
Utah

Mock Trial Competition

The 2022 Mock Trial Criminal Case

3RD JUDICIAL DISTRICT
COUNTY OF SALT FLATS
STATE OF ZION

)	
State of Zion,)	
)	
)	
Prosecution,)	CRIMINAL NO.
)	21-CRM-8432
v.)	
)	Incident #
)	73-100280917
Carolyn Norton,)	
)	
Defendant.)	

NOTE This mock trial case is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are fictitious, and the names of the witnesses were created to be gender neutral.

2022
Mock Trial Case

2022 Mock Trial Case

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CASE SUMMARY

On the evening of September 3, 2021, 34-year-old Timothy Eagan went to dinner with several of his colleagues at the Wicked Mine Restaurant in Riverton, Zion. Tim was originally from Orange County, California, a graduate of Pepperdine University, and Founder and President of Flying B Development, a real estate company he started in 2018.

The next morning, Tim was found dead from a gunshot wound at the site of one of his real estate developments, Oquirrh Mountain. Carolyn Norton, 28, of Delta, Zion is an employee of Flying B Development. She had a heated argument with Tim at the restaurant the night before due to her paycheck being short and her needing money to pay her rent. She was also very upset that Tim would not commit to making her a partner in the company and made a veiled threat that Tim and his business partner, Quinn Perry, "better get ready for a reckoning."

After two months of investigation, she was charged with First Degree Murder in Timothy Eagan's death. Carolyn maintains her innocence but has chosen to not testify in her own defense.

***This case background is not to be used as evidence in the case.
It is provided for background purposes only.***

PLEADINGS

**STATE OF ZION
3RD JUDICIAL DISTRICT
SALT FLATS COUNTY**

STATE OF ZION,

Prosecution,

v.

CAROLYN NORTON,

INFORMATION

CRIMINAL NO.

21-CRM-8432

Incident #

73-100280917

THE STATE OF ZION TO THE ABOVE-NAMED DEFENDANT:

Detective Mickey Wilson, the undersigned Investigator for the Riverton Police Department, Salt Flats County, State of Zion, upon a written declaration, states on information and belief that the defendant, CAROLYN NORTON, on or about September 3, 2021, within Salt Flats County, State of Zion, committed the following:

COUNT 1

MURDER, Zion Code §76-5-203

A first-degree felony

That Defendant Carolyn Norton did, in Salt Flats County, on or about September 3, 2021, commit the crime of Murder in that the Defendant did knowingly and intentionally cause the death of Timothy Eagen at the Oquirrh Mountain development located at approximately 14000 South Mountain View Corridor, Salt Flats County, Riverton, Zion, contrary to the laws of the State of Zion; **to-wit:** on Friday, September 3, 2021, Carolyn Norton shot Timothy Eagen with a 9mm handgun, and thereby caused his death, which was done without justification or excuse, and with malice aforethought, in violation of Zion Code §§76-5-201 and 76-5-203.

THIS INFORMATION IS BASED ON CREDIBLE EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES: Mickey Wilson, Detective with the Riverton Police Department; Blaine Mendoza, computer hacking forensic investigator; and Quinn Perry, business partner to Timothy Eagen.

Pursuant to Zion Code §78B-5-705, I declare under criminal penalty of the State of Zion that the foregoing is true and correct to the best of my belief and knowledge.

Executed on this 15th day of November, 2021.

Mickey Wilson

Mickey Wilson, Declarant

Authorized on November 15, 2021 for presentment and filing:

Braden Yeates, Salt Flats County Attorney

By: Braden Yeates

Salt Flats County Attorney

03682471

Title 76. Zion Criminal Code (Selected provisions)

76-2-101. Requirements of criminal conduct and criminal responsibility

(1) (a) A person is not guilty of an offense unless the person's conduct is prohibited by law; and

(b) (i) the person acts intentionally, knowingly, recklessly, with criminal negligence, or with a mental state otherwise specified in the statute defining the offense, as the definition of the offense requires; or

(ii) the person's acts constitute an offense involving strict liability.

(2) [Omitted.]

76-2-103. Definitions.

A person engages in conduct:

(1) Intentionally, or with intent or willfully with respect to the nature of his conduct or to a result of his conduct, when it is his conscious objective or desire to engage in the conduct or cause the result.

(2) Knowingly, or with knowledge, with respect to his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or the existing circumstances. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

(3) [Omitted.]

(4) [Omitted.]

76-5-201. Criminal homicide -- Elements -- Designations of offenses -- Exceptions.

(1) (a) Except as provided in Subsections (3) and (4), a person commits criminal homicide if the person intentionally, knowingly, recklessly, with criminal

negligence, or acting with a mental state otherwise specified in the statute defining the offense, causes the death of another human being, including an unborn child at any stage of its development.

(b) There shall be no cause of action for criminal homicide for the death of an unborn child caused by an abortion, as defined in Section 76-7-301.

(2) Criminal homicide is aggravated murder, murder, manslaughter, child abuse homicide, homicide by assault, negligent homicide, or automobile homicide.

(3) [Omitted.]

(4) [Omitted.]

76-5-203. Murder.

(1) [Omitted.]

(2) Criminal homicide constitutes murder if:

(a) the actor intentionally or knowingly causes the death of another;

(3) (a) Murder is a first degree felony.

(b) A person who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

BURDEN OF PROOF

The burden of proof rests with the prosecution. The following are definitions and explanations that will assist you in either building your case against the defendant, or in defending Carolyn Norton.

1. The defendant is presumed to be innocent of the charges. This presumption remains in effect unless and until, from all the facts/evidence presented at trial, the trier of fact is convinced beyond a reasonable doubt that the defendant is guilty of the alleged crime(s). Beyond a reasonable doubt is the highest standard of proof used in the United States court system.
2. The prosecution, State of Zion, has the burden of proving the guilt of the defendant beyond a reasonable doubt. Beyond a reasonable doubt means that no other logical explanation – or reasonable alternative -- can be drawn from the facts/evidence presented at trial except that the Carolyn Norton committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty. It does not mean that no doubt exists as to the accused's guilt, but only that no reasonable doubt is possible from the evidence presented.
3. The defendant is not required to prove her innocence.
4. If the judge has a reasonable doubt as to the defendant's guilt, the judge will pronounce the defendant not guilty. If the judge has no doubt as to the defendant's guilt, or if the only doubts are unreasonable doubts, then the prosecutor has proven the defendant's guilt beyond a reasonable doubt and the defendant should be pronounced guilty.

**STATE OF ZION
3RD JUDICIAL DISTRICT
SALT FLATS COUNTY**

STATE OF ZION,

Prosecution,

v.

CAROLYN NORTON,

Defendant.

CRIMINAL ACTION

DOCKET NO.

21-CRM-8432

Judge Laura Whittaker

**PRE-TRIAL ORDER AND
STIPULATIONS**

COME NOW the parties and agree to the following stipulations:

Pre-Trial Order

On this the 1st day of December 2021, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to the terms of this Order. The terms of this Order shall not be altered, except by this Court upon a showing of good cause.

I. Statement of Case

The State of Zion charged the Defendant, Carolyn Norton, with Murder.

II. Stipulations of the Parties

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

- a. The Information is valid, and the Defendant may not challenge the Information as deficient.
- b. Defendant Norton has chosen not to testify in her own defense and as such has been excused from participation in this trial and shall not be present at defense counsel's table nor shall Norton be present in the courtroom. No negative inference shall be made in regard to the defendant's failure to appear at the hearing, and it will not be necessary for witnesses to identify the defendant.
- c. The case of *State of Zion v. Norton* has been bifurcated. This trial concerns only the guilt phase. No evidence that goes solely to the extent of the potential penalty faced by Norton may be presented by either party.
- d. Defendant Norton has entered a plea of not guilty to all indicted charges and has not indicated an intent to raise any affirmative defense.
- e. The autopsy of Timothy Eagan concluded that Eagan died from massive hemorrhaging and organ damage caused by a single gunshot wound to the chest.
- f. Jurisdiction, venue, and chain of custody of all evidence are proper and may not be challenged.
- g. All witnesses reviewed their affidavits and reports immediately prior to trial and were given an opportunity to revise them. None did so. All witnesses affirm the truthfulness of everything stated in their affidavits. When preparing and reviewing their sworn statements, all witnesses were instructed to include everything that they know may be relevant to their testimony.
- h. All documents, signatures, and exhibits included in the case materials are authentic; no objections to the authenticity of any documents will be entertained. Both parties must still lay proper foundation prior to entering evidence, and both parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
- i. All electronic timestamps contained within exhibits are authentic and accurate.
- j. The affidavit and *curriculum vitae* of James Smith may be admitted by either party and will not be subject to a hearsay objection.

- k. Exhibits #4 and #8 are aerial photographs taken by using drone technology and accurately depict the crime scene landscape as of September 2021. These exhibits do not need to be introduced through the custodian of the records and can be introduced by either party. Objections to the validity of the key and overlaid markers/paths on Exhibit 8 may be raised.
- l. Exhibit #9 is an original photograph taken by Detective Wilson which accurately depicts the location where the body was found.
- m. Exhibit #10 are construction site photos taken by Defendant Norton which have been authenticated. This exhibit does not need to be introduced through the custodian of the records and can be introduced by either party.
- n. All objections to Exhibit #1, the Homicide Report prepared by Detective Wilson of the Riverton Police Department, have been waived. If offered, it is admissible by either party at any time the record is open without further foundation.
- o. The Defendant has asked the Court to hold a bench trial and has waived her right to a jury trial.
- p. No props may be used in lieu of, or in addition to, evidence included in this packet. Teams may not use markers or laser pointers to assist in the presentation of witness testimony concerning an exhibit. Use of electronic equipment is prohibited.
- q. Exhibits may be copied and enlarged for demonstrative purposes only but may not exceed 24" x 36" in size.

DATED: December 1, 2021

IT IS SO ORDERED

Laura Whittaker

LAURA WHITTAKER

3RD District Court Judge

Applicable Case Law

All decisions were rendered by the Zion Supreme Court

Criminal Trials

State v. Bayog

In a criminal case, the burden of proof lies solely on the State to prove every element of each charge beyond a reasonable doubt. The State may rely on both direct and circumstantial evidence to do so. This burden, however, does not apply to every individual fact alleged. Instead, it requires that the cumulative effect of all presented evidence must convince the finder of fact beyond a reasonable doubt that the State has proved each element. The defendant bears no burden of proof except in cases in which the defendant raises an affirmative defense.

State v. Pugh

In Zion, criminal trials may be bifurcated, where guilt is decided in one phase of trial and sentencing (if applicable) in the next. During the guilt phase of a bifurcated trial, it is improper for either party to comment on prospective sentencing. Such evidence is irrelevant under Rule 401 of the Rules of Evidence, and any attempts to elicit or comment on such evidence may be grounds for a mistrial.

State v. Wilson

While motive may be relevant circumstantial evidence for consideration, proof of motive is not an essential element in any criminal charge. If the jury is convinced beyond a reasonable doubt that a defendant committed the crime, the defendant may be convicted even without proof of motive.

Fifth Amendment

State v. Brown

The Fifth Amendment to the United States Constitution provides that no person shall be compelled in any criminal case to be a witness against himself or herself. The self-incrimination privilege of the Fifth Amendment means that a defendant cannot be compelled to testify at his or her criminal trial. Moreover, a defendant's right to remain silent prohibits any comments – either directly or indirectly - from being made during the defendant's trial about the defendant's failure to testify. An indirect reference to the defendant's failure to testify is when the reference calls for a denial of a fact or evidence that only the defendant could provide. An improper comment on a defendant's failure to testify may result in the reversal of the defendant's conviction on appeal.

Expert Testimony

Hudson v. Ridgeway

When assessing an expert's methods under Rule 702(c) of the Rules of Evidence, judges may consider factors such as: (1) whether the theory or technique has been or can be tested; (2) whether it has been peer reviewed and published; (3) whether it has gained widespread acceptance within the field; and (4) whether it has a known, calculable error rate. However, there is no definitive checklist of what must or must not be present for admission; judges must apply the rule based on the totality of the circumstances.

Hearsay

Allen v. Williams

Unlike many evidentiary rules, Rule 801(d)(2) of the Rules of Evidence may be invoked in only one direction. Under this rule, when the plaintiff or the State conducts an examination, they may offer statements by the defendant, regardless of which party called the witness being questioned. Rule 801(d)(2) does not permit the defense to offer the defendant's statements, even if the opposing party has already elicited such statements in a preceding examination.

Belgium's Best Waffles v. Great American Cookie Company

While practices may differ in other jurisdictions, in the state of Zion, the definition of "hearsay" may include any declarant's out-of-court statement, even if the declarant is on the stand or scheduled to testify in trial.

