



**In Memoriam:** Judge Edward E. Carriere, Jr.

This year's problem is dedicated to the late Judge Edward E. Carriere, Jr., who was a true Mock Trial junkie. He not only volunteered as an evaluator and judge at Regional, State and National competitions, but also twisted the arms of his fellow judges to recruit them to preside over mock trials along with him. He thoroughly enjoyed his time on the bench during competitions and loved the interaction with the students. He always put competitors at ease and always made the round an enjoyable and fun experience.

After Judge Carriere passed away on June 2, 2013 from complications from throat cancer, the Mock Trial program received many donations in his memory and the Judge Edward Carriere, Jr. Fund has been established as a way to recognize the dedicated volunteers who work tirelessly behind the scenes each season to make the program a success.

Judge Carriere was on the DeKalb State Court bench from 1998 until his retirement in 2010. He also served as an Associate Judge in DeKalb County Recorders Court for 9 years and as a Municipal Judge for the City of Decatur for 24 years. In addition, Judge Carriere was a member of the Board of Governors of the State Bar of Georgia for 20 years and served on the Council of State Court Judges, including as the council's president in 2003 and 2004.

He is greatly missed.

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**DISCLAIMER:** The HSMT Committee would like to remind the teams that this problem is a problem created for the educational and competition needs for the High School Mock Trial Competition, and as such, is a work of fiction. Portions of this year's problem dealing with forensics collection and analysis have been simplified to fit the limits of the mock trial universe and the confines of a scripted problem. Neither this problem, nor any previous problems, should be taken as an accurate reflection of police practices or forensic capability.

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## **INTRODUCTION**

*This introduction is of **no legal consequence** in terms of the trial and is **not admissible** for impeachment purposes or for any other purpose.*

It is a cold and blustery night. Bobby Bacalaleri is Miltonville's local loan shark and has built a good business for himself and his family. One of Bobby's "clients", Sam/Samantha Pyke, is called by Bobby to meet him on the top level of the Miltonville Parking Garage on the night of January 26, 2013 to repay an overdue loan.

Bobby is accompanied by his younger sibling Ronnie/Ronni to the meeting. They drive into the garage in Bobby's custom 1971 Lincoln Continental Towncar and park on the top level. While Bobby goes to talk to Sam/Samantha, Ronnie/Ronni stays in the car to keep warm. The meeting begins but quickly turns violent. Bobby and Sam/Samantha argue and then fight over a gun. Before it's over, both Bobby and Sam/Samantha wind up back down at the ground level of the garage; Sam/Samantha by way of the south stairwell and Bobby with the help of gravity. Bobby was pushed over the edge to his death. Just before being pushed, Bobby was shot with his own gun. The gun was tossed over the edge with Bobby. Sam/Samantha claims someone else was the pusher, that s/he was at the door to the stairwell across the deck when s/he heard and saw someone else arguing with Bobby before seeing the person pushing him over. Sam/Samantha says that it could have been one of Bobby's crew. Bobby's crew leader, Shawn LaBoeuf, was at the movies that night. Ronnie/Ronni claims that s/he sees Sam/Samantha do the deed then run to the stairwell.

Kelly McNulty, a retired Baltimore detective, lives in the apartment across the street from the garage. From his/her widows, s/he has a bird's eye view of the top level of the garage and has witnessed previous meetings between Bobby and his clients. Kelly sees the push occur and says the pusher does not look like Sam/Samantha. Leslie Quan is the parking garage attendant at the main entrance of the garage who saw both Bobby and Sam/Samantha enter the garage and later Bobby fall to the driveway below. Leslie sees Sam/Samantha and another person exit the stairwells after Bobby falls. If it wasn't Sam/Samantha, could Leslie and Kelly have seen the real pusher? The question becomes, "Who killed Bobby?"

Lt. Walden Caine investigates the scene and comes to the conclusion that Sam/Samantha is the murderer. It is a cold and blustery night. And the temperature isn't the only thing falling in Miltonville that evening.

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## STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. Stipulations cannot be contradicted or challenged.
3. The signatures on the witness statements and all other documents are authentic.
4. There are **NO** costume options permitted as an exception to Rule 20 this season.
5. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
6. Chain of custody for evidence is not in dispute.
7. No demurrer to the indictment shall be allowed.
8. The **Introduction** provided is of **no legal consequence** in terms of the trial and **is not admissible** for impeachment purposes or for any other purpose.
9. Exhibits, 1, 2, 3, 5, 6, 7 and 9 were made at or near the time by — or from information transmitted by — someone with knowledge, were kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, making the record was a regular practice of that activity, and neither the source of information nor the method or circumstances of preparation indicate a lack of trustworthiness.
10. Exhibits 2, 4 and 13 fairly and accurately depict the item, scene, view, photo, information and/or geography they purport to depict. Exhibits 2 and 4 were compiled and created by Lt. Walden Caine, and Exhibit 13 was created by Kelly McNulty.
11. Exhibit 8 is a true, complete and accurate transcription of the interview between Lt. Walden Caine and Sam/Samantha Pyke on January 27, 2013.
12. Exhibits 10, 11 and 12 are certified copies from the Clerk's Office of the Milton County Superior Court.
13. The coroner's report found that the cause of death of Bobby Bacalaleri was blunt force trauma, and the manner of death was undetermined. The report also found that Bacalaleri suffered a non-lethal gunshot wound to the right shoulder, and that bullet was recovered and sent to ballistics.
14. The ballistics report matched the bullet and shell casings shown in composite Exhibit 4 to the .32 ACP Bersa recovered at the scene. Ballistics also confirmed that the .32 ACP Bersa was used in a shooting several months prior.
15. DNA testing was performed on blood samples and other items found at the scene (photographed and presented in Exhibit 4), and the following samples provided a positive match: the blood shown in Evidence Marker #3 was matched to Bobby Bacalaleri; the cigarette butt shown in Evidence Marker #6 was matched to Shawn LaBoeuf; the blood shown in Evidence Marker #9 was matched to Sam/Samantha Pyke.

## **WITNESSES**

*The following witnesses are available to be called by the parties. Prosecution witnesses may not testify or be called on behalf of the Defendant. Defense witnesses may not testify or be called on behalf of the Prosecution. All witnesses may be female or male. See Rules 3, 5 and 12(f) for more details on witnesses.*

### **For the Prosecution**

Lt. Walden Caine  
Ronnie/Ronni Bacalaleri  
Shawn LaBoeuf

### **For the Defense**

Sam/Samantha Pyke, defendant  
Kelly McNulty  
Leslie Quan

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## **EXHIBITS**

*Teams in competition may use the following exhibits. Teams should only print and use exhibits in a black and white format. They are pre-marked and are to be referred to by number, as follows:*

<b><u>Exhibit No.</u></b>	<b><u>Exhibit Title/Description</u></b>
1.	Police Report – Initial Report
2.	Map of the parking garage and surrounding area
3.	Police Report – Supplemental Report
4.	Crime Scene Photos
5.	Fingerprint Report – Sam/Samantha Pyke
6.	Fingerprint Report – Shawn LaBoeuf
7.	Fingerprint Report – Ronnie/Ronni Bacalaleri
8.	Transcript of police interview
9.	Content of text messages
10.	Accusation and Sentence – Shawn LaBoeuf (Weapon)
11.	Accusation and Sentence – Shawn LaBoeuf (Drugs)
12.	Accusation and Sentence – Ronnie/Ronni Bacalaleri
13.	Photos of garage from Kelly McNulty's apartment

# IN THE SUPERIOR COURT OF MILTON COUNTY

## BILL OF INDICTMENT

### **COUNT ONE: MURDER (O.C.G.A. § 16-5-1 (a))**

**THE GRAND JURORS** selected, chosen and sworn for the County of Milton, to wit:

- |                       |                      |
|-----------------------|----------------------|
| 1. Melissa Banker     | 12. Alan Lightcap    |
| 2. Lauren Brock       | 13. Nathan Lock      |
| 3. George Carley      | 14. John Manly       |
| 4. Julie Culhane      | 15. Adrienne Nash    |
| 5. Will Davis         | 16. William Noland   |
| 6. Stephen Dillard    | 17. Erik Pirozzi     |
| 7. Kevin Epps         | 18. Toby Prodgers    |
| 8. Render Freeman     | 19. LaKeyia Reid     |
| 9. Nicole Golden      | 20. Emily Quan       |
| 10. Lindsay Hodgson   | 21. Sandy Wisenbaker |
| 11. Christina Jenkins |                      |

In the name and behalf of the citizens of Georgia, charge and accuse Sam/Samantha Pyke with the offense of MURDER, for that the said Sam/Samantha Pyke, in the County of Milton and State of Georgia, on or about January 26, 2013, did unlawfully and with malice aforethought, cause the death of Bobby Bacalaleri, contrary to the laws of the State of Georgia, the good order, peace and dignity thereof.

### **COUNT TWO: FELONY MURDER (O.C.G.A. § 16-5-1 (c))**

And the jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse Sam/Samantha Pyke with having committed the offense of FELONY MURDER, for that the said Sam/Samantha Pyke, in the County and State aforesaid, on or about January 26, 2013, did unlawfully cause the death of Bobby Bacalaleri, during the commission of a felony, to wit: aggravated assault, contrary to the laws of the State of Georgia, the good order, peace and dignity thereof.

### **COUNT THREE: AGGRAVATED ASSAULT (O.C.G.A. § 16-5-21 (a)(2))**

And the jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse Sam/Samantha Pyke with having committed the offense of AGGRAVATED ASSAULT, for that the said Sam/Samantha Pyke, in the County and State aforesaid, on or about January 26, 2013, assaulted Bobby Bacalaleri with an object, device or instrument, which when used offensively against a person is likely to and actually does result in serious bodily injury, to wit: a gun, contrary to the laws of the State of Georgia, the peace, good order, and dignity thereof.

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TRUE Bill

Filed in office this 26<sup>th</sup> day of September, 2013

/S/

Foreperson

/S/

(Deputy) Clerk, Superior Court of Milton County, Georgia

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Defendant, on October 1, 2013, being in open court, pleads NOT GUILTY

/S/

Defendant

/S/

Darrell Sutton, Attorney for Defendant

/S/

Prosecuting Attorney

## STATEMENT OF LT. WALDEN CAINE

1 1. My name is Lt. Walden Caine, and I am the lead crime scene investigator for the Milton County  
2 Sheriff's Department. I have been working for Sheriff John Brown for 16 years, and I have worked in  
3 almost every unit of the force. I started out on patrol, then I worked vice and narcotics and I even  
4 spent a couple of years in homicide. But five or so years ago, the Sheriff said we needed to join the  
5 twenty-first century and focus more on science and forensics. We were all tired of complaints from  
6 jurors who believe everything they see on television. Our department needed an expert, and that's  
7 me.

8  
9 2. Sheriff Brown has sent me to basically every available training course related to the processing of  
10 a crime scene. I learned about fingerprint comparison, ballistics, bullet trajectory, and blood spatter  
11 evidence. I picked up quite a bit of knowledge about forensic pathology along the way. I generally  
12 rely on the medical examiner's report when reaching my opinions in cases, as I did in this  
13 investigation. I have conducted well over 200 fingerprint comparisons, and I've testified about the  
14 results in court a couple of times. Most people are smart enough to plead guilty once they find out  
15 we have their fingerprint at the scene of the crime.

16  
17 3. I know both Sam/Samantha Pyke and Bobby Bacalaleri - in my law enforcement capacity, if you  
18 catch my drift. Bacalaleri and his goons have cornered the market on high interest loans in  
19 Miltonville. Word has it that there are "consequences" for paying late, but no one has reported any  
20 such violence directly to me. Of course, that probably would have resulted in "consequences" as  
21 well. Bobby was not a big guy, but he had big friends. His crew leader, Shawn LaBoeuf, has been  
22 arrested more times than I can count. You'd think he/she would eventually get tired of taking the fall  
23 for Bacalaleri. Bacalaleri was actually pretty close to his family and crew. They were loyal as long as  
24 the money was coming in. But he loved that yapping little mutt, Rags, more than life itself. That dog  
25 went everywhere Bacalaleri went.

26  
27 4. My department has been keeping a very close eye on Pyke for the past few years. Well,  
28 considering the events of January 26, 2013, apparently not a close enough eye. Pyke has been up to  
29 no good for a while, and my guys in vice were building a case on him/her as the leader of one of the  
30 local gangs, Across the Tracks Crew. That's not exactly a creative name for a gang of people who  
31 grew up across the tracks, but what can you expect from lowlife drug pushers. Most of them  
32 dropped out of high school, just like Pyke. And most of them have an affinity for guns and violence,  
33 just like Pyke. Not too many people will complain if this case is wrapped up neatly with a bad guy  
34 murdered, and a worse one in jail for it. Two for the price of one.

35  
36 5. I responded to the Miltonville Parking garage as soon as the call came in to 911, at about 8:13  
37 PM. As the local guru on everything forensic, I must say it was a unique crime scene, so it's a good  
38 thing I got there first. The Miltonville Parking garage has nine levels. The automobile entrance and  
39 one exit are located on the north end of the deck. There is also an automobile exit on the west side

40 of the deck on Carley Avenue, but that exit is only open during major downtown events. The deck  
41 has two stairwells, one on the north side, nearest Main Street and the other on the south end. There  
42 is an elevator in the center, but it was out of order that evening. I know because I would have taken  
43 it to avoid the 9 story climb. It was really cold and the wind was gusting. The news said a cold front  
44 moved through late afternoon and this would be our first real taste of winter. I'm just hoping to  
45 avoid an ice storm this season.

46  
47 6. I started off at the main driveway of the garage. Bacalaleri's body was located on the driveway  
48 just below the north end of the parking deck. He had a gunshot wound to the shoulder, but based  
49 on the relatively small amount of blood found, it's obvious that the fall killed him. Dead people stop  
50 bleeding. After the bullet was removed from his shoulder by the medical examiner, the bullet was  
51 discovered to be a .32 caliber round. The only other thing that was remarkable about the body was  
52 that Bobby had some bloody knuckles on his right hand and something that appeared to be skin  
53 under some fingernails, like he scratched someone recently. There wasn't enough material under the  
54 nails for a DNA comparison, but you could tell that Bobby got into a fight. Getting beaten, shot at and  
55 then pushed off a roof in the same night? Looks like Bacalaleri had a bad day.

56  
57 7. I briefly spoke to the main parking garage attendant on duty that night, a Leslie Quan. S/He was  
58 pretty shaken from seeing Bacalaleri's body fall out of the sky right in front of him/her. S/He tried to  
59 explain what s/he saw but didn't have a lot to add except the obvious: Bacalaleri fell off the top of  
60 the deck and landed right at Quan's feet. I asked about any security camera footage but s/he said  
61 that half the cameras don't work and not all of the recorders are even plugged in, so we didn't have  
62 any "eyewitness" accounts as to what happened up there. Well, except for Ronnie/Ronni Bacalaleri,  
63 but I'll get to him/her in a minute.

64  
65 8. After talking to Quan, I started looking around the area in front of the garage to see what else  
66 may have come down with the body. It was then that I found a .32 ACP Bersa semi-automatic pistol  
67 in the bushes on the ground level of the garage property, about 10 feet from Bacalaleri's body. I took  
68 the photo (photo C) and bagged it for safekeeping and forensic testing that evening.

69  
70 9. Based on the reports from dispatch, I knew that most of the pertinent events of the evening took  
71 place on the top level of the parking garage, so I proceeded up the north stairwell to the top floor. It  
72 was fairly well lit up there, but not enough to accurately process a crime scene. I had asked some  
73 uniform patrol officers to come set up lights so I wouldn't miss anything, but they were all being used  
74 for traffic control around the arena area for the concert. I got to work to music that night - I could  
75 hear the occasional refrains of some sort of amazingly creative banjo riffs. It got pretty loud out there  
76 at times, but thankfully the noise wasn't constant. I photographed the scene to the best extent  
77 possible, but some didn't turn out very well because of all the conditions. I did map out everything  
78 on paper so I could document where things were. I decided to return the next morning at daybreak  
79 to rephotograph the scene for better documentation. Before we left, we did recover the body and  
80 the gun, took swabs of blood droplets and then secured the active areas of the scene. Nothing else  
81 was moved and the 11 hour delay didn't hurt anything. The overall scene pictures were taken the

82 next morning. However, all of the evidence tents were in the original locations so you can see where  
83 everything was.

