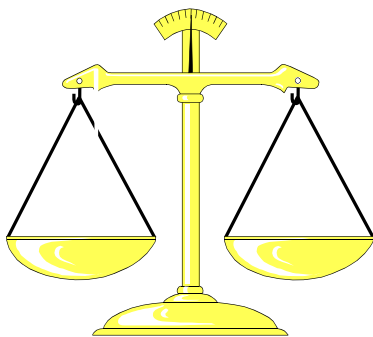


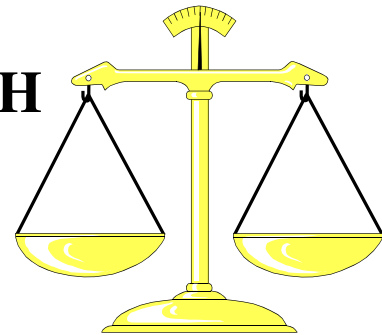
CASE MATERIALS

Official 2008 Mock Trial Materials
for the
**TWENTY-EIGHTH ANNUAL
UTAH LAW RELATED EDUCATION
MOCK TRIAL PROGRAM**



STATE OF UTAH

v.



LINN PAULING

Case No. 08cr03862

New Mexico Mock Trial Program
Rewritten and Adapted to Utah Law by
Michelle M. Roybal and Kathi Sjoberg

IN THE TWELFTH JUDICIAL DISTRICT COURT OF CANYON COUNTY
STATE OF UTAH

STATE OF UTAH : **INFORMATION**
Prosecution,
vs. :
LINN PAULING : Case# 08cr03862
Defendant.

The undersigned prosecutor states on information and belief that the defendant, on or about August 13, 2007, at Canyon County, State of Utah, committed the crimes of:

COUNT ONE

MURDER §76-5-203 (2)(d), a first degree felony, as follows: That at the time and place aforesaid the defendant while engaging in the commission, attempted commission, or immediate flight from the commission or attempted commission of a predicate offense, to wit: violation of Clandestine Drug Lab Act, or was a party to the predicate offense; and a person other than the party as defined in Utah Code §76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense.

COUNT TWO

ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE PRECURSOR OR CLANDESTINE LABORATORY EQUIPMENT §58-37d-4, a second degree felony, as follows: That at the time and place aforesaid the defendant knowingly or intentionally possessed a controlled substance precursor with the intent to engage in a clandestine laboratory operation;

possessed laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation; conspired with or aided another to engage in a clandestine laboratory operation; or produced or manufactured, or possessed with intent to produce or manufacture a controlled or counterfeit substance except as authorized under Title 58, Chapter 37, Utah Controlled Substances Act.

PROBABLE CAUSE STATEMENT: The undersigned prosecutor is a Deputy Canyon County Attorney and has received information from the investigating officer, Sam Stone, and the Information herein is based upon such personal observations and investigation of said officer.

Authorized November 12, 2007
For presentment and filing:

CANYON COUNTY ATTORNEY

By _____
Deputy Canyon County Attorney

Presented and filed this ____ day of _____, 2008.

CLERK

LEGAL AUTHORITIES

Utah Code Annotated

Section 76-5-203. Murder.

- (1) As used in this section, "predicate offense" means:
 - (a) a violation of Section **58-37d-4** or **58-37d-5**, Clandestine Drug Lab Act;
 - (2) Criminal homicide constitutes murder if:
 - (a) the actor intentionally or knowingly causes the death of another;
 - (b) intending to cause serious bodily injury to another, the actor commits an act clearly dangerous to human life that causes the death of another;
 - (c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct which creates a grave risk of death to another and thereby causes the death of another;
 - (d) (i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;
 - (ii) a person other than a party as defined in Section **76-2-202** is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and
 - (iii) the actor acted with the intent required as an element of the predicate offense.
 - (3) (a) Murder is a first degree felony.
 - (b) A person who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

Section 76-2-202. Criminal responsibility for direct commission of offense or for conduct of another.

Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages, or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct.

Section 58-37d-4. Prohibited acts -- Second degree felony.

- (1) It is unlawful for any person to knowingly or intentionally:
 - (a) possess a controlled substance precursor with the intent to engage in a clandestine laboratory operation;
 - (b) possess laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation;
 - (c) sell, distribute, or otherwise supply a precursor chemical, laboratory equipment, or laboratory supplies, knowing or having reasonable cause to believe any of these items will be used for a clandestine laboratory operation;

(d) evade the record keeping provisions of Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or the administrative rules issued under that chapter, knowing or having reasonable cause to believe that the material distributed or received will be used for a clandestine laboratory operation;

(e) conspire with or aid another to engage in a clandestine laboratory operation;

(f) produce or manufacture, or possess with intent to produce or manufacture a controlled or counterfeit substance except as authorized under Title 58, Chapter 37, Utah Controlled Substances Act;

(g) transport or convey a controlled or counterfeit substance with the intent to distribute or to be distributed by the person transporting or conveying the controlled or counterfeit substance or by any other person regardless of whether the final destination for the distribution is within this state or any other location; or

(h) engage in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, including a controlled substance

precursor, or the packaging, repackaging, labeling, or relabeling of a container holding a substance that is a product of any of these activities, knowing or having reasonable cause to believe that the substance is a product of any of these activities and will be used in the illegal manufacture of specified controlled substances.

(2) A person who violates any provision of Subsection (1) is guilty of a second degree felony

punishable by imprisonment for an indeterminate term of not less than 3 years nor more than 15 years.

Section 58-37d-5. Prohibited acts -- First degree felony.

(1) A person who violates Subsection **58-37d-4**(1)(a), (b), (e), (f), or (h) is guilty of a first degree felony if the trier of fact also finds any one of the following conditions occurred in conjunction with that violation:

(a) possession of a firearm;

(b) use of a booby trap;

(c) illegal possession, transportation, or disposal of hazardous or dangerous material or while transporting or causing to be transported materials in furtherance of a clandestine laboratory operation, there was created a substantial risk to human health or safety or a danger to the environment;

(d) intended laboratory operation was to take place or did take place within 500 feet of a residence, place of business, church, or school;

(e) clandestine laboratory operation actually produced any amount of a specified controlled substance; or

(f) intended clandestine laboratory operation was for the production of cocaine base or methamphetamine base.

(2) If the trier of fact finds that two or more of the conditions listed in Subsections (1)(a) through (f) of this section occurred in conjunction with the violation, at sentencing for the first degree felony:

(a) probation shall not be granted;

(b) the execution or imposition of sentence shall not be suspended; and

(c) the court shall not enter a judgment for a lower category of offense.

