was the murderer, so that's where I focused my investigation.

135 After I completed my investigation, I referred the matter to the prosecutor's office. I was later

advised that Carolyn Armistad would be charged with first degree murder, and that an arrest warrant had been issued. I drove to Armistad's home and placed her under arrest. I advised Armistad of her rights and asked her if she had anything she wanted to say to me. Armistad said she wanted a lawyer. I did not ask any further questions. I took Armistad to the Douglas County jail and released her to the custody of the jail staff.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Dated: October 20, 2020

/s/ Wynn Wilson .

Statement of Rudy Chen

My name is Rudy Chen and I am an investment banker with a firm in California. As a little kid, I was always interested in money and what it could buy. My dad taught me that through investing, you can build personal wealth while helping others achieve their business goals. Of course, one has to be smart in determining what are good or bad investments. That's where investment banking comes in. My job is to connect people and banks (and their money) to profitable investments.

I grew up in Orange County, California with Tim Eagan and we have been lifelong friends. We both ended up at Pepperdine University and I got my accounting degree from Seaver College within Pepperdine. I subsequently got my MBA from the University of Nevada in Reno.

Tim and I have always kept in touch. He was constantly telling me about his real estate developments and schemes. He always dreamt big. He was very excited when he first started Bighorn Development.

I am not sure how a Southern California kid educated at Pepperdine University in Malibu, California ended up in a small town in the Sierra Nevada. I guess the mountains called to him. I know he worked with Haskell Perry's family firm for a while, but apparently he thought he could do better on his own. Anyway, he told me about his plan for a good-sized real estate development near the lakeshore in the Round Hill area called Silver Hills, and he asked me to help him fund it. He flew me up there in the fall of 2019 to look at the project, see what Tahoe had to offer. I could see why he liked it there, even if I'm more of a city person.

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

I did intern two summers with that California investment firm, and then went to work for them after college. I got to know the principles of Haskell's family business, as my firm had invested money in some of their California real estate developments. I worked on some of the Perry deals when I started. My boss told me the Perrys were an excellent risk and had historically never missed a payment, although there had been a couple in 2019. Val Warren was also with Tim. He said Val worked with a design firm that would be responsible for doing the plat and getting the infrastructure installed. They could also do home design if necessary.

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

One of my jobs is to do due diligence regarding all sorts of factors in an investment. The question we ask when you crunch all the numbers and eliminate as much risk as possible, is the return on the investment going to be worth it? Tim and Val initially had an idea for around 20 lots of about 1.5 acres, which Tim thought they could sell for at least \$1 million each. I looked at the market and thought that was unrealistic. Given property sales history in the area, I thought it would take too long to sell the lots, as you need a particularly high-end buyer for something like that. Those kinds of buyers are out there, but it takes longer to find them, and I knew my firm would not want its money on the line for more than a year or so.

Val Warren was not happy with my objections. Val said s/he had more experience in the Tahoe basin than I had in my whole career, and that maybe I should trust his/her judgment a little more. I told Val s/he could leave the meeting with his/her judgment or my money, but not both. Val was pretty quiet after that. Tim, Haskell and I kept talking, and we settled on a development with 35-40 lots, ranging from .2 to 1.5 acres, with prices ranging from \$400,000 to \$1,000,000, with the median between \$500,000 and \$600,000. I figured we could expect to sell enough lots to break even within a few months. The higher-priced lots might take longer to sell, but we could take that risk through sales of the smaller lots. Val Warren was apparently well-connected with the necessary officials at the County and at the TRPA, the Tahoe Regional Planning Authority. Tim asked Val if we could get all the approvals by early 2020 and be able to start selling the lots in March or April 2020. Val told Tim it was possible, but then

55 turned and gave me a dirty look. Spring is the ideal time to sell, as buyers have been hunkered down for
56 the winter and are enticed by the warm weather and natural beauty of spring.

57 Without going into all the details, my firm decided to put up \$4M. That would cover the front
58 money to the landowners, the costs of getting the approval, and the work Val's firm would put into the
59 plat and the infrastructure, which is streets and utilities extended to the lot lines. Tim and Haskell
60 guaranteed us a minimum 10% return, with the principal and return due in full after the sale of 15 lots. If
61 the principal and guaranteed return were not repaid by December 31, 2020, we would get an additional
62 1% for each additional month. Honestly, I didn't expect we would need to extend the investment, as this
63 plan penciled just fine.

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

70 In January 2020 Tim said Carolyn wanted to be a partner with him and Haskell. As impressed as I
71 was with Carolyn, that sounded nuts to me. Normally it would take years of demonstrated competence
72 to be made a partner. However, Tim asked me to show her the finance side of things, and I figured I had
73 nothing to lose. If she didn't get it, I would be able to tell Tim that before he made a mistake. As it
74 happened, she did get it. She also studied hard. I gave her a couple of my college finance textbooks,
75 and she ate them up. I mean, she struggled with some of the concepts like any student would. But she
76 plugged away until she did understand it. In August Tim asked me how she was doing, and I told him she
77 was doing great, and with a few years of experience she would be partner material. Tim said he was
78 thinking of making her a partner before the end of the year. I didn't think that was a good idea, but I let
79 it go.