Text Messages

State v. Hall

Text messages often create a detailed written record of interactions, conversations, and incidents that occur between two people. If properly preserved, prosecutors may be able to use text messages as evidence in criminal prosecutions, depending on the circumstances. Like all other forms of evidence, text messages are not automatically admissible in court. They must meet the standards of the rules of evidence. One of the requirements for evidence to be admissible in court is that there be proof that it is authentic. Generally, it is not enough for a State's witness for the state to testify that she knew that she received a text message from the defendant because it came from the defendant's cell phone number. Since individuals easily can use phones that belong to others, merely receiving a message from a specific number is not enough to authenticate as being sent by the owner of the phone. Instead, individuals must be able to point to other direct or circumstantial evidence that proves the message came from a specific person.

WITNESSES AND AFFIDAVITS

Witness Listing

PROSECUTION	
Blaine Mendoza	Computer Hacking Forensic Investigator
Quinn Perry	Business Partner
Mickey Wilson	Detective, RPD

DEFENSE	
Rudy Chen	Investment Banker
Amari Lewis	Ballistics Expert
Val Denison	Architectural Designer

**Affidavit of
Blaine Mendoza**

1 1. My name is Blaine Mendoza. I'm 46 years old and live in Lehi, Zion. I'm a
2 typical computer geek. When I was 10 years old my parents bought me a Macintosh
3 computer, the one that Steve Jobs claimed to be the third computer industry milestone. I
4 dug into the code to figure out how it worked and how to manipulate it, and I've been a
5 hacker ever since. An ethical hacker, of course; everything I do is strictly white hat.
6 When I break into a computer network it's to test and evaluate network security to make
7 it better. I would never do anything malicious or with criminal intent. See, intent makes
8 all the difference in the world.

9 2. I graduated from Stanford in 1997 with a computer engineering degree. I
10 interned with Apple every summer during my college years and worked there for a short
11 time after I graduated. But Apple just couldn't hold my attention. I liked to hack, and I
12 figured out that a bunch of companies were willing to pay someone with my skills a lot of
13 money. Of course, I did have to get past that Air Force thing before I could start my
14 business. I decided to hack into their personnel system to show them how easy it was,
15 and then I offered to fix the holes I found for a very reasonable price. I thought it would
16 be a great way to get a job, but the military saw it differently. I was shocked when four
17 guys in camo showed up at my apartment to arrest me. The prosecutor charged me
18 with a felony, but they didn't end up prosecuting me. Like I said, intent is everything,
19 even though the government said that intent wasn't an element of the offense that I was
20 charged with violating. In the end it all worked out. They deferred my prosecution and I
21 agreed to fix the Air Force system for free. I was a bit annoyed that I had to work for

free, but I didn't have much choice. And in the end, it improved my resume, the Air Force got a more secure personnel system, and I got all the charges dismissed. In fact, since that episode they've hired me multiple times to consult on various projects. So, it didn't matter that Apple fired me because of the felony hacking charges; the whole thing turned out to be a golden opportunity. After our last meeting, one of the attorneys handed me a flyer from the International Council of ECommerce Consultants, or EC-Council. I put the flyer to good use and earned a certification as a Licensed Penetration Tester ("LPT"). With this certification, I was able to freelance as a security expert. Companies hire me to penetrate, or break into, their systems, and then tell them how to make their security better.

3. Smartphones have opened up a lucrative new opportunity. As soon as everyone started carrying one, I added forensic analysis to my skill set. Forensic analysis is the practice of extracting evidence from electronic devices to investigate security breaches or criminal activity. To make sure I was up to date on the latest tech, I earned a Computer Hacking Forensic Investigator certification from the EC-Council. Now I consult as an expert witness with either private enterprise or law enforcement agencies. Big law enforcement agencies hire their own full-time analysts and have all the necessary and expensive equipment, so I do a lot of work for the smaller agencies that can't afford to keep someone on staff. I also provide training to law enforcement, community college students, and attorneys. I teach some EC-Council's certification courses and I've contributed white papers and articles to the EC-Council's newsletter. I charge \$150 per hour for any work I do on devices and for any time I spend testifying. In criminal cases, I will only work for the prosecution because I don't want to deal with

45 criminals, I want to put them in jail where they belong. I have a pretty good record
46 spanning the 75 or so cases I've been involved in; 93% were convicted. I'd say most of
47 the other 7% is due to prosecutorial incompetence. As you can tell, I'm good at what I
48 do. This is the first time I've testified in Salt Flats County. My understanding is that the
49 prosecutor called me because of my stellar reputation. I don't need to advertise
50 because I can always produce the evidence needed to convict, and nothing generates
51 business like a solid reputation.

52 4. I enjoy analyzing digital devices like cell phones because they track
53 everything we do with them, and when they are connected to a network, whether it's
54 wired or wireless, cellular or internet, all that information is also tracked and stored on
55 servers. Every keystroke, click, like, comment, and picture is tracked. Most people
56 would be shocked at how little privacy they actually have. People think that using their
57 browser in incognito mode will hide them, but nothing could be further from the truth.
58 VPNs, or virtual private networks, are better, but you have to know how to use them to
59 make them an effective security screen. As soon as you enter any personal information,
60 even an email address, your cover is blown. That's how the Silk Road dude got caught -
61 - he just wasn't careful enough.

62 5. To prepare for this case I asked the defendant, Carolyn Norton, to speak
63 with me and to voluntarily give me her phone, but she refused. Her lawyer was angry
64 that I didn't communicate my request through their office. Whatever. I don't deal with
65 slimy defense lawyers who are trying to put scumbags back on the street.

66 6. Anyway, since Norton wouldn't agree to talk to me or give me her phone,
67 Detective Wilson had to get a search warrant for Norton's home. But Norton didn't want

Wilson to search her house, so she handed the phone over before Wilson even stepped in the door. Detective Wilson also gave me the phone found on Eagan's body at the scene. Detective Wilson then used a subpoena to obtain Norton's and Eagan's cell phone records from their service providers, and to get cell tower records from the towers in the area. I examined both cell phones, reviewed all the records, and visited the scene of the murder.

7. According to Detective Wilson's report, Timothy Eagan's body was found in the new Oquirrh Mountain development in the Kennecott Copper Mine area in Riverton, Zion. The body had been removed by the time I visited the scene, however Detective Wilson told me that everything else was the same as it had been at the time of the murder. But construction activity hadn't been stopped and I'm pretty sure some things had been moved around.

8. Detective Wilson sent Norton's phone to me via an overnight courier. Unfortunately, Detective Wilson didn't know how to preserve electronic evidence. Wilson sent the phone in a regular bubble wrap-lined mailing envelope instead of a Faraday bag and Wilson didn't turn the phone off or put it in airplane mode. A Faraday bag is the best method to preserve evidence because it's like an electronic isolation chamber. Experts turn the phone off or to airplane mode and then put it in a Faraday bag to ensure that the phone can't send or receive signals, update software, or reset itself. If the phone does any of those things valuable data might be added or deleted.

9. Norton's phone is an iPhone 11 Pro Max with iOS version 13, which was released in September 2019. When I got the phone, I immediately installed write-blocking software so that when I viewed the data on the phone nothing could be

91 changed or added. I then used BlackLight software by BlackBag technologies, which is
92 forensic data extraction software that allows me to access the data even if the phone is
93 locked and I don't know the passcode. It's important to use the latest version, or almost
94 the latest. BlackBag came out with a major upgrade two days before I conducted my
95 examination. But I never upgrade my software right away since there are always bugs in
96 any major release. I always wait for the first few fixes before I upgrade. Anyway, the tool
97 is usually still just as good without the upgrade.

98 10. I examined Norton's cell phone, starting with the stuff that could be easily
99 accessed, like texts, emails, phone calls, and voicemails. I found a text exchange
100 between Norton and someone called "Val," in which Norton expresses a desire to kill
101 Eagan. A printout of that conversation is included in the exhibits. I did a phone number
102 trace and can confirm that Norton was texting Val Denison. To clarify, in the images
103 included in the exhibit, the time at the top of the phone is the time I examined it, not the
104 time the messages were sent. None of the other text messages revealed anything of
105 interest. There was an unanswered call from Tim Eagan at 6:20 p.m. on September 3rd,
106 but Eagan didn't leave a voice mail message.

107 11. I also found photos of the construction site on Norton's phone. The phone
108 had location services turned on for the camera, which means it used satellite GPS to
109 make a note of where the phone was when the picture was taken. The metadata on the
110 photos indicated that they were taken September 3, 2021 at 8:05 p.m., which was
111 shortly before the time that Eagan was murdered. This was well after Norton arrived at
112 the cul de sac, which indicates that she was there longer than necessary to take these
113 amateurish photos which were taken in quick succession from the same location. It

114 seemed like Norton was trying to take pictures to show why she was there. As you can
115 see in exhibit 10, the photos are low quality and do not show the full extent of the
116 project.

117 12. I then examined the geolocation data on Norton's phone. Norton's phone
118 had complete location data going back for quite a while and it didn't look like Norton had
119 attempted to delete anything. But I was only interested in location data on the evening
120 of September 3rd, so that was the focus of my investigation. There are a couple of ways
121 to determine where a phone is at any given time. The first uses the phone's GPS or
122 location services feature. On an iPhone like Norton's, you can turn the location services
123 on or off selectively. For example, you can turn it on for some or all apps, and you can
124 select whether an app uses GPS all the time or only when the app is being used.
125 Norton's location services were only turned on when certain apps, such as the camera,
126 were in use.

127 13. When location services are turned off, I have to use a different method to
128 determine the phone's location. To compute the location of Norton's phone on
129 September 3rd I used cell tower triangulation. Whenever someone makes or receives
130 calls or uses data or text messaging on a cell phone, their carrier's cellular system
131 needs to know where the phone is. So, a cell phone is constantly pinging, or talking to,
132 the cellular system using the nearest cell tower. If more than one tower is in range of a
133 specific cell phone, I can locate that phone by measuring the time it takes a signal to
134 travel between the towers and the phone. From there I can use high school
135 trigonometry to find the phone's location. GPS location services rely on satellites that

can pinpoint a location within a few feet, but cell tower triangulation can also provide an acceptable picture of where someone was at a particular time.

14. The third way to determine a phone's location is through the phone's Wi-Fi signal. This works even if a phone doesn't connect to the router by using a password. If a Wi-Fi network is visible in a cell phone's settings, that network's router has exchanged signals with the phone and is traceable. I can triangulate a phone's location by using the signal strength and signal travel time between the phone and any nearby networks.

15. To test the signal strength - which is not the same as looking at the number of bars or dots on the phone because that is completely subjective and varies from carrier to carrier - I measure the signal strength in decibels, or dBm. This is a negative number, generally in a range of -50 dBm to -120 dBm. The closer the number is to zero the stronger the signal and the more accurate the location data. Unfortunately, my professional grade signal strength meter was on the fritz during this investigation, so I had to measure the signal strength with Norton's phone. Norton's phone had a signal strength of -80 dBm - 100 dBm at all locations in the development. It would have been nice to have a range closer to -50 dBm, but I didn't have a choice. Environmental conditions such as weather or the location of the sun in the sky will also affect signal strength. Unfortunately, I was unable to replicate the exact conditions that existed on September 3.

16. Since Norton had Wi-Fi turned on, I was able to use the Wi-Fi signal in conjunction with cell tower triangulation to increase the accuracy of pinpointing the phone's location. A simple test of this method is to turn off the Wi-Fi on a cell phone and then open a map app. The app will usually indicate that the Wi-Fi has to be turned on

for the mapping to be accurate. Turning the Wi-Fi back on ensures the map app works, even when the phone isn't connected to the internet. In this case, my visit to the murder scene produced only two weak Wi-Fi signals. Since this is a new development there are only a few occupied homes, and they are some distance from the crime scene.

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

18. I created a map of Norton's locations using the GPS and triangulation information I had gathered, which is included in Exhibit 4. The path shows that Norton was at the restaurant until 7:20 p.m., after which she went to the real estate office, arriving at 7:23 p.m. The information I had wasn't accurate enough that I can trace her movements within the office, but it's likely she was trying to access Eagan's safe or retrieve her gun, or both. Norton left the office at 7:40 p.m. The path Norton travelled once she arrived at the development is marked in red on Exhibit 4. Norton parked her car at the spot marked with a "1," walked toward the house and took pictures from the location marked "2," walked back toward the road, but instead of going directly to her car she went to the spot marked "3," and before she left, she travelled generally around the area marked "4." The signal then shows that Norton moved back to her vehicle and left. The path and time indicate Norton went directly from the development to Val Denison's home, where she stayed for approximately one hour before she returned to her home.