STATEMENT OF FACTS

Linn Pauling is charged with controlled substance homicide for allegedly providing methamphetamine to Ronnie Reilly, a teenaged friend. Reilly was found dead after a fire which it is alleged was started by a meth lab located in a cabin on a remote mountain lake, Limestone Lake, about an hour's drive from Red Rock City. The fire started during a party and a sleepover attended by a group of young people. The cabin is jointly owned by three families: the Pauling family is one owner, the Reilly family is another, and the third owner is Chance Peters, who is not available to testify or participate in the trial. The autopsy report, which is considered a stipulated trial exhibit, indicates that the victim died with a fatally toxic level of methamphetamine in his system.

Remnants of a meth lab were found during an investigation following the fire. Pauling, a chemistry whiz who was accepted at MIT but delayed admission for one year in order to help his/her parents pay for necessary medical treatment for a younger sister injured in a car accident, denies manufacturing or distributing methamphetamine. Pauling admits that he/she learned to make meth, as did his/her entire class, when a high school chemistry teacher was conducting a drug education seminar during Drug Awareness Week at their school.

Based on evidence recovered by Detective Sam Stone of the Canyon County Sheriff's Department, Pauling was arrested and is awaiting trial based on the testimony of six witnesses: Detective Sam Stone, Kasey Acres, Sydney Reilly, Linn Pauling, Jayce Johnson, and Alex Mathis.

**PROSECUTION WITNESS STATEMENT
DETECTIVE SAM STONE**

1 My name is Sam Stone. I am a detective with the Canyon County Sheriff's Department,
2 currently assigned to the Regional Drug Task Force. I have been employed by the Sheriff's
3 Department for 13 years. I have worked narcotics and drug cases since I began as a patrol
4 deputy, and I have been working drug cases as a detective for ten years. I was one of the
5 founding members of the Regional Drug Task Force, which began in the year 2002. The Task
6 Force is federally funded and has members from several local, state, and federal agencies
7 working together on large-scale drug operations confronting our region. It was formed
8 specifically to address the methamphetamine problem in our community.

9
10 I have significant experience in investigating cases of methamphetamine production and
11 distribution. In my 13 years working with the Sheriff's Department, I have been involved in
12 some capacity on approximately 700 cases involving the manufacture of meth. As a detective, I
13 have been lead investigator on approximately 300 of these cases, including cases about
14 manufacturing, distribution, and possession with the intent to distribute meth. I have been on site
15 at approximately 500 meth labs of various sizes and am very familiar with the processes used to
16 manufacture the drug. I have attended DEA-sponsored training sessions regarding meth
17 production, as well as training about arson focused on fires related to methamphetamine
18 production and chemical fires. I am certified to determine the cause and origin of chemical fires.
19 I have been to approximately 30 meth-related fires and have testified as to my opinions about
20 causes of fires on multiple occasions.

21
22 On August 13, 2007, I was called at approximately 8:00 a.m. to respond to a possible
23 meth lab fire. I arrived on scene at approximately 9:30 a.m. It took me a while to find the place;
24 it is a remote mountain cabin in the far northeastern section of Canyon County, well into the
25 mountains on Limestone Lake, somewhat near Red Rock City. There are about four cabins
26 dotted around the lake in the woods. You would never know that the cabins are there; they are
27 not visible from the canyon road.

28
29 By the time I arrived at the cabin, the fire had been nearly extinguished. The Canyon
30 County Volunteer Fire Department had done an excellent job keeping it from starting a forest
31 fire or the other cabins on fire.

32
33 When I arrived, the fire company was still on scene putting out some of the burning
34 embers. They had set up a command post at the base of the road leading to the cabin and would
35 not let anyone enter. Our office assumed control of the command post and remained in charge of
36 the roadway for the next several days. Two young people were just leaving the command post in
37 an ambulance on their way to Canyon County General Hospital. Both had respiratory problems.
38 Fire Chief Lane told me the kids had been sitting on a log when her crew arrived. One of them
39 had called 911 from a cell phone at 5:14 a.m. I stopped the ambulance long enough to get their

40 names and intended to follow up at the hospital later for formal statements from each of them,
41 Kasey Acres and Jayce Johnson.

42
43 While talking to them initially, both appeared to have been drinking. Their eyes were red,
44 which they said was from the smoke, and I could just detect the faintest smell of alcohol on their
45 breath as they spoke to me. I asked them both if they had been drinking, however, and they
46 denied that. I considered making them take a portable breath test, but could see from their
47 coughing and discomfort that they needed some attention for smoke inhalation.

48
49 After meeting these witnesses, I approached the cabin area. I was wearing a respirator
50 because the air was quite noxious. The firefighters showed me some anhydrous ammonia
51 canisters that they had found, which were too volatile to remove, but I noted their location. This
52 was as close to the cabin as I got that day. By late morning on August 13, the firefighters had
53 completely contained the fire. I remained on scene while they removed the body of Ronnie
54 Reilly from the cabin. The medical examiner's office took custody of the body for forensic
55 examination. Jointly, the Fire Chief and I decided to wait until the morning of August 15 for a
56 full scene walk-through, which allowed me to assemble a decontamination team to clear the
57 other cabins and surrounding scene.

58
59 On August 15, 2007, at approximately 2:00 p.m., I conducted a walk-through of the
60 cabin. Due to the substances that the firefighters had initially observed, I called our Sheriff's
61 Department Hazardous Response Team and our Clandestine Meth Lab Group to review the cabin
62 and evidence with me. I drew a sketch of the scene that day.

63
64 The cabin was a one-story wooden structure with two bedrooms, a bathroom, and a great
65 room/kitchen on the main floor. The cabin had a small loft, about the size of half of the great
66 room, above the kitchen area. The loft had a small window overlooking the deck. Access to the
67 loft was via a wooden ladder that could be lifted up into the loft for privacy. The house was
68 attached to a carport, and the carport was attached to a small shed. The shed appeared to be the
69 point of origin for the fire and was where we discovered the meth lab. The cabin was mostly
70 gutted by the effects of the fire.

71
72 Ronnie Reilly's body had been found in the center of the kitchen; the loft had collapsed
73 during the fire. The cabin itself contained numerous empty liquor bottles, which were strewn
74 about the inside and outside of the cabin. I counted four vodka bottles, three rum, and ninety-
75 seven beer cans. These were charred and blackened by soot, but I was able to determine that all
76 had been opened and that there was not any alcohol in them at the time of the fire. Inside the
77 kitchen, near Ronnie Reilly's body, I found a small metal pipe, which I recognized to be the type
78 used to smoke a controlled substance, such as crack cocaine or methamphetamine. I took custody
79 of the pipe and logged it into evidence. Based on its proximity to Reilly's body, I did not submit
80 it for fingerprint analysis, believing that fire will destroy oils left by fingerprints deeming the
81 tests useless.