80 I stayed in close touch with Tim as the project progressed. My firm had a lot of money on the
81 line, so I wanted to make sure Tim was on top of things. He assured me things were going fine. I had no

reason to doubt him. I made a trip to Tahoe in mid-June and early August to see for myself, which is not unusual at all in my business. I was disappointed that Val had not been able to get the approvals as soon as anticipated. S/he was supposed to have everything ready so we could sell lots in the spring. I hope it wasn't because Val was still mad that I had gone against him/her about how to develop the property. Anyway, by the start of summer it was pretty clear we would not be able to sell lots until August. If it took longer to sell lots that was more Tim's and Haskell's problem than mine. Every month of delay just meant an extra 1% for my firm. Delay within reason, of course.

There was something that did alarm me, though. When I travelled to Tahoe in August, 2020, I had a sit-down face-to-face meeting with Carolyn regarding the financing for the development at Round Hill. I was surprised when she expressed skepticism about whether the project would succeed, and that there was a possible worst-case scenario where not enough lots would sell in time and Tim and Haskell would go under.

I told Carolyn that I wasn't worried. I was confident lots would sell, even if it took a few extra months. Carolyn said she was worried Tim and Haskell didn't have a few extra months. She didn't know if Tim and Haskell could afford to keep paying her, and she couldn't stay on the job if they couldn't. She needed a steady income. I confess I felt a little sorry for her, and I told her I would make her a short term loan and she could pay me back when things were stable again. She thanked me, and said that made her feel more confident in being able to stick it out.

With my help Carolyn was going to be fine, so if they're saying that she killed Tim over money that's just not so. I was confident that this project would succeed. I'm still confident it would have succeeded if Tim had lived. Now without Carolyn being able to market the development I'm concerned it might fail.

Back to my story. The next time I came to Tahoe was September 1, 2020 for a meeting about the financial status of the Silver Hills project. Apparently there were rumors going around that the project was in trouble. I came up expecting to talk to some of the local real estate agents and TRPA officials. Instead, I found myself in some dingy bar with Tim, Haskell, Carolyn, and Val Warren.

The meeting was more of a circus than anything. I had not been aware of all the tension in the

109 firm. I grew concerned that Carolyn's worst-case scenario was becoming more likely. I asked Tim again
110 about the schedule, and he told me for the first time that they were in danger of falling farther behind.
111 Approvals were late, which made infrastructure late, and buyers were scarce. Val said something about
112 Tim getting private loans, and I became alarmed. Part of my firm's financing deal was that there would
113 be no other lenders without my approval. If what Val said was true, Tim had violated our agreement. Val
114 also made it sound like these private loans were from dangerous people. I asked Val what he knew
115 about that, but s/he blew me off. I then asked Tim for assurances that there would be enough cash flow
116 to pay off these private lenders and finish the project. Tim said he was confident the project would finish
117 strong and do well.

118 I was still jittery, so at one point I excused myself and made a phone call to my assistant. We
119 routinely get a "key person" insurance policy any time we make an investment. That just means that if
120 something happens to a key person in the process, such as death or a disability that keeps them from
121 working, we are insured for enough money to either replace that person or be reimbursed for any losses
122 on a project. I had my assistant in California pull the policy on Tim. I had him review it for me over the
123 phone. My assistant told me as long as the firm did not cause Tim's death, the policy would pay out if
124 something happened to him. In fact, it did. Sadly, Tim was worth more to the firm dead than alive.

125 I don't understand why Carolyn is charged with the murder. While she was a little upset with
126 Tim during the meeting, she was very calm afterwards. After the meeting I talked to her again and
127 assured her that I would lend her enough to get by until January. She thanked me for being supportive,
128 and said that made her feel better. We made plans to meet on Monday to work it out.

129 I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief
130 and knowledge.

131 Dated: October 20, 2020

/s/ Rudy Chen

Statement of Amari Lewis

My name is Amari Lewis. I'm 48 years old and reside in Las Vegas, Nevada. I have a Bachelor's degree in mechanical engineering from Northern Arizona University, and a Master's in mechanical engineering from the University of Nevada, Las Vegas, both summa cum laude.

I've spent my entire 26-year career in firearms and ballistics. After I obtained my Bachelor's degree I went to work for Summerlin Defense Industries in Summerlin as a design engineer while working on my ME. Basically, my job was to design new and improved handguns, and come up with ways to make existing handgun designs better and safer. I gained a highly detailed, intimate knowledge of how handguns function.

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

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

Like I said, I made the decision to work exclusively for the defense after seeing how closed law enforcement agencies are to new ideas. Some of the law enforcement labs I worked for were downright

28 rude to me when I tried to show them how they could do their jobs better. I also witnessed what a poor
29 job police departments do when it comes to firearms and ballistics evidence. Their work tends to be
30 sloppy when collecting and preserving evidence and their so-called experts tend to be the beat cop who
31 happened to get chosen for the training.

32 Police ballistics examiners usually have no formal scientific education, let alone any education
33 beyond high school. Most are not certified by ballistics organizations. They are only “self-certified” by
34 the department that trained them, and there is virtually no oversight of that. I wanted my expertise to
35 stand above the law enforcement crowd. Therefore, I decided to blaze my own trail and use my
36 knowledge where it would be respected.

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

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

54 Here’s an example. Let’s say that I examine the toolmarks on a bullet and can say with 100%

55 certainty that the bullet was fired by a particular make and model of rifle, but it could have been any
56 one of 1,000 such rifles. That by itself doesn't tell you that a particular person fired the fatal shot.
57 However, if 999 of those rifles belong to people who live in another area, and who weren't anywhere
58 near the crime scene when the murder was committed, and the only other rifle that could have fired
59 that bullet is owned by the defendant, now you have a case.