84  
85 10. After I made sure the top of the garage was secured properly, I headed back down to the  
86 driveway to oversee the coroner's office taking the body away. While the driveway was being  
87 secured for the evening, Ronnie/Ronni Bacalaleri, Bobby's younger brother/sister approached me  
88 from across the street, saying s/he needed to talk to me. S/He looked pretty shaken up and it took a  
89 while for him/her to start getting his/her words out. Ronnie/Ronni said that s/he was in Bobby's car  
90 on the top level of the deck when everything went down. At that point, I realized that Bobby's  
91 Continental wasn't parked on the top level when I got there. Apparently, Ronnie/Ronni moved it  
92 across the street after Bobby took the plunge. I asked Ronnie/Ronni where s/he parked the car and  
93 s/he said it was on the Carley Avenue side of the ramp, between two light poles, about halfway  
94 between the stairs. I asked what s/he and Bobby were doing up there and Ronnie/Ronni told me that  
95 Bobby was there to meet with Sam/Samantha Pyke about a loan. Bobby and Pyke got into a fight and  
96 Ronnie/Ronni heard a gunshot. Ronnie/Ronni said s/he saw Pyke push Bobby over the rail and Pyke  
97 then ran down the south stairwell. I asked Ronnie/Ronni if s/he was sure it was Pyke and s/he said  
98 "Yes, it was definitely Pyke. You can't let him/her get away with this!" I knew Pyke was dumb, but  
99 not this dumb. But I guess you can't fix stupid. I called Ronnie/Ronni's mother to come get him/her  
100 and take him/her home. I told Ronnie/Ronni s/he needed to come by the station the next morning  
101 (Sunday) and make a formal statement about what s/he saw.

102  
103 11. At that point, there wasn't much else I could do there until daybreak, so I headed back to the  
104 station with the gun to see what it would tell me. When I got back, I inspected the weapon for any  
105 forensic evidence. Like I said, the gun is a Bersa .32 caliber semiautomatic pistol. It has a 6 round  
106 magazine and wood carved grips. Both the magazine and chamber were empty. When a semi-  
107 automatic handgun shoots its last round, the slide locks open. The slide on the gun was closed, but  
108 the impact with the ground may have jarred the locking lever and let it close. The serial number was  
109 filed off so I could not determine an owner but I figured it was probably stolen. I couldn't get any  
110 prints off the grips due to the way they were designed, but I lifted a latent fingerprint off the slide of  
111 the gun. I ran the print through the Automated Fingerprint Identification System (also known as AFIS)  
112 but the print wasn't readable through the automated system. That happens sometimes. That left me  
113 doing it the old-fashioned way, with a microscope. Pyke's prints were in the system from a loitering  
114 arrest a few years ago. I compared Pyke's known prints to the latent print lifted from the weapon.

115  
116 12. Every person's fingerprints are unique. The ridge details are unique "points," and we experts use  
117 those points to make a positive identification. The expert community varies on the minimum number  
118 of points that have to be identical before fingerprints are considered a match. Some say nine, some  
119 say twelve, and the others are in between. I found nine identical points between the latent print  
120 from the slide and the defendant's known right ring finger, so I can conclude that the defendant  
121 handled that weapon that night.

122

123 13. Even though I couldn't determine the weapon's registered owner, guns leave their own kind of  
124 "fingerprints." I was able to determine through ballistics testing later in the week that the exact same  
125 gun was used by a member of the Across the Tracks crew in a shooting several months ago. I  
126 remember how hard we tried to connect Pyke to that shooting, but he/she claimed to have taken  
127 his/her mom to the doctor that day. We couldn't make any charges stick, but I thought to myself, I  
128 won't get fooled again, not by this punk.

129  
130 14. Knowing that Pyke was on the roof and handled the gun that most likely put the bullet in Bobby's  
131 shoulder, I had a uniform officer go by Pyke's house and bring him/her in for a chat. It was probably  
132 about 12:15 Sunday morning. Yeah, it may have been a bit late, but I didn't want Pyke to have a  
133 chance to rethink his/her story about what happened up there before I got to talk to him/her.

134  
135 15. The officer brought Pyke in and put him/her in one of our interrogation rooms. I went in and  
136 thanked him/her for coming in on his/her own. S/He got all defensive right away. I asked where s/he  
137 was at 8:00 the night before and s/he gave me some cockamamie line about watching a movie on  
138 Lifetime or something. I knew s/he was lying. I asked him/her if s/he minded if I swabbed his/her  
139 hands for gunshot residue. Of course, s/he refused and stuffed his/her hands under his/her arms  
140 really quickly. After a few more questions, Pyke clammed up and asked if s/he was free to go. I told  
141 him/her that s/he was and s/he scooted out of there pretty quick. I told him/her not to leave town  
142 but I doubt s/he heard me.

143  
144 16. At this point, I was sure Pyke had something to do with all of this. I was ready to get back to the  
145 garage as soon as it was daylight, to look for the last bit of evidence to make it a grand slam. When I  
146 got to the garage, at about 7:20, I retook the evidence photos and started bagging and tagging all of  
147 the evidence.

148  
149 17. At the rail, where Bacalaleri was pushed over was a set of blood droplets (photographed with  
150 evidence marker #3). The blood swab that was taken the night before went to testing and the DNA  
151 came back a few days later to Bobby Bacalaleri. A scarf was found here as well (photographed with  
152 evidence marker #8). It was later identified by Ronnie/Ronni as being Bobby's.

153  
154 18. A second set of blood droplets were found near the South stairwell (photographed with evidence  
155 marker #9). Again, the swab that was taken the night before was sent to the lab and came back to  
156 being a match to Sam/Samantha Pyke. S/He must have gotten popped pretty hard during the fight  
157 with Bobby. I didn't see any additional evidence to lead me to believe there were more than two  
158 people up there during the murder (aside from Ronnie/Ronni being in the car).

159  
160 19. One spent shell casing was found in the middle of a parking space. Due to the open nature of a  
161 parking garage and the fact that a shell casing bounces a good bit when it's ejected, it is impossible to  
162 tell which way the gun was facing when it was fired solely by the orientation or location of the shell.  
163 A second shell casing was found next to the wall of the elevator shaft. Both casings were from .32  
164 caliber rounds. The first casing (photographed with evidence marker #2) had a partial print on it that

165 had 7 points matching Shawn LaBoeuf. Ballistics later showed that this shell was fired from the gun  
166 recovered at the scene. The second casing (evidence marker #5) didn't have any usable prints. Next  
167 to the second casing by the elevator shaft, a cigarette butt was found as well (photographed with  
168 evidence marker #6). DNA was extracted from that cigarette butt, and it matched the DNA on a swab  
169 obtained from LaBoeuf.

170  
171 20. I also found three fingerprints on the rail of the garage, over the spot where the body fell. In  
172 photo "L", they are located above evidence marker 7. They were lifted and run by one of my techs  
173 and came back to Ronnie/Ronni Bacalaleri. His/Her prints are on file due to his/her probation for  
174 taking those iPads and headphones at his/her school. Imagine that...another Bacalaleri getting into  
175 the family business! Ronnie/Ronni's probation says that he/she can't be near any crimes being  
176 committed, so I'm not sure what's going to happen to him/her because of all of this.

177  
178 21. At this point, with Pyke's fingerprints on the gun, Ronnie/Ronni's eyewitness account, and the  
179 fact that Pyke obviously lied to me the night before, I felt I had enough to arrest Sam/Samantha Pyke.  
180 (Even though the ballistics and DNA testing took a few days to process, they just confirmed Pyke's  
181 involvement.) This time, for the arrest, I personally went to the house and put him/her in custody.  
182 Once I had Pyke back at the station after the arrest, I swabbed his/her hands for gunshot residue.  
183 That test was negative, but that's not uncommon when a semi-automatic is used. Revolvers leave the  
184 most residue since the cylinders are open to the back. Semi-automatics expel all of their gases and  
185 particulates out the right side of the slide along with the shell casing. There was also plenty of time  
186 for Pyke to wash his/her hands in the hours after the murder. I did observe some dark circles under  
187 his/her eyes. Yes, they could have been injuries, but they could have been the result of a late night of  
188 partying after our little chat. I also saw some scratches on his/her forearms. I didn't spend all day  
189 looking at him/her - I didn't need to. I was glad we finally had gotten Pyke on something that would  
190 put him/her out of our hair for a long time. I'm sorry it took someone getting killed, but at least it  
191 wasn't someone innocent.

192  
193 22. Like the night before, Pyke kept telling me that he/she was home all night at the time of the  
194 murder. Of course, no one in the department believed that since he/she has pulled the alibi trick  
195 before, so I wrote up a subpoena for Pyke's phone records. That yielded an interesting series of text  
196 messages between Pyke and Bobby. Apparently Pyke was low on cash (odd for a drug dealer) and  
197 was in pretty deep with Bobby. Pyke had missed a few payments and Bacalaleri requested a meeting  
198 that night to sort things out. That puts all the evidence in a pretty clear picture. The picture cleared  
199 up really nicely once I finally talked to Shawn LaBoeuf. I was surprised s/he wasn't at the meeting  
200 with Bobby being the chief meathead of his crew, but LaBoeuf said s/he was at a movie. I'm not sure  
201 if s/he gave me a ticket stub or receipt, but no matter, I already had Pyke booked by that point.  
202 LaBoeuf told me that his/her fingerprint on the shell casing was normal since s/he usually loaded  
203 Bobby's gun when they went shooting at the range. I doubt s/he was loading it for recreational  
204 purposes, but I didn't really see much that made me think Shawn had anything to do with what went  
205 down...I mean, what happened...that night. I didn't do a swab for GSR on LaBoeuf since it had been  
206 over 24 hours since the incident.



# STATEMENT OF RONNIE/RONNI BACALALERI

1 1. My name is Ronnie/Ronni Bacalaleri and I am 17 years old. I will graduate from Academy of  
2 Miltonville in May, 2013. I have been accepted to the University of Georgia and will be moving to  
3 Athens, Georgia in August. I plan to attend the Veterinary School there and come back to Miltonville  
4 and open my own Veterinarian Hospital. I love animals and have been doctoring animals since I was a  
5 little kid. We used to have two dogs, Rags and Muffin. Rags was Bobby's dog for 17 years. He was a  
6 great dog, really loyal. He died not long after Bobby was killed. Muffin's a few months old now. I  
7 found him behind a bakery behind some trash cans in an alley downtown and brought him home. He  
8 was only a few days old and must have been abandoned by his mother. Rags looked after Muffin  
9 from the moment he got home, like a protective big brother. They were inseparable.

10  
11 2. Bobby is my brother. You're probably thinking "They're related?" Yeah, I know but that's what  
12 happens when you're adopted. My birth mom died from a drug overdose when I was a few months  
13 old and I got adopted by the Bacalaleris. My mom is the only mom I've ever known, and that makes  
14 Bobby my brother. Bobby is 15 years older than me; I mean was 15 years older than me. I can't  
15 believe he is dead. Everybody thinks Bobby was such a bad guy but he had to grow up fast when our  
16 father was killed 17 years ago by his brother, my Uncle Vito Bacalaleri. Mom said Vito was always a  
17 bad seed.

18  
19 3. Our father, Guido Bacalaleri, took over the family business, Bacalaleri's Bakery, right out of high  
20 school. Uncle Vito hated school and dropped out in 11<sup>th</sup> grade. He hung out with the local Miltonville  
21 thugs, and started working for the "Hammer" collecting money. Hammer loaned money to people  
22 who could not get bank loans and usually could not pay it back on time or at all. In other words,  
23 Uncle Vito went into the loan sharking business. When the big box stores came to town and started  
24 selling baked goods so cheap, Bacalaleri's Bakery sales went down. Daddy made the mistake of  
25 borrowing money from Uncle Vito's boss and when he couldn't pay it back, Vito came to collect. Vito  
26 claims that he was just trying to scare Daddy to make Hammer think he was doing his job but Vito's  
27 gun went off and shot Daddy in the right leg. Daddy bled to death before the ambulance arrived.  
28 Uncle Vito pled guilty and went to prison. Uncle Vito hung himself after a year in prison and left all  
29 his money to Mom, Bobby and me.

30  
31 4. You would think that Bobby would have hated Vito and the loan sharking business like Mom and  
32 I do, but Bobby for some reason was fascinated by it. Plus Bobby idolized Uncle Vito and visited him  
33 in prison. Bobby really believed that Vito killing Daddy was just an unfortunate accident. Bobby was  
34 really torn up when Uncle Vito was found dead in his cell. Bobby thought it was an inside job and  
35 refused to believe that it was suicide.

36  
37 5. When Bobby graduated from high school he started his own loan sharking business. Bobby's old  
38 friend, Shawn LaBoeuf, helped Bobby with collections. Bobby claimed he was doing people in need a  
39 big favor by loaning them money and that he never really hurt anyone who couldn't pay him back.

40 Bobby said he would just scare them really good. He showed me the gun he carried around for show.  
41 I think it is a .32 or something like that. Bobby said he had to do that so people would respect his  
42 authority and make an effort to repay the loan.

43  
44 6. Bobby made good money loan sharking. Bobby helped Mom pay off our house, paid for me to  
45 go to private school, and even set up a college fund for me. Bobby bought himself a really nice ride  
46 too – a completely loaded 1971 Golden Anniversary Lincoln Continental Town Car. It was in mint  
47 condition and Bobby had the motor all souped up so it would really roll. Bobby paid me a weekly  
48 allowance to keep the car cleaned up and waxed.

49  
50 7. It was really cold outside the night that drug dealer Sam/Samantha Pyke killed Bobby. I was  
51 wearing jeans, a gray sweatshirt and a navy blue knit toboggan. Bobby and I were on the way to the  
52 Mini Nemesis T concert. Bobby was dressed in his “casual business” attire, always wanting to keep  
53 up his image. He wanted to show off his new Bruno Magli shoes and made sure to grab his Burberry  
54 scarf for the cold. He always looked nice, no matter where he went. Rags was in the back seat  
55 because he went everywhere with us. Rags kept people away from Bobby’s car. Rags would bark up  
56 a storm if anyone came near the car. That night when we pulled into the parking garage Rags was  
57 curled up under a dark blanket on the back seat.

58  
59 8. Bobby let me drive that night. I was thrilled because he rarely let me drive. And I had never  
60 been on a work call with him – Mom strictly forbade me from participating in Bobby’s line of work. I  
61 didn’t even know Bobby planned to do some work before the concert until we got to the garage.  
62 Bobby said, “Drive on up to the top level. I have a little business to take care of with Sam.” I didn't  
63 want to complain about getting to the show late because I wanted to go to the concert so I did  
64 exactly what Bobby said. We were going to miss the opening act, but it was Nickleback so it didn’t  
65 matter that much. I pulled into the garage, paid the attendant, got a parking ticket and drove to the  
66 9<sup>th</sup> floor. I noticed it was pretty dark up there. I drove around and backed into a space in the middle  
67 of the deck between the stairwells.

68  
69 9. Up there in the open air, it was freezing cold with the wind blowing around so Bobby told me to  
70 leave the car running and windows up. He also told me to not look out the windows and keep the  
71 music playing while he was out there. A minute later, I saw someone walk out of the stairwell up the  
72 ramp to our left and wait. It was Sam/Samantha Pyke. S/He was wearing a big thick coat with the  
73 hood pulled up and dark jeans. Bobby reminded me to keep inside before he got out of the car,  
74 walked that way and disappeared into the darkness. I tried to do exactly what Bobby told me  
75 because I didn’t want Mom to know I was with Bobby on a business call. But after a couple of  
76 minutes I heard a loud bang – it sounded like a gunshot. So I rolled down my window and stuck my  
77 head out. I heard Bobby scream and saw Bobby wrestling around with Sam/Samantha, arms and legs  
78 flailing all over the place. Bobby’s scarf went flying. It was hard to see what they were fighting about  
79 since it was kind of dark up there and they were moving around so much. Then Sam/Samantha  
80 started pushing Bobby backwards. Bobby’s feet were skidding...it must have been his new shoes  
81 being slick on the bottoms because Bobby couldn’t seem to get any traction to stop, let alone push

82 back. By the time Bobby hit the wall, Sam/Samantha used that momentum to hurl Bobby backwards  
83 over the garage wall. It all seemed to be happening in slow motion. I couldn't believe my eyes! After  
84 Bobby went over the wall I heard a loud crack below. Sam/Samantha looked over the wall, then  
85 turned and ran down the ramp past the car and down the stairs to my right. I ducked down flat on  
86 the seat as he/she ran past me so he/she wouldn't come after me too. But I could totally tell it was  
87 Sam/Samantha.

88  
89 10. I was stunned. I knew that I needed to get to Bobby fast so I slammed the car out of park and  
90 floored it. I drove down the nine levels of the parking garage like a stunt car driver. I flew out of the  
91 smaller exit and onto the street and parked in a lot across the street from the main entrance. I could  
92 see Bobby laying on the driveway. His arms and legs were all twisted and he looked like a broken rag  
93 doll. There were blood stains all over his khakis and his neck was twisted and he was face down on  
94 the pavement. I sat in the car in shock. Rags jumped in the front seat and began to howl as Bobby's  
95 body was put on a gurney and loaded into an ambulance. I knew I needed to do something but I  
96 didn't know what. I really didn't want to go talk to the cops because I knew that would probably get  
97 me in trouble with my probation. But I couldn't let Pyke get away with this!