82
83 After walking through the house, we examined the carport, which had collapsed onto a
84 2005 Ford Mustang convertible with Utah license plates and an EZ-Rentals sticker on it. The car
85 itself was filled with ash, soot, and burned lumber from the carport. Firefighters opened the trunk

86 of the car and located two bags labeled “Central High.” The bags contained miscellaneous
87 clothing, tourist trinkets (a jar of Utah honey and an Arches National Park water bottle), and a
88 soccer MVP trophy labeled “Western All-Star Tourney, 2007 MVP.” The bags were
89 waterlogged and smoky, but we collected them as evidence. Several weeks later, I asked Kasey
90 Acres if he/she wanted them back, and he/she declined, except for the trophy.
91

92 The shed quickly became the focus of my investigation and beginning on the afternoon of
93 August 15, I carefully examined this area, knowing that access to anyone had been denied since
94 the canyon road was closed that first day of my investigation.
95

96 The shed was processed as follows: We brought in a small backhoe and began to
97 carefully remove debris from the inside of the shed. The shed had completely collapsed onto
98 itself. After removing the roof and support frames, we proceeded to carefully lift out pieces of
99 debris. This was a slow process, taking until the next morning to complete. We carefully
100 described and documented the location of each significant piece of evidence.
101

102 Inside the shed, I found several items associated with a meth lab. Along the north wall of
103 the shed were the remnants of a workbench, around which were located a funnel, a hot plate, and
104 a bottle of anhydrous ammonia. I also found several glass jars and some rubber tubing. In the
105 southwest corner, I found the remnants of a garbage bag containing blister packs of ephedrine
106 cold medicine tablets. Inside the garbage bag was a vacuum-sealed bag with a white residue.
107 Once tested, it tested positive for ephedrine and could be estimated to have held approximately
108 one kilogram of ephedrine. On the sealed bag was a red sticker containing the word “Red.” In a
109 metal cabinet located in the northeast corner of the shed, I found a box of gloves, some coffee
110 filters, a triple-beam balance scale, and a one-gallon jug labeled “Tincture of Iodine.” Filters and
111 materials like these are common at meth labs.
112

113 In the northwest corner, I also discovered the charred remnants of a handwritten note
114 with the name “Biker Don” and a phone number. I later ran this number and discovered that it
115 belonged to Don Reno, a notorious biker gang member living in Red Rock.
116

117 Based upon the items we found at the scene, it is my definite opinion that the fire was
118 caused by an active methamphetamine lab, and I believe the badly-charred workbench was likely
119 the source of the fire.
120

121 In the days after the fire, I conducted follow-up investigation. On August 14, I had visited
122 Canyon County Hospital to interview Kasey Acres and Jayce Johnson, but both had checked out.
123 I went to the Johnson residence and left my business card at the door with a note to come in and
124 make a statement.
125

126 I attended the autopsy of Ronnie Reilly on the morning of August 15 at the Canyon
127 County Medical Examiner’s Office. The ME’s report, which was written a few weeks later and
128 which I have reviewed, showed the cause of death to be acute methamphetamine intoxication.
129 This was based upon two factors: first, the level of methamphetamine in the blood stream was

130 toxic - 5.95 mg. per liter of blood; and second, the ME determined that Ronnie had no smoke
131 particles in the lungs, meaning he was not alive when the fire occurred.

132
133 On August 16, I obtained a search warrant for “Biker Don” Reno’s residence in Red
134 Rock, but waited until the early morning hours of August 17 to execute the warrant for safety
135 concerns. We found methamphetamine and pseudoephedrine in the residence, along with Vin
136 Fleming, whom we arrested. During a post-arrest statement, Fleming provided additional details
137 about Linn Pauling and their involvement in methamphetamine manufacturing, including having
138 been to the cabin to make purchases with Biker Don. A blue Ford Bronco was also parked
139 outside, the only vehicle in sight.

140
141 Sometime later, I asked Fleming to show us that he could locate the cabin, and, though he
142 did have some difficulty recalling its exact location, Fleming did drive us accurately to the cabin.
143 I attribute his long-term meth use to be the cause of his failing memory and loss of cognitive
144 functioning.

145
146 Based on evidence recovered at the cabin and the information from Fleming, I obtained a
147 search warrant for the Pauling residence. The warrant was served on August 19. During the
148 execution of the warrant, we recovered a four-wheel drive blue Ford Bronco registered to Linn
149 Pauling. Located in the back was a large ice cooler and snow chains. Inside Linn Pauling’s
150 bedroom, we obtained several chemistry books and pay stubs from a local restaurant,
151 Guadalajara.

152
153 Inside Pauling’s closet, we found snowshoes and a safe. We broke into the safe and
154 found \$18,650 in U.S. currency. Following that search, I obtained a subpoena for Pauling’s work
155 records to determine hours worked and salary. The records show approximately \$10,000 paid for
156 2007 up to August 12. Inside the safe as well, I located several medical receipts for a patient
157 named Lucy Pauling at Canyon County Physical Therapy Associates, showing cash payments
158 totaling \$6,480 for physical and occupational therapy bills for 2007.

159
160 I also recovered evidence from the parents of the victim, Ronnie Reilly. A small metal
161 pipe was recovered, as was a “crib sheet” or set of notes commonly used to track drug sales and
162 debts. The pipe was later tested to determine that it contained methamphetamine. Some e-mail
163 messages sent between Ronnie Reilly and Linn Pauling were also found. The language in the
164 message is coded, but, based on my experience and training, I know the following:

165
166 “Hit the sack” means to do drugs;

167
168 “A quarter” is a quarter of an ounce of methamphetamine;

169
170 “Not for loners” means that the quantity is too big for one person to ingest at one time; and

171
172 “Two large” either means two hundred or two thousand dollars.

173 During my investigation, I also obtained a title history and insurance information on the
174 mountain cabin. The title history showed that it was purchased in 1989 for \$58,000, but since
175 then I understand significant improvements have been made. The residence was insured against
176 loss by “fire, flood, earthquake, and other acts of God” for \$250,000 in the event of a “total
177 loss.” The policy defined that no payment would be made in the event that the loss was the result
178 of any intentional, unlawful acts committed by the property owners, their agents, their family
179 members, or their guests.