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

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

70 It's also true that there are as of yet no studies or statistical findings to demonstrate its scientific
71 reliability. However, there are no studies debunking it, either. It takes years of experience like I have to
72 be able to read the nuances in the evidence. While ballistics thus appears to be highly subjective, my
73 training and experience enable me to come to conclusions where others can't. If you have five people
74 like me conduct the tests, you will get a high degree of agreement about the results.

75 So let's talk about the evidence in this case. I obtained the weapon that Officer Wilson was given
76 by the defendant - a Glock 26. Glock 9mm models are by far one of the most popular handguns for self-
77 defense. There are hundreds of thousands of them out there. One of the reasons for their popularity,
78 aside from their quality and ease of use, is that 9mm ammo is plentiful and cheap. I don't know how
79 many there are in Nevada, but it wouldn't surprise me if half the people in Douglas County own one.

80 To determine whether the slugs taken from Eagan's body were fired by Armistad's Glock I went
81 through a standard testing procedure. I fired five test rounds from the subject weapon. I fired the

82 rounds into a tank of water, which is a standard practice, in order to slow the velocity as quickly as
83 possible and minimize the change due to impact. I then examined each of the five test projectiles and
84 the subject projectiles from the victim's body under a comparison microscope. One of the projectiles
85 was, as the state lab tech determined, far too misshapen by the impact to make any determinations,
86 and as to that particular slug I agree with the opinion that it is inconclusive. However, that is not the
87 case with the other slug.

88 Toolmark comparison must be done very carefully. A very simplistic analogy would be
89 comparing barcodes on products. You have to look carefully to see the similarities and differences, and
90 to see those properly you really need a way to have them both in front of you side by side at the same
91 time. Using a comparison microscope in forensic ballistics is like that, but the number of markings you
92 are looking at is exponentially greater.

93 Let me slow down for you and explain what a comparison microscope is. A comparison
94 microscope is, to put it in very simple terms, two standard microscopes tied together side-by-side. It
95 allows you to view two objects at the same time. Without a comparison microscope the examiner simply
96 has to remember what he saw on one object while looking at another. That's really
97 impossible to do, given the nature of toolmarks.

98 When conducting a forensic examination with a comparison microscope, you are looking for
99 three things. First are class characteristics - they belong to all weapons of a particular make and model
100 and are part of the design. For example, rifling, or the spiral pattern in a gun barrel that gives a projectile
101 spin, which gives it stability in flight and keeps it on a straight path. Rifling will be either a right or left
102 "twist," and will create a land-and-groove pattern on the projectile. Rifling will leave striations on the
103 projectile that match the rifling pattern. The grooves in the bullet are from the spiral pattern in the
104 barrel, and the lands are the spaces between the grooves. If you fired a round from 100 guns of the
105 same make and model you would see a high degree of similarity in their rifling pattern.

106 Second are subclass characteristics - they belong to all weapons in a particular manufacturing
107 run, or that were made during a certain time period or using a certain machine, etc. They are the result
108 of a temporary and probably unintended feature of the manufacturing process. They are generally

imperfections or quirks. For example, if the machine used to create the rifling pattern is older and worn, it will leave a less distinct land-and-groove pattern than a brand new rifling machine.

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

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

To come to my conclusion in this case I compared the bullets I fired in the lab with the bullets removed from the Eagan's body. Again, one of the slugs recovered from Eagan's body is in pretty bad shape, and no meaningful comparison can be made.

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

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

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

136 plain as day.

137 It's true that there is no defined standard for how many points of similarity are required for a
138 given level of confidence. However, forensic ballistics evidence has been admissible in courts for
139 decades, even though some courts in some jurisdictions have taken the regressive and unscientific view
140 that experts like me can only testify about how tool marks are similar, but can't state a conclusion as to
141 whether they were made by a specific firearm. Fortunately, Nevada is not trying to turn back the clock
142 on science and I am still free to testify about my conclusions. However, it is generally accepted that
143 ballistics examination is certainly helpful, even if not entirely conclusive. That's why a high level of
144 education, training, and experience like I have are necessary, so that you can separate the mere
145 uneducated guess from the solid opinion.

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

150 I said earlier that there are things we can learn from the absence of shell casings. I find it
151 significant that Officer Wilson failed to obtain shell casings at the scene of Eagan's murder. Any expert
152 would like to have those, as they can also be used to determine whether a shell could have been fired by
153 a particular weapon. However, the absence of shells also provides useful information. It's possible that
154 the shooter picked up the spent shells, but that is highly unusual. Most shootings are not that
155 well planned, if they are planned at all. If Carolyn Armistad really was the shooter, I find it unfathomable
156 that she would be the kind of person to shoot someone and then have the presence of mind to pick up
157 the spent shells. The fact that the shells are missing is strong evidence that she did not fire the fatal
158 shots.

159 I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief
160 and knowledge.

161 Dated: October 20, 2020

/s/ Amari Lewis

Statement of Val Warren

My name is Val Warren. I'm 54 years old. I grew up in Homestead, Florida. If you've heard of Homestead at all, it's probably because of Hurricane Andrew. In fact, you might say that Hurricane Andrew is directly responsible for who I am and where I am now.