182 19. You'll notice that the path is more of a swath than a fine line. It's not
183 possible to trace an exact path with the data I have because geolocation by cell tower
184 triangulation always has a margin of error. However, given the movement we can trace
185 and the times and places we can pinpoint with GPS we can get a picture of what
186 happened. I was also able to determine that the data on Norton's phone has a margin of
187 error of +/- 25-75 meters, depending on her location. That equals about 82-246 feet, or
188 27-82 yards. I included the applicable margin of error in the path on the Exhibit, which is
189 why it is wider at some points and narrower at others.

190 20. Eagan's phone was found on his body. Eagan used an iPhone 12 with iOS
191 version 14.1, which was the most recent version at the time. Eagan had activated
192 location services, GPS, and Wi-Fi. That means the location data I have for Eagan is
193 very accurate. You can see that the path on the map I've drawn for Eagan is a much
194 finer line than Norton's. The location services indicate that Eagan arrived at the cul de
195 sac at 7:30 p.m. and parked at the spot marked "A". Eagan then moved along the path
196 indicated until he ended up at the spot marked "B" at 8:10 p.m. This is where Eagan's
197 body was located, which means we can very accurately determine the time of death. It's
198 important to note that Norton was still at the scene and in the area where Eagan's body
199 was found.

200 21. I also found a text message on Eagan's phone that he received earlier on
201 September 3rd. A printout of that message is included in Exhibit 7. The other party is
202 shown as "Unknown" and a number trace revealed that the call came from a burner
203 phone. A burner phone is one that is purchased at a retailer like Wal-Mart or
204 Walgreen's, often for cash, that doesn't have a contract attached to it. You typically pay

205 as you go on such phones by buying minutes as you need them. You don't have to
206 identify yourself to set up the phone, so they can be used anonymously. People
207 sometimes use a burner phone for a limited time or a limited purpose like selling
208 products online without using a personal number, or it can be used to cover criminal
209 activity.

210 22. In this case the caller ID was blocked, so I couldn't get the number from
211 Eagan's phone. Since I knew when the message was received, I was able to locate cell
212 tower information that included the unique ID of the phone. I called the number
213 associated with that ID, but it was inactive. I traced the ID to the retail store where the
214 phone was purchased, but as I suspected, the phone was purchased with cash. There
215 was no video surveillance at this store, so I couldn't get a photo of the person who
216 purchased the phone. All I can say is that Eagan received a text message from
217 someone he apparently knew, but who wanted to remain anonymous to anyone looking
218 into the source of the message.

219 23. Eagan's phone didn't have any photos that were taken on September 3rd.
220 It's pretty clear that Norton arrived at the scene after Eagan and it would have been
221 impossible for Norton not to have seen Eagan's car, which means she knew that Eagan
222 was there. Norton's text message to Val Denison confirms that she knew that Eagan
223 was in the area. This area is fairly flat, and you can see most of both lots from the road
224 where Norton parked, meaning that it would have been almost impossible for Norton not
225 to see Eagan or for Eagan not to see Norton.

226 24. We also know that Norton was at the construction site between 8:00 p.m.
227 and 8:15 p.m. and that she took photos of the construction site at 8:05 p.m. So, Norton

228 was moving around the area of both lots and the murder scene for approximately ten
229 minutes after she took the photographs. While it's true that 35 meters is the closest
230 geolocation point of Norton's phone to the spot where Eagan's body was found, this is
231 well within the margin of error I calculated.

232 25. We also know that after Eagan left the restaurant that night, no one else
233 saw him alive again, with the obvious exception of Norton.

234 26. I couldn't find the "Unknown" number in the cell tower data during the time
235 that Eagan was at the construction site. That doesn't mean whoever used that number
236 was not at the construction site. It just means I have no way to verify whether they were
237 there or not. So, while I can't say that no one else was in the area at the time, I can say
238 that Norton definitely was.

239 27. I wasn't given any other phones or phone numbers to track. My
240 understanding is that Detective Wilson didn't have any additional cell phone evidence.
241 Without additional device information I can't determine who else may or may not have
242 been in that area at the time of the murder. While it is possible to determine that
243 someone else was in the area using cell tower records, you need to have a starting
244 place and something to look for. Cell towers receive hundreds or thousands of pings
245 over any given time period and if I don't know what data to isolate, combing through the
246 data for evidence would be like looking for a needle in a haystack.

247 28. I believe when you put all of this information together, the evidence is
248 conclusive that Norton shot and killed Eagan.

249 WITNESS ADDENDUM

250 I have reviewed this statement and I have nothing of significance to add at this
251 time. The material facts are true and correct. Of the available exhibits, I am familiar with
252 the following and only the following: Exhibit #4 is a diagram I created showing the
253 locations of Carolyn Norton and Tim Eagan at the location of and around the
254 approximate time of the murder. Exhibits #5 and 7 are text messages dated September
255 3, 2021, which were taken from the phones of Carolyn Norton and Tim Eagan. Exhibit
256 #10 contains the photographs taken by Carolyn Norton on the evening of September 3,
257 2021.

Signed:



SIGNATURE: Blaine Mendoza

THE STATE OF ZION

Patti Hall

My commission expires
9/16/25



Patti Hall

Patti Hall

Notary Public

Date: October 31, 2021

Affidavit of
Quinn Perry

1 1. My name is Quinn Perry. I am 36 years old and moved to South Jordan,
2 Zion in July of 2020. I was persuaded to move here by my friend Timothy Eagan. Tim
3 and I met at Pepperdine; he was a year behind me in college, but we became good
4 friends and stayed in touch after we graduated.

5 2. The Perry family made its name, and its fortune, in real estate in
6 California. My great grandfather bought as much land as he could during the
7 depression, and he and my grandfather developed it right after WWII. With all the GIs
8 coming home and the easy money available for them to buy houses, my family made a
9 killing. My father grew up in real estate, and he took over the business when his dad
10 finally retired. All my aunts and uncles are executives in the company, although they all
11 have an ownership interest, so they technically don't need to work. I grew up in real
12 estate, just like my dad, learning everything I could from him and my grandfather. They
13 were also very generous in gifting company stock, so financially I am fairly-well off. I say
14 that not to brag but to give you context because after college I didn't need to work, but
15 real estate and development are in my genes.

16 3. I tried to keep working for my family's business, assuming I would take it
17 over someday, but it has gotten so cut-throat with all the cousins grappling for a piece of
18 the company. My grandfather didn't have a succession plan, and my dad and his
19 siblings can't come to an agreement about how to hand over the running of the
20 business. Consequently, the next generation doesn't get along very well, and the
21 company culture has really changed. Honestly, I'm the only one with the experience and

education to run it, so I don't understand why the decision is so hard. I got tired of the whole situation and with the restrictive real estate laws in California, I decided I was done with the family business. I took my piece of the pie and launched out on my own; I know I can do better on my own, anyway.

4. Tim and I talked about my struggles with my family's politics quite often. In spite of his issues, he really was one of my best friends. Then, about two years ago, he started talking about us teaming up in a real estate development company he'd started in Riverton, Zion. "Quinn," he said, "you need a fresh start. An opportunity to do what you love without having to deal with your family's politics." I think he knew that argument would really hit home with me given how tired I was of dealing with all that drama.

5. Still, it took me a while to get on board with his proposal. I loved Tim and would have his back in any situation, but I wasn't blind to his issues. Plus, I had first-hand knowledge of his work habits as I had gotten him a job at my family's company after he graduated from Pepperdine. I wasn't just doing a favor for a friend, I honestly thought he would be good at it; while Tim didn't have experience in real estate, he was a hard charger and a persuasive speaker.

6. At first it seemed like things were great, Tim picked up on the real estate game pretty quickly, and when it came to making things happen Tim could wheel and deal with the best of them. Unfortunately, my dad gave Tim too much leeway and discretion. One of Tim's issues is that he tends to think he is smarter than he really is, and that he can handle any problem. He put his foot in more than one Perry family deal by financially extending the company farther than was prudent. It was a point of family pride that the Perrys had never missed a payment, and we never did miss one until Tim

45 came on board. My dad was usually on top of things, and more than once he
46 questioned Tim about how a particular project was going. Tim would always paint a rosy
47 picture, and dad would believe him. I knew better, and I should have said something,
48 but I trusted Tim to figure it out.

49 7. The first time we missed a payment was because Tim had not been
50 forthcoming about the problems a project was having. Dad was furious and ready to fire
51 Tim then and there, but I persuaded Dad to give Tim another chance and promised to
52 keep an eye on Tim. I tried my best to ensure it didn't happen again, but Tim caused us
53 to miss another payment. Thankfully Tim didn't even wait for Dad to fire him, he
54 resigned effective immediately. After leaving the company in the summer of 2018, Tim
55 packed his bags and headed for Riverton, Zion, of all places. He had heard that some
56 big technology companies, like Adobe, were moving to the area and he was sure he
57 could build a successful business there.

58 8. Dad was pretty upset with me since I had vouched for Tim, and I noticed
59 that I wasn't getting the prime projects anymore. People say my dad fired me, but that's
60 not true, I left of my own free will. Even though Dad was mad at me, I think he
61 understood that Tim had misled me, too. I just didn't think I needed to clarify that for
62 Dad.

63 9. Tim also battled alcoholism for years. Even back in college I wondered
64 about his drinking habits, but I just shrugged it off because I figured everyone drinks in
65 college, right? I saw Tim completely plastered most weekends, and even though I was
66 drinking right alongside him, he seemed to have two for every one of mine. There were
67 several parties he could not remember at all, which made great stories, but I probably

68 shouldn't have been so blind to what was going on. Tim cut back some after college, but
69 he was late to work most Mondays, and confided to me that it was because he had a
70 hangover. His battle with alcohol made him somewhat unpredictable as far as business
71 ventures go. Again, he wasn't stupid or incompetent, he just didn't have the best
72 judgment when he was drinking, and I think that had a lot to do with why my family had
73 to bail him out of bad deals. I think Dad knew about Tim's struggles and kept Tim on
74 because he wanted to help.

75 10. I remember once Tim bought a few "fixer upper" properties with grandiose
76 expectations that he would be able to flip them for a profit, but he didn't do his research
77 on price and title. I looked at the deal, and it was obvious that Tim had committed us to
78 pay way too much for those crumbling old houses, and there was a lien on one that
79 made it virtually impossible to sell or get financing on until we paid off an additional
80 debt. It wasn't like a bank would give us a loan on these properties, even though we had
81 a perfect credit history, so Tim went rogue and actually got the money from a pretty
82 disreputable loan shark named Lex Johnson. To top it off, it is not like Tim knew how to
83 fix up the properties anyway; he was much more of an idea guy. He told me he would
84 just hire someone to do it, but when I asked him where he was going to get the funds to
85 do that, he had no idea. What a mess! Tim told me a couple of times - generally after
86 he'd thrown a couple back - that he had no clue what he was doing, and that someone
87 should just put him out of his misery. I wasn't sure if he was talking about the alcohol or
88 bad business acumen. Well, Dad did bail Tim out, and was willing to keep him on even
89 after that, but when Tim made us late on payments, Dad just couldn't overlook that.

11. Anyway, I wasn't overly keen on being partners with someone that I couldn't entirely trust to make the best decisions. So, when Tim asked me to move to Lehi, Zion and be his business partner, I struggled to decide. I wasn't that desperate to leave sunny California and move to nowhere-ville on a whim.

12. But as Tim and I talked more about becoming partners, I was beginning to see a change in my friend. Tim didn't seem to be drinking as heavily and he seemed to be thinking more clearly and making better decisions most of the time. He had been working in Riverton for about a year and had done some smaller development projects that were really successful. For example, he took an old run-down building and turned it into a very attractive live-work space. He got it done on time and under budget, and it was all leased out before it was even finished. Tim also did some residential projects, taking an acre here and there and putting a few homes or condos on them. Everything he did sold within a few weeks and came in on budget; I thought he really had turned a corner.

13. I'm not saying Tim's judgment was perfect because it wasn't - a prime example of his bad judgment was his hiring of Carolyn Norton. It doesn't surprise me that she murdered Tim; I just feel bad because I should have seen it coming. Carolyn was a local girl who never really accomplished much until she met Tim. She told me she never went to college and was working as a waitress at the Red Robin when she met Tim. He was a regular customer and they hit it off. Carolyn is very attractive and can be personable when she wants to be. Tim said she could help him get on the good side of the local residents, so he hired her to do marketing and public relations even though

she had zero experience beyond serving customers unlimited fries. She started out doing pretty well, until the prospect of making partner went to her head.