180
181 I have reviewed this statement, and I believe it to be true and correct to the best of my
182 knowledge.

183
184
185

Signed
Detective Sam Stone

PROSECUTION WITNESS STATEMENT
KASEY ACRES

1 My name is Kasey Acres, and I am 17 years old. Today is September 14, 2007, and I am
2 writing this statement in the offices of the Newport Beach Police Department, in California.
3 Present with me as I write this is my father’s attorney, Sandy Cohen. I live in Newport Beach
4 and am a senior at Central High and the co-captain of the varsity soccer team there. I was in Utah
5 during the second week in August 2007 for a Western U.S. All-Star soccer tournament. I was
6 staying at the Mountainside Inn, and I was named MVP even though we lost in a shootout and
7 came in second place.

8
9 My relatives, the Johnsons (Aunt Betty and Uncle Dave), live in Red Rock, and I was
10 going to visit them after the tournament. I was eager to get back to Orange County, but my
11 parents insisted on my staying at least one night and visiting my cousin, Jayce Johnson. My dad
12 and my Aunt Betty are brother and sister, but their relationship is kind of strained due to a
13 financial debt, and my dad was hoping to mend fences with me going to visit. My parents
14 arranged for a car rental while I was in Red Rock and rented a convertible Mustang for me.

15
16 I drove out to Red Rock on the morning of August 12, when the rest of my team headed
17 to the airport. It was actually a nice summer day, kind of like what we see in California year-
18 round. I stopped at the local gas station and was filling up the tank when I ran into my cousin,
19 Jayce. I hadn’t seen Jayce in about five years, which was the last time the family all got together
20 in California. Jayce looked just like I had remembered; I followed him/her home to visit with my
21 Aunt Betty.

22
23 I spent that afternoon with Aunt Betty, looking through old photo albums. During the
24 conversation, Jayce mentioned that Ronnie was having a party that night at the lake. I like to
25 have a good time and figured it would be like our parties in Newport, so I was in favor of going.
26 I had to stay for dinner and see the rest of the Johnsons anyway. Around 8:00 p.m., Jayce and I
27 left for the party with me driving the convertible; we stopped once in town for snacks and kept
28 going. We didn’t grab any beer or ask anyone to buy some for us, no matter what anyone says.

29
30 The party was further than I thought. I figured it would be just on the edge of town, not in
31 the canyons. We ended up not even getting there until about 9:30 p.m. There were about ten cars
32 there when we arrived, which seemed small but whatever. For some reason, no one had parked in
33 the carport, so I took that spot gladly. Little did I know!

34
35 There were about a dozen people inside the cabin - not much of a party. Plus, they were
36 all a bit older than me - college kids mostly. They were different than the kids I hang out with in
37 Orange County, and they were talking about techie stuff mostly, but then they decided to build a
38 fire in a pit on the deck, so I relaxed and enjoyed myself.

39 I went for a walk by the lake; it was quiet and peaceful. I could hear most people on the
40 deck, and they were kind of loud and drinking. I met Ronnie Reilly, the kid who died, out on the
41 deck that night. Ronnie obviously knew Jayce, but seemed surprised to see us at the party.
42 Ronnie seemed kind of weird, I thought, and was fidgety and kept asking about "LP." I kind of
43 quit listening because I didn't know what he was even talking about.
44

45 By midnight, I was beat, and I thought about driving back to the Johnson's house. Jayce
46 wanted to stay, and I was too tired to drive in a place that I didn't know, so I decided to sleep out
47 on the deck for a while. I could see from where I was lying down on a couch on the deck that a
48 light was on in the shed by the cabin. I could see a couple of people moving around in there, and
49 they were kind of talking, but it was muffled. I got up to see what was going on and walked over,
50 but the windows were kind of dirty and dusty. I could hear what sounded like a gas burner from
51 chemistry class, and there was this ammonia smell. I thought it sounded like Ronnie talking to
52 another kid, maybe it was that "LP" he was talking about all night.
53

54 From near the shed, I saw one of the guys walk into the cabin, and the other stayed on the
55 deck and lit a pipe to smoke. I could see from the flicker of light that it was Ronnie on the deck
56 and saw him stay there about 15 minutes. I fell asleep on the couch outside and then woke up
57 suddenly about 4:30 a.m., when everyone was screaming "Fire! Fire!", and saw the cabin totally
58 engulfed.
59

60 My first thought was for the car I rented; my parents were going to kill me! I ran to the
61 house and found Jayce running out. He said we should get out of there, but he was worried since
62 Ronnie was still inside the cabin. Everyone was coughing and trying to make their way to their
63 cars. We ended up stuck there, just sitting on a log until the ambulance arrived. Detective Stone
64 questioned us about our red eyes from the smoke, but then we left for the hospital.
65

66 I had to catch a flight home, so I left Utah without giving any statements or testimony. So
67 I came home, talked with my parents, and they agreed to have me do this with Sandy at the
68 Police Station. By that time, my parents had heard from Aunt Betty, had heard about the car, and
69 were angry about me being at a party like that. I wasn't drinking or anything, but you know how
70 parents stress about even hearing about that stuff. This is my big year, and I want to play
71 Division I college soccer, so I hope this doesn't give me any problems with schools interested in
72 me.
73

74 I may not have said all of this to Detective Stone, and I might not agree with how Jayce
75 talks about the party, but I don't have anything else to add to what I have included here. I know
76 what I remember, what I saw, and I don't have any reason to care about any of this stuff other
77 than being lucky to have gotten out. Not like that kid Ronnie who was smoking. This is all such
78 a bad mess, and I haven't wanted to make it worse by lying or bragging about anything. No
79 matter what Jayce says, I haven't made this up.
80

81 I have reviewed this statement, and I believe it to be true and correct to the best of my
82 knowledge.
83

84 Signed
85 *Kasey Acres*

PROSECUTION WITNESS STATEMENT
SYDNEY REILLY

1 My name is Sydney Reilly, and I am 46 years old. I live in Red Rock and have five
2 children. They are Rebecca, who is 15; Scout, who is 17; Rudy, age 18; and Sam, age 21. Ronnie
3 would have been 20 this December, but for the tragedy at the cabin. I love my kids very much,
4 and I want what is best for them. We live in a very dangerous world, so I have tried to protect my
5 family as much as I can from everything. I did home school my kids and have fed them only
6 organic foods, and we even discuss current events and make efforts to stay safe from disasters.
7 Now, since Ronnie's death, we've made even more efforts to keep our family safe from outside
8 forces.