98  
99 11. So, after the ambulance pulled off with sirens blaring and lights blazing, I swallowed hard, told  
100 myself to "do it for Bobby" and finally got out of the car and walked over to the police detective at  
101 the scene. I could barely speak because I was shaking so hard but I finally managed to tell the  
102 detective what I had seen. The detective asked me if I was sure it was Pyke up there, asked me a few  
103 more questions, thanked me for the info, then called Mom. She came and picked me and Rags up  
104 and we went to the hospital. But Bobby never knew we were there because he was dead when he hit  
105 the ground. Mom was furious with me for being there in the first place and is still heartbroken over it  
106 all. She said I should have called her when Bobby got out of the car. She doesn't blame me, though –  
107 she just wishes Bobby was still here. I know Bobby usually brings someone from the crew like Shawn  
108 or Mickey with him to these meetings, but I don't know why he didn't this time. I guess he felt like  
109 Sam/Samantha wouldn't be a problem but he guessed wrong. Now Pyke's got problems of his/her  
110 own.

111  
112 12. I swear I don't remember getting out of the car after Sam pushed Bobby over the wall but the  
113 police detective says they found my fingerprint on the rail on the top of the garage wall. I have tried  
114 to remember what happened right after I heard the gunshot then saw Bobby disappear over the wall  
115 and have to admit that part is a little foggy. I may have run over to see if Bobby was okay. I was  
116 hoping he would land on the bushes below and be okay. But I am sure that I did not see anyone else  
117 on the 9<sup>th</sup> floor of the parking garage – just Bobby and Sam/Samantha. There was no one else in the  
118 car with me, except Rags, of course. Unfortunately, Rags won't get to see Bobby get the justice he  
119 deserves. Once we got home from the hospital, Rags just laid around the house looking all sorts of  
120 depressed. He didn't eat, didn't want to play, didn't want to do anything. He looked so sad; it was  
121 pitiful. When I got up this morning, Rags wouldn't wake up. We're going to bury him under the  
122 magnolia tree in Mom's backyard. I just hope that Sam/Samantha gets what he/she deserves for



## STATEMENT OF SHAWN LABOEUF

- 1 1. My name is Shawn LaBoeuf. Most people around Miltonville know me from my fighting days as  
2 the "Ragin' Cajun." It's even written on the front of my old bomber jacket. I was a WBO regional  
3 champion welterweight boxer before my manager had me take that fall back in '03. I realized that  
4 money really did make the world go round, y'know? I mean, I coulda been a contender. Now I can't  
5 even get a pick-up fight in the local gym.  
6
- 7 2. Well, to say I fell on hard times after that would be fair, I guess. I admit I went to a dark place,  
8 and I did have some contact with the so-called "justice" system. I got picked up for carrying a  
9 concealed weapon back when that was still a crime. I always had to have a piece on me because  
10 everyone wanted to try me. Not that I can't handle myself with my fists, but people back down a lot  
11 faster when they see that gun. And there was that conviction for drugs. Of course it was just  
12 possession of chlorotestosterone. That was when I was still trying to make a comeback. Thought  
13 steroids could solve my problems in the ring. Shoulda known the same people who made me take  
14 that fall would want to keep me down. Can't trust anyone anymore. Except Bobby Bacalaleri.  
15
- 16 3. I met Bobby back in my fighting days. He went to all the local fights, and was always in my  
17 corner, if you know what I mean. When I started to travel around, Bobby made some of those fights,  
18 too. Of course, Bobby was a busy man, had a lot of business going on. I didn't really understand a lot  
19 of it, still don't. But when I was down, Bobby gave me work. True, I owed him for the loans he gave  
20 me to get the steroids, but I've paid that debt off a hundred times by now.  
21
- 22 4. Bobby said he needed me. Ya see, a lotta folks would touch Bobby up for money, some for a  
23 little, some for a lot. And some of them just didn't like to pay up when the loan came due, so they  
24 needed a little encouragement. That's where I came in. When you've been a fighter, you know a  
25 little trash talk can go a long way. Of course, some people needed a little more physical motivation, if  
26 ya know what I mean, but there weren't a lot of them.  
27
- 28 5. Sure, Bobby had other guys and gals working for him. An operation as big as Bobby's doesn't just  
29 run itself. And there were always shipments and deliveries to be protected. Problem was that more  
30 money seemed to be going out than coming in, and a lot of the crew were quitting. People could say  
31 what they wanted about Bobby, but he was a sucker for a good sob story. And it seemed like as the  
32 economy got worse there were more sob stories out there. Still, you can't let every out of work Joe  
33 with a dying mother off the hook for long.  
34
- 35 6. Sam/Samantha Pyke was definitely one of our problem children. Pyke owed Bobby a lot, and  
36 kept borrowing more. Sam/Samantha was always making promises to pay, claiming that s/he would  
37 make enough off his/her next deal to pay Bobby back. They had been going back and forth about  
38 finally settling Pyke's account. S/He tried the whole "my momma's sick!" bit on Bobby but he didn't  
39 buy it. We did think it was pretty pathetic, if not funny, though. Anyhow, Sam/Samantha kept

40 claiming that party drugs like ecstasy would make a comeback. Man, even the night Bobby was killed  
41 Sam said s/he would make a killing on X at that Icy "T" concert. That's why Bobby said he would meet  
42 Sam/Samantha at the parking deck. Bobby didn't want Sam/Samantha to have an opportunity to  
43 spend the money s/he got at the concert before s/he paid Bobby back. I had heard through the  
44 grapevine that Sam/Samantha had a little bit of a party habit, too, so Bobby didn't want him/her  
45 blowing his/her stash.

46  
47 7. I have known Sam/Samantha for a while. Back when I thought the steroids were going to help  
48 me, Sam/Samantha was just in high school, but s/he was already known in the community, so to  
49 speak. I never finished high school myself, but everybody knew s/he was the drug connection at  
50 Milton County High. Of course, s/he was only selling then. It was later, when s/he started using, that  
51 his/her business went bad. That's when s/he got in with Bobby. Sam/Samantha used to pay Bobby  
52 back pretty regular, but in the last year or so, it got out of hand.

53  
54 8. Me or Mickey Monahan, one of the guys in the crew, would go with Bobby to these meetings.  
55 Mickey was a real muscle-bound dude who liked to look the part and show off his guns by wearing  
56 tight black t-shirts and dark sunglasses all the time. A bit too flashy if you ask me. We'd usually hang  
57 out by the elevator shaft while we were waiting, out of the wind. Sometimes it'd be a while waiting  
58 for the client to get there (Bobby hated people showing up late), so I'd take a smoke or two to pass  
59 the time. We'd probably meet clients up there a few, three times a week. Normally at a meeting like  
60 this Bobby would play it kinda quiet and calm: like nothing Sam/Samantha said could change his  
61 mind. My job was to let the client know the consequences if s/he didn't follow through. It's not too  
62 hard, really. I usually carry my Glock and some extra demonstrative aids, so to speak. Brass knuckles,  
63 knives, you know, that kind of thing. Mickey liked the traditional baseball bat approach usually.  
64 Bobby kept talking about branching out into other stuff. Said he'd read about some Asian torture  
65 involving needles to sensitive body parts, etc. I kept telling him that you have to have time and  
66 privacy to do that kind of thing, but I think that the slow "persuasion" really appealed to him. He  
67 even talked about using fire ants at one point. That's some crazy stuff, man...

68  
69 9. I really felt like I should go with Bobby on this Sam/Samantha thing. At an earlier meeting, Pyke  
70 went all crazy on Bobby saying, "You ain't so tough by yourself, are you Bobby? If you didn't have  
71 them goons around, I'd take care of you all by myself!" Bobby didn't like being showed up like that  
72 and said "Next time, I'll leave them at home, how about that?" I don't get scared by anybody, but  
73 Pyke going off like that and threatening Bobby did worry me a bit. Pyke could be a problem,  
74 particularly if s/he was high, but Bobby said he'd be fine this time. Said he was bringing his "little  
75 friend," and I know he didn't mean Rags. Bobby always had a .32 with him. Said anything bigger  
76 would be too big for his hands. Bobby really didn't know too much about guns, though. In fact, he  
77 usually had me load the .32 for him. I always gave Bobby a full clip, since he wasn't a really great  
78 shot. Anyway, when he said he was taking the gun, I figured Bobby would be OK. I feel bad that I  
79 wasn't there for him.

80

81 10. I was with Bobby the afternoon before he was killed. Bobby was kind of making up to me, since  
82 he had been forced to get a little rough with my cousin, Adrien. I hadn't been part of that. Bobby felt  
83 like I would have a conflict, and I did feel bad. Adrien's kids had some physical problems, and medical  
84 bills had just gotten out of control. Adrien had gotten in deep with Bobby, and wasn't paying, since  
85 construction work has been slow. The winter weather we were having wasn't helping Adrien get  
86 jobs, so Bobby had to get one of the other guys/gals onto Adrien. I could tell Bobby felt bad. I think  
87 that's why he gave me the night off. Even paid me some of my "salary" early. I left Bobby's place  
88 around 7:00 PM, and I never saw him alive again.

89  
90 11. I feel really bad that I was at that re-make of the *Texas Chainsaw Massacre* at the Miltonville  
91 mall theaters across town when Bobby was killed. The show started at 7:30, so it must have been  
92 right in the middle of that thing with the hitch hiker. The movie wasn't that great, the original is  
93 much better, but the effects were pretty realistic. I mean, blood does kind of splatter that way.

94  
95 12. With Bobby gone, there's still a whole lot of people out there that still have unsettled  
96 accounts. That isn't the kind of transition that you handle in a will, ya know? It just isn't right that so  
97 many deadbeats would end up profiting from Bobby's death. So, in honor of Bobby, I am going to see  
98 about settling those accounts. Who knows? With all that capital, this may be the start of something  
99 big.

100  
101 13. Lt. Caine found me Sunday evening and asked me all sorts of questions about Bobby and Pyke's  
102 "relationship." I had heard that Pyke had been arrested already for Bobby's murder and I was more  
103 than happy to help our fine friends in law enforcement put a murderer behind bars. I told him all I  
104 knew about the debt and meeting and the past they had. Caine was really interested in Pyke's threat  
105 towards Bobby and kept saying "Uh huh, makes sense" every now and then throughout the whole  
106 talk. I was happy to help catch that scumbag.

107  
108 14. Towards the end, Caine asked me where I was Saturday night and I told him/her about the  
109 movie. I gave him/her my movie ticket stub; I don't know how they lost it. I guess they figured I  
110 might have coulda been a suspect, even though Sam/Samantha over there is clearly the culprit.  
111 Anyway, I don't have a credit card receipt or anything. Bobby always paid in cash, and I don't trust  
112 banks. Besides, cards leave a trail. Bobby was really the only friend I had, so I had no reason to hurt  
113 him. I'm really sad that he's gone.

114

115 Signed,

116

117 \_\_\_\_\_/S/\_\_\_\_\_

118 **Shawn LaBoeuf**

119

120

121 SIGNED AND SWORN to me at 2:45 PM, January 28, 2013.

122

123 \_\_\_\_\_/S/\_\_\_\_\_

124 C.M. McCormack, Notary Public

125

126

127

128 **WITNESS ADDENDUM**

129 I have reviewed this statement, previously made by me, and I have nothing of significance to add at  
130 this time. The material facts are true and correct.

131

132 Signed,

133

134 \_\_\_\_\_/S/\_\_\_\_\_

135 **Shawn LaBoeuf**

136

137 SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2014 Georgia High  
138 School Mock Trial Competition.

139

140 \_\_\_\_\_/S/\_\_\_\_\_

141 C.M. McCormack, Notary Public

# STATEMENT OF SAM/SAMANTHA PYKE

1 1. My name is Sam/Samantha Pyke. In January 2013 I was 21 years old. I was born down in  
2 Alabama on a farm way back up in the woods. My Papa was a great ol' man, but life had kicked him  
3 down to the ground and when he tried to get up, life would kick him back down. One day, when I  
4 was 13, Papa called me to his dying bed. He put his hands on my shoulders and in tears he said "I'm  
5 dependent on you to pull the family through. It's all left up to you." Two days later Papa passed  
6 away, and I became head of the household that day. And at the age of 13, I thought I was carryin' the  
7 weight of the whole world on my shoulders.

8  
9 2. Soon after Papa died, we moved to Miltonville 'cause Mama got a job at the chicken plant. I  
10 attended Milton County High School through eleventh grade, but I did not graduate. I had to drop  
11 out to get a job to help support Mama and my younger brothers and sisters. Mama told me not to  
12 quit school 'cause she said that was daddy's strictest rule. But, you see, I was the oldest of the family  
13 and everybody else depended on me. I'm hoping someday to go back and get my GED and maybe  
14 even go to college. In Miltonville, we live on the poor side of town. "The wrong side of the tracks" as  
15 some people say. There's a seedy side to Miltonville that the Chamber of Commerce or the rich folks  
16 at Miltonville Country Club never see, but that's the part of Miltonville that I'm from.

17  
18 3. You grow up fast when you grow up poor. I know others who joined gangs or deal drugs, but I  
19 don't do that. I know Lt. Caine thinks I'm the biggest drug dealer in all of Milton County. The cops  
20 have been hasslin' me for years because of some vendetta by their boss, Sheriff John Brown. Sheriff  
21 John Brown always hated me. For what? I don't know. I can't spit chewing gum on the sidewalk  
22 without the cops coming down on me. You think someone the cops are watching that closely could  
23 be dealing drugs? No way man.

24  
25 4. Yeah, of course I knew Bobby Bacalaleri. Everybody knew Bobby. Bobby was the biggest  
26 criminal in all of Miltonville! He drove a custom Continental. He had an Eldorado too. He also had a  
27 .32 gun in his pocket for fun and a razor in his shoe. Bobby was famous for saying "Be a money  
28 maker, not a player hater." Bobby was a bad, bad dude. The world's better off with Bobby out of it.  
29 Ain't nobody going to be crying over Bobby being dead.

30  
31 5. I tried not to deal with Bobby, but times got bad and Mama lost her job when they closed the  
32 chicken plant. We needed money to pay the rent or we'd lose the house. I couldn't let that happen  
33 to my family, so I went to Bobby and borrowed some money. Doing business with Bobby is like  
34 selling your soul. You try to bring Bobby some money, but he'd say that the payment was "late" and  
35 "interest" had been added so now you owe even more. Ain't no getting out of debt to someone like  
36 Bobby. Once you owe him, then he owns you. And if you can't make a payment when Bobby wants  
37 it, then Bobby or one of his goons like Mickey or Shawn will hurt you or your family. So you do what  
38 you gotta do to pay up.

40 6. I remember January 26, 2013, the night Bobby died. Bobby called me that afternoon and told  
41 me to meet him on the top of the Miltonville Parking Deck at 8:00 p.m. It was cold that night. It  
42 almost smelled like it could snow at some point. Regardless, it wasn't a fun night to be hanging out  
43 outside, freezing my tail feathers off like a Minnesota duck goin' for a swim in February. Despite the  
44 crummy weather, there were lots of people downtown that night. Iced "T", a Lil' Nemesis "T" tribute  
45 band I guess, was playing at the Miltonville Arena about a block away from the Parking Deck. It was a  
46 party atmosphere going on, but I wasn't there to go to any concert. I don't like hip hop banjo music  
47 and don't quite get the whole tribute to dead has-been musicians. Besides, I don't have money for  
48 that sorta stuff. Further, Bobby wanted to see me, and you don't make Bobby come looking for you.  
49 We had been going back and forth on texts about settling up my debt. I tried to get 'til Monday to  
50 see him, but he made me meet him up there Saturday night.

51  
52 7. So at 8:00 o'clock sharp on January 26th, I went up to the top of the Deck because that's where  
53 Bobby said to meet him. I got to the deck and climbed up the north stairs to the top. The top of the  
54 deck was pretty dark, except for a few lamps, but they don't help much. Most of them were burned  
55 out. The top deck was also empty except for a few cars parked here and there. When I got there, I  
56 saw Bobby's Continental parked on the up ramp between the stairwells. Looking at Bobby's car, even  
57 in the dim light, I could tell there were at least two people in it, one in the driver's seat and one in the  
58 passenger seat. Bobby spotted me, and he got out of the driver side and came over to me.