14. Right after I joined Tim, Carolyn started talking about becoming a partner herself. She was constantly bugging Tim and me about it. I told her no several times and I explained that she had nothing to bring to the table. Tim and I were doing fine, and I saw no reason to let someone else come on board to screw that up. Tim kept stringing her along though, telling her he'd think about it, and that with a little more experience she'd be ready. I had no idea he'd asked Rudy Chen to teach her about real estate finance. Unfortunately, that just encouraged her, and she got pretty disrespectful to both of us. She acted less like an employee and more like she had some say in how we ran the business, even though she didn't.

15. For example, she started asking a couple of the assistants to do her work, like take photos and pick up brochures from the printer. I told Carolyn that the assistants were there to help Tim and me, and that she needed to do her own job. She just said that "if I'm going to be a partner around here, they need to get used to my authority." I got in Tim's face about it a couple of times, and I told him that he either had to get her under control or fire her. Tim said he'd talk to her, but I don't think he ever did because nothing ever changed. I think he liked the fact that a young, attractive woman would give him any attention at all. After the way she behaved at the meeting on September 3rd, I thought he'd terminate her for sure. I guess now that she's charged with Tim's murder she'll be out of my hair, but I wish I didn't have to lose Tim to get rid of her.

16. But I'm getting ahead of myself. Anyway, after Tim brought it up, he and I kept talking about going into business together, and finally I agreed. The pandemic had

hit California hard and with no end in sight I decided a move to Zion might be just what I needed. So, I packed up and moved to South Jordan in July 2020 to become Tim's partner in the Flying B Development Company. I invested \$100,000 in cash, and contributed my expertise in real estate development, in exchange for a 49% share in the business. I wanted our clients to know that I believed in our company, and nothing talks louder than money. Also, after a year of talking with Tim and seeing how he was doing, I really did feel like he had his act together and I felt the business was going to take off with us at the helm.

17. Our first project together was the Oquirrh Mountain development because we wanted to start out with something big, but it was definitely a risky move during a worldwide pandemic. Tim worked out a great deal with the landowners, where the family could continue to farm it and get the agricultural break on the property taxes, and Tim and I would do all the work to get the development approved. We would front the costs, which were considerable, pay the landowners some earnest money, and we wouldn't have to pay the landowners anything else until lots actually sold. We didn't have all the cash we needed, so Tim got Rudy's investment firm involved. Carolyn put together the marketing plan. We were hoping to start selling lots in the spring of 2021, but with COVID that plan went out the window. We knew that with the supply chain delays and labor shortages caused by the pandemic, building prices were going to double or triple, and people might not be looking to build right away. But by August of 2021, the selling prices for existing houses in the area had skyrocketed causing people to be desperate for any housing options. I was sure we were going to be able to sell all the lots in the Oquirrh Mountain development. With how everything was playing out, we didn't expect

to see any positive cash flow until January of 2022, and Tim and I were fine with that - we'd been in real estate long enough to ride the market. Unfortunately, Carolyn didn't understand real estate or the fact that sometimes you have to wait for your payoff; her ignorance and immaturity canceled her partnership dreams as far as I was concerned.

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

19. However, in August 2021 we started to hear rumors - I heard them mostly from Carolyn, and none of them were true - that Oquirrh Mountain was in trouble because of the delays, and that it looked like the project was about to blow up. I remember getting one call from a planning commissioner about it. Apparently, Carolyn said something to Rudy Chen, because Rudy also called me and wanted to know if the development was in trouble. Rudy was going on and on about "hearing things," but wouldn't tell me who from. I don't know who else Carolyn was talking to, but Tim and I decided to have a meeting with all the stakeholders to try to settle things down. We set it for Friday, September 3rd, at 5:00 at the Wicked Mine. It's a local tavern-style restaurant with a relaxed atmosphere, and we thought it would be a good setting for what could be a tense situation. Rudy Chen flew up from California, Carolyn and Val Denison were there, and me and Tim.

180 20. Rudy, by the way, is another college buddy of Tim's. I say of Tim's
181 because while Rudy and I knew each other at Pepperdine, we weren't all that close.
182 Rudy was a teetotaler, so we never socialized on the weekends in college. Honestly, I
183 thought Rudy was a little arrogant and had a holier-than-thou attitude, so we didn't talk
184 much then or now, and, honestly, my opinion of Rudy hasn't changed. My dad had done
185 business with Rudy's firm for years, and he liked working with Rudy on a couple of
186 deals. If it were up to me, I wouldn't do business with Rudy, but Tim had a 51% vote, so
187 the final say was his. Rudy had invested money in our projects, so I tried to keep my
188 opinions to myself.

189 21. The meeting at Wicked Mine got pretty tense. We started off by letting
190 everyone know that, while there had been delays, these things happen, and the project
191 was in good shape. We acknowledged that we had missed the spring selling season,
192 but the streets and utilities were in place, the marketing was going strong, and we had
193 good feedback from the real estate agents. Lots of people with money were looking for
194 homes in the area, and we anticipated a brisk Fall selling season. Of course, we would
195 probably miss our goal of paying Rudy's firm in full by the end of the year, but we had
196 foreseen that risk and built the deal with Rudy accordingly.

197 22. Again, I wasn't worried; I ride the ups and downs just fine and - in all
198 honesty - we were doing well given that we started this project during the pandemic. But
199 Carolyn was incensed and insisted that she needed to get paid everything we owed her
200 otherwise she wasn't sure how she was going to pay her rent. I reminded her that we
201 had told her cash would be tight about now, and that she should have saved up. I also
202 repeated that not only was she going to get her back pay but a big fat bonus as well. I

203 told her not to worry; we would make sure her rent got paid, but she went off. “Shut up,
204 Perry,” she said, “Where do you think all that money is going to come from? Not only do
205 I have to clean up your messes, but then you two act like there are no consequences.
206 You and Tim need to learn that just because you’re rich doesn’t mean you can walk all
207 over everyone else’s life. When you two idiots act first and ask questions later, you don’t
208 even get that someone has to pay, and it’s usually me. Well, I am not going to be the
209 only one who has to pay for your bad decisions anymore. You two better get ready for a
210 reckoning.”

211 23. That was about all I could take from her. I reminded her that she wasn’t a
212 partner that she never would be while I had anything to say about it, and that she should
213 stop acting like one. Tim had the chutzpah to tell me to calm down. Carolyn didn’t speak
214 to me again the rest of the night, which was fine with me. I couldn’t understand why Tim
215 would let Carolyn run over him like that. At one point she screamed at him, “I can’t
216 believe I went to work for you! You’re just a loser! I’d be making more money as a
217 waitress!” Good thing the restaurant was so loud, or they would have kicked us out. She
218 was in crazy mode though, screaming that we were losers but at the same time still
219 demanding that she be made a partner. She even gave him an ultimatum, saying
220 “You’ve been saying you’ll make me a partner, so what’s it gonna be? Tell me, right
221 now! Am I in or out?” Tim should have ended it right there, but instead of telling her to
222 get lost he said, “I told you, I’m still thinking about it.” He looked at me, and I think he
223 could tell I was disgusted because he turned back to Carolyn and said, “In the
224 meantime, you’re an employee, and you need to act like one. I want you to go up to
225 Oquirrh Mountain tonight and take pictures of the spec house.” That seemed to make

226 her madder than anything. She just said in a low, stone-cold voice, “So that’s how it’s
227 going to be.” The she picked up her stuff and left.

228 24. After Carolyn left, the meeting kept going for about a half hour because we
229 discussed a few more details related to the development and then we left about 7:15
230 PM. The meeting went better after Carolyn left; it was obviously awkward given her
231 outburst, but I think Rudy was satisfied that the project was not in danger. I don’t know
232 why Rudy is sticking up for Carolyn. Rudy must see how manipulative Carolyn is, and
233 she couldn’t have made a good impression with her behavior at the meeting.

234 25. When we left the Wicked Mine, Tim said he didn’t think Carolyn was going
235 to take the pictures, so he was going up to Oquirrh Mountain to take some pictures
236 before he went home. I went home and that’s the last time I saw Tim. I was still upset
237 because I didn’t feel like we’d settled anything, and I really needed Tim to get a spine
238 and fire Carolyn.

239 26. I got the call on Saturday afternoon that someone had murdered Tim. I
240 knew it was Carolyn before I was ever even questioned. I don’t know of anyone that had
241 the kind of animosity towards him that Carolyn did. I guess this was the “reckoning” she
242 told me about. I am just glad she was caught before she turned her gun in my direction.

243 27. I knew that Tim carried a gun, but it was strictly for show. When I asked
244 him about it, he pulled a Glock 9mm out of his holster and showed it to me. I could see
245 that it wasn’t loaded and I asked him why he carried an unloaded gun. He said he was
246 exercising his right to bear arms but didn’t want to have any accidents. I never saw it out
247 of the holster again, and I never knew him to fire it, not even for target practice. I did tell

248 Tim I didn't think it was a good idea to carry it, and that it wasn't the kind of impression I
249 wanted our company to have.

250 28. For that matter, I have a gun, too - also a Glock 9mm. I know lots of
251 people that have those. It's one of the most popular handguns out there. I got it because
252 a friend recommended it to me. He said they are reliable, and the ammo is readily
253 available and inexpensive. I don't carry it with me like Tim did. I keep it at home on the
254 top shelf in my bedroom closet. I take it out for target practice now and then, but it's
255 been weeks since I did that.

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

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

266 WITNESS ADDENDUM

267 I have reviewed this statement and I have nothing of significance to add at this
268 time. The material facts are true and correct. I have reviewed and am familiar with
269 Exhibits #4, 8, 9, and 10 as they show land and buildings within the Oquirrh Mountain
270 development.

Quinn Perry

SIGNATURE: Quinn Perry

Kelly Pinkston

Kelly Pinkston

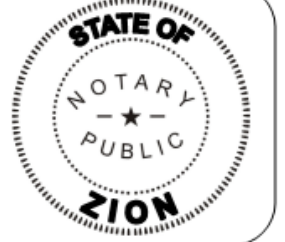
Notary Public

Date: October 20, 2021

THE STATE OF ZION

Kelly Pinkston

My commission expires
2/18/23



Affidavit of
Mickey Wilson

1 1. My name is Mickey Wilson, and I'm 28 years old. I'm a Detective with the
2 Riverton Police Department (RPD). I'm law enforcement through and through. It's
3 literally in my blood. My great, great, grandfather, who I'm named after, was one of the
4 first patrolmen to work for the State Road Commission (SRC) back in the 1930's. These
5 were the very first highway patrolmen hired to keep Zion's "highways" safe. The SRC
6 eventually was renamed Zion Highway Patrol (ZHP) and my ancestor became a ZHP
7 captain. Since then, everyone in my family has worked in law enforcement, mostly with
8 ZHP.

9 2. You might say I'm kind of the black sheep of the family, what with me
10 working with RPD while the rest of my family works for ZHP, but my father did put in a
11 good word to help me get job here after I moved back from Seattle.

12 3. I admit I was always that kid who wanted to get out of my hometown. After
13 high school I bummed around for a while, working as a chair lift operator in the winter
14 and then hanging out in Venice, California in the summers, surfing with my other ski
15 bum friends. But eventually, my dad made it clear that I needed to get it together and
16 make something of my life.

17 4. So, on my 21st birthday, I fulfilled my dream of moving out of Zion and
18 making my way to the Pacific Northwest. I moved to Seattle, Washington, took the civil
19 service exam and applied to become a police officer. Unlike a lot of other officers, I don't
20 have a degree in criminal justice; heck, I didn't even go to college. I was little worried I
21 wouldn't get into the academy but being a member of law enforcement royalty can go a

long way to opening doors. I remember how stoked I was when, in September of 2014, I got my acceptance letter to the Seattle Police Academy.

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

6. Unfortunately, during my on-the-job training with my field training officer, we were assigned to provide security for Seattle May Day, which turned into a riot. While I was performing crowd control, my gun accidentally went off and the bullet hit the pavement near a girl. It was awful and I am grateful that no one got hurt. It was a complete accident; I had my gun drawn and was ordering the crowd to disperse when a protester came up behind me and jostled my arm. But it was a PR nightmare and my training officer thought it would be best if I kept a low profile for a while, so he assigned me to work as a Property and Evidence Clerk. It wasn't all bad, I got a lot of really good experience in that position. I learned all the steps in cataloging and storing evidence in a way that maintains the integrity of chain of custody. It's a really vital position in any police department and I was quite good at it. I'm sure that's why they kept me there for five years.