9
10 My spouse and I own a spyware store called "Whodunit?", and it is the largest spy store
11 in the Intermountain West. We also do a thriving Internet business. We sell surveillance
12 equipment for homes, businesses, and private detectives. Our inventory includes hidden
13 cameras, covert wireless cameras, wireless closed-circuit televisions, nanny cameras, covert
14 wireless cameras, digital surveillance equipment, night-vision optics, sweep and debugging
15 equipment, vehicle-tracking equipment, and more. You name it; we have it. Our business has
16 done very well during the last ten years, especially since 9/11. We've been able to provide for
17 our family and live in a nice home.

18
19 To understand what happened to Ronnie, it helps to understand our family a little bit. Our
20 oldest, Sam, is in community college and will likely take over our family business. Sam is always
21 easy - stays close to home and obeys our rules. He still lives at home and never really even had
22 sleepovers as a kid. It is how we hoped to raise all of our kids, close to us and by our rules.

23
24 Ronnie was a very different story - always a rebel, pushing limits, disobeying rules.
25 Ronnie led the other kids in a search for our hidden cameras at home. Ronnie even began to push
26 us to live away from home for college before he graduated high school. We allowed Ronnie to
27 attend Utah University and live in the dorms, but we still had a lot of reservations about that.

28
29 We should have known something was wrong when Ronnie changed his major to
30 philosophy. He only came home occasionally and seemed to be drifting away from us. Then he
31 came home over last summer, and you could really see that something was wrong. His eyes were
32 sunken in, and he had lost 15 pounds; even Ronnie's skin was pale and yellowish. It wasn't until
33 after all of this that we learned, though, that all this time he had been addicted to meth. We just
34 couldn't believe it, after all we had done to keep our family safe.

35
36 I've had surveillance cameras all over our house and in our kids' rooms since they were
37 born. We aren't ashamed or secretive about it. I want to use the products I sell, and I am honest
38 with our family that we do have cameras (and other equipment) around. I wasn't always specific
39 about locations or numbers of cameras, but everyone knew that we were watching. We even let
40 the kids try to find cameras or to try to block the cameras with paper. If the kids wanted privacy,

41 though, they knew that they'd have to go outside our house or be on the phone. We cannot tap
42 the phones because of strict privacy laws, but the kids did expect that we'd pay attention to who
43 said and did what in our house. All parents should know what their kids are into.
44

45 We have five computers in the house as well. The adults each have their own, and the
46 kids shared three among them, for schoolwork, e-mail, research, and maybe even a game. The
47 computers are set up in family rooms and high traffic areas, not bedrooms, so we can access
48 them and view what is being done. Standard practice for responsible parents these days. We
49 don't allow laptops or wireless internet use. All our computers are networked, so we know who
50 is logging onto what sites and for how long each time. I also have digital recorders on the kids'
51 computers, so that logins are registered, and they know that I can virtually observe them as if I
52 stood behind them. It's no surprise to the kids, and even their friends know how our house is. If
53 they want private computers, go to the library or a friend's house.
54

55 I made my observations of Ronnie on August 11 and 12. The fire was the 13th, so this was
56 basically the day before the fire. It was late, after midnight, and ordinarily I would be asleep by
57 10 p.m., but I was restless. I was sitting at my desk, going over the books and next year's
58 products, when I heard movement in the house. I knew it was one of the kids because the alarm
59 didn't go off, and the dogs were quiet. I flipped on my video feed and saw it was Ronnie. He was
60 looking around the room, picking things up, and staring toward the wall. I think he was probably
61 looking for a camera, but he wasn't successful. He thought the camera was hidden in a picture,
62 so he taped a magazine over the top of it to block the view. Then he opened his e-mail account
63 and began sending e-mails. It was late, and I was curious, so I zoomed in to see that he was
64 corresponding with Linn Pauling, and they were discussing some kind of deal. Drugs, now, I
65 think.
66

67 Earlier, Ronnie had asked to use our car to go to a cabin party that Linn was hosting; we
68 own the cabin with the Paulings and Chance Peters. Our kids use the space sometimes to gather
69 friends, to be at the lake. Ronnie told us that kids from school would be there, and we reluctantly
70 agreed to let him go to the party. I knew it was a bad idea. We don't know Linn Pauling very
71 well, but we do know Linn's parents to be good people. Ronnie had never been allowed to go to
72 very many parties or activities, and, since he was in college, we decided we really had no good
73 argument to make him stay home. We were wrong.
74

75 The e-mail conversation ended up being about the party too, and I can write out from
76 memory what was said:
77

78 Ronnie: "Hey, LP, what time are you gonna be at the party? Remember that I'm at home, so
79 watch yourself...."
80

81 Linn: "I am there by 11."
82

83 Ronnie: "I plan to hit the sack early tonight but still want to play quarters."
84

84 Linn: "Playing quarters is not for loners. It is also too large if you want to play, so money from
85 your hand to the next."

86
87 Ronnie: "Is the ice ready for the party?"
88

89 Linn then asked to switch to instant messaging, thinking that I couldn't see what they were
90 saying after that. I didn't care; it's all the same for my cameras. Then Linn shot back a message,
91 "The ice is on Limestone Lake and should be thick this time of year. I will crank up the old
92 Bronco and be there soon enough."
93

94 I heard later that methamphetamine is sometimes called ice. Had I known, I wouldn't
95 have let Ronnie go. And, not even realizing what they were really talking about, I tossed and
96 turned all night long.
97

98 I walked downstairs the next day at 7 a.m., when my spouse left for the store. Then I
99 couldn't wait anymore, so I went up to Ronnie's room that morning and woke him up. He was
100 upset that I was watching him, and we argued about it. I tried to keep calm, but I hate being
101 accused of snooping in my own house. We ended up waking up everyone that morning with the
102 shouting, and, finally, I told Ronnie that he wasn't going to that party after all. That was the last
103 time I saw him alive because I left shortly after.
104

105 After the fire, we searched through the kids' rooms more carefully. I found a drug pipe
106 and a bag of crystals in Ronnie's belongings. I turned all of it over to Detective Stone who
107 informed us that it was methamphetamine. I also found some handwritten notes that Detective
108 Stone called a "crib sheet," and I know it had "LP and 350" on it with some dates and initials.
109

110 I am simply devastated by all of this. I know we did the right thing being strict and
111 watching the kids at all times. I never wanted our last words to be said in anger or for Ronnie to
112 think we doubted him. I will never really forget any of this or really understand how this all
113 happened.
114

115 I have reviewed this statement, and I believe it to be true and correct to the best of my
116 knowledge.
117

118 Signed
119 *Sydney Reilly*

DEFENSE WITNESS STATEMENT
LINN PAULING, DEFENDANT

1 My name is Linn Pauling. I am 21 years old and a resident of Salt Lake City. I live with
2 my mother, father, and younger sister Lucy who is paralyzed from a car accident four years ago,
3 and I was just learning how to drive. We are a very close family, and we look out for each other.
4 My dad works two jobs, and my mom works whenever she is not caring for my sister who is in
5 second grade at Segó Lily School.