59  
60 8. Bobby immediately demanded his money, and I told him that I didn't have it all, but I'd give him  
61 what I could. Bobby said, "That's not good enough," but I said "I just need a little more time to get  
62 the rest of it together. Please, Bobby, Mamma's been sick so I had to pay the doctor." Bobby said, "I  
63 don't care about no doctor. What do I look like to you, a freakin' health care exchange? Give me my  
64 money, Pyke!" I said, "I will, Bobby, I will! Just give me a few more days to get the money together.  
65 I'll get it to you, I promise." With that, Bobby kinda snorted, pulled a gun and waved it in my face  
66 saying that he "ought to pop a cap" in me. Then, he shoved the gun into my chest, poking me real  
67 hard like. Reflexes just got the better of me, and I grabbed the gun from on top. While we pulled  
68 back and forth on it, he shoved it hard at me and I got whacked in the nose, but I held onto the gun. I  
69 took a couple of swings at him and landed one or two and then grabbed Bobby's arm trying to get  
70 him to let go. All of a sudden, his feet went out from under him, like his slipped on some ice, and he  
71 lost his grip. Suddenly, I've got the gun in my hands. As Bobby slowly steadied himself, he just glared  
72 at me. I was so scared I was shaking. I pointed the gun at Bobby and warned him "leave me alone!"  
73 Yeah, I coulda shot Bobby then, but I ain't no killer. Besides, between Bobby's goons and Sheriff John  
74 Brown's posse, they'd be aiming to shoot me down like a rabid fox in the chicken coop. I'd rather  
75 deal with a mad Bobby than a dead Bobby. But Bobby just gave me this evil stare and kind of  
76 grinned, like he's daring me to shoot him down. Instead, I chucked the gun over behind the elevator  
77 shaft out of the way. Bobby laughs and says, "I knew you didn't have it in you. You're such a wimp!"  
78 I didn't stick around to see if Bobby had something else up his sleeve, so I high tailed it out of there,  
79 running down the ramp to the stairs at the other end of the deck. I just wanted to get out of there as  
80 fast as I could

81

82 9. As I got to the door for the stairs, I wiped out and cracked my knee pretty hard. I was lying there,  
83 hoping Bobby wasn't right behind me looking for round 2, when I heard someone yelling back where I  
84 was a second ago. It wasn't Bobby, but someone else. They were really mad, saying somethin' about  
85 a cousin and not getting paid like they should. Then I heard Bobby shouting back about loyalty and  
86 "getting your payment too" or something like that. I glanced up there and couldn't see this other  
87 person; they must've been back behind the elevator. I didn't see anyone over there before, but then  
88 again, I wasn't really looking around when Bobby had the gun stuck in my face. I was pickin' myself  
89 up and was just starting through the door when I heard a "bang" from behind me. Then Bobby  
90 screamed this high-pitched shriek of pain, like a pig gettin' stuck. I looked back and saw Bobby just  
91 flat get pushed back over the edge of the deck where we'd been fighting. Then he was gone... Like I  
92 said, I have no idea where this other dude/chick came from; I hadn't seen anyone else up there.

93  
94 10. After Bobby disappeared into the night, this other person walked over to the other staircase nice  
95 and calm like, opened the door and disappeared, like they were all business. They was wearing dark  
96 pants, heavy boots, a black leather bomber jacket with one of those sheepskin collars and a black knit  
97 hat. S/He was big and looked like s/he could handle him/herself pretty well. From across the deck  
98 and in the darkness, I couldn't make out a face. That's the best description I can give you. Although I  
99 wasn't real sure what just happened, I knew Bobby was probably dead, and I needed to get outta  
100 there before anyone decided that I did it. I hobbled down the staircase as fast as I could, hit the  
101 street next to the garage and got myself home to clean up my cuts and bruises.

102  
103 11. At about midnight, this uniformed cop was at my door wantin' me to come in to talk about what  
104 happened up on the garage. I asked him if I was under arrest and he said I wasn't but they just  
105 wanted to find out what happened, nothing more. I knew in my gut I probably shouldn't have gone,  
106 but since it was "voluntary," I figured I'd be okay. Boy, that was a mistake. Now that I think about it,  
107 I shoulda just stayed home. Well, when I got there, they put me in one of the interrogation rooms  
108 with the metal table and mirror, just like you see on TV, and shut the door. They made me wait  
109 about 15 minutes before the wonderful Lt. Caine made his/her grand entrance. S/He started asking  
110 me about the deck and what happened to Bobby. I told him I didn't know what happened to Bobby.  
111 I had a feeling s/he was trying to pin this on me from the start, and I got all panicky and said I wasn't  
112 there. I know I shouldn't have lied to Caine, but I was scared and I knew I had nothing to do with  
113 Bobby's murder. Yeah, I was there, but I left before Bobby got tossed. Lt. Caine then told me they got  
114 an eyewitness, Ronnie/Ronni, Bobby's little brother/sister, who they say saw the whole thing happen.  
115 Ronnie/Ronni says he/she saw me shoot Bobby and push him off the deck and that it was cold  
116 blooded murder. I thought, "No...there ain't no way! I didn't do it!" All of a sudden, I snapped out of  
117 my panic and realized I didn't have to be there. This was voluntary, right? I asked Caine if I was  
118 under arrest or anything and s/he said no, I was free to go, so I used that open door and ran through  
119 it back home as fast as I could.

120  
121 12. A few hours later, just after the sun came up, someone's back beatin' on our door again. It was  
122 Caine. Out in the yard were several cops with their guns drawn and a bunch of cop cars out in the  
123 street with their lights blazing, right out of a movie. I'm sure it gave all the neighbors a great show





# STATEMENT OF KELLY MCNULTY

1 1. Okay, my name is Kelly McNulty and I've probably been on the witness stand a thousand times  
2 from my days as a detective with the Baltimore Police Department. I got to say this has to be my first  
3 time testifying for a defendant. But you just have to do as you do. And what I was doing was looking  
4 out my apartment window watching to see what was going to go down that night on the parking deck  
5 across the way. The top floor is always the last to fill up for a big event downtown and I figured it  
6 would lead to a few fender benders with the concert goers hurrying to park their cars and get to the  
7 show. What I saw, though, was more like my days in Bird Town.

8  
9 2. Have you ever seen that TV show, The Wire? In some respects, it's a pretty good depiction of  
10 what us drug detectives would do back in the day (though from my perspective the police corruption  
11 was a bit exaggerated). In real life, we'd hone in on an area where the kids were out on the  
12 pavement dealing blow, and set up surveillance from the rooftops. We'd take rolls and rolls of film--  
13 back in the day, as they say, meaning before the digital age--and tack up photos of the key players on  
14 the wall as we made sense of the dealers' organization. I took a bullet to the hip in a raid--"friendly  
15 fire" as it turned out. After that I took a desk job at the precinct to wait for my pension, but all that  
16 paper made me crazy. I was accused of losing some reports that really embarrassed the department.  
17 The next thing I knew, the department let me retire early on disability, so I decided to come to  
18 Miltonville to be near my daughter and grandson. She's a professor of anthropology at Milton State.  
19 I guess you could say she's a chip off the old block, but she found a safer way of studying indigenous  
20 populations.

21  
22 3. It's hard relocating when you are my age. Okay, I've tried making friends with some of the folk in  
23 my building. Like that Leslie Quan who lives in the apartment below and took issue with the sounds  
24 of my morning fitness routine. I tried to explain it is physical therapy for my bad hip and sometimes I  
25 can't help moaning and groaning, and okay, just crying out, with the pain. Whenever I feel like I made  
26 a mistake and should have just retired down by the ocean instead, I think if I'd done that, I wouldn't  
27 have been able to take my grandson to see the O's play the Braves. And I wouldn't have been here in  
28 Miltonville to take that photo of Bobby Bacalaleri getting plucked.

29  
30 4. Old habits die hard. I keep picking up my camera. There's no point these days not snapping  
31 away with a digital camera. If the picture turns out to be nothing, it's not like there's been any film or  
32 photo processing wasted--just hit delete to free up a little memory. And I sit for my grandson on  
33 nights when my daughter is teaching. So, after I put him down, there's really nothing else to do but  
34 turn out the light and look out the window at the parking garage. Being up on the 10<sup>th</sup> floor, above  
35 the garage gives me a good birds-eye view of the whole top.

36  
37 5. What I've seen makes me think more and more that Miltonville is getting to be just like Charm  
38 City. I've seen drug deals and loan collections happen on the top of the parking garage before. It's  
39 like the garage management doesn't care what happens up there. They have to know, especially

40 these flashy guys like Bobby Bacalaleri. I've caught a few of his meetings with my camera over the  
41 past few months. I've even tried to show my pictures to the mayor and the police zone commander  
42 at community organization meetings, but they just brush me off and say I'm living in the past.  
43 Miltonville, they tell me, is no Baltimore. Well, they got that right when I'm wishing I had a Natty Boh  
44 to drink after it's lights out for my grandson. I guess I should just forget the garage and enjoy my O's  
45 more. I can't believe they almost beat the Yankees to get in the ALCS. I'm not sure if we're gonna be  
46 able to pull that off again this season. Man how I wish Cal was still in the lineup!

47  
48 6. So it was, on January 26. My daughter was out of town at an anthropology conference and I was  
49 keeping the kid. Bedtime normally is 8 p.m., but it gets dark so early in January that I was able to get  
50 him down a little sooner. I had just sat down in my Barcalounger in front of the window when I saw  
51 Bacalaleri's Lincoln Continental pulling up onto the top deck from the ramp. This fit his usual MO,  
52 where he'd pull up, back into a space and wait for his "client" to show up. He usually had one of his  
53 goons lurking around. Normally, s/he'd hang in the background by the elevator shaft smoking a  
54 cigarette until Bobby needed some persuasion to be dealt out. Bobby didn't like to get his hands  
55 dirty, so he would let one of his meatheads handle the negotiations while he stayed in the car with  
56 that old dog that he always carried around with him.

57  
58 7. So, I thought this time was going to be the same. Instead, Bacalaleri got out of his car when a  
59 young kid came up out of the stairwell. (Okay, okay, I know 21 is legally an adult, and it's a sign of my  
60 age that I thought this was a kid based on the bounce in the step and the tennis shoes.) The north  
61 stairwell is right outside my windows. They have windows all the way down, so I can typically see  
62 people coming and going up and down the stairs. I saw the kid enter the stairwell on level 7 or 8, put  
63 his/her coat on over a red shirt and come out at the top of the deck. S/He walked over to the north  
64 side of the lot and waited for Bobby to make his grand entrance. I have no way of knowing whether  
65 this kid was the Defendant, Sam/Samantha Pyke, because it was dark and I couldn't make out a face.  
66 But it looked like s/he was wearing a dark parka with that fake fur around the hood and a red shirt.

67  
68 8. Okay, I thought my grandson was down for the night, but at this point he cried out for a drink of  
69 water. So I got up to fix a fresh sippy cup, and the next thing I heard was the sound of shouting,  
70 followed by gunfire. Wouldn't you know it, I was in the kitchen? With this bad hip, I move kind of  
71 slow. I made it back to the window just as Bacalaleri went over the edge. It was pretty dark, but the  
72 pusher didn't look to me like the kid I'd seen coming out of the stairwell a few minutes earlier. The  
73 jacket seemed darker and s/he was wearing a hat. The pusher shuffled off – more like slip sliding  
74 away – toward the north stairwell and went down. I didn't see them exit the stairwell until they were  
75 out of sight. They definitely didn't get off at level 7 or 8, so I imagine they went out at street level.

76  
77 9. At that point, the passenger side of the Lincoln opened and the person who got out and ran to  
78 the edge of the deck, looked over, and screamed. I'll never forget the sound of that anguished, gut  
79 wrenching cry, but I didn't get a chance to snap a photo because by that point, my grandson was  
80 wailing for his water. I saw the lights of the ambulance and cops on the street below soon after. I  
81 could see the investigating detective up on the roof of the garage starting the investigation. I don't





## STATEMENT OF LESLIE QUAN

1 1. My name is Leslie Quan, but my friends (and a few others) call me by my nickname: “Effort-  
2 Leslie” – I reject the “Tiger parent” stereotype of visibly stressing out to achieve. I work hard, but I try  
3 to maintain an air of calm, even serene excellence...and let other people notice that my performance  
4 is good. I do my best to get along with everyone, and to find ways to highlight what they’re doing  
5 well, so they feel better about themselves and work cooperatively with me. It works –or, so far, it’s  
6 worked for me. “Leadership through service,” as they say, brought home.

7  
8 2. Currently, while I’m looking for a better job – and I have been for two years or so – I work at the  
9 Miltonville Parking Garage. It’s on Main Street, just down the street from the “new” Milton-Pacific  
10 Arena where the old paper mill used to be before the company went conglomerate and donated the  
11 land in exchange for naming rights to advertise its new association with the Georgia Lottery (and  
12 some environmental credits). I think this land was actually supposed to be green space in the original  
13 plans, but the previous owners went bust, abandoned the land for taxes and Miltonville turned it into  
14 the parking deck Le Corbusier (or maybe Joseph Stalin) would’ve loved. Them...and Bobby Bacalaleri,  
15 our local “popular financier.” I think our Level Nine may have been about the only thing “on the  
16 level.” Certainly this was the only place he worked “off the top of the deck”– but he seemed to like  
17 this place a lot. Before almost every concert, I’d see him driving up there “to do business” I suppose;  
18 I never went up top when he did.

19  
20 3. I just minded my own business, taking care of the cars ‘n trucks coming in and out for the  
21 concerts (talk about “rock ‘n roll”). It’s no fun being in my little attendant’s booth on a cold ‘n  
22 blustery night like January 26<sup>th</sup>. I’d rather be snug in my single, rented room across the street, like  
23 Mr./Ms. McNulty, than “makin’ nice” to all those folks on their way to the “Little Nemesis ‘T” tribute  
24 concert. But it’s a promotion over holding down the fort during the middle of the day when there’s  
25 not as much business and management doesn’t pay as much money. This wasn’t quite what I had in  
26 mind when I started my Urban Planning degree at Georgia Tech, fresh out of Miltonville High, but it’s  
27 good practical experience, and it’s my road back into school (seriously, this time!). This time around,  
28 the only time I’m seeing Sam/Samantha Pyke is when s/he’s taking his/her parking stub, not thinking  
29 about buying anything s/he’s selling. So I’m keeping my head down and my nose clean. I’m only here  
30 to testify because Sam/Samantha Pyke subpoenaed me, and because I guess it’s right to speak up  
31 when an innocent person is on trial.

32  
33 4. That night, about 7:45 PM, right on schedule, Mr. Bacalaleri’s Continental (perfectly shined, as  
34 usual, even in lousy weather when it could only get dirty again) pulled into the machine, and the  
35 driver took a ticket and headed toward the ninth floor. As it vanished, I think I saw a silhouette  
36 moving in the back of Mr. Bacalaleri’s car, as well. I don’t –didn’t– like the guy. I suppose you never  
37 really like people who frighten you, however much they try to dress “preppy & respectable:” the  
38 pressed khakis, blue Oxford button-down, Italian loafers and chocolate, brushed-goatskin overcoat  
39 topped with the cashmere scarf for the weather. I didn’t approve of what (I’m pretty sure) was going

40 on up there, but I didn't follow to watch. I don't want to get in trouble with management by being  
41 "involved" with something they wouldn't approve of. I definitely don't want to get in trouble by  
42 making an issue of something management might've been tolerating quietly (Bacalaleri had lots of  
43 influential contacts, after all). Besides, I had my job to do at the booth. Customers came in, faster  
44 and faster as the time for the concert approached.

45  
46 5. I guess it was about eight o'clock (by then I was busy, so I have to estimate) when I noticed  
47 Sam/Samantha Pyke enter the garage. Sam/Samantha Pyke was similarly dressed to "blend in" with a  
48 crowd of concert-goers later, around the arena; I could guess why. Of course, having grown up in  
49 Miltonville, before going off to Georgia Tech, I was familiar with Sam/Samantha Pyke, so I easily  
50 noticed him/her pull in. Back in the day, perhaps I was too familiar with Sam/Samantha Pyke for my  
51 own good. It's strange to think that now, across the street, I live just below a retired cop, McNulty,  
52 and we're at least on civil terms. Not back in the day...

53  
54 6. I've been thinking about it since everything happened. Bacalaleri had a driver (although I didn't  
55 get a clear look) and maybe somebody else with him, too. Sam/Samantha Pyke was alone at that  
56 point, I'm pretty sure. We have security cameras on every floor, although management won't pay to  
57 keep the digital recorders functional. I'm frequently too busy to do much with the screen anyway, as  
58 it flicks from one scene to the next, beyond glancing to see that nothing's too obviously wrong. So I  
59 saw Mr. Bacalaleri's car reach the top of the ramps, but I lost Pyke in the crowd fighting for spots as  
60 they got ready to go to the arena. Some were waiting for the elevators, and some taking the stairs.