At the time, I lived in a trailer park, in a mobile home I had inherited from my mama when she passed. I had a pretty basic life, working as a checkout clerk at the local Winn-Dixie. It was as good a job as I could expect, being a high school dropout and all. But, in one afternoon, I went from having a basic life to having nothing. My mobile home was completely flattened. All I had left was literally the clothes on my back. It was a real wake up call. I had nothing, so it was a real opportunity to redefine who I wanted to be.

With 40 bucks in my pocket, I got on the first bus I could find out of town and made my way to St. Petersburg. I was lucky; in the course of just a few days, I found a job, got an apartment, and signed up for a class to help me study to get my GED. Less than two years later, I applied and was accepted to St. Petersburg College.

I decided to enroll in the Business program and work towards my Associates Degree in Architectural Design and Construction Technology. Most people don't really have a clear idea what that is, so I'll spell it out for you. It's really about learning how to design spaces from a whole housing development, to the individual houses, to even the interior layout for a house.

I do a lot of work with drafting and design and often work with the construction people to make sure the plans are workable and up to code. I am not one to brag on myself, but at this point, my work is just as good, if not better, than any architect you can name. I have everything but the four year degree. Try telling that to the likes of Tim Eagan (may he rest in peace, I guess) and Haskell Perry. They have always treated me like a second class citizen. I think that's why I gravitated towards Carolyn. She always treated me and everyone else like they deserved a seat at the table. I moved to Carson City, Nevada to work for Black Bear Real Estate Consultants right after college. Black Bear is a front-to-back real estate consulting firm. We have engineers who will do site analysis and plan where the infrastructure and

buildings should go, and we have people like me who design the visual presentation. About seven years ago I worked out a deal with Black Bear that let me move to Glenbrook, up in Tahoe, and work remotely. It means I have to travel more, but I love the Tahoe lifestyle. The people here don't know anything about my roots, so they treat me like an equal. I like that.

One of the first people I met was Carolyn Armistad. She was a waitress at Green Hut Café, my favorite breakfast place. I liked Carolyn immediately, and we became good friends, probably because we're both working class. Carolyn has been interested in real estate as long as I've known her. She asked me lots of questions about my job, and she was quick on the uptake.

I knew Tim Eagan. I worked for him. I remember when he came to town. He started frequenting Green Hut Café and Carolyn introduced us when she found out he wanted to start a real estate development company. Tim started joining me for breakfast, not because I invited him (which I didn't) but because he saw me as an "in" to the local market. At least, that's all he ever wanted to talk about. Did I know anyone in the planning department? Did I know people in the TRPA? Did I know people on the county commission? Obviously, I did, but I built those relationships over years and I wasn't about to let an outsider wannabe just butt in.

Tim was one of those guys who made you feel like he was always selling something, even if it was just himself. He talked a big game, but I always thought, "If this guy was half as accomplished as he says he is, why is he here?" Tim told me he worked for a real estate development firm in California, but decided to leave the "rat race" and start fresh in Nevada. Yeah, whatever.

At the same time, Tim knew a lot about real estate development. He bought some older buildings and some smaller acreage here and there in Tahoe and down in the Carson Valley, and he asked me to do the design work for him. Plus, he needed my contacts if he wanted to get anything done. We worked out an arrangement through Black Bear. Tim liked our work, and my ability to move things through the process, so we became his go-to firm, and I was always the project lead.

A couple of years ago Tim offered Carolyn a job. She told me Tim offered her a decent salary to do marketing and PR work, much more than she was making as a waitress. She talked about the bonus potential, and said that Tim told her if things went well she could be looking at partnership down the

road. She asked me about it - I think she got the same vibe about Tim that I did. I told her to be careful. I said, "No offense, Carolyn, but for Tim to offer you all that money - and partnership for crying out loud - when you have no experience and no education sounds pretty unrealistic." At the same time, I tried to be encouraging. I told her she was smart, and that working for Tim she could learn a lot, make a lot more money, and get some solid experience. I told her it might be a way to get into Black Bear someday. I just didn't see a full partnership in Tim's firm as a real possibility, and I told her so.

Unfortunately Carolyn got too wrapped up with Tim, and now she's accused of his murder. I don't believe for a minute that she did it. Carolyn and I are tight, and she just isn't the violent type. Sure, she has a temper, and if she disagrees with you she isn't afraid to tell you about. She let me have it plenty of times, but it didn't bother me. She would chew you out and be done. She didn't carry it round.

I also worked closely with Tim, and let me tell you, the reality he could distort was unbelievable. I spent a lot of time in Tim's office going over plans for projects. Tim was one of those guys who had to take every phone call, so I was frequently in on his side of a conversation. I always knew who he was talking to. He would say, "Hi, Joe," or "Hi, Rudy," or "Hi, Haskell," or whoever was calling him.

I was in Tim's office at least twice a week during August 2020. We had a lot of work to do for Silver Hills. Lots hadn't moved like Tim hoped, so we were building a couple of spec homes to show people what life in Tahoe could look like. Spec homes are expensive. The developer has to pay the full cost of the construction, and there is no guarantee the home will sell anytime soon. During every one of our meetings, without exception, Tim would get a call from Rudy Chen or Haskell Perry, if not both. I obviously couldn't hear what Rudy or Haskell were saying, but they must have been asking Tim how the project was going. I heard him say things like, "Don't worry, Rudy, we are right on schedule," and "Haskell, the budget is great. We are right where we need to be." Tim was always the picture of enthusiasm. I heard other calls, too, from guys with names I'd never heard of, saying things like, "don't worry, I'll have the money," or "I just need a little more time. Things aren't moving like I expected."