6
7 Her car accident happened during the middle of winter, when she was in first grade. She
8 missed a year and a half of school, though, because of the accident. It has been really tough on
9 her since she is three years behind the kids who were her friends. Everyone judges us from this.
10 Her medical expenses have almost ruined our family, but we try to do all that we can for her.

11
12 I want to say something about the accident, and I want the record to be straight about it.
13 Yes, I was driving when the accident happened. Yes, I didn't put a booster seat in the car for
14 Lucy since it was in my parents' car at the time. It was wintertime, February. There was black
15 ice on the roads. My mom had called to say her battery had died, and she couldn't reach my dad,
16 so I put Lucy in the car and headed for the video store parking lot where my mom was. I was
17 turning onto Main Street, when we spun out, and a delivery truck smashed into us and then
18 pushed us into a pole. I feel responsible for all of this and don't want to keep letting Lucy down.

19
20 I have always tried to do well in school. I have been good at science classes; math,
21 chemistry, and biology are good subjects for me. I received the highest grades in my AP classes,
22 and in chemistry I always did well on our experiments. I even won a scholarship to MIT, but had
23 to delay for a year to try to raise money for Lucy's bills. I wanted to help pay for her home nurse
24 and tutoring while I would be away at school, which was going to cost about \$40,000. I work as
25 a waiter at Guadalajara and wait tables at special events at the Coronado Club downtown. I even
26 help at my parents' businesses. I hardly ever get to just hang out with my friends.

27
28 I have managed to squirrel away \$25,000 since graduation. Even though I make a lot of
29 money, I am not good at keeping records of my money. I understand that my paychecks were
30 subpoenaed for this case. I agree with Detective Stone's investigation of working at Guadalajara
31 for 40 hours per week at \$7 per hour, which is about \$8,960. I do also make really good tips. I
32 average about 10 hours per week at my parents' businesses for about \$10 per hour, totaling
33 \$3,200. And I work at Coronado for about \$7 per hour for 10 hours per month, to be about \$560.

34
35 I know some people would be suspicious of the money in my safe, but show me a waiter
36 who declares all of his/her tips. I don't take vacations or go out or really spend anything. I just
37 work hard and save.

38
39 Yes, I did learn how to make methamphetamine in my chemistry class at school, and I
40 did get a good grade. Everyone learned about that, though, and I don't even really remember the

41 lesson or the experiment, other than that all of our parents were pretty upset about the idea that
42 our teacher showed us such a thing. Like we couldn't see it on TV or the internet.

43
44 Ronnie Reilly and I have known each other since we were kids. We were not friends,
45 really, growing up, but we definitely knew each other. Our families shared the cabin, but we
46 traded time there, so it wasn't like we hung out or anything. I did get to know him over this past
47 year at Utah University and see him sometimes at Guadalajara eating. Ronnie was trying to get
48 away from his kooky family and tried to be open to a good party.

49
50 The cabin that Ronnie mentioned in the e-mail was originally owned by Chance Peters,
51 and then all of our families went in together. Chance is the caretaker and is responsible for the
52 building and dealing with break-ins or problems. I never saw any problems or any kids
53 misbehaving in the canyon when I visited, but I did know that all the families were concerned
54 about what goes on up there. Our family had a harder time going up and relaxing since Lucy
55 couldn't really enjoy the time there. I also know that there was some insurance on the cabin that
56 my parents paid for and did some improvements on the place.

57
58 Anyway, on the day before the fire, I did exchange e-mails with Ronnie about a party and
59 coming up to the cabin. I was discussing that drinking game called "quarters" that you play with
60 a group of people by bouncing a quarter into a small glass, and if you miss, you drink. It was a
61 joke, and I think that Sydney Reilly is just paranoid and trying to make a small thing into
62 something else. I also mentioned taking up an ice chest for the party to keep our snacks and
63 drinks in while we were there on the deck. I don't think I said anything serious and certainly not
64 anything to be in trouble over. No one wanted what happened to occur, and we all liked Ronnie
65 and hope that his family will be ok.

66
67 I did spend the day watching my sister, Lucy, on the day of the party and the fire. I had to
68 take her to physical therapy, which is why I never made it up to the party with the cooler. I would
69 never leave Lucy in order to play around or to get into trouble. I haven't been over to Limestone
70 Lake in ages and don't know why everyone insists that I was there. I guess it is possible for
71 someone to mistake me for being there or for the kids who partied to think that an out-of-the way
72 cabin is a good place to experiment with meth, but I didn't have anything to do with it.

73
74 I have reviewed this statement, and I believe it to be true and correct to the best of my
75 knowledge.

76
77 Signed
78 *Linn Pauling*

DEFENSE WITNESS STATEMENT
JAYCE JOHNSON

1 My name is Jayce Johnson. I am 19 years old and a sophomore at Central Utah College.
2 This summer I was an intern writing computer codes for Megaware, a computer company in
3 Provo, Utah. I want to be a programmer for them when I am done with school.
4

5 I heard that there was going to be a party at Ronnie Reilly's cabin from some friends of
6 friends; you know how those invitations go. I can't even really remember who was talking about
7 it, but it was supposed to be fun, and all of us were going to try to stop over to Limestone Lake.
8

9 That morning, August 12, I was in town filling up my car for the drive to the canyon
10 when my cousin, Kasey, showed up at the next pump! I hadn't seen Kasey in about five years,
11 but I recognized him/her from the soccer gear in the car. Kasey looks so Newport Beach, he/she
12 is hard to miss! Kasey followed me home, and we hung out at my parents' house for a while and
13 just chatted. My mom actually suggested that it would be nice for me to include Kasey in
14 whatever my plans were for the evening, so I didn't want to make her mad. Kasey wouldn't
15 know anyone or probably even enjoy him/herself, but I was in a tough spot.
16