7. But after a while, I realized it was time to move on. One day at work someone left a copy of a book called The Tao of Pooh on the property check in counter. That book changed my life and really helped make me what I am today. Just really briefly, because I think it is the key to understanding my philosophy as a police officer, Taoism is about going with the flow, following your gut feelings, and trusting your

45 instincts. I can summarize Taoism this way: accept all life, follow your breath to peace,
46 and let go of expectations.

47 8. And that's really how I ended up back in Zion in January of 2020. It
48 became really clear to me after reading this book that I was never going to get a chance
49 to be a real police officer in Seattle and it was time to let go of that expectation. It was
50 just like Dorothy in the Wizard of Oz. I had to learn that there's no place like home. Only
51 I didn't have any ruby red slippers, so I just got on a plane and went home to look for
52 opportunities where my family name means something, and I could build a life and
53 career that would allow me to flow into the kind of police officer I am meant to be.

54 9. Like I said, my dad helped me get my current job as a detective with the
55 Riverton Police Department. I've been here for a little over six months. In my job, I
56 perform a wide range of law enforcement duties, including investigating and enforcing
57 laws and ordinances. I also operate my cruiser, conduct traffic control and enforcement,
58 respond to calls from the public, and sometimes even administer first aid. It's just the
59 kind of regular stuff any police officer would do.

60 10. So now we come to the morning of Saturday, September 4, 2021. As part
61 of my spiritual practice of Taoism I try to do Tai Chi as much as possible. That morning I
62 was at the Oquirrh Mountain development that Tim Eagan's company is putting
63 together. There are streets, so it's easy to get to, but there weren't many houses at the
64 time, so it was very peaceful. I was in the middle of my white crane spreads wings move
65 when I heard a lady scream. I went to see what was wrong, and there was Timothy
66 Eagan's body. She had been out walking with her dog when the dog found the body

67 somewhat hidden between the pond and the pump house. Fortunately, I was able to get
68 the dog away before it disturbed any evidence.

69 11. The first thing I did was examine the scene. It was obvious that Eagan
70 was dead, so I didn't bother calling for medical assistance. Eagan's body was slumped
71 on the left side. He had been shot twice - once in the shoulder and once in the chest.

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

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

82 14. When I examined Eagan's body, I saw that an empty holster was attached
83 to Eagan's belt. Eagan was known to carry a handgun in a holster at his side. I found
84 the gun lying on the ground two feet behind Eagan's back. The gun was a Glock 19
85 9mm. Later examination revealed that the magazine was full and there was a round in
86 the chamber. An expert forensic examination performed by Sergeant James Sinjin
87 Smith determined that the gun had not been fired, and only Eagan's fingerprints were
88 on it. I believe his report is one of the exhibits in this case.

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

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

17. I interviewed Quinn Perry, Rudy Chen, and Val Denison. I learned that there had been a company meeting the evening of the murder, that it was contentious, and Eagan's business associates were probably the last ones to see him alive. This made it even more likely that one of Eagan's associates was the killer. Quinn Perry told me that they held a business meeting on the evening of September 3, 2021 at the Wicked Mine. The meeting was to discuss the status of the Oquirrh Mountain development and put to rest rumors that the development and the company were in financial trouble. Perry blamed Carolyn Norton for being the source of the rumors. Perry said that Norton wanted to be a partner but was unqualified, but that Eagan seemed to be leading her to believe that she could be a partner at some point in the future. Perry described several confrontations involving the three of them. Perry also said that Norton was having financial problems, that she blamed Perry and Eagan, and that she seemed to think that Perry and Eagan had a slush fund of cash. Perry said that Carolyn Norton had been very aggressive toward Eagan during the meeting and that I should focus my investigation on her.

18. Rudy Chen admitted being at the meeting at the Wicked Mine as one of the primary outside investors in the Oquirrh Mountain project. Given what Perry told me,

I focused my questioning of Chen on Norton. Chen said that prior to the meeting Norton had indicated that the project was in financial trouble, but Eagan and Quinn denied those claims. Chen believed the meeting was an attempt to stop the rumors that were circulating. Chen said that Norton and Eagan had argued about money and about Norton becoming a partner during the meeting.

19. Val Denison also confirmed attending the meeting and that Norton had argued with Eagan about money. Denison made it sound like Norton was “just blowing off steam” and “clearing the air.” Denison said that Norton was not a violent person, and that once she had her say, she let it go. Denison also told me about a text message exchange with Norton on Friday, September 3rd, in which they planned to get together that night to talk about what had happened at the meeting. I asked Denison to show me the text messages, and Denison agreed. In scrolling through the messages on Denison’s phone, I saw a request from Norton that they get together later that Friday night, but the exchange also contained information that Denison did not initially disclose to me. One message from Norton said that she saw Eagan’s car, and another discussed shooting Eagan if she saw him.

20. I confronted Denison about not disclosing these to me. Denison became defensive and said that Norton was “just joking” when she made those remarks, that she was not angry after the meeting, and that Norton would be “incapable” of shooting anyone, “even Tim Eagan.” I asked Denison where Norton was when she sent these text messages, and Denison said that Norton was on her way to the Oquirrh Mountain development to take photos of a home under construction. Denison also told me during the course of the conversation that Norton owned a handgun.

21. Obviously, everything I learned from Chen, Denison, and Perry made Norton the prime suspect. I attempted to interview Norton at her place of residence. Norton did not invite me in but stood behind a screen door while I stood on the front porch. I asked Norton about the meeting on September 3rd, and she said that was the last time she saw Eagan. She characterized the meeting as “a frank exchange of views” about business matters. Norton indicated that the last time she saw Eagan was at the meeting at the Wicked Mine. I then confronted Norton with the text message that Denison had showed me in which Norton said she saw Eagan’s car and Eagan at the Oquirrh Mountain development.

22. Norton became flustered, and stammered that she “saw Tim there, but I didn’t see him. I mean, I saw him from a distance, but we didn’t talk. I’m pretty sure he didn’t see me.” I asked Norton if she could explain to me the text about shooting Eagan. She was silent for several seconds, and then asked me if she was being detained. I’ve seen those YouTube videos, too, so I pegged her for one of those constitutionalists. I didn’t answer her directly but told her I was just trying to find out what happened to Eagan. I asked her if I could see her cell phone. Norton asked again if she was being detained. I asked her if she owned any weapons. Norton asked me for a third time if she was being detained. Norton was polite and told me she understood I was just doing my job, but she told me she wasn’t going to answer any further questions. She asked me again if she was being detained. I had to tell her she was not, so she closed the front door.

23. I thought Norton’s behavior was suspicious. Most people are happy to cooperate with law enforcement. Even people who are guilty want to tell their side of the

story, or at least the story they want you to believe. Based on my training and experience people who refuse to talk to a police officer have something to hide, especially when confronted with the evidence of their crime. To me it's an indication of guilt.

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

25. I was told by Perry, Chen, and Denison that Denison suspected that Eagan had been borrowing money privately. I also saw the text message exchange between Eagan and "Unknown." Blaine Mendoza was unable to determine the identity of "Unknown" so I had no way to follow up on that. It seemed highly unlikely to me that someone other than Norton was the killer. I mean, people borrow money from other people all the time and don't get murdered over it. I thought it was much more likely that a business associate was the murderer, so that's where I focused my investigation.

181 26. After I completed my investigation, I referred the matter to the prosecutor's
182 office. I was later advised that Carolyn Norton would be charged with first degree
183 murder, and that an arrest warrant had been issued. I drove to Norton's home and
184 placed her under arrest. I advised Norton of her rights and asked her if she had
185 anything she wanted to say to me. Norton said she wanted a lawyer. I did not ask
186 any further questions. I took Norton to the Salt Flats County jail and released her to the
187 custody of the jail staff.

188 WITNESS ADDENDUM

189 I have reviewed this statement and I have nothing of significance to add at this
190 time. The material facts are true and correct. I have reviewed and am familiar with
191 Exhibits #2, 3, 5, 7, 8, and 10. I was personally responsible for creating Exhibits #1 and
192 9.

Mickey Wilson

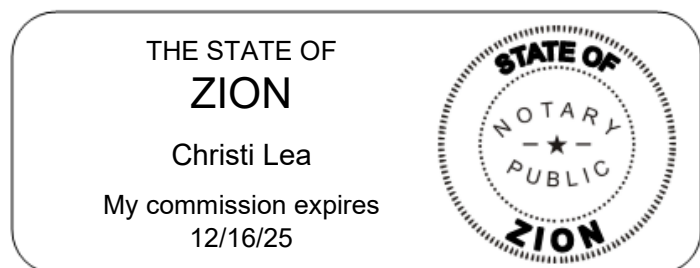
SIGNATURE: MICKEY WILSON

Christi Lea

Christi Lea

Notary Public

Date: October 27, 2021



Affidavit of
Rudy Chen

1 1. My name is Rudy Chen, and I am an investment banker with a firm in
2 California. As a little kid, I was always interested in money and what it could buy. My
3 dad taught me that there were a couple of ways to make money; you can work and earn
4 it, or you can invest it and let it earn more money for you. If you decide to invest your
5 money, you have to be smart in determining whether something is a good or bad
6 investment. That's where investment banking comes in. My job is to connect people
7 and/or banks with profitable investments.

8 2. Tim Eagan and I grew up together in Orange County, California and we've
9 been friends since we were kids. We both ended up at Pepperdine University and I got
10 my accounting degree from Pepperdine's Seaver College. I wanted to get my MBA from
11 Pepperdine, however, due to a number of unlucky financial setbacks I couldn't go back
12 to Pepperdine. I'm proud to say that I subsequently got my MBA from DeVrys
13 University.

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

17 4. I really don't know how a Southern California kid who got his degree from
18 Pepperdine University in Malibu, California ended up in rural South Jordan, Zion. I
19 guess Tim was looking for open spaces that aren't available in urbanized Southern
20 California. I know he worked with Quinn Perry's family firm for a while, but I guess he
21 figured he could do better on his own. But knowing Tim, that doesn't surprise me at all.

22 He's a go-getter, and it's always been hard to imagine him working for anyone else.
23 Anyway, he told me about his plan for a good-sized real estate development in Riverton
24 called Oquirrh Mountain, and he asked me to help him fund it. He flew me to Zion in the
25 fall of 2020 to look at the project and see what Riverton had to offer. I could see why he
26 liked it there; the landscape and area are nice, and we could both see the investment
27 potential.

28 5. Tim had three other people with him when we met. I was surprised to see
29 Quinn Perry there, but Tim explained that he and Quinn had just started a partnership. I
30 knew Quinn from our Pepperdine days. Quinn and Tim were drinking buddies back
31 then, but I didn't drink so I didn't hang out with them very often. Honestly, I felt like
32 Quinn was one of those people who was only nice to someone when it was beneficial.
33 Quinn was also a year or two ahead of me in college, so it made sense that we weren't
34 that close. However, on the rare occasions that we were both out with Tim, Quinn
35 generally acted like I didn't exist. The only time that Quinn talked to me was when I
36 mentioned that I was doing an internship with an investment firm the Perry family uses. I
37 was just trying to make polite conversation, but in typical Quinn fashion, it was like we
38 were suddenly best buds.

39 6. I interned at that firm for two summers and ended up going to work for
40 them after college. My firm had invested money in some of the Perry family's California
41 real estate developments, and I became familiar with the people who worked for the
42 Perrys because I worked on some of the deals early on. I think my firm's founder and
43 Quinn's dad went way back. My boss told me the Perrys were an excellent risk and had
44 never missed a payment other than a couple in 2018.

45 7. Val Denison was also with Tim. Tim said Val worked with a design firm
46 that would be responsible for doing the plat and getting the infrastructure installed and
47 that they could also do home design, if necessary. Val apparently had a lot of
48 experience but wasn't exactly a ray of sunshine.

49 8. The other person was Carolyn Norton. Tim said he hired Carolyn to do
50 marketing and PR. Carolyn was very attractive and personable so I could see why Tim
51 hired her.

52 9. Part of my job is to do due diligence for any investment request. The
53 question we ask in the industry is, "Does it pencil?" This means that we crunch all the
54 numbers and eliminate as much risk as possible, to determine whether the return on the
55 investment is worth it. So, when Tim and Val Denison showed me the development plat
56 they'd created that included about 20 lots that were approximately 2.5 acres each and
57 would probably sell for at least \$500K a piece, I started to calculate. I had already
58 investigated the market in that area, and I thought that plat was unrealistic. Given the
59 history of property sales in the area I thought the lots would only attract a small number
60 of high-end buyers who would expect building restrictions that translate into \$1M-plus in
61 construction costs. No one wants to spend half-a-mil on land only to have their neighbor
62 put a mobile home on the next lot. High-end buyers want exclusivity. That type of buyer
63 is out there, but it takes a lot longer to find them. I knew it would take too long to sell the
64 lots and my firm wouldn't want to assume the risk of investing in a real estate deal that
65 wouldn't see any sales for more than a year.