I never asked Tim about his business. However, after one call during the last meeting we had in August - it was two or three days before the dinner at the Lucky Marmot - Tim opened the safe in his office. He pulled out a bottle of Jack Daniels, but I also saw a couple of bundles of cash that looked fresh

81 from the bank, still wrapped in the currency band. I couldn't see the denominations, but it looked like a
82 decent amount of money. Honestly, at the time I didn't give it a second thought. Why wouldn't a
83 business have cash in a safe?

84 But the Jack Daniels concerned me. I mean, I've seen business people drink during the day,
85 myself included, but Tim poured a full glass and knocked it back in one long pull. After Tim set down the
86 glass and put the bottle back in the safe, he looked at me and said, "Val, I don't know if I can keep this
87 up. Someone should just put me out of my misery." I asked him what was going on.

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

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

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

101 Rudy, Carolyn, Haskell, Tim and I met at 5:30 at the Lucky Marmot in Stateline. Carolyn was
102 clearly unhappy with Tim and Haskell. I don't recall everything she said, but money and her lack of it was
103 the general theme. I didn't know exactly what her financial arrangement was. Apparently, she hadn't
104 been paid in a while, as she was demanding that Tim and Haskell get current on her salary. Carolyn
105 seemed to know about the cash in the safe, as she was telling Tim to use that to pay her. Tim denied
106 there was any cash in the safe. I said nothing. Honestly, when I learned Carolyn wasn't being paid, it
107 made me a little angry. Like I said, Carolyn and I are good friends, and I'd encouraged her to take this

108 job. I was annoyed and embarrassed that she wasn't getting paid.

109 I confronted Tim and told him "you should tell everyone about your real financial situation." Tim
110 confessed that he had a couple of "personal loans" through some "private lenders."
111 Haskell said, "I thought you left that behind in California." Tim did not respond. Haskell asked Tim if he
112 was drinking again, too, and Tim said he wasn't. I knew that was a lie, but I didn't say anything else.
113 Later, Carolyn asked Tim when he intended to make her a partner. Tim reminded Carolyn that she was
114 still an employee and told her to go over and take some photos of one of the spec homes. Carolyn
115 looked at him for a few seconds, said, "So that's the way it's going to be," and left. I thought that was
116 best. Again, I knew Carolyn would shake it off and be done with it, but there obviously wasn't any
117 progress to be made by her staying around. Besides, I intended to tell Carolyn her best option now was
118 to find another job. Maybe I could find something for her at Black Bear.

119 Carolyn and I texted later. You have the messages. There's no way that Carolyn would shoot
120 Tim. She didn't have any financial problems that I wasn't willing to help her with, and apparently Rudy
121 Chen offered her money, too. Apparently, Carolyn owned a gun, but that was news to me. She never
122 talked about it. I can see why a woman would have a gun at home for self-protection, but it's not like
123 she was running around with it on her hip like Tim did.

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

130 I know Tim carried a Glock 9mm that he carried in a holster on his hip. He showed it to me a
131 couple of times. It made me uncomfortable. I own a Glock 9mm myself, but I don't flash it around. Tim
132 seemed to make a point of carrying it and letting people see it. I asked him about it once. He told me he
133 was just exercising his Second Amendment rights. He let me know he did a lot of target practice and that
134 he was a pretty good shot. "No one better mess with me," he said. I thought it was just Tim talking big,

135 but I guess he really did have a reason to protect himself.

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

141 I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief
142 and knowledge.

143
144 Dated: October 20, 2020

/s/ Val Warren

HOMICIDE REPORT – DOUGLAS COUNTY SHERIFF'S DEPARTMENT

DEPARTMENT

NAME OF VICTIM	SEX	AGE	DOB	RESIDENCE OF VICTIM
Eagan, Timothy	M	34	July 24, 1986	South Lake Tahoe

REPORTED BY	ADDRESS OF PERSON REPORTING	REPORT MADE TO
Det. Wynn Wilson	Douglas County Sheriff's Department	Det. Wynn Wilson

DATE OF REPORT	TIME OF REPORT	OFFICER RECEIVING REPORT
September 2, 2020	6:00 am	Det. Wynn Wilson

DESCRIPTION OF DECEASED

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

INITIAL NARRATIVE

On Wednesday, September 2, 2020. At approximately 6:00 am, I was practicing tai chi in a new residential development in the Round Hill area of South Lake Tahoe, Nevada. At that time and place I came upon the body of man lying on his stomach, right cheek of his face down on a dirt mound leading up to an unfinished residential lot. The body was near what looked to be an under construction garden pond. The arms were resting down towards the man's waist, and his feet were both facing to the man's left. I touched the man's left cheek with the back of my hand and it was very cold and exhibited no lividity.

Upon turning the man over I saw that he had two (2) bullet entry wounds, one (1) on his left shoulder, and one (1) in the center of his chest. There were no exist wounds that I could see. The shoulder wound was small, indicating it either came from a small caliber round or from a distance. The chest wound was massive, either from a high caliber round, or from close range. The man was deceased. There was a small amount of dried blood around the shoulder wound. The chest wound was a mess. The front of the man's tank top was stained with smeared blood mixed with dirt. His thighs, legs, and arms were marred with dirt. The tops of his arms, the palms of his hands, his fingers, and his fingernails were clean.