61  
62 7. In spite of the lousy maintenance by my employers, the Level Nine camera by the north stairs  
63 works most times, because it's sheltered, but the others up there at the rooftop didn't. When it all  
64 went down, I was surprised (as were the customers – panicked, really) by the sound of gunshots from  
65 above. I looked at the camera screen, but saw nothing (literally) as the selector moved to the next  
66 faulty camera. I heard shouting and echoes off the raw concrete, but not discernible words. Then  
67 something, well, "squished" real loud and sudden onto the driveway, right in front of my little booth!  
68 Mr. Bacalaleri's overcoat wasn't all brown any more, nor was it neatly-brushed leather. The khakis  
69 were sticky-damp, red with blood. I puked. I didn't see the gun fall as well, but apparently Lt. Caine  
70 found it lying in the bushes later.

71  
72 8. As I'm on my knees on the driveway, I looked back into the parking deck where the chaos was  
73 clearing for a moment. I suppose Bobby Bacalaleri's body falling over the parapet had attracted the  
74 gawkers towards the street. Another noise caught my attention, and I looked up – wa-a-ay up. As  
75 I've said, it was a lousy night, but some of the lights on top of the roof were on. Caught against their  
76 glow, I saw the head and torso of a figure looking over the edge of the concrete wall surrounding the  
77 top level. A moment later, the figure was gone. Yes, it could've been Sam/Samantha Pyke, but then  
78 it could've been anyone else, as well. I just don't know. Off to one side, air escaping from Bobby  
79 Bacalaleri's body – corpse? – made a ghastly, ghoulish sound, and I puked again. This time, as I  
80 looked up, behind the horrified crowd, the door to the rear stairwell (at the south end of the garage  
81 farthest away from Main Street, emptying next to the west exit on Carley Avenue) banged opened







**MILTON COUNTY SHERIFF'S DEPARTMENT**

**INCIDENT REPORT**

<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 1/29/13 <b>TIME:</b> 16:35		<input checked="" type="checkbox"/> <b>ORIGINAL REPORT</b> <input type="checkbox"/> <b>SUPPLEMENTAL REPORT</b>	
<b>DATE OF OCCURRENCE:</b> 1/26/2013		<b>TIME OF OCCURRENCE:</b> 20:06		<b>DOW:</b> <input checked="" type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Unk	
<b>INCIDENT LOCATION:</b> 654 Main Street, Miltonville					
<b>COMMON/BUSINESS NAME:</b> Miltonville Parking Garage		<b>BEAT:</b>		<b>MAPR:</b>	
<b>DISTRICT:</b>		<b>ALCOHOL:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK		<b>DRUG:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	
<b>CASE STATUS:</b> <input checked="" type="checkbox"/> cleared by arrest <input type="checkbox"/> exceptionally cleared <input type="checkbox"/> unfounded <input type="checkbox"/> inactive <input type="checkbox"/> pending arrest <input type="checkbox"/> pending inv. results <input type="checkbox"/> informational only <input type="checkbox"/> administratively cleared				<b>DATE:</b> 1/27/2013	
<b>ATTEMPTED/COMMITTED:</b> <input checked="" type="checkbox"/> Committed <input type="checkbox"/> Accessory After <input type="checkbox"/> Accessory Before <input type="checkbox"/> Aid/Abet <input type="checkbox"/> Assault To <input type="checkbox"/> Attempt to <input type="checkbox"/> Conspiracy To <input type="checkbox"/> Facilitation Of <input type="checkbox"/> Solicitation To <input type="checkbox"/> Threat To <input type="checkbox"/> Unfounded					
<b>ATTACK REASON:</b> <input checked="" type="checkbox"/> Assault <input type="checkbox"/> Theft <input type="checkbox"/> Menace <input type="checkbox"/> Concerned Citizen <input type="checkbox"/> Mental			<b>WEAPON TYPE:</b> <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife/Cutting Instrument <input checked="" type="checkbox"/> Hands/Fists/Feet, etc. <input type="checkbox"/> Other Weapon		
<b># ENTERED:</b>		<b>STRUCTURE OCCUPANCY:</b>		<b>EVIDENCE OBTAINED:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
<b>JUVENILE DISPOSITION:</b> <input type="checkbox"/> Handled w/in Dept. <input type="checkbox"/> Referred to Juvenile Court <input type="checkbox"/> Referred to Welfare Agency <input type="checkbox"/> Referred to Other Police <input type="checkbox"/> Referred to Adult Court					
<b>UCR DISPOSITION:</b> <input checked="" type="checkbox"/> Cleared by Arrest – Adult <input type="checkbox"/> Cleared by Arrest - JUV <input type="checkbox"/> Exceptionally Cleared – Adult <input type="checkbox"/> Exception Cleared – JUV <input type="checkbox"/> Unfounded <input type="checkbox"/> Active					
<b>EX CLEARED TYPE:</b> <input type="checkbox"/> Extradition Declined <input checked="" type="checkbox"/> Arrest on Primary Offense <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict/Witn Refused Cooperate <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Juvenile/No Custody					
<b>THEFT BY COMPUTER?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>FORCED ENTRY?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		<b>DATE CLEARED:</b> 1/27/2013	
<b># ARRESTED:</b> 1					
<b>DRUG ACTIVITY:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Buy <input type="checkbox"/> Deliver <input type="checkbox"/> Use <input type="checkbox"/> Distribute <input type="checkbox"/> Manufacture <input type="checkbox"/> Produce <input type="checkbox"/> Cultivate <input type="checkbox"/> Possess <input type="checkbox"/> Smuggle <input type="checkbox"/> Sell <input type="checkbox"/> Traffic <input type="checkbox"/> Other					
<b>DRUG TYPE:</b> <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Amphetamine <input type="checkbox"/> Barbiturate <input type="checkbox"/> Cocaine <input type="checkbox"/> Heroin <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Marijuana <input type="checkbox"/> Opium/Derivative <input type="checkbox"/> Paraphernalia <input type="checkbox"/> Synthetic					
<b>QUANTITY:</b>		<b>UNITS:</b> <input type="checkbox"/> Gram <input type="checkbox"/> Milligram <input type="checkbox"/> Kilogram <input type="checkbox"/> Ounce <input type="checkbox"/> Pound <input type="checkbox"/> Ton <input type="checkbox"/> Liter <input type="checkbox"/> Milliliter <input type="checkbox"/> Dose			<b>VALUE</b> \$ _____
<b>VICTIM/OFFENDER RELATIONSHIP:</b> Refer to narrative					
<b>ASSAULT/HOMICIDE CIRCUMSTANCES:</b> Refer to narrative					
<b>CHILDREN WERE...</b> <input type="checkbox"/> Involved <input checked="" type="checkbox"/> Present <input type="checkbox"/> N/A <input type="checkbox"/> Both			<b>OFFICER ACTION:</b> <input type="checkbox"/> Arrest Family Violence <input type="checkbox"/> Arrest Other Offense <input type="checkbox"/> Summons <input type="checkbox"/> Separation <input type="checkbox"/> Unfounded <input type="checkbox"/> Referred to Social		
<b>PRIOR COURT ORDERS:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<b>ALCOHOL USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input checked="" type="checkbox"/> Neither Used		<b>DRUGS USED BY:</b> <input type="checkbox"/> Aggressor <input type="checkbox"/> Victim <input type="checkbox"/> Both Used <input checked="" type="checkbox"/> Neither Used	
<b>PREVIOUS COMPLAINTS:</b> <input type="checkbox"/> None <input checked="" type="checkbox"/> One-Five <input type="checkbox"/> Six-Ten <input type="checkbox"/> More than 10 <input type="checkbox"/> Unknown		<b>SERVICES:</b> <input type="checkbox"/> Advised <input type="checkbox"/> Not Advised		<b>AGGRESSOR IDENTIFIED BY:</b> <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial <input checked="" type="checkbox"/> Both	

# EXHIBIT 1

<b>CASE NUMBER:</b> 104-01262013-A	<b>DATE OF REPORT:</b> 1/29/13 <b>TIME:</b> 16:35	<input checked="" type="checkbox"/> <b>ORIGINAL REPORT</b> <input type="checkbox"/> <b>SUPPLEMENTAL REPORT</b>
<b>BRIEF DESCRIPTION:</b>		
<p>911 fielded call from Leslie Quan at 20:13 requesting police and ambulance to the Miltonville Parking Garage at 654 Main Street, saying someone may have been pushed over edge of top level of deck. I arrived at 20:19 and found deceased, Bobby Bacalaleri, face down on northern driveway of parking garage property. Bacalaleri was wearing dark overcoat, khakis and leather dress shoes. After EMS arrived, the body was turned over and single gunshot wound was discovered in right shoulder. No exit wound was visible on back of shoulder. Scratch marks were found on forearms of deceased. I spoke with garage attendant on duty, Leslie Quan, whose recollection was sparse and unhelpful, as s/he professed to know nothing except seeing the body hit the ground. I searched among ground cover and bushes for additional evidence, finding .32 caliber Bersa semi-automatic pistol. Firearm was photographed (marker #1) and bagged for transport to sheriff's office.</p> <p>I then proceeded to top level of parking structure via north stairwell. At the top level, several lights were not functioning. I asked for portable lights to be brought in but was told by dispatch all were being used for traffic and pedestrian control around arena for concert. A shell casing (marker #2) was located in middle of deck. A few blood droplets were located near the rail (marker #3). A swab was taken for DNA testing. A scarf (marker #8) was also located near shell casing and blood droplets.</p> <p>Alongside the northern side of elevator shaft, a cigarette butt (marker #6) and second shell casing (marker #5) was found.</p> <p>I then walked down to the south stairwell and found another set of blood droplets (marker #9). A swab was taken for DNA testing.</p> <p>Due to the poor lighting conditions, the photographs did not turn out well. I decided to secure the scene and return the following morning to better process and collect the evidence. Pop-up tents were used to cover areas containing evidence from the elements. After securing the top level of the deck, I proceeded back down to the driveway of the garage. I then released the body to the coroner's office for transport to the lab for autopsy. I was stationing two uniformed officers at the driveway for the evening to secure the scene when I was approached by Ronnie/Ronni Bacalaleri. Ronnie/Ronni approached from across Main Street where s/he had parked Bacalaleri's Lincoln Continental. Ronnie/Ronni said that s/he had been in the car on the top level of the deck when Bobby had held a meeting with Sam/Samantha Pyke. Ronnie/Ronni told me that she witnessed Pyke shoot Bobby and then throw him over the edge. Ronnie/Ronni didn't know where the gun came from or if Bobby carried a gun. After Pyke threw Bobby over the rail, Pyke ran down the ramp to the south stairwell and down the stairs. Ronnie/Ronni said s/he panicked, got into the driver seat and drove the car out of the garage out onto Carley Avenue and parked across the street. I asked him/her why s/he didn't come forward earlier and s/he said s/he was trying to calm down and get his/her thoughts in order. I asked Ronnie/Ronni several questions about the events and if s/he was sure it was Pyke who shot and pushed Bobby over the edge and s/he said "Yes, it was definitely Pyke. I saw the whole thing clear as day. You can't let him/her get away with this!" I then called Ms. Bacalaleri to come get Ronnie/Ronni and take him/her home.</p> <p>I then went back to the station with blood swabs and the gun. I examined the gun and processed it for fingerprints, ballistics evidence and serial number ownership. The serial number was filed off. A single latent fingerprint was found on the slide of the gun and run through AFIS. AFIS had no matches. I compared fingerprint to the 10 card on file with the department of Sam/Samantha Pyke and found a 9-point match to Pyke's right ring finger. No other usable fingerprints were found on gun. A round was then fired into the lab's bullet trap to get a comparison sample for the firearm. This will be used to run against open cases as well as the round from Bobby's shoulder once the ME gets it to the lab.</p> <p>I then asked a uniform officer to ask Sam/Samantha Pyke to come down to the station for an interview about the events. Pyke arrived a few minutes after midnight, 1/27, and was put into Interrogation Room 2. Pyke claimed that s/he was home all evening watching a movie on TV, A Good Night for Justice. S/He was defensive, nervous and emotional. When I informed him/her that we had a witness putting him/her on the roof with Bobby, s/he got even more nervous, asked if s/he was free to leave and almost ran out of the room. A transcript of the interview will be included with the supplemental report.</p> <p>At 7:20 Sunday morning, I went back to the garage to re-photograph the scene. All of the evidence tents were still in place, along with their evidence. The pop-up tents were removed and pictures were retaken and all evidence collected. The cigarette butt was sent for DNA testing. Both shell casings were sent for ballistics testing.</p> <p>The large scene pictures accurately show where everything was from the night before. Using better light, the rail of the garage where the deceased was pushed over was inspected for fingerprints. Three latent prints were located (marker #7) and lifted for processing. They were taken back to the lab to be run through AFIS.</p> <p>Having enough actionable evidence, I went to the residence of Sam/Samantha Pyke at 8:44 AM to place him/her under arrest for the murder of Bobby Bacalaleri. Upon arriving at the residence, Pyke claimed no involvement with Bobby's death. GSR tests came back negative on both of Pyke's hands.</p>		
<b>ATTACHMENTS:</b>		<b>GCIC ENTRY</b>
<input type="checkbox"/> Persons	<input type="checkbox"/> Property	<input type="checkbox"/> Warrant
<input type="checkbox"/> Offenses	<input type="checkbox"/> Narrative	<input type="checkbox"/> Vehicle
		<input checked="" type="checkbox"/> Gun
<b>REPORTING OFFICER:</b> /S/	<b>BADGE:</b> 4152	<b>DATE:</b> 1/27/2013
<b>SUPERVISOR:</b> /S/	<b>BADGE:</b> 1624	<b>DATE:</b> 1/27/2013
<b>DATA ENTRY:</b>	<b>BADGE:</b>	<b>DATE:</b>
<b>GCIC OPERATOR:</b>	<b>BADGE:</b>	<b>DATE:</b>

Main Street

North Entrance/Exit of Garage

Stairwell has windows

Kelly McNulty's Apt.

North Stairs

Gun 1 (in bushes)

Body

Fingerprints on rail

Blood drops

Scarf

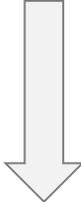
Shell casing #1

Carley Avenue

Elevator Shaft

Shell casing #2, cigarette butt & Coke bottle

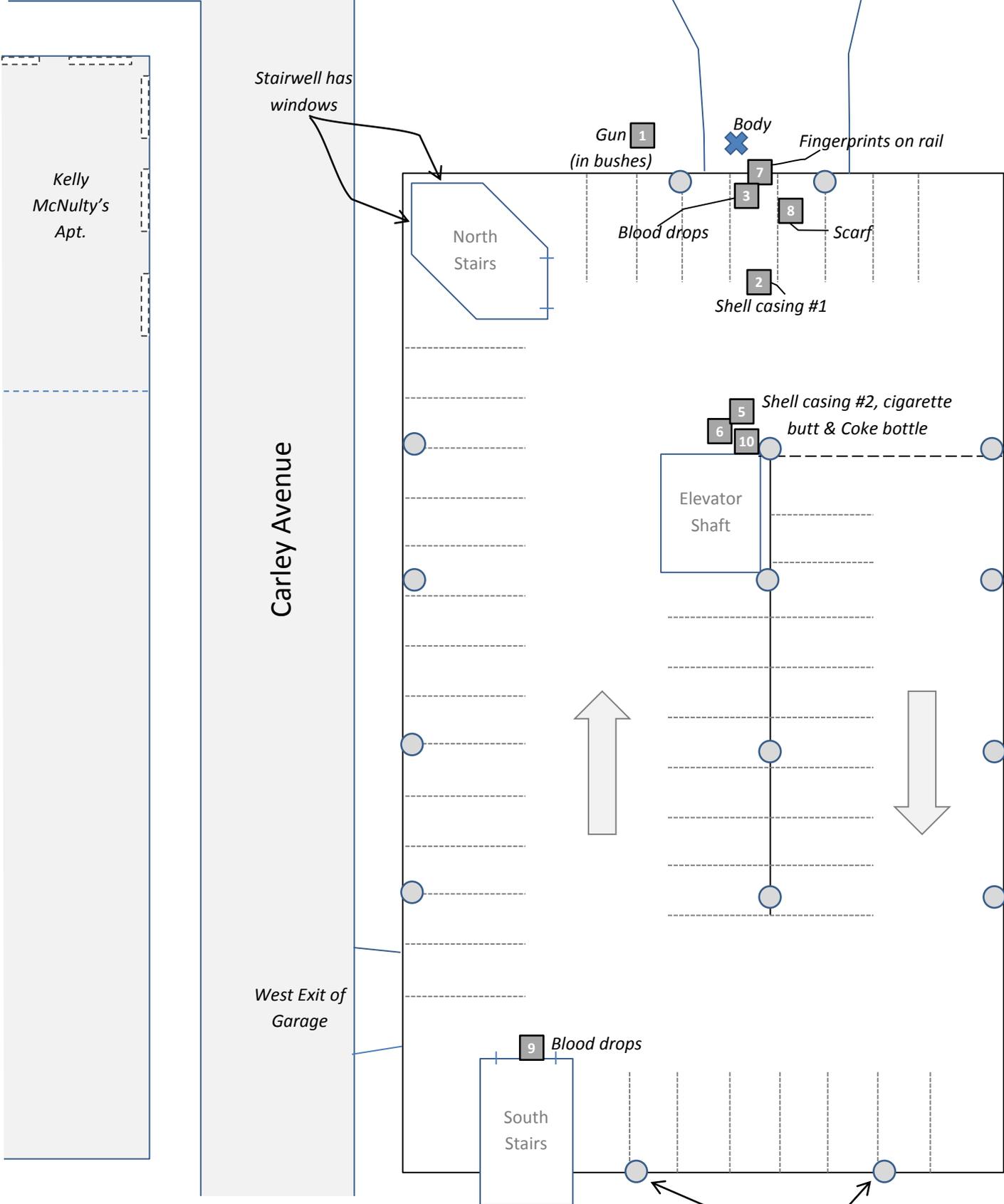
West Exit of Garage



Blood drops

South Stairs

Overhead lights





MILTON COUNTY SHERIFF'S DEPARTMENT

INCIDENT REPORT

Form with multiple sections: CASE NUMBER, DATE OF REPORT, ORIGINAL REPORT, DATE OF OCCURRENCE, TIME OF OCCURRENCE, DOW, INCIDENT LOCATION, COMMON/BUSINESS NAME, BEAT, MAPR, DISTRICT, ALCOHOL, DRUG, CASE STATUS, DATE, ATTEMPTED/COMMITTED, ATTACK REASON, WEAPON TYPE, # ENTERED, STRUCTURE OCCUPANCY, EVIDENCE OBTAINED, LOCATION TYPE, JUVENILE DISPOSITION, UCR DISPOSITION, EX CLEARED TYPE, THEFT BY COMPUTER?, FORCED ENTRY?, DATE CLEARED, # ARRESTED, DRUG ACTIVITY, DRUG TYPE, QUANTITY, UNITS, VALUE, VICTIM/OFFENDER RELATIONSHIP, ASSAULT/HOMICIDE CIRCUMSTANCES, CHILDREN WERE..., OFFICER ACTION, PRIOR COURT ORDERS, ALCOHOL USED BY, DRUGS USED BY, PREVIOUS COMPLAINTS, SERVICES, AGGRESSOR IDENTIFIED BY.