66 10. Val Denison wasn't happy with my objections and insisted that my
67 experience in assessing real estate deals was nowhere near as broad as Val's

experience working in real estate in the Kennecott Copper Mine area and that Val's judgement was more important than mine. I told Val that Flying B could leave the meeting with Val's judgment or my money, but not both, which pretty much shut Val up for the rest of the meeting. Tim, Quinn, and I kept talking, and eventually settled on a plat with 35-40 lots that ranged from .2 to 2.5 acres and would sell for \$165,000 to \$500,000, with the median price between \$200,000 and \$250,000. We could include some reasonable building restrictions and expect to sell enough lots to break even within a few months. The higher-priced lots might take longer to sell, but we could mitigate the risk through the sales of smaller lots. Tim told me that Val Denison was pretty well-connected with the necessary city officials and could probably get all the necessary approvals by early 2021 so we could start selling the lots in March or April 2021. Val said, "I'm sure that will be enough time, unless college friend Rudy knows more about that, too." I let the insult roll off and said I trusted Val to handle that end of things. Real estate investors know that spring is the ideal time to sell because buyers have been hunkered down for the winter and are enticed by the sunshine and warm weather.

11. It's easy to think that selling empty lots is a no-risk deal, but it isn't as easy as just getting the approvals and selling the lots. For a development in a new area on the edge of town you have to get approvals from both the city and the county which is time consuming and expensive. Then you have to pay for marketing, come up with some sample designs that demonstrate the restrictions, and in some cases, build a spec home. The most significant factors are usually paying the landowner and putting in infrastructure, but right now we also have to calculate the added risk caused by a global pandemic. The landowner in Tim's deal stands to make the largest amount of money

91 once the lots are sold, but you can't expect them to tie up good farmland for free. You
92 have to put in the infrastructure like streets and utilities, which makes it impossible to
93 farm while you wait. You don't have to pay the landowner everything up front, since
94 they're taking some of the risk just like everyone else, but you have to pay them
95 something to show you're invested in succeeding and making the deal work for
96 everyone.

97 12. After a deep review of the project my firm decided to put up \$2M. That
98 investment was enough to cover the front money to the landowners, the costs of getting
99 necessary approvals, and the work Val's firm would do to create the plat and the
100 infrastructure, including constructing the streets and extending utilities to the lot lines.
101 Tim and Quinn guaranteed us a minimum 10% return, with the principal and return due
102 in full after the sale of 15 lots. If the principal and guaranteed return were not repaid by
103 December 31, 2021, we would get an additional 1% for each month beyond December.
104 Honestly, I didn't expect to extend the investment because this plan penciled just fine,
105 but the additional 1% gave my firm a little cushion in case of issues caused by the
106 pandemic.

107 13. I asked Quinn about the Perry firm's late payments in 2018 because
108 Quinn's partnership with Tim made the Perry family history a risk factor I had to
109 consider. Quinn said that as the younger Perrys were taking over the business their
110 practices were changing, which was one thing that prompted Quinn to get out of the
111 family business. I knew that Quinn's dad was getting older, and Quinn's friendship with
112 Tim was a natural explanation for their partnership, so I accepted this explanation. Of
113 course, I still took the late payments into account when I considered the risk factors, but

114 it was much less significant than it would have been Quinn had told me that either
115 Quinn or Tim had been responsible for the Perry's financial woes.

116 14. I maintained close contact with Tim to make sure everything was moving
117 forward on schedule which meant I spent a lot of time on the phone with Tim and that I
118 made a trip to Riverton now and then. I got to know Carolyn and found out that she had
119 previously been a waitress, and this was her first job in marketing or real estate. That
120 surprised me. It was a huge risk for Tim to hire someone with no experience or
121 education to take on such a significant project. However, Carolyn impressed me with
122 her confidence, smarts, and ability to assert herself or say what was on her mind.

123 15. In January 2021, Tim said Carolyn wanted to be made a partner in Flying
124 B Development. As impressed as I was with Carolyn, that sounded like a huge risk to
125 me. Normally it would take years of demonstrated competence to be made a partner in
126 any company. But Tim asked me if I would show Carolyn how to work the finance side
127 of things, and I figured I had nothing to lose. If she didn't get it, I would be able to warn
128 Tim before he made a mistake. I was pleasantly surprised when she picked it up
129 quickly. I gave her a couple of my college finance textbooks, and she worked her way
130 through them and studied hard. I won't say that she was a natural or that it came easy
131 to her, in fact she struggled with some of the concepts, like any student would. But
132 when she had issues, she studied harder until she understood each new concept. In
133 August Tim asked me how she was doing, and I said she was doing great and that with
134 a few years of experience she could be partner material. Tim told me he was thinking of
135 making her a partner before the end of the year, which I thought was a bad idea, but I
136 let it go.

16. My firm had invested a lot of money based on my recommendation, so it was important that I made sure Tim was on top of things. He constantly assured me things were going fine and I had no reason to doubt him. I made trips to Riverton in mid-June and early August to check on the progress, which is typical in my line of work. I would have liked to see things moving faster, but what investor wouldn't. I was seriously disappointed that Val had not been able to get the necessary approvals so we could start selling lots in the spring. Tim said it was unusual, and that Val is normally much faster than that. I worried that the delay was because Val was still angry over my changes to the initial plat design, but she claimed the delay was caused by staffing shortages at the county and a complete shutdown and quarantine of the city offices in April. By the start of summer, it was clear we wouldn't be able to sell any lots until at least August. At any other time and in any other market, missing the critical spring selling season would have been a deadly blow to the project, but with the dearth of available homes in Zion's real estate market, the huge number of prospective home buyers, and the government's efforts to keep interest rates at an all-time low, I wasn't overly alarmed. Besides, if it took a little longer to sell the lots, my firm would bank the extra 1% every month and Tim and Quinn would take the loss, not us. I still wanted to ensure we kept delays within reason, of course.

17. The thing that did alarm me, happened when I travelled to Riverton in August 2021. Carolyn and I had a face-to-face meeting to review the financing for the Riverton development. I figured it was a good opportunity to teach her more about real estate financing and investing. I was surprised when she expressed skepticism about whether the Oquirrh Mountain project would succeed. Apparently, she'd had been

160 putting her real estate finance education to use and had been crunching her own
161 numbers on the Oquirrh project. I listened to her describe a possible worst-case
162 scenario where not enough lots would sell in time and Tim and Quinn would go under.
163 But it was a very worst-case scenario, and I thought there was a pretty slim chance it
164 would happen.

165 18. I told Carolyn that I was confident lots would sell, even if it took a few extra
166 months, but she was worried Tim and Quinn didn't have a few extra months. She told
167 me she was stressed because money was tight, and she wasn't sure she could pay her
168 rent this month. She was afraid that Tim and Quinn couldn't afford to keep paying her,
169 and there was no way she could stay on the job if they couldn't because she needed a
170 steady income. I felt a little sorry for her so I told her I would provide her with a short-
171 term loan that she could pay back when things were stable again. She thanked me and
172 said that made her feel more confident that she could stick it out. Then she said that
173 Tim had been talking more about making her a partner, but she didn't know how soon
174 that would happen. I didn't say anything, but I didn't think Carolyn was prepared to be a
175 partner if she was this stressed over money and hadn't saved up for a rainy day.

176 19. Anyway, like I said, I offered to help her financially, so if they're saying that
177 she killed Tim over money that's just not true. I was confident that this project would
178 succeed, and I still believe it would have succeeded if Tim had lived. Now everything is
179 up in the air. Quinn Perry might be able to see the project through, but I have serious
180 doubts. And with Carolyn in jail and nobody taking care of the marketing, I'm afraid the
181 project will fail, and I could take a huge loss. In spite of her shortcomings, Carolyn was
182 very good at her job. Yeah, what happened to Tim was really terrible.

183 20. Back to my story. The next time I came to Riverton was on September 3,
184 2021. Tim and Quinn wanted me to come to a meeting to talk about the financial status
185 of the Oquirrh Mountain project because there were rumors going around that the
186 project was in trouble. Nothing travels faster in a city council than bad news about a
187 development, and if the city is not behind your project, it can spell disaster. I came up
188 expecting to talk to some of the local real estate agents and city officials, but found
189 myself in some dingy bar with Tim, Quinn, Carolyn, and Val Denison.

190 21. The meeting was more of a circus than anything. I was not aware of all the
191 tension in the firm until that day and it made me feel like Carolyn's worst-case scenario
192 was becoming more likely. I asked Tim again about the schedule, and he told me for the
193 first time that they were in danger of falling further behind. The approvals were late
194 which pushed the start dates for the contractors hired to build the infrastructure back,
195 and that meant that they'd lost a couple of their sub-contractors who were already
196 overbooked and shorthanded. Tim also told me that there were no potential buyers for
197 the larger lots yet, and he didn't expect them to show interest until the spec homes were
198 finished. Val made a comment about Tim getting private loans, and I really became
199 alarmed. Part of my firm's financing deal was that there would be no other lenders
200 without my approval. If what Val said was true, Tim had violated our agreement. Val
201 also made it sound like these private loans were from dangerous people, but when I
202 asked who the dangerous people were, Val blew me off. Obviously, in the investment
203 business, you come across some unsavory characters now and then, and some of them
204 can be downright dangerous. I knew about some guy named Lex who lived in Zion who
205 was bad news, and I hoped that Tim hadn't gotten messed up with him. Someone said

something about a slush fund, and I asked Tim for assurances that there would be enough cash flow to pay off these private lenders and finish the project. Tim said there was no slush fund, but he was confident the project would finish strong and do well.

22. I was still jittery, so at one point I excused myself and made a phone call to my assistant. We routinely get a key man insurance policy any time we make an investment. That just means that if something happens to a key person in the process, such as death or a disability that keeps them from working, we are insured for enough money to either replace that person or be reimbursed for any losses on a project. I had my assistant in California pull the policy on Tim. I had him review it for me over the phone, as I particularly wanted to know whether the policy would pay out if the insured were murdered. That may sound a little paranoid, but a healthy level of paranoia is what keeps investment firms solvent. After going over the policy, I was satisfied that as long as the firm did not cause Tim's death, the policy would pay out if something happened to him. And then it did. Sadly, Tim was worth more to my firm dead than alive.


23. I don't understand why Carolyn is charged with Tim's murder. Sure, she was a upset with Tim during the meeting, but she was very calm afterwards. Before she left the Wicked Mine I talked to her again and assured her that I would lend her enough to get by until January. She thanked me for being supportive and said that made her feel better and we made plans to meet on Monday to work out the details of the loan.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add at this time.

Signed:

The material facts are true and correct.


SIGNATURE: Rudy Chen

Adrienne Applewhite

Adrienne Applewhite

Notary Public

Dated: October 29, 2021

THE STATE OF ZION

Adrienne Applewhite

My commission expires
5/6/26



Affidavit of
Amari Lewis

1 1. My name is Amari Lewis. I'm 48 years old and reside in Salt Lake City,
2 Zion. I have a Bachelor's degree in mechanical engineering (ME) from University of
3 California - Berkeley, and a Master's in mechanical engineering from University of Utah,
4 both summa cum laude.

5 2. I've spent my entire 26-year career in firearms and ballistics. After I
6 obtained my Bachelor's degree I went to work for Spectrum Engineers in Salt Lake City
7 as a design engineer. Basically, my job was to design new and improved handguns,
8 and come up with ways to make existing handgun designs better and safer. In doing my
9 job, I have gained a highly detailed, intimate knowledge of how handguns function. I got
10 my Master's in ME by going to school part time and online while I was working and did
11 my thesis on making handguns less prone to accidental discharge. I wish I'd known
12 Mickey Wilson when I was working on my thesis because the incident at the May Day
13 riot would have been a great test case.

14 3. After seven years at Spectrum, I decided to pursue my real passion, which
15 is using my expertise to prevent abuse of the justice system by people who are
16 inadequately informed about firearms. I've seen far too many cases where people were
17 wrongly convicted of crimes because judges and juries were told by so-called experts
18 that a particular bullet came from a particular gun. People think ballistics is just like
19 fingerprints, but it's not. I wanted to be part of the solution, not part of the problem.