In the right rear pants pocket was a wallet containing a Nevada driver's license issued to Timothy K. Eagan, DOB 07/24/1984, a Visa credit card issued by the D.L. Evans Bank in the name of Timothy K. Eagan, a receipt from the Lucky Marmot dated September 1, 2020 and \$33 in cash.

The body had a gun holster on the hip, which was open and empty. I found a Glock 9 mm handgun approximately five (5) feet to the right of the body. Later examination revealed the magazine was full

and there was a round in the chamber. However, it did not appear that the gun had been fired recently. I visually searched the area and could find no spent shells. Later examination of the area with a metal

Part of Exhibit 1

detector failed to reveal any spent shells. However, because this was a construction site, there was a tremendous amount of stray metal in the ground, so it's possible any spent shells were lost in the "noise."

At approximately 6:15 am on September 2, 2020, I called the Tahoe Sheriff's Office dispatch to report the discovery of the body.

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

According to official National Weather Service records, sunset in Lake Tahoe was at 8:29 pm PDT.

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

INVESTIGATION SUMMARY

On September 3, 2020, I met with Douglas County Deputy Chief Assistant Coroner Frankie Mittens to discuss the case. DC Mittens took me to view the body and personal effects.

DC Mittens told me that he had identified the body as that of Timothy Eagan, 34, of South Lake Tahoe. Once DC Mittens said the name I immediately remembered that I had seen Mr. Eagan previously at a zoning hearing related to the Silver Hills development.

DC Mittens also told me that he had recovered two (2) 9 mm caliber bullets from Eagan's body, but that the cause of death was massive hemorrhaging and internal organ damage due to a single gunshot wound to the chest.

On September 4, 2020, I took the two (2) bullets recovered from Eagan's body from DC Mittens and placed them into a sealed evidence bag marking them as TES1 and TES2. I then drove to Stateline, Nevada and dropped them off with Sgt. James Sinjin Smythe for analysis, along with the handgun found near Eagan's body and the handgun belonging to Carolyn Armistad.

On September 8, 2020, Smythe emailed to me the results of his analysis of TES1 and TES2, and the handguns. Smythe's analysis was inconclusive. See Smythe's report for further details.

AFFIDAVIT OF Sgt. James Sinjin Smythe

STATE OF NEVADA)
)
COUNTY OF DOUGLAS) ss.

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

I am an investigator with the Douglas County Sheriff's Forensic Services Division in Minden, Nevada. The lab has a current certification as an Accredited Testing Laboratory from the American Association for Laboratory Accreditation.

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

Evidence:

On September 4, 2020, Officer Wynn Wilson of the Douglas County Sheriff's Department delivered to me two (2) bullets that were purportedly recovered from the body of one Timothy K. Eagan. The bullets were properly sealed in an evidence bag and were marked TES1 and TES2. Officer Wilson also delivered two firearms a Glock model 26 and a Glock model 19. Both are 9mm handguns. Officer Wilson did not tell me the origin or ownership of firearms.

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

Procedures:

I fired three (3) test rounds from each handgun into a ballistics tank filled with water. I then used a comparison microscope to examine each of the six (6) test rounds against TES1 and TES2.

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

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

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Part of Exhibit 2

Conclusion:

Based on my training and experience, and the examination I conducted, my opinion within a reasonable degree of scientific certainty is that it is INCONCLUSIVE whether TES1 was fired by either the Glock 26 or the Glock 19.

Based on my training and experience, and the examination I conducted, my opinion within a reasonable degree of scientific certainty is that it is INCONCLUSIVE whether the TES2 was fired by either the Glock 26 or the Glock 19.

/s/ James Sinjin Smythe

James Sinjin Smythe, Sgt. Douglas County
Sheriff's Department

On this 8th day of September, 2020 James Sinjin Smythe personally appeared before me and having been first duly sworn did execute the foregoing affidavit.

/s/ C. J. DePleese

Notary Public for the State of Nevada
My Commission Expired: February 20, 2023

Part of Exhibit 3

James Sinjin Smythe

36 Stephen Douglas Ave.
Gardnerville, Nevada 89410

jsmythe@nsp.nevada.gov

Personal Profile

I am a certified firearms and toolmark examiner with the Douglas County Sheriff's Department.

Memberships

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

Education and Training

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

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

Employment

1983 - Present	Firearms and Toolmark Examiner	Douglas County Sheriff's Department
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Job Duties and Relevant Skills

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

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

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

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

My relevant skills include:

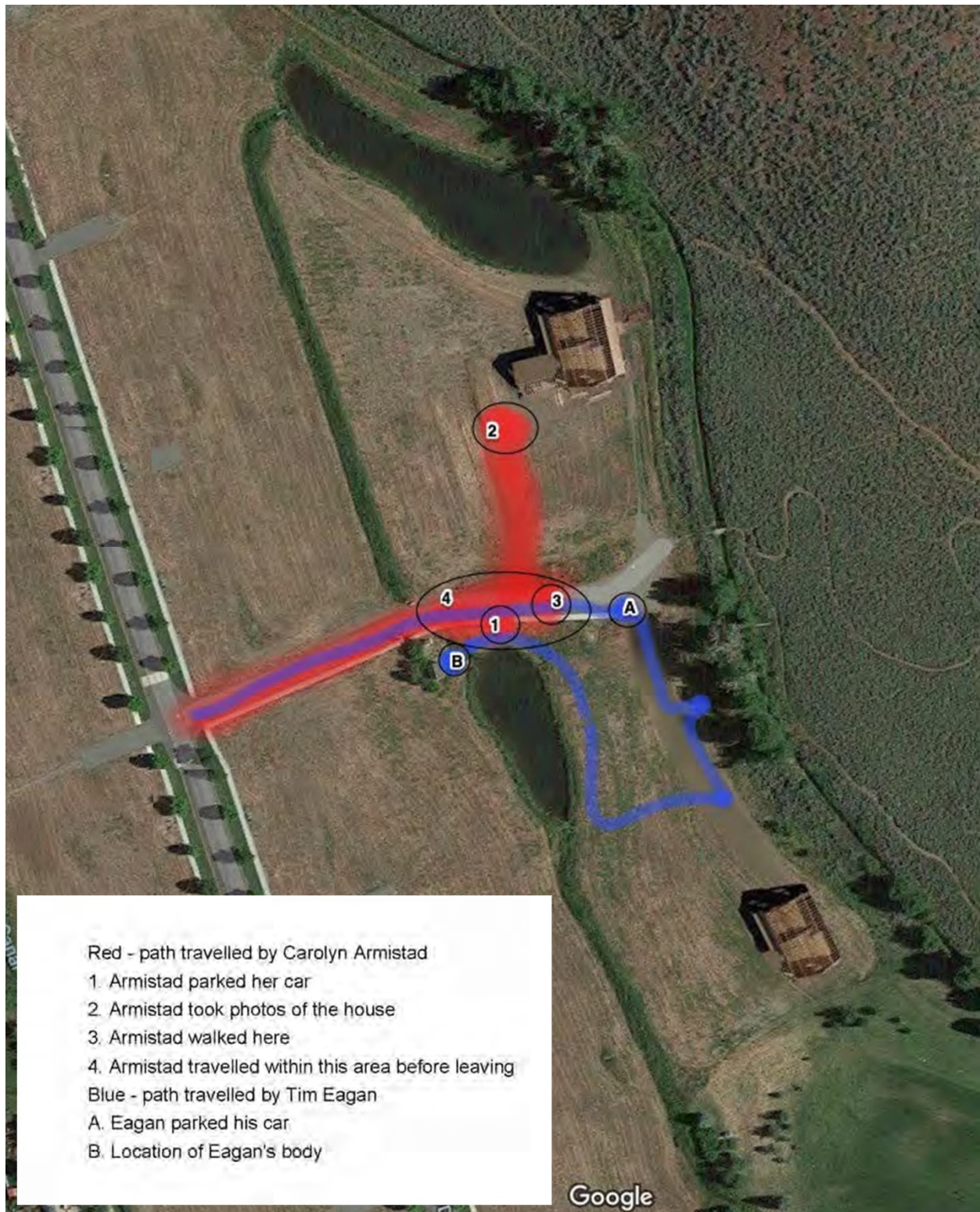
- Performing standard ballistics tests
- Photographing firearms and related evidence
- Operating specialized equipment, such as a comparison microscope
- Performing chemical testing for forensic analysis
- Preparing clear and concise reports
- Using modern theories and methods for firearms classification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

Publications

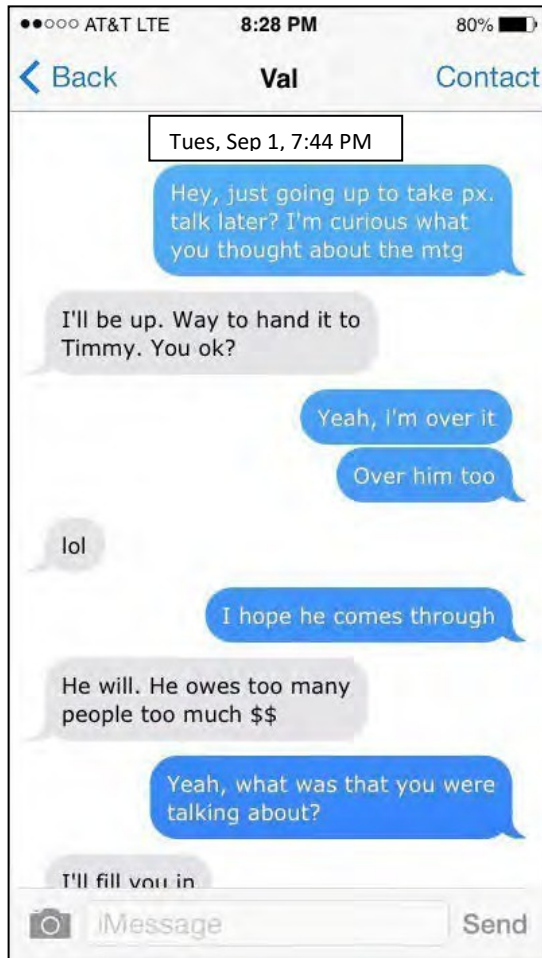
I have written numerous articles ranging from highly technical to "popularized" for publications produced by The Association of Firearm and Tool Mark Examiners (AFTE), the National Institute of Justice (NIJ), the National Clearinghouse for Science, Technology & The Law (NCSTL), and the American Bar Association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