<b>CASE NUMBER:</b> 104-01262013-A	<b>DATE OF REPORT:</b> 2/5/13 <b>TIME:</b> 10:58	<input type="checkbox"/> ORIGINAL REPORT <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT
<b>BRIEF DESCRIPTION:</b>		
<p>After Sam/Samantha Pyke was arrested and booked on 1/27, I started processing all of the evidence collected from the scene. The two unprocessed fingerprints (Card #2 from the shell casing – Evidence Marker 2 and Card #3 from the rail – Evidence Marker 7) were sent to the latent lab. The lab technician ran the prints through AFIS. The fingerprint from the shell casing came back to Shawn LaBoeuf. The rail prints came back to Ronnie/Ronni Bacalaleri. With the information about Ronnie’s/Ronni’s prints on the rail, I questioned him/her about it and s/he said s/he didn’t remember going to the rail after Bobby was pushed, but may have, that that part of the events was “fuzzy”.</p> <p>The blood samples were sent to the DNA lab to be run against samples taken from Bobby and Pyke. Bobby’s known sample was taken during his autopsy. Pyke’s was taken from a cheek swab during his/her intake processing at the county jail. The blood droplets near the rail (Evidence Marker 3) were from Bobby Bacalaleri, most likely when he was punched by Pyke during their struggle. The blood droplets by the south stairwell door (Marker 9) were a match to Sam/Samantha Pyke.</p> <p>The cigarette butt (Marker 6) by the elevator shaft had enough of a DNA sample for a comparison. The lab ran the sample through the Combined DNA Index System (CODIS) and it found a match to Shawn LaBoeuf. His/Her DNA was in CODIS from previous arrests for a gun charge and possession of narcotics. The cigarette butt seemed fresh in that the smell of nicotine was still present and it was dry, as if it had not been in the elements of the evening very long. While that part of the pavement was shielded from the snowfall by the elevator shaft, I concluded the butt had been dropped there within an hour or two of my arrival.</p> <p>During the processing of Pyke at the jail, I performed a gunshot residue test on his/her hands but it came up negative. I was not surprised since it had been several hours since the shooting and there had been ample time for him/her to wash his/her hands.</p> <p>I interviewed Shawn LaBoeuf at approximately 8 PM on Sunday, January 27 about his/her knowledge of the events of the previous evening. S/He claimed s/he was at a movie at the Miltonville Greatland Mall watching “Texas Chainsaw Massacre”. S/He said s/he went to the movie alone and didn’t have anyone to verify his/her presence. I asked for the movie ticket stub but s/he said s/he threw it away on the way out of the theater. I asked if there was a credit card receipt or other payment proof and s/he said s/he paid cash for the ticket, large Coke Zero and medium Raisinets.</p> <p>On Thursday, January 31, I was contacted by Kelly McNulty, a resident in the apartment building across Carley Avenue from the garage. McNulty claims to have seen Bobby get pushed over the edge but couldn’t give a good description of the pusher or where they went. S/He kept wanting to talk about what s/he has seen over the past several months regarding Bobby’s meetings on the top of the garage and insisted I take a set of photographs s/he had supposedly taken of some of the meetings earlier. S/He was very insistent that something should have been done about Bobby’s criminal activity, as well as the drug dealing done in and around the garage and that if s/he had been “listened to earlier, none of this would have happened.” To oblige Mr./Ms. McNulty and get him/her to let me leave the conversation, I accepted the photographs from him/her promised to add them to the file, even though they didn’t have any evidentiary value to the events of the 26<sup>th</sup>.</p> <p>On the morning of February 5, I passed along all of my findings and conclusions to the District Attorney’s office for their use with the prosecution of the case.</p>		
<b>ATTACHMENTS:</b> <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Offenses <input type="checkbox"/> Narrative	<b>GCIC ENTRY</b> <input type="checkbox"/> Warrant <input type="checkbox"/> Vehicle <input type="checkbox"/> Article <input type="checkbox"/> Boat <input checked="" type="checkbox"/> Gun	
<b>REPORTING OFFICER:</b> /S/	<b>BADGE:</b> 4152	<b>DATE:</b> 2/5/2013
<b>SUPERVISOR:</b> /S/	<b>BADGE:</b> 1624	<b>DATE:</b> 2/5/2013
<b>DATA ENTRY:</b>	<b>BADGE:</b>	<b>DATE:</b>
<b>GCIC OPERATOR:</b>	<b>BADGE:</b>	<b>DATE:</b>

EXHIBIT 4



A



B



C



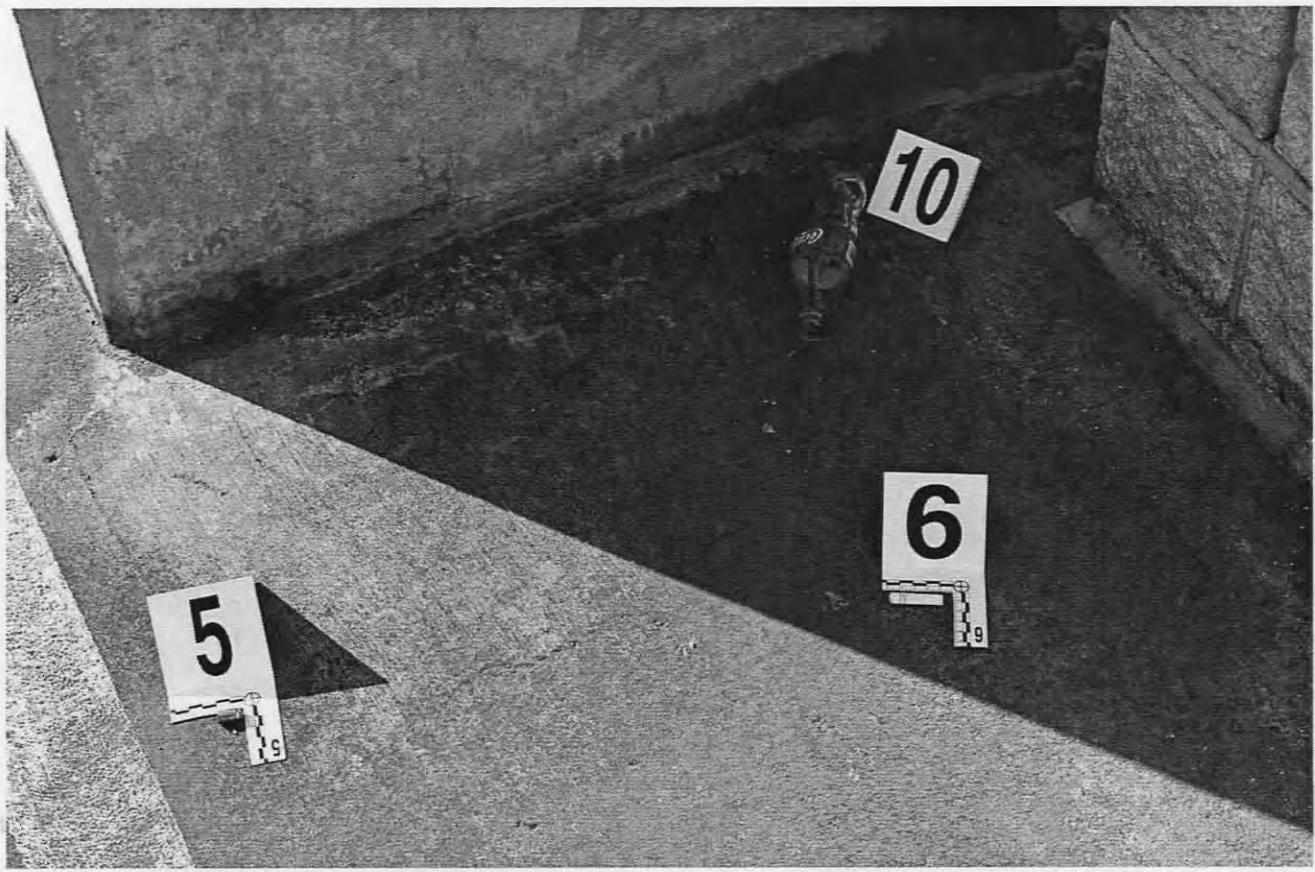
D



E



F



G



H



I



J



K



L



M



N



### Crime Scene Photo Log

Photo	Date Taken	Time Taken	Photographer	Photo	Date Taken	Time Taken	Photographer
A	1/27/13	7:24 AM	W. Caine	K	1/27/13	7:43 AM	W. Caine
B	1/27/13	7:24 AM	W. Caine	L	1/27/13	7:42 AM	W. Caine
C	1/26/13	8:14 PM	W. Caine	M	1/27/13	7:41 AM	W. Caine
D	1/26/13	10:42 PM	W. Caine	N	1/27/13	7:34 AM	W. Caine
E	1/27/13	7:38 AM	W. Caine	O	1/27/13	7:35 AM	W. Caine
F	1/27/13	7:38 AM	W. Caine				
G	1/27/13	7:39 AM	W. Caine				
H	1/27/13	7:41 AM	W. Caine				
I	1/27/13	7:43 AM	W. Caine				
J	1/27/13	7:43 AM	W. Caine				

Signature of person completing log: Wade Caine



MILTON COUNTY SHERIFF'S DEPARTMENT

FINGERPRINT REPORT

<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 1/28/2013	
		<b>TIME:</b> 10:15	
<b>LAST NAME</b> Pyke	<b>FIRST NAME</b> Sam/Samantha	<b>MIDDLE NAME</b>	
<b>DOB:</b> 19910523	<b>SSN:</b> 668495226	<b>STATE ID NUMBER:</b> 049264328	
<b>DESCRIPTION OF WHERE PRINTS FOUND:</b> Top edge of slide of .32 Bersa, right in front of ejector port.			
<b>DATE OF LIFT:</b> 1/27/2013		<b>TIME:</b> 02:45	
<b>TECHNICIAN LIFTING PRINTS:</b> Lt. Walden Caine		<b>ID:</b> 4152	
<b>PRINTS IDENTIFIED THROUGH</b> <input type="checkbox"/> AFIS <input checked="" type="checkbox"/> Manual		<b>ID:</b> 4152	
<b>TECHNICIAN MATCHING PRINTS:</b> Lt. Walden Caine			

	<b>DATE</b>	<b>CARD #</b>	<b>LIFT #</b>
	1/27/2013	1	1
	<b>CASE NUMBER</b>		
	104-01262013-A		
	<b>LOCATION/PHOTO MARKER</b>		
	<b>PRINT LIFTED FROM</b>		
	Top of slide of .32 Bersa		
<b>LIFTED BY</b>			
Lt. Walden Caine			
<b>AGENCY/OFFICE</b>			
MCSD			
<b>NOTES</b>			

# EXHIBIT 5

STATE USAGE		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX <b>PYKE SAM/SAMANTHA</b>							
SIGNATURE OF PERSON FINGERPRINTED <i>/S/</i>		SOCIAL SECURITY NO. <b>668495226</b>		LEAVE BLANK					
ALIAS/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
FBI NO.	STATE IDENTIFICATION NO. <b>049264328</b>	DATE OF BIRTH MM DD YY <b>19910523</b>	SEX <b>M/F</b>	RACE	HEIGHT <b>&gt;2' 8"</b>	WEIGHT <b>&gt;60</b>	EYES <b>Y</b>	HAIR	
 L. R. THUMB	 S. R. INDEX	 S. R. MIDDLE	 4. R. RING	 S. R. LITTLE					
 S. L. THUMB	 S. R. INDEX	 S. L. MIDDLE	 LX.M. RING	 S. L. LITTLE					
<b>ID: 50X50G8 TP4800 #000192 12:38:39</b>				<b>LX.M. T640 /#792XBZV</b>		<b>20130826</b>			
 L. P. THUMB, INDEX, MIDDLE, RING, LITTLE		 L. THUMB	 R. THUMB	 R. P. THUMB, INDEX, MIDDLE, RING, LITTLE					



MILTON COUNTY SHERIFF'S DEPARTMENT

FINGERPRINT REPORT

<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 1/28/2013 <b>TIME:</b> 10:08	
<b>LAST NAME</b> LaBoeuf	<b>FIRST NAME</b> Shawn	<b>MIDDLE NAME</b>	
<b>DOB:</b> 19780707	<b>SSN:</b> 089251950	<b>STATE ID NUMBER:</b> 044695103	
<b>DESCRIPTION OF WHERE PRINTS FOUND:</b> Cylindrical edge of shell casing (marker #2). Found on top level of Miltonville Parking Garage			
<b>DATE OF LIFT:</b> 1/28/2013		<b>TIME:</b> 9:45	
<b>TECHNICIAN LIFTING PRINTS:</b> Natalie Barker, MCSD CSI		<b>ID:</b> 117	
<b>PRINTS IDENTIFIED THROUGH</b> <input checked="" type="checkbox"/> AFIS <input type="checkbox"/> Manual		<b>ID:</b> 4152	
<b>TECHNICIAN MATCHING PRINTS:</b> Lt. Walden Caine			

	<b>DATE</b>	<b>CARD #</b>	<b>LIFT #</b>
	1/28/2013	2	1
	<b>CASE NUMBER</b>		
	104-01262013-A		
	<b>LOCATION/PHOTO MARKER</b>		
	#2		
	<b>PRINT LIFTED FROM</b>		
	.32 shell casing		
<b>LIFTED BY</b>			
Natalie Barker, MCSD CSI			
<b>AGENCY/OFFICE</b>			
Milton County Sheriff's Department			
<b>NOTES</b>			

STATE USAGE		LABOEUF, SHAWN <small>LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX</small>							
SIGNATURE OF PERSON FINGERPRINTED <i>Shawn LaBoeuf</i>		SOCIAL SECURITY NO. 089251950		LEAVE BLANK					
ALIASES/MAIDEN <small>LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX</small>									
FBI NO.	STATE IDENTIFICATION NO. 044695103	DATE OF BIRTH MM DD YY 19780707	SEX M/F	RACE	HEIGHT >3' 2	WEIGHT >50	EYES Y	HAIR	
									
1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE					
									
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE					
ID: 50X50G8 TP4800, #000192		LX T640 /#792XBZV							
									