17 We left home around 8:00 p.m., and Kasey drove the rented convertible. The whole drive
18 Kasey kept saying how great Orange County parties are. I just listened to the radio and nodded
19 along. On the way, Kasey wanted to stop and grab some food and beer. I wasn't going to say
20 anything, and I am underage, but it didn't offend me or anything. The drive to the party took
21 about 45 minutes - longer than I would have wanted since Kasey didn't know where to go.
22

23 The party wasn't much of a party when we arrived, I have to admit. There were only
24 about 15 people there, and I didn't know most of them. I recognized a few faces from around
25 town and campus - Bob, Tom, Marty, Lori, Karen. And Ronnie Reilly was there too, of course. I
26 have known Ronnie and always thought he was strange. Several people even mentioned that on
27 the party night - just how weird the Reilly's are.
28

29 Ronnie was pretty "hyped up" and was drinking a lot that night. He was loud and wanted
30 to play any drinking games anyone else would play, just to be the life of the party and to even
31 hang out with my cousin, Kasey. It seemed like everyone was stumbling around that night.
32 Finally, we agreed to spend the night and drive home the next morning since everybody was kind
33 of out of it. Kasey wouldn't sleep inside, so we all were out on the deck playing around,
34 drinking, and trying to sleep. It was loud, and I ended up inside on a couch.
35

36 After I had been asleep for about an hour, Ronnie came back inside the cabin and into the
37 loft above the kitchen. He pulled the ladder up into the loft and woke me up being loud. But I
38 never really heard anything else from him after that. I woke up about 4:15 a.m. to smoke all
39 around me. I called up to Ronnie and tried to just get out of there. I never heard any response
40 from the loft and made it out to the deck. I found Kasey, and we called 911 from the cell phone.

41 The carport, shed, and cabin were totally on fire by then, and everyone was trying to drive away.
42 Kasey and I ran away and ended up coughing on a log until the emergency people arrived from
43 our call.

44 I never did see Linn Pauling at the party. I was completely sober that night, unlike Kasey
45 and Ronnie, so I would have remembered who I saw. I don't know why our stories don't match
46 up, and I am not sure why anyone would think that I would want to make something like this up.
47 It is all just a big mess.

48
49 I have reviewed this statement, and I believe it to be true and correct to the best of my
50 knowledge.

51
52
53

Signed
Jayce Johnson

DEFENSE WITNESS STATEMENT
ALEX MATHIS, M.D. / Ph.D.

1 My name is Alex Mathis. I am an M.D. and Ph.D., with my medical degree and doctorate
2 in criminology. I am a retired medical examiner, working for 24 years in New York City. I was
3 even Chief Medical Examiner for two years before I left the office. I next moved to Los Angeles
4 and worked on approximately 350 homicide cases. I have been asked to render opinions on cause
5 of death, manner of death, and body positions during a homicide.
6

7 After retiring, I moved to Salt Lake City and started my own consulting firm, Forensic
8 Response, which offers crime scene analysis and response to attorneys. My fees are \$250 per
9 hour for consultation and a flat \$1,500 for a half day of testimony regarding a case. I have
10 consulted all over the country in medical malpractice, criminal, and even some police liability
11 cases. My areas of testimony have included blood-splatter interpretation, crime-scene
12 reconstruction, toxicology, and firearms trajectory. Several of these cases, about ten, have
13 involved methamphetamine use.
14

15 In October 2007, I was contacted by attorneys for Linn Pauling to assess and review the
16 case investigation by Detective Sam Stone in this matter. I have reviewed all of the witness
17 statements, reports, and exhibits in the case. My own assessment and subsequent opinion focused
18 on the crime scene, whether a meth lab was located at the cabin and the cause of Reilly's death.
19

20 The crime scene investigation was slipshod and shabby. It is extreme the level of
21 mistakes that occurred. First, several pieces of evidence were not submitted for fingerprint
22 examination, including a pipe and all that was discovered in the shed. In my experience, fire
23 does not always dissipate prints left on objects, and it depends on the heat the item was exposed
24 to. There is no way to know if an item had prints on it without assessing it.
25

26 Second, it is clear that Detective Stone did not adequately protect or preserve the crime
27 scene. A two-day delay in processing the scene, as it was here, is unacceptable and not in the
28 norms of good police practice. No one can say if evidence were lost or destroyed during that gap
29 in time. Furthermore, Detective Stone did not station anyone at the cabin to ensure that no one
30 tampered with the scene. It is really a no-brainer to protect the evidence in the homicide of a
31 young person; what a shame.
32

33 Finally, the delay in taking a statement from crucial witnesses like Kasey Acres is
34 irresponsible and unprofessional. But that is even surpassed by failing to ever get a statement by
35 Jayce Johnson. Both of them should have been questioned by a trained investigator. Who knows
36 what details were forgotten or were changed over time.
37

38 As for the existence of a methamphetamine lab in the cabin on Limestone Lake, my
39 expert opinion is that no one can say to a reasonable degree of certainty that such a lab existed in
40 the shed. I base this on the two-day lapse in the search of the shed and that all recovered from the

41 area was blackened by soot. I can only say that had the scene been contained, I might be more
42 certain one way or the other.
43

44 Additionally, and even more sadly, the cause of death of Ronnie Reilly can also not be
45 determined with a reasonable degree of certainty. I agree that Reilly did have a toxic level of
46 methamphetamine in his system, but could not necessarily agree that is the cause of death. Three
47 points lead me to this doubt.
48

49 First, Jayce Johnson reports seeing Ronnie climb the loft ladder and pull it up. This
50 suggests a level of physical ability that would not be possible if incapacitated by meth use. While
51 drug tolerance and reactions vary widely, such meth use as is attributed to Ronnie Reilly would
52 have made it very improbable for such an activity as climbing and heavy lifting to occur.
53

54 Second, the levels of methamphetamine found in his system could not have been reached
55 in such a short time after ingestion. The time of smoking, as reported by Kasey Acres - an
56 eyewitness - is believed to be sometime between 2:30 and 4:30 a.m., putting time of death about
57 5:00 a.m. even though we cannot be exactly certain. To achieve the levels of methamphetamine
58 in Reilly's system would require significantly more time because chronic users of meth can build
59 a tolerance. This means that they need more to get high, and they may smoke on and off for
60 hours in order to get the high they are trying to achieve. Thus, Ronnie could have ingested meth
61 earlier in the day, and this would be consistent with the description of him as hyper that day.
62

63 Finally, it is entirely possible that Reilly was rendered unconscious by phosphine gas,
64 which is released during meth production and would not appear in Reilly's system. In this way,
65 he could have died prior to the fire and before the methamphetamine he ingested killed him.
66 Recall that the autopsy was not definitive.
67