20 4. I went to work for a variety of forensics labs around the Northwest getting
21 hands on training and experience in firearms and ballistics investigation and analysis. I

22 also thought the labs would benefit from the expertise I gained from my education and
23 employment. I found that labs run by states and law enforcement agencies were pretty
24 resistant to new opinions, so I started working exclusively in private labs. In about 70%
25 of the cases the labs were hired by a firearms manufacturer to investigate accidental
26 deaths and determine whether a firearm was defective. The other 30% of cases were
27 criminal, where we were hired by the defense. Most law enforcement agencies either
28 have their own forensics lab, or a state lab available, so we were never hired to do
29 prosecution work. I worked the lab circuit for 15 years until I qualified as a Distinguished
30 Member of the Association of Firearm and Toolmark Examiners (AFTE), and at that
31 time decided to open my own lab in Salt Lake City.

32 5. The AFTE “is the international professional organization for practitioners of
33 Firearm and/or Toolmark Identification and has been dedicated to the exchange of
34 information, methods and best practices, and the furtherance of research since its
35 creation in 1969,” as their mission statement puts it. It’s not easy to join, either. You
36 have to demonstrate you have the education and experience to qualify, and you have to
37 be recommended by three other members who have reviewed your work. Once you
38 join, you are expected to contribute to the profession by furthering the art and science of
39 toolmark identification.

40 6. I don’t do any civil work in my lab, only criminal. I testify exclusively for
41 defendants in criminal trials. I get paid \$185 per hour for any time I spend on the case,
42 including investigation, trial prep, and testimony. I also get reimbursed for my expenses.
43 It’s rare that I’m called to testify, as cases usually settle once the experts have weighed
44 in. I’ve been interviewed or deposed more times than I can count, but I think I’ve

45 testified at trial less than 20 times in my entire career. I've been hired as an expert by
46 the law firm handling Carolyn Norton's defense about 30 other times, so they obviously
47 know the value I can bring.

48 7. Like I said, I made the decision to work exclusively for the defense after
49 seeing how closed law enforcement agencies are to new ideas. Some of the law
50 enforcement labs I worked for were downright rude to me when I tried to show them
51 how they could do their jobs better. I also witnessed what a poor job police departments
52 do when it comes to firearms and ballistics evidence. Their work tends to be sloppy
53 when collecting and preserving evidence and their so-called experts tend to be the beat
54 cop who happened to get chosen for the training.

55 8. The training is a joke. One cop with five years of experience trains cops
56 with no experience, and the cycle repeats itself. Police ballistics examiners usually have
57 no formal scientific education, let alone any formal education beyond high school. Most
58 are not certified by ballistics organizations. They are only "self-certified" by the
59 department that trained them, and there is virtually no oversight of the training. You
60 would not send your dog to an obedience school with that kind of a system.

61 9. Anyway, I wanted my expertise to stand above the law enforcement
62 crowd. Therefore, I decided to blaze my own trail and use my knowledge where it would
63 be respected.

64 10. Let me explain to you in as simple terms as I can how this works. There
65 are four types of ballistics. First is "internal," or what goes on inside the firearm when the
66 trigger is pulled. Second is "external," which describes what happens between the time
67 the bullet leaves the firearm and the moment of target impact. Third is "terminal"

ballistics, which is just what it sounds like: the mechanics of impact on the target and the projectile. Fourth is “forensic” ballistics, which analyzes the bullet and the cartridge to see if they can be linked to a particular weapon. Some nitpicky people say that forensic ballistics is not really ballistics at all and prefer to call themselves firearms examiners. To me it’s six of one, half dozen of the other.

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

12. Here’s an example. Let’s say that I examine the toolmarks on a bullet and can say with 100% certainty that the bullet was fired by a particular make and model of rifle, but it could have been any one of 1,000 such rifles. That by itself doesn’t tell you that a particular person fired the fatal shot. However, if 999 of those rifles belong to people who live in another area, and who weren’t anywhere near the crime scene when the murder was committed, and the only other rifle that could have fired that bullet is owned by the defendant, now you have a case.

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

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

15. It’s also true that there are as of yet no studies or statistical findings to demonstrate its scientific reliability. However, there are no studies debunking it, either. It takes years of experience like I have to be able to read the nuances in the evidence. That’s probably why the prosecution’s expert could not be certain, I’m not certain I’d even use the term expert to refer to a police officer without the same amount of education, training, or experience that I have. With a pure science you should be able to get five people to conduct the same tests and come to the same conclusions. Now, when you are dealing with semi-trained police officers with high school educations, you are not going to get that. While ballistics may appear to be highly subjective, my training and experience enable me to come to conclusions where others can’t. If you have five people like me conduct the tests, you will get a high degree of agreement about the results.

114 16. So, let's talk about the evidence in this case. I obtained the weapon that
115 Detective Wilson was given by the defendant - a Glock 26. The 26 is also known as a
116 "Glock for-girls," not because it's less powerful than another model, but because it's
117 small and light, so women find it easier to carry and use. Glock 9mm models are by far
118 one of the most popular handguns for self-defense. There are hundreds of thousands of
119 them out there. One of the reasons for their popularity, aside from their quality and ease
120 of use, is that 9mm ammo is plentiful and cheap. I don't know how many there are in
121 Zion, but it wouldn't surprise me if half the people in Riverton own one.

122 17. To determine whether the slugs taken from Eagan's body were fired by
123 Norton's Glock, I went through a standard testing procedure. First, I made sure the
124 weapon was functioning correctly, and it was. That means both that it worked as
125 designed, and that it was not susceptible to accidental firing. I fired five test rounds from
126 the subject weapon. I fired the rounds into a tank of water, which is a standard practice,
127 in order to slow the velocity as quickly as possible and minimize the change due to
128 impact. I then examined each of the five test projectiles and the subject projectiles from
129 the victim's body under a comparison microscope. One of the projectiles was, as the
130 state lab tech determined, far too misshapen by the impact to make any determinations,
131 and as to that particular slug, I agree with the opinion that it is inconclusive. However,
132 that is not the case with the other slug.

133 18. Let me slow down for you and explain what a comparison microscope is.
134 Anyone who was paying any attention in high school science class should be familiar
135 with a standard microscope. A comparison microscope is, to put it in very simple terms,
136 two standard microscopes tied together side-by-side. It allows you to view two objects at

the same time. Without a comparison microscope the examiner simply has to remember what he saw on one object while looking at another. That's really impossible to do, given the nature of toolmarks. Most of them are very subtle, and no one can keep that perfect picture in their head while going back and forth. Even if the prosecution's examiner did have a comparison microscope, you must be carefully trained in its proper use. Again, most law enforcement personnel are not.

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

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

21. Second are subclass characteristics - they belong to all weapons in a particular manufacturing run, or that were made during a certain time period or using a

certain machine, etc. They are the result of a temporary and probably unintended feature of the manufacturing process. They are generally imperfections or quirks. For example, if the machine used to create the rifling pattern is older and worn, it will leave a less distinct land-and-groove pattern than a brand-new rifling machine.

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

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

24. To come to my conclusion in this case I compared the bullets I fired in the lab with the bullet removed from the Eagan's body. Terminal ballistics - the changes to the bullet caused by impact - will affect the analysis. Of course, the impact marks will be different, as there is no way to reproduce the exact mechanics of the impact. They are as unique as snowflakes. In fact, it's typical that bullets taken from human bodies are pretty beat up. Again, one of the slugs recovered from Eagan's body is in pretty bad shape, and no meaningful comparison can be made. It's amazing how even the soft tissue of a human being can disfigure a piece of lead.

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

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

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

201 28. It's true that there is no defined standard for how many points of similarity
202 are required for a given level of confidence. However, forensic ballistics evidence has
203 been admissible in courts for decades, even though some courts in some jurisdictions
204 have taken the regressive and unscientific view that experts like me can only testify
205 how tool marks are similar but can't state a conclusion as to whether they were made

by a specific firearm. That may be fine for the police officers who masquerade as experts, but I have much more true expertise than they do. Fortunately, Zion is not trying to turn back the clock on science and I am still free to testify about my conclusions. However, it is generally accepted that ballistics examination is certainly helpful, even if not entirely conclusive. That's why a high level of education, training, and experience like I have are necessary, so that you can separate the mere uneducated guess from the solid opinion.

29. Sometimes it's just a matter of perspective. For example, holding the bullet one way will make it appear there are no matches, but if you manipulate it and hold it another way you can see the matches. That's one of the tricks with examining a bullet from a victim. Because it's deformed, it's not always easy to know how to line it up. It takes trial and error. If there is no way you can line it up and see any matches, you know you have an inconclusive result, if not an elimination.

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

31. I said earlier that there are things we can learn from the absence of shell casings. I find it significant that Detective Wilson failed to obtain shell casings at the scene of Eagan's murder. Any expert would like to have those, as they can also be used to determine whether a shell could have been fired by a particular weapon. However, the absence of shells also provides useful information. It's possible that the

229 shooter picked up the spent shells, but that is highly unusual. Most shootings are not
230 that well planned, if they are planned at all. Shooting another human being is a
231 traumatic event for all but the most hardened killers. In the adrenaline rush of the
232 moment people don't stop to think about cleaning up the evidence of the crime. Instead,
233 they panic, and can think only of getting away from the scene as quickly as possible. If
234 Carolyn Norton really was the shooter, I find it unfathomable that she would be the kind
235 of person to shoot someone and then have the presence of mind to pick up the spent
236 shells. The fact that the shells are missing is strong evidence that she did not fire the
237 fatal shots.

238 WITNESS ADDENDUM

239 I have reviewed this statement and I have nothing of significance to add at this time.
240 The material facts are true and correct. I have also reviewed Exhibits #2 and 3, and I
241 personally prepared Exhibit #6.

Amari Lewis

SIGNATURE: Amari Lewis

Michelle Strickland

Michelle Strickland
Notary Public

THE STATE OF ZION

Michelle Strickland

My commission expires
9/16/25



Dated: October 26, 2021

Affidavit of
Val Denison

1 1. My name is Val Denison. How old am I? I'm old enough not to have to
2 answer that question, but I will anyway. I'm 34. I grew up in Homestead, Florida. If
3 you've heard of Homestead at all, it's probably because of Hurricane Wilma. In fact, you
4 might say that Hurricane Wilma is directly responsible for who I am and where I am
5 now. Before Wilma, I lived in a mobile home I'd inherited from my mama when she
6 passed. My life was a pretty basic life. I worked as a checkout clerk at the local Winn-
7 Dixie, which was just about the best job a high school dropout from Homestead could
8 expect. I don't usually tell people this part of my life because I really consider it another
9 life and it isn't really who I am now, but it's probably important for you to know the whole
10 truth about who I am so that no one feels the need to go digging up dirt from my past to
11 use against me.

12 2. Anyway, it only took one afternoon to go from having a basic life to having
13 nothing. Wilma completely flattened my mobile home and all I had left was literally the
14 clothes on my back. Talk about a wake-up call. I had nothing left, and I could have let
15 myself slide into a deep depression, but instead I decided life had presented me with an
16 opportunity to redefine who I was, and I embraced it.

17 3. I had a whole 40 bucks in my pocket when I got on the first bus out of
18 town and made my way to St. Petersburg, Florida. I'd read somewhere that it had been
19 over 80 years since a hurricane hit St. Pete's, so I figured I was probably a little safer
20 there than in Homestead. Within a few days I found a job, got an apartment, and signed
21 up for a class to help me get my GED.

22 4. Less than two years later, I applied and was accepted to attend St.
23 Petersburg College. I wasn't really sure what I wanted to do with my life, but I have
24 always known I had a creative flair. I'm a legend at the Homestead Winn-Dixie because
25 of my creative displays. They're probably still talking about my Frank 'n Beans end cap
26 design from Memorial Weekend in 2004. Minds were blown by my pig sculpture made
27 out of canned beans. I decided to enroll in the business program and work towards my
28 Associate's degree in Architectural Design and Construction Technology. Most people
29 don't really have a clear idea what that is, so I'll spell it out for you. It's about designing
30 all types of spaces, from an entire development, to the individual houses, and even the
31 interior layout for a house.

32 5. In a way, it's kind of like being an architect without the fancy degree. I do a
33 lot of work with drafting and design, and I often work with contractors to make sure the
34 plans are workable and up to code. I'm not one to brag about myself, but at this point
35 my work is just as good, if not better, than any architect you can name. I have
36 everything but the four-year degree. But try telling that to the likes of Quinn Perry and
37 Tim Eagan (may he rest in peace, I guess). They have always treated me like a second-
38 class citizen. I think that's why I gravitated towards Carolyn. She always treated me and
39 everyone else like they deserved a seat at the table.