Teaching

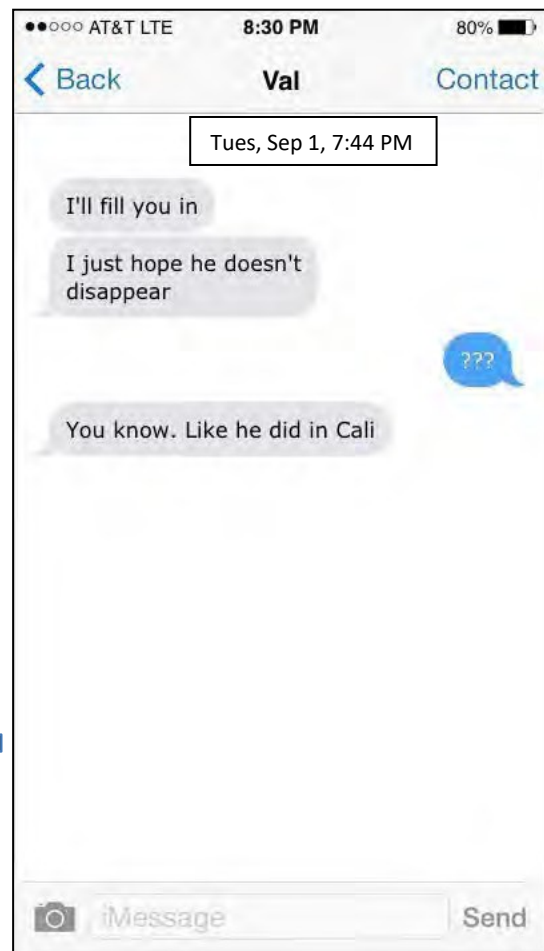
- The Association of Firearm and Tool Mark Examiners (AFTE)
 - Member of the committee that studied the need for a professional certification program for firearm and toolmark examiners (1995-1998)
 - The Proper Setup and Use of Comparison Microscopes
- National Institute of Justice (NIJ)
 - Equipment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



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2

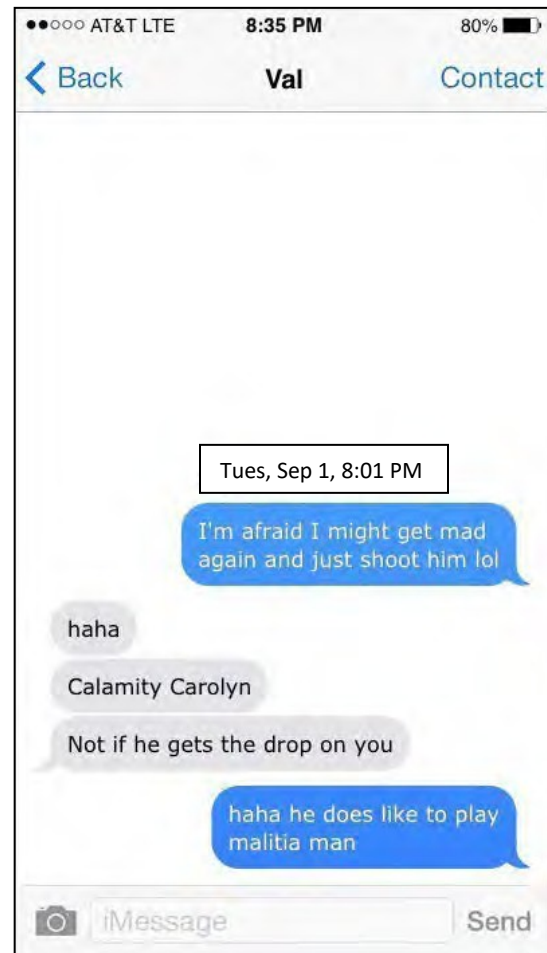


Part of Exhibit 5

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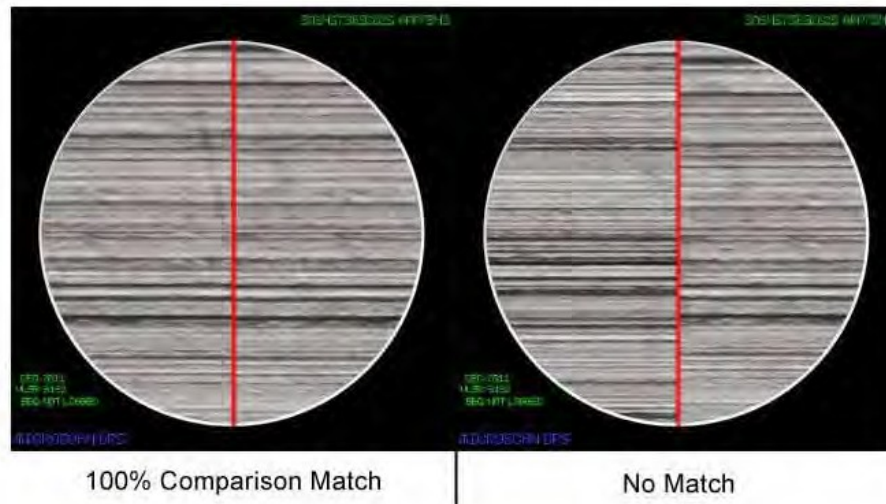
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Part of Exhibit 5



5



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

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

Exhibit 7