68 I have reviewed this statement, and I believe it to be true and correct to the best of my
69 knowledge.
70

71 Signed
72 *Alex Mathis*

EXHIBITS

EXHIBIT ONE

DIAGRAM OF CABIN AND ENVIRONS

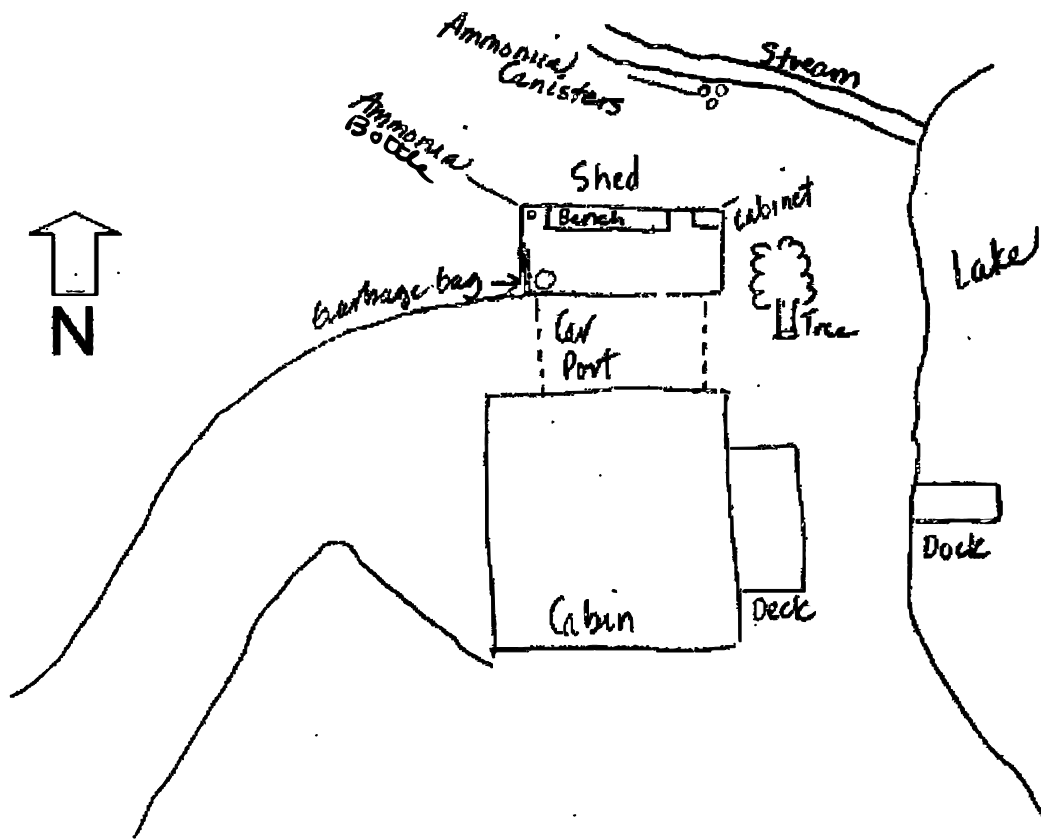


EXHIBIT TWO

CRIB SHEET

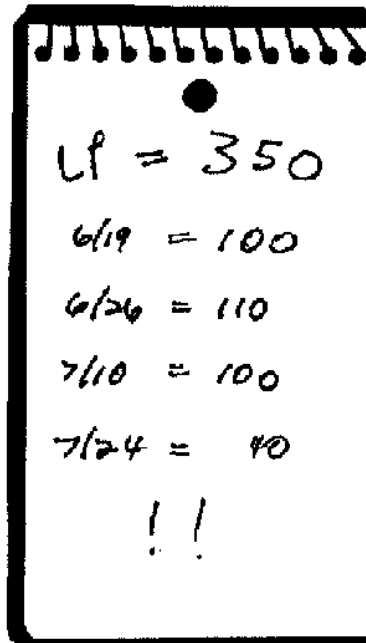


EXHIBIT THREE

AUTOPSY REPORT

Office of the Medical Investigator
State of Utah
Autopsy Report: Reilly, Ronnie
DOD: 08/13/07
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Date and Time of Examination: 15 August 2007, 0800 hours

External Examination

Clothing: The following articles of clothing are on the body:

1. An apparent blue long-sleeve sweatshirt. The garment is extensively charred with adherent portions of charred debris.
2. An apparent pair of dark blue denim pants. The garment is extensively charred. In the left rear pocket is a set of car keys.

General Description

The body is that of a well-developed, under-nourished apparent 19-year-old male. The body shows extensive thermal injuries to all surfaces of the body. There is extensive burned debris present over the surfaces of the body. The length is estimated at 5 feet 10 inches, and the weight is estimated at 148 pounds. The body is otherwise well-preserved and shows the previously described extensive thermal burns. Lividity is obscured by the extensive thermal injury.

Scars and distinguishing marks are obscured by extensive thermal injuries. No tattoos or needle tracks can be identified. The appearance and condition of the body are consistent with the date and time of death as August 13, 2007 at 4:30 a.m.

External Evidence of Injuries

There are extensive full thickness thermal injuries to all surfaces of the body. In addition, there is extensive charring of the surfaces of the body. The head, chest, and extremities show full thickness thermal injury.

Internal Examination

The brain and organ systems were examined and appeared intact. No internal injuries appeared to the organs.

The respiratory tract system shows little evidence of soot in the bronchi. Cut surfaces show no evidence of natural disease or injury.

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DOD: 08/13/07
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Microscopic examination

Microscopic examination of samples taken from the heart, lungs, liver, kidney, brain, and trachea shows no significant diagnosis alterations.

Toxicology samples

Blood and urine samples were taken for toxicology examination. Significant results of the toxicology testing were 5.95 mg. of methamphetamine per liter of blood.

Pathological Findings

1. Full thickness thermal burns to the body surface with fractures of both upper and both lower extremities.
2. Acute methamphetamine intoxication.

Opinion

This 19-year-old male was found dead in the charred remains of a rural residence. His death is attributed to acute methamphetamine intoxication. The levels of methamphetamine found in the blood are approximately twenty times the upper limit of therapeutic concentrations used to treat narcolepsy patients, and ten times the average concentration in recreational drug users. Secondary findings include thermal burns associated with a fire and fractures associated with a fall sustained during the collapse of the residence. In view of the scene and the circumstances of the death, the manner of death is classified as a homicide.

Maggie Gonzales, M.D.
Medical Investigator