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY					



MILTON COUNTY SHERIFF'S DEPARTMENT

FINGERPRINT REPORT

<b>CASE NUMBER:</b> 104-01262013-A		<b>DATE OF REPORT:</b> 1/28/2013	
		<b>TIME:</b> 10:06	
<b>LAST NAME</b> Bacalaleri	<b>FIRST NAME</b> Ronnie/Ronni	<b>MIDDLE NAME</b>	
<b>DOB:</b> 19960903	<b>SSN:</b> 850125457	<b>STATE ID NUMBER:</b> 049256315	
<b>DESCRIPTION OF WHERE PRINTS FOUND:</b> Miltonville Parking Garage. Top (9 <sup>th</sup> ) level. Guard rail of northern edge overlooking Main Street and garage driveway.			
<b>DATE OF LIFT:</b> 1/27/2013		<b>TIME:</b> 08:15	
<b>TECHNICIAN LIFTING PRINTS:</b> Natalie Barker, MCSD CSI		<b>ID:</b> 117	
<b>PRINTS IDENTIFIED THROUGH</b> <input type="checkbox"/> AFIS <input checked="" type="checkbox"/> Manual		<b>ID:</b> 4152	
<b>TECHNICIAN MATCHING PRINTS:</b> Lt. Walden Caine			

<b>DATE</b> <i>1/27/2013</i>	<b>CARD #</b> <i>3</i>	<b>LIFT #</b> <i>1</i>	<b>CASE NUMBER</b> <i>104-01262013-A</i>
<b>LOCATION/PHOTO MARKER</b> <i>Evidence Marker #7</i>		<b>PRINT LIFTED FROM</b> <i>North rail on 9th level of parking garage</i>	
<b>LIFTED BY</b> <i>Natalie Barker, MCSD CSI</i>		<b>AGENCY/OFFICE</b> <i>Milton County Sheriff's Department</i>	
<b>NOTES</b>			

# EXHIBIT 7

STATE USAGE		BACALALERI, RONNIE /RONNI MIDDLE NAME, SUFFIX							
SIGNATURE OF PERSON FINGERPRINTED  /S/		SOCIAL SECURITY NO.  850125457			LEAVE BLANK				
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
FBI NO.	STATE IDENTIFICATION NO. <b>049256315</b>	DATE OF BIRTH <b>19960903</b>	SEX <b>M/F</b>	RACE	HEIGHT <b>&gt;3'0</b>	WEIGHT <b>&lt;600</b>	EYES <b>Y</b>	HAIR	
									
 <b>ID 50X50G8 TP4800 #000192</b>			 <b>LX T640 /#792XBZV</b>						
 LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		 L. THUMB	 R. THUMB	 RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY					

Transcript of Interview with Sam/Samantha Pyke

Interview by Lt. Walden Caine

January 27, 2013 – 12:36 AM

1) Q: This is the interview of Sam/Samantha Pyke by Lieutenant Walden Caine on Sunday, January 27, 2013 at the Milton County Sheriff's Office. How are you, Sam/Samantha? It has been a long time.

A: I don't mean to tell you your business, but aren't you going to Mirandize me?

2) Q: No need – you are not under arrest, and you are free to go at any time. This is just a friendly chat.

A: Friendly – right. Whaddya want, Caine?

3) Q: I just have a few questions about where you were on last night around 8:00 pm.

A: Like?

4) Q: Well...where were you?

A: Why you gotta give me such a hard time, Caine? Is this another "Hate on Sam/Samantha" game you and Sherriff Brown are playing? This is gettin' old, man!

5) Q: Just answer the question, Pyke. Where were you last night at 8:00?

A: I was at home watching the Hallmark Channel.

6) Q: Is that right? What was on?

A: A movie called *Goodnight for Justice*. I don't think you'd like it.

7) Q: Do you have any witnesses who can vouch for you?

A: My cat, Sandy. You're welcome to bring her in, but I'm warning you, she's a tough nut to crack.

8) Q: What about your mom? Would she be more helpful if I brought her in?

A: (*Yelling*) You leave my mamma out of this, Caine! She ain't got nothing to do with this!

9) Q: "Nothing to do with this"? What "this", Sam/Samantha? What are we talking about now?

A: I dunno, Caine. You're the one that hauled my happy backside in here for this "friendly chat". You tell me...

10) Q: Do you know Bobby Bacalaleri?

A: Why?

11) Q: I'm the one asking the questions. Do you know him?

A: Well, I know of Bobby. Who doesn't?

12) Q: What do you mean?

A: C'mon, Lieutenant. Bobby is a one man SBA. If you need money and the banks turn you down, there's always Bobby.

13) Q: So you know of Bobby but don't know Bobby?

A: Sure. That sounds good.

14) Q: So then you've never done any kind of business with him then, have you?

A: Like what? Borrowin' money? Nah. I'm good, I don't need 'em for that.

15) Q: You've never met him face to face regarding a loan?

A: Uh, can't say that I have. I don't like to hang around with criminal elements like him or his goons. I try to steer clear of 'em all.

16) Q: So you were nowhere near the Miltonville Parking Deck last night, January 26, 2013 around 8:00 pm?

A: Didn't I already say I wasn't there? You must either be deaf or dumb. Which is it, Lieutenant?

17) Q: Hey, while you're here, do you mind if I get a swab your hands real quick? It won't hurt.

A: For what? No, I, I don't think so. I don't trust you Caine...there's no telling what you claim you might "find" with your little Q-tips and stuff...

18) Q: Alright, no problem. We can get it later. So, let's get back to the garage: there isn't anyone who would say that they saw you meeting with Bobby on top of that parking garage last night?

A: Who says I was?

19) Q: You'll see. Just answer the question.

A: Nah, this Id'nt right. You said I wasn't in custody and I was free to leave, right?

20) Q: Right.

A: Yeah, so, buh-bye.

INTERVIEW TERMINATED AT 12:48, Sunday, January 27, 2013



Horizon Wireless, Inc.  
155 Mustang Drive  
Campbellton, GA 31415-9265

February 4, 2013

Dear Lieutenant Caine,

In response to the subpoena dated January 30, 2013, we provide the following information. The subpoena is seeking text messages between (478) 555-4568 and (478) 555-0987 between January 23, 2013 and January 26, 2013 inclusive.

We can confirm that the following phone numbers are assigned to the indicated accounts:

- (478) 555-4568 ..... Bobby Bacalaleri
- (478) 555-0987 ..... Sam/Samantha Pyke

Attached, please find the texts requested.

If you need any further information, please feel free to contact our legal department at the address above.

Sincerely,

/S/

Morgan Smith

January 23, 2013, 2:04 PM

Where's my money, Pyke?? You're overdue!

I know. Give me a few more days.

I've already given you a few more days.

I'm getting tired of asking...

January 23, 2013, 2:15 PM

You'll get paid. I've already paid you back part of it.

Part ain't good enough!

Relax. I'm good for it...

Don't tell me to relax! I'll relax when I have my money. I better hear from you tomorrow!

January 24, 2013, 7:33 PM

Pyke! Where are you????

You better find me before Mickey and Shawn find you!

Or should they be looking for your mom instead?

January 24, 2013, 7:46 PM

YOU LEAVE MOMMA OUT OF THIS BOBBY!! THIS IS BETWEEN ME AN YOU!!!!

January 24, 2013, 8:02 PM

Relax, tiger! They're back in their cage.

Are we going to settle this soon or what?

That cage door has a crummy lock and these goons want to be fed...

I'll have it for you on Monday. I've got some good cash coming in this weekend.

Do I want to know how?

None of your business. Give me a few more days.

You better not let me down, Pyke. Don't forget: I know where your momma sleeps!

January 26, 2013, 12:08 PM

Time to pay the piper, Pyke.

You have until tonight. That's all.

Then I can't help what my guys do...

Dude...give me until Mon

TONIGHT!

8:00. Top of the Miltonville parking garage. Don't tell that moron Quan what you're doing.

You better not be late or short...

Fine. But this is it, one way or another!

ACCUSATION 04-CR-0862-2

Prosecutor:  
Alex Mann

State of Georgia, Milton Superior Court

**State of Georgia**  
*versus*  
**Shawn LaBoeuf**

Offenses:

**Count 1: CARRYING A CONCEALED WEAPON  
(O.C.G.A. 16-11-126)**

We the jury find the defendant

The defendant herein waives a copy of indictment, list of witnesses, formal arraignment and pleads guilty.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This 15<sup>th</sup> day of December, 2004.

/S/

Defendant

/S/

Foreperson

Attorney for the Defendant

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

/S/

Assistant District Attorney

Count 1

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the county and State aforesaid, does hereby charge and accuse **Shawn LaBoeuf** with the offense of **CARRYING A CONCEALED WEAPON (O.C.G.A. 16-11-126)** in that the said accused, in the State of Georgia and County of Milton, on the 9<sup>th</sup> day of October, 2004, did then and there unlawfully knowingly carry about person a in a manner not open and fully exposed to view outside of home, motor vehicle, or place of business, contrary to the laws of said State, the peace, good order and dignity thereof.

/S/

Charles Cardwell, District Attorney

**IN THE SUPERIOR COURT OF MILTON COUNTY, STATE OF GEORGIA**

**STATE OF GEORGIA versus**  
**SHAWN LABOEUF**

*Clerk to complete if incomplete:*

**CRIMINAL ACTION #:**

OTN(s): 597167005189

DOB: 7/7/1978

Ga. ID#: 044695103

**04-CR-0862-2**

**JUNE TERM**

**Final Disposition:**  
**MISDEMEANOR**

**PLEA:**

**VERDICT:**

Negotiated  Non-negotiated  Jury  Non-jury

**The Court enters the following judgment:**

Count; CTN; Warrant #	Charge (as indicted or accused & code section)	Disposition (Guilty, Guilty-Alford, Guilty- Lesser Included & code section, Not Guilty, Nolo, Nol Pros, Dead Docket)	Sentence	High & Aggravated	Fine	Concurrent/ Consecutive, Merged Suspended
1 001 04w78426	CARRYING A CONCEALED WEAPON (O.C.G.A. 16-11-126)	Misdemeanor – Guilty as Charged	12 months probation		\$1,000	

The Defendant is adjudged guilty for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

**SENTENCE SUMMARY**

The Defendant is sentenced for a total of TWELVE (12) MONTHS PROBATION,  with the first \*\*\* to be served in confinement and the remainder to be served on probation; or  to be served on probation.

The Defendant is to receive credit for time served in custody:  from \*\*\*; or  as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of \*\*\*, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

**GENERAL CONDITIONS OF PROBATION**

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits, especially alcoholic intoxication and narcotics and other dangerous drugs unless lawfully prescribed. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If



ACCUSATION 08-CR-0463-2

Prosecutor:  
Alex Mann

State of Georgia, Milton Superior Court

**State of Georgia**  
*versus*  
**Shawn LaBoeuf**

Offenses:

**Count 1: VIOLATION OF THE GEORGIA  
CONTROLLED SUBSTANCES ACT: POSSESSION  
OF CONTROLLED SUBSTANCES (O.C.G.A. 16-13-  
30(a))**

We the jury find the defendant

The defendant herein waives a copy of indictment, list of witnesses, formal arraignment and pleads guilty.

This 4<sup>th</sup> day of June, 20 08.

/S/

Defendant

/S/

Attorney for the Defendant

/S/

Assistant District Attorney

Foreperson

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Count 1

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the county and State aforesaid, does hereby charge and accuse **Shawn LaBoeuf** with the offense of **VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT: POSSESSION OF CONTROLLED SUBSTANCES (O.C.G.A. 16-13-30(a))** in that the said accused, in the State of Georgia and County of Milton, on the 19<sup>th</sup> day of March, 2008, did then and there unlawfully possess Chlorotestosterone, a Schedule III controlled substance, in violation of the Georgia Controlled Substances Act, contrary to the laws of said state, the peace, good order and dignity thereof.

/S/

Charles Cardwell, District Attorney

**IN THE SUPERIOR COURT OF MILTON COUNTY, STATE OF GEORGIA**

**STATE OF GEORGIA versus**  
**SHAWN LABOEUF**

*Clerk to complete if incomplete:*

**CRIMINAL ACTION #:**

OTN(s): 597167005189

DOB: 7/7/1978

Ga. ID#: 044695103

**08-CR-0463-2**

**JUNE TERM**

**Final Disposition:**

**FELONY**

**PLEA:**

**VERDICT:**

Negotiated  Non-negotiated  Jury  Non-jury

**The Court enters the following judgment:**

Count; CTN; Warrant #	Charge (as indicted or accused & code section)	Disposition (Guilty, Guilty-Alford, Guilty- Lesser Included & code section, Not Guilty, Nolo, Nol Pros, Dead Docket)	Sentence	High & Aggravated	Fine	Concurrent/ Consecutive, Merged Suspended
1 001 08w08361	VIOLETION OF THE GEORGIA CONTROLLED SUBSTANCES ACT: POSSESSION OF CONTROLLED SUBSTANCES (O.C.G.A. 16-13-30(a))	Felony – Guilty as Charged	4 years probation		\$2,000	

The Defendant is adjudged guilty for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

**SENTENCE SUMMARY**

The Defendant is sentenced for a total of FOUR (4) YEARS PROBATION,  with the first \*\*\* to be served in confinement and the remainder to be served on probation; or  to be served on probation.

The Defendant is to receive credit for time served in custody:  from \*\*\*; or  as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of \*\*\*, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

**GENERAL CONDITIONS OF PROBATION**

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits, especially alcoholic intoxication and narcotics and other dangerous drugs unless lawfully prescribed. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5)

Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

**OTHER CONDITIONS OF PROBATION**

The Defendant is advised that violation of any Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all other Conditions of Probation as follows:

**The Defendant shall report to the Probation Office as directed by Probation.**

**Fourth Amendment waiver.** The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.

**Evaluation and treatment.** The Defendant shall provide verification of evaluation and/or treatment for:  mental health  substance abuse  clinical evaluation  anger management  cognitive skills training  educational training or  \_\_\_\_\_ at a State- or Court-approved provider at his/her own expense, and shall cooperate and comply with all rules and regulations of the treatment or program, including any aftercare deemed necessary.

\_\_\_\_\_/S/\_\_\_\_\_, Attorney at Law, represented the Defendant by:  
 employment; or  appointment.

**SO ORDERED** this 4<sup>th</sup> day of June, 2008.

\_\_\_\_\_/S/\_\_\_\_\_  
Honorable George Carley, Judge  
Milton County Superior Court

Prosecutor: \_\_\_\_\_/S/\_\_\_\_\_

Court reporter: \_\_\_\_\_/S/\_\_\_\_\_

**HABEAS CORPUS NOTICE**

Should the defendant seek to challenge this legal proceeding, a Petition for Habeas Corpus must be filed: within four (4) years for a Felony conviction; within twelve (12) months for a Misdemeanor conviction; within 180 days for a Misdemeanor Traffic conviction; from the date the sentence becomes final. The defendant has been so advised.



ACCUSATION	12-CR-1286-2
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Prosecutor:  
Alex Mann

State of Georgia, Milton Superior Court

**State of Georgia**  
*versus*  
**Ronnie/Ronni Bacalaleri**

Offenses:

**Count 1: THEFT BY RECEIVING (O.C.G.A. 16-8-7)**  
**Count 2: THEFT BY RECEIVING (O.C.G.A. 16-8-7)**

We the jury find the defendant

The defendant herein waives a copy of indictment, list of witnesses, formal arraignment and pleads guilty.

This 15<sup>th</sup> day of August, 2012.

/S/

Defendant

/S/

Attorney for the Defendant

Foreperson

/S/

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Assistant District Attorney

Count 1

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the county and State aforesaid, does hereby charge and accuse **Ronnie/Ronni Bacalaleri** with the offense of **THEFT BY RECEIVING (O.C.G.A. 16-8-7)** in that the said accused, in the State of Georgia and County of Milton, on the 20<sup>th</sup> day of December, 2011, did then and there unlawfully receive stolen property, to wit: 64 GB white Apple iPad with Retina display, the property of Rachel Jackson, with a value of less than one thousand five hundred dollars (\$1,500.00), which he knew or should have known was stolen, said property not have been received with the intent to restore it to said owner, contrary to the laws of said State, the peace, good order and dignity thereof.

Count 2

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the county and State aforesaid, does hereby charge and accuse **Ronnie/Ronni Bacalaleri** with the offense of **THEFT BY RECEIVING (O.C.G.A. 16-8-7)** in that the said accused, in the State of Georgia and County of Milton, on the 20<sup>th</sup> day of December, 2011, did then and there unlawfully receive stolen property, to wit: a pair of Beats by Dr. Dre Studio High-Definition Headphones, the property of Nicholas Barker, with a value of less than one thousand five hundred dollars (\$1,500.00), which he knew or should have known was stolen, said property not have been

received with the intent to restore it to said owner, contrary to the laws of said State, the peace, good order and dignity thereof

*/s/*

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Charles Cardwell, District Attorney

**IN THE STATE COURT OF MILTON COUNTY, STATE OF GEORGIA**

**STATE OF GEORGIA versus**  
**RONNIE/RONNI BACALALERI**

*Clerk to complete if incomplete:*

**CRIMINAL ACTION #:**

OTN(s): 761303569154

DOB: 9/3/1995

Ga. ID#: 5685940

**12-CR-1286-2**  
**JUNE TERM**

**Final Disposition:**  
**MISDEMEANOR**

**PLEA:** **VERDICT:**

Negotiated  Non-negotiated  Jury  Non-jury

**The Court enters the following judgment:**

Count; CTN; Warrant #	Charge (as indicted or accused & code section)	Disposition (Guilty, Guilty-Alford, Guilty- Lesser Included & code section, Not Guilty, Nolo, Nolo Pros, Dead Docket)	Sentence	High & Aggravated	Fine	Concurrent/ Consecutive, Merged Suspended
1 001 12w17763	THEFT BY RECEIVING (O.C.G.A. § 16-8-7)	Misdemeanor – Guilty as Charged	12 months probation		\$1,000	
2 001 12w17763	THEFT BY RECEIVING (O.C.G.A. § 16-8-7)	Misdemeanor – Guilty as Charged	12 months probation			Consecutive

The Defendant is adjudged guilty for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

**SENTENCE SUMMARY**

The Defendant is sentenced for a total of TWENTY FOUR (24) MONTHS PROBATION,  with the first \*\*\* to be served in confinement and the remainder to be served on probation; or  to be served on probation.

The Defendant is to receive credit for time served in custody:  from \*\*\*; or  as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of \*\*\*, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

**GENERAL CONDITIONS OF PROBATION**

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits, especially alcoholic intoxication and narcotics and other dangerous drugs unless lawfully prescribed. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode,









# Legal Authorities

## Statutes

### **OCGA § 16-5-1. Murder; felony murder**

- (a) A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.
- (b) Express malice is that deliberate intention unlawfully to take the life of another human being which is manifested by external circumstances capable of proof. Malice shall be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart.
- (c) A person also commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.
- (d) A person convicted of the offense of murder shall be punished by death or by imprisonment for life.

### **OCGA § 16-5-20. Simple assault**

- (a) A person commits the offense of simple assault when he or she:
  - (1) Attempts to commit a violent injury to the person of another.

### **OCGA § 16-5-21. Aggravated assault**

- (a) A person commits the offense of aggravated assault when he or she assaults:
  - (2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury notwithstanding, continues or threatens to continue the use of unlawful force.

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## Case Law

*The following excerpts are from Case Law concerning the legal issues raised in this mock trial case. Only portions of the opinions are provided, and only those portions may be used in the course of the trial. Citations and internal quotation marks are omitted in the excerpts of the cases that follow.*

The crime of malice murder is committed when a person unlawfully causes the death of another human being while acting with express or implied malice. In this definition of the crime, the concept of malice incorporates the intent to kill. Thus, in Georgia, the crime of malice murder is committed when the evidence shows either an express or, in the alternative, an implied intent to commit an unlawful homicide. This meaning of malice murder is consistent with the general rule that crimes which are "defined so as to require that the defendant intentionally cause a forbidden bad result are usually interpreted to cover one who knows that his conduct is substantially certain to cause the result, whether or not he desires the result to occur." Thus, a malice murder can be shown not only by evidence that the defendant acted with the "deliberate intention unlawfully to take the life of another human being which is manifested by external circumstances capable of proof," but also by evidence that the defendant acted "where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart." In other words, evidence that the defendant acted with implied malice is, for purposes of demonstrating his guilt of the crime of malice murder, no less probative than proof that he acted with a specific intent to kill.

**Parker v. State, 270 Ga. 256 (1998)**

As to the question of malice, there is no requirement of premeditation or a preconceived intention to kill; "malice aforethought can be formed instantly."

**Wynn v. State, 272 Ga. 861 (2000)**

Malice imports the absence of all elements of justification or excuse and the presence of an actual intent to cause harm.

**Stiles v. State, 242 Ga. App. 484 (2000)**

Motive is not an essential element of the crime of malice murder. Although motive may be relevant to the issues of intent and malice, it is not a separate element of the crime which must be proven by the state.

**Coates v. State, 255 Ga. 183 (1985)**

While motive is not an essential element in the proof of the crime of murder, the State is entitled to present evidence to establish that there was a motive.

**Johnson v. State, 260 Ga. 457 (1990)**

Felony murder involves a nonintentional killing committed in the prosecution of a felony. It is still murder and is subject to the same penalties as "malice murder." The only difference is the absence of intent and malice.

**Burke v. State, 234 Ga. 512 (1975)**

Under Georgia law "[a] person . . . commits the offense of murder when, in the commission of a felony, he [or she] causes the death of another human being, irrespective of malice." Malice means the intent to take a life without legal justification or mitigation. Thus, malice, or the intent to kill, is not an element of felony murder." Proof of felony murder does not require proving malice or the intent to kill, but only that the defendant had the requisite criminal intent to commit the underlying felony.

**Tessmer v. State, 273 Ga. 220 (2000)**

**IN THE SUPERIOR COURT OF MILTON COUNTY  
STATE OF GEORGIA**

<b>State of Georgia,</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL ACTION NO: 2014-MT</b>
	)	
<b>SAM/SAMANTHA PYKE</b>	)	
	)	
<b>Defendant.</b>	)	

**THE CHARGE OF THE COURT**

*[Not to be read in open court]*

**Indictment/Accusation**

You are considering the case of the State of Georgia versus Sam Pyke. The grand jury has indicted the defendant with the offenses of murder, felony murder and aggravated assault.

**Issue and Plea of Not Guilty**

The defendant has entered a plea of not guilty to this indictment. The indictment and the plea form the issue that you are to decide. Neither the indictment nor the plea of not guilty should be considered as evidence.

**Presumption of Innocence; Burden of Proof; Reasonable Doubt**

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged. No person shall be convicted of any crime unless and until each element of the crime is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt. There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence. When a defense is raised by the evidence, the burden is on the State to negate or disprove it beyond a reasonable doubt. However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

After giving consideration to all of the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you must acquit the defendant. But, if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the State fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

**Grave Suspicion**

Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the defendant.

### **Mere Presence; Guilt by**

A jury is not authorized to find a person who was merely present at the scene of the commission of a crime at the time of its perpetration guilty of consent in and concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person committed the alleged crime.

### **Jury; Judges of Law and Facts**

Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law. You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law I give you in the charge to the facts as you find them to be.

### **Evidence; Generally**

Your oath requires that you will decide this case based on the evidence. Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and any exhibits admitted during the trial, as well as stipulations of the attorneys. Evidence does not include the indictment, the plea of not guilty, opening or closing remarks of the attorneys, or questions asked by the attorneys.

### **Stipulations**

The parties have entered into certain stipulations that have been approved by the court. Where parties stipulate facts, this is in the nature of evidence. You may take that fact or those facts as a given without the necessity of further proof. However, you are not required to do so, and even such matters may be contradicted by other evidence. You make all decisions based on the evidence in this case.

### **Direct and Circumstantial Evidence**

Evidence may be either direct or circumstantial or both. In considering the evidence, you may use reasoning and common sense to make deductions and reach conclusions. You should not be concerned about whether the evidence is direct or circumstantial.

“Direct evidence” is the testimony of a person who asserts that he or she has actual knowledge of a fact. “Circumstantial evidence” is proof of a set of facts and circumstances that tend to prove or disprove another fact by inference (that is, by consistency with such fact or elimination of other facts). There is no legal difference in the weight you may give to either direct or circumstantial evidence.

You would be authorized to convict only if the evidence, whether direct, circumstantial, or both, excludes all reasonable theories of innocence and proves the guilt of the accused beyond a reasonable doubt. The law does not require a higher or greater degree of certainty on the part of the jury to return a verdict based upon circumstantial evidence than upon direct evidence.

### **Credibility of Witness**

The jury must determine the credibility of the witnesses. In deciding this, you may consider all of the facts and circumstances of the case, including the witnesses’ manner of testifying, their means and opportunity of knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, their interest or lack of interest in the outcome of the case, and their personal credibility as you observe it.

### **Expert Witness**

Testimony has been given in this case by certain witnesses who are termed experts. Expert witnesses are those who because of their training and experience possess knowledge in a particular field that is not common knowledge or known to the average citizen. The law permits expert witnesses to give their opinions based upon that training and experience. You are not required to accept the testimony of any witnesses, expert or otherwise. Testimony of an expert, like that of all witnesses, is to be given only such weight and credit as you think it is properly entitled to receive.

### **Witness, Impeached by**

To impeach a witness is to prove the witness is unworthy of belief. A witness may be impeached by:

- a. Disproving the facts to which the witness testified;
- b. Proof of general bad character;
- c. Proof that the witness has been convicted of a crime involving dishonesty or false statement; or
- d. Proof of contradictory statements, previously made by the witness, as to matters relevant to the witness's testimony and to the case.

If it is sought to impeach a witness by "b," "c," or "d," above, proof of the general good character of the witness may be shown. The effect of the evidence is to be determined by the jury.

If any attempt has been made in this case to impeach any witness by proof of contradictory statements previously made, you must determine from the evidence:

- a. First, whether any such statements were made;
- b. Second, whether they were contradictory to any statements the witness made on the witness stand; and
- c. Third, whether it was material to the witness's testimony and to the case.

If you find that a witness has been successfully impeached by proof of previous, contradictory statements, you may disregard that testimony, unless it is corroborated by other credible testimony, and the credit to be given to the balance of the testimony of the witness would be for you to determine.

It is for you to determine whether or not a witness has been impeached and to determine the credibility of such witness and the weight the witness's testimony shall receive in the consideration of the case.

### **Witness, Supported**

In determining the credibility of any witness whose credibility has been attacked as I have described above and any testimony by him or her in court, you may consider, where applicable, evidence offered to support the credibility or believability of any such witness testified.

### **Prior Statements**

You may determine whether there was evidence that a witness testified falsely about an important fact during the course of the trial as opposed to some other time before this trial.

In doing so, you may make a determination whether the misstatement was because of an innocent lapse in memory or an intentional attempt to deceive. You should consider all the facts and circumstances of any prior statements.

### **Single Witness; Corroboration**

The testimony of a single witness, if believed, is sufficient to establish a fact. Generally, there is no legal requirement of corroboration of a witness, provided you find the evidence to be sufficient.

### **Identification; Reliability**

Identity is a question of fact for you to determine. Your determination of identity is dependent upon the credibility of the witness or witnesses offered for this purpose. You should consider all of the factors previously charged you regarding credibility of witnesses. Some, but not all, of the factors you may consider in assessing reliability of identification are

- 1) the opportunity of the witness to view the alleged perpetrator at the time of the alleged incident,
- 2) the witness's degree of attention toward the alleged perpetrator at the time of the alleged incident,
- 3) the possibility of mistaken identity,
- 4) whether the witness's identification may have been influenced by factors other than the view that the witness claimed to have,
- 5) whether the witness on any prior occasion did not identify the defendant in this case as the alleged perpetrator, and
- 6) the length of the time between the crime and the out-of-court identification.

## **Identification; Burden of Proof**

It is for you to say whether, under the evidence in this case, the testimony of the witnesses and the facts and circumstances of the case sufficiently identify this defendant beyond a reasonable doubt as the perpetrator of the alleged crime. It is not necessary that the defendant show that another person committed the alleged offense.

If you do not believe that the defendant has been sufficiently identified as the person who committed the alleged crime, or if you have any reasonable doubt about such, then it would be your duty to acquit the defendant. The burden of proof rests upon the State to prove, beyond a reasonable doubt, the identity of this defendant as the person who committed the crime alleged in this bill of indictment.

## **Fingerprints**

Certain evidence of fingerprint comparison has been admitted by the court for your possible consideration.

Identification by fingerprint comparison is opinion evidence and is dependent upon the credibility and accuracy of the expert witness called for that purpose as well as the following factors:

- 1) the validity of the theory of identification by fingerprint comparison,
- 2) the credibility of the witness who performs other necessary functions in making the comparison such as inked finger impressions and latent lifts, and
- 3) the accuracy of procedures in identifying, preserving, recording, and maintaining integrity of the physical evidence, all of which are questions for the jury.

Fingerprint evidence is also governed by the rules on circumstantial evidence.

If you believe that fingerprints corresponding to those of the accused were found and identified, their evidentiary value, if any, would be diminished to the extent that they could reasonably have been left at the scene or on the article alleged at a time or under circumstances that would be consistent with innocence.

A verdict of guilty may not rest upon fingerprint identification alone, unless you are satisfied beyond a reasonable doubt that fingerprints left by the accused were in fact found and that they could only have been impressed by the accused at the scene of the crime or on the article alleged at the time of the commission of the crime and that such identification under all of the facts and circumstances of the case is sufficient to satisfy your mind of the guilt of the accused to the exclusion of any other reasonable theory and beyond a reasonable doubt.

## **Definition of Crime**

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of this state in which there is a joint operation of an act (or omission to act) and intention.

## **Intent**

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt. Intent may be shown in many ways; provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

## **No Presumption of Criminal Intent**

This defendant will not be presumed to have acted with criminal intent, but you may find such intention (or the absence of it) upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

## **Offenses Charged**

This defendant is charged with the offenses of murder, felony murder and aggravated assault. These offenses are defined as follows:

### **Malice Murder; Defined**

A person commits murder when that person unlawfully and with malice aforethought, either express or implied, causes the death of another human being. Express malice is that deliberate intention unlawfully to take away the

life of another human being, which is shown by external circumstances capable of proof. Malice may, but need not, be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart. It is for the jury to decide whether or not the facts and circumstances of this case show malice.

To constitute murder, the homicide must have been committed with malice. Legal malice is not necessarily ill will or hatred, but it is the unlawful intention to kill without justification, excuse, or mitigation.

If a killing is done with malice, no matter how short a time the malicious intent may have existed, such killing constitutes murder.

Georgia law does not require premeditation, and no particular length of time is required for malice to be generated in the mind of a person. It may be formed in a moment, and instantly a mortal wound may be inflicted. Yet, if malice is in the mind of the accused at the time of the doing of the act or killing, and moves the accused to do it, such is sufficient to constitute the homicide as murder.

### **Premeditation; Defined**

Premeditation, as the term is usually used, means a prior determination or plan to commit an act. Premeditation is not an element of the offense of murder, and therefore need not be proven by the state to establish malice aforethought. However, any evidence of premeditation, or lack of it, may be considered by you insofar as it related to the existence, or nonexistence, of malice at the time of the alleged killing.

### **Felony Murder; Defined**

A person also commits the crime of murder when, in the commission of a felony, that person causes the death of another human being irrespective of malice. Under our law, aggravated assault is a felony, and is defined as follows: An assault is an attempt to commit a violent injury to the person of another.

A person commits the offense of aggravated assault when that person assaults another person with a deadly weapon, or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury. You should also use this definition of aggravated assault in deliberating on Count 3 of the indictment.

### **Murder; Felony, during Commission of**

In order for a homicide to have been done in the commission of this particular felony, there must be some connection between the felony and the homicide. The homicide must have been done in carrying out the unlawful act and not collateral to it. It is not enough that the homicide occurred soon or presently after the felony was attempted or committed. There must be such a legal relationship between the homicide and the felony so as to cause you to find that the homicide occurred before the felony was at an end or before any attempt to avoid conviction or arrest for the felony. The felony must have a legal relationship to the homicide, be at least concurrent with it in part, and be a part of it in an actual and material sense. A homicide is committed in the carrying out of a felony when it is committed by the accused while engaged in the performance of any act required for the full execution of the felony.

### **Motive**

Proof of particular motive is not essential to constitute the crime of murder. Evidence of motive, if any, is admitted for your determination as to whether or not it establishes the state of the defendant's mind at the time of the alleged homicide.

### **Verdict; Generally**

This is how you should deliberate each count of the indictment: if, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Milton County, Georgia, did on or about the date alleged commit the offense of as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty." If you do not believe that the defendant is guilty (of either of these offenses), or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to

acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

### **Court Has No Interest in Case**

By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or innocence of the defendant.

### **Sympathy**

Your verdict should be a true verdict based upon your opinion of the evidence according to the laws given you in this charge. You are not to show favor or sympathy to one party or the other. It is your duty to consider the facts objectively without favor, affection, or sympathy to either party.

### **Sentencing; Responsibility for**

You are only concerned with the guilt or innocence of the defendant. You are not to concern yourselves with punishment.

### **Deliberations**

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree. You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

### **Unanimous Verdict**

Whatever your verdict is, it must be unanimous (that is, agreed to by all). The verdict must be in writing and signed by one of your members as foreperson, dated, and returned to be published in open court.

### **Retire to Jury Room**

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that has been admitted in the case.

Bailiff, escort the jury to the jury room.