40 6. Once I finished my degree, I found a great opportunity through LinkedIn,
41 so I moved to Ogden, Zion to work for Paradigm Real Estate Consultants. Paradigm is a
42 front-to-back real estate consulting firm. We have engineers who do site analysis and
43 plan where the infrastructure and buildings should go, and we have people who design
44 the visual presentation, like me. About seven years ago I worked out a deal with

45 Paradigm that let me move to South Jordan and work remotely. It means I have to travel
46 more, but I love the lifestyle of the Salt Lake valley. The people here don't know
47 anything about my roots, so they treat me like an equal. I like that and I feel like I've
48 earned it.

49 7. One of the first people I met in South Jordan was Carolyn Norton. She
50 was a waitress at Red Robin, my favorite lunch spot. I liked Carolyn immediately and we
51 became good friends, probably because we're both working class. Carolyn has been
52 interested in the real estate business for as long as I've known her. She asked me tons
53 of questions about my job, and she was quick on the uptake. Unfortunately, Paradigm
54 didn't have any positions for her. We're a very elite firm, and without a college education
55 Carolyn wasn't going to get in.

56 8. I met Tim Eagan in South Jordan, I remember when he came to town and
57 started frequenting Red Robin. Carolyn introduced us when she found out he wanted to
58 start a real estate development company. Tim started joining me for lunch, not because
59 I invited him (which I didn't) but because he saw me as an "in" to the local market. At
60 least, that's all he ever wanted to talk about. Did I know anyone in the planning
61 department? Did I know people on the planning and zoning commission? Did I know
62 people on the city council? Obviously, I did, but I'd invested a lot of time in building
63 those relationships over the years and I wasn't about to let an outsider wannabe just
64 butt in. I'd earned the trust of those people and he had to earn it, too.

65 9. Honestly, Tim came across as a nice enough guy, but he never really did
66 earn my trust. He was one of those guys who made you feel like he was always selling
67 something, even if it was just himself. He talked a big game, but I always thought, "If this

68 guy was half as accomplished as he says he is, why is he here?" Tim told me he
69 worked for a real estate development firm in California but decided to leave the "rat
70 race" and start fresh in Zion. He told me the California firm begged him to stay and he
71 made it sound like they would fold without him. Yeah, whatever.

72 10. But at the same time, it was pretty clear that Tim was not an idiot. He did
73 know a lot about real estate development, and he bought some older buildings and
74 some smaller acreage here and there in the valley. He asked me to do the design work
75 for him on those properties. It was obvious that he needed my contacts if he wanted to
76 get anything done, so we worked out an arrangement through Paradigm. Tim liked our
77 work and my ability to move things through the process, so we became his go-to firm,
78 and I was always the project lead.

79 11. In early 2020, Tim offered Carolyn a job. She told me Tim offered her a
80 decent salary to do marketing and PR work and that it was much better than what she
81 was making as a waitress. She talked about the potential for bonuses and said that Tim
82 told her if things went well, she could be looking at partnership down the road. She
83 asked me what I thought she should do. I think she got the same vibe about Tim that I
84 did, so she wasn't surprised when I told her to be careful. I said, "No offense, Carolyn,
85 but for Tim to offer you all that money - and a potential partnership for crying out loud -
86 when you have zero experience in marketing or real estate, and you have no education
87 is pretty unrealistic." At the same time, I tried to be encouraging by telling her she was
88 smart, and that she could learn a lot while working for Tim, she could make a lot more
89 money, and she could get some solid experience. I told her as long as she was careful
90 not to get too wrapped up in Tim's reality distortion field, she'd be fine. I even told her it

might be a way to get in the door at Paradigm someday. I just didn't see a full partnership in Tim's firm as a real possibility, and I told her so.

12. Unfortunately, Carolyn did get too wrapped up with Tim, and now she's accused of his murder. I don't believe for a minute that she did it. Carolyn and I are tight, and she just isn't the violent type. Sure, she has a temper and if she disagrees with you, she isn't afraid to tell you about. She's let me have it plenty of times, but it never bothered me. Instead of carrying a grudge around, she lets you know how she feels and then she's done,

13. I ended up working closely with Tim, and let me tell you, the reality he could distort was unbelievable. I spent a lot of time in Tim's office going over plans for projects, particularly the Oquirrh Mountain development in the Kennecott Copper Mine area. Tim was one of those guys who had to take every phone call, so I heard a lot of his side of conversations. I always knew who he was talking to because he would start every conversation with, "Hi, Joe," or "Hi, Rudy," or "Hi, Quinn," or whoever was calling him.

14. I was in Tim's office at least twice a week during August 2021. We had a lot of work to do for Oquirrh Mountain. The lots hadn't sold like Tim hoped, so we were building a couple of spec homes to show people what life in Riverton could look like. Spec homes are expensive, and the developer has to pay the full cost of the construction with no guarantee the home will sell anytime soon. During every single one of our meetings Tim would get a call from Rudy Chen or Quinn Perry, if not both. I obviously couldn't hear what Rudy or Quinn were saying, but they must have been asking Tim how the project was going. Ever the enthusiastic optimist, Tim would say

114 things like, “Don’t worry, Rudy, we are right on schedule,” and “Quinn, the budget is
115 great. We are right where we need to be.” I heard other calls, too, from guys with
116 names I was unfamiliar with and on those calls, Tim sounded a little more deferential
117 and less enthusiastic. I heard him say things like, “Don’t worry, I’ll have the money,” or “I
118 just need a little more time. Things aren’t moving like I expected.”

119 15. I never asked Tim about his business, but after one call during our last
120 meeting in August two or three days before the meeting at the Wicked Mine, Tim
121 opened the safe in his office. I’d never seen him do that before, and I was naturally
122 curious about what he kept in there. He pulled out a bottle of Jack Daniels and I also
123 saw a couple of bundles of cash that looked fresh from the bank, still wrapped in the
124 currency band. I couldn’t see the denominations on the bills, but it looked like a decent
125 amount of money. Honestly, at the time I didn’t give it a second thought. Why wouldn’t a
126 business have cash in a safe?

127 16. The Jack Daniels did concern me. I mean, I’ve seen people drink during
128 the day and I’ve had a few drinks during business lunches, but Tim poured a full glass
129 and knocked it back in one long pull. The only people I’ve seen do that are people who
130 have a problem with alcohol, and I’ve seen plenty of those. After Tim put the glass down
131 and returned the bottle to the safe, I expected him to keel over, but he didn’t. Instead,
132 he looked at me and said, “Val, I don’t know if I can keep this up. Someone should just
133 put me out of my misery.” I didn’t expect to play counselor that day, but Tim was
134 obviously stressed so I asked him what was going on.

135 17. He told me the project was behind schedule and was probably going to
136 bust the budget, and he wasn’t sure he could bring it home. He also confessed that he’d

borrowed money from some “private individuals” (his words) and that he was having trouble paying it back. He said the interest was piling up, and that “these are not the kind of people who accept missed payments.” He was pretty dejected as he told me, “Carolyn is already mad at me, and Rudy and Quinn are about to be mad at me if I can’t pull this thing off and they find out the truth.” I was about to say something reassuring when he added, “Maybe the Perrys were right about me.”

18. And then, just as suddenly as the funk had come over him, it went away. He looked at me with the old Tim bravado and said, “Okay, let’s look at these designs. We’ve got a lot of work to do.” That was the end of it, and I figured it was none of my business, so I let it go. At least until the meeting at the Wicked Mine.

19. Tim and Quinn set the meeting for the evening of September 3rd. Apparently there were “rumors” about the project, and they wanted to have a frank discussion to set the record straight. I thought that was a good idea. Given my conversation with Tim it sounded like the rumors were true and I expected him to come clean about his financial problems and the issues with the project.

20. By the way, the delays in getting the approvals for Oquirrh Mountain had nothing to do with me. I do have relationships with the right people, but when you’re working on a development as large as Oquirrh Mountain in the middle of a pandemic, things are going to take longer. Tim’s earlier projects were pretty small, and he started most of them before the pandemic hit, so getting the approvals he needed went pretty quickly.

21. We met at the Wicked Mine at 5:30 on September 3rd. Rudy Chen came up from California, and Carolyn, Quinn, and Tim were there. Carolyn made it perfectly

160 clear that she was unhappy with Tim and Quinn. I don't recall everything she said, but
161 her lack of money was the general theme. I didn't know exactly what her financial
162 arrangement with Tim was, but based on our conversation when Tim offered her the
163 job, I thought she was getting a decent salary, benefits, and had good bonus potential.
164 Apparently, she hadn't been paid in a while, as she was demanding that Tim and Quinn
165 get current on her salary. She said she wasn't sure she could pay her September rent,
166 and there was no way she could wait to get paid until January. Honestly, when Carolyn
167 said that I got angry. Like I said, Carolyn and I are good friends and I'd encouraged her
168 to take this job. I was annoyed and embarrassed that she wasn't getting paid. She was
169 an employee, not a partner, so it wasn't right for Tim and Quinn to expect her to bear
170 any risk.

171 22. I probably should have kept my mouth shut, but I said, "Since we're being
172 honest tonight, Tim, you should tell everyone about your real financial situation." Tim
173 looked at me like he wanted to hit me and then he denied that there was anything to say
174 about the finances, but now everyone else was pressing him about it. Finally, Tim
175 confessed that he had a couple of "personal loans" through some "private lenders."
176 Quinn said, "I thought you left that behind in California." Tim didn't say anything, he just
177 turned away from Quinn. Quinn asked Tim if he was drinking again, too, and Tim said
178 he wasn't. Well, I knew that was a lie, but I didn't say anything else because I didn't
179 want to get in the middle of the fight that was brewing. Carolyn seemed to know about
180 the cash in the safe because she was telling Tim to use that to pay her. Tim denied
181 there was any cash in the safe and I kept my mouth shut about that, too.

23. Later on, Carolyn started to demand that Tim give her a firm date for making her a partner. Tim, Quinn, and Carolyn started to argue about that until Tim reminded Carolyn that she was still his employee and she had work to do. He told her to go to Oquirrh Mountain to take some photos of one of the spec homes. Carolyn looked at him for a few seconds, said, "So that's the way it's going to be," and left. I figured that was a good thing because I knew Carolyn would shake off the argument and be done with it, and there obviously wasn't any benefit in her sticking around. Given what I knew, I intended to tell Carolyn it was time for her to find another job. I hoped we could find something for her at Paradigm.

24. We took a break for a few minutes after she left, and Rudy Chen approached me on my way out of the restroom to ask what I knew about Tim's financial situation. I figured this mess was already going to damage my career so I told Chen I didn't know anything and to talk to Tim. Honestly, I was a little worried about whether Paradigm would get paid at that point. I wasn't really worried about myself because I have a nice salary at Paradigm, although I'd miss out on my bonus if Oquirrh Mountain went bust.

25. Carolyn and I texted later; I turned the messages over to the police. But there is no way that Carolyn would shoot Tim. She didn't have any financial problems that I wasn't willing to help her with, and apparently Rudy Chen had offered her money, too. I had no idea that Carolyn owned a gun because I've never seen it in her office, her car, or her home and she never talked about it. I can see why a single woman would have a gun at home for protection, but it's not like she was running around with it on her hip like Tim did.

205 26. Carolyn came over after she took the pictures of the spec home and she
206 seemed fine. She didn't have a gun that she wanted me to hide, she didn't have to
207 clean up her clothing, and she wasn't upset. She definitely wasn't acting like she'd just
208 killed someone. We talked about the meeting for a while, and I told her I'd help her with
209 money if she needed it and that she should think about leaving Tim's firm. She said she
210 would consider leaving, but that she really did have faith in Tim and wanted to give him
211 another chance. She said it just like that, "I want to give him another chance." You don't
212 say that about a person you know is dead.

213 27. I know that Tim carried a gun. In fact, it was impossible not to know that
214 Tim carried a gun. He always had his Glock 9mm in a holster on his hip. He showed it to
215 me a couple of times and I'm not gonna lie, it made me uncomfortable. I'm not against
216 guns or anything like that. I own a Glock 9mm myself, but I don't flash it around. But Tim
217 seemed to make a point of carrying it and letting people see it. When I asked him about
218 it, he told me he was just exercising his Second Amendment rights and he did a lot of
219 target practice. He'd brag about what a good shot he was and then say, "No one better
220 mess with me." I thought it was just Tim talking big, but I guess he really did have a
221 reason to protect himself. But not because of Carolyn.

222 28. Mickey Wilson came to talk to me a day or two after Tim was killed. I told
223 Detective Wilson the same things I've written here and showed Wilson my texts with
224 Carolyn. I can't believe Wilson thinks Carolyn was really saying she would shoot Tim. It
225 was a joke, for Pete's sake. We were laughing about it. I know she didn't kill him. She
226 went up, took her pictures, and that was it. I don't know who shot Tim, but it was
227 definitely not Carolyn.

228 WITNESS ADDENDUM

229 I have reviewed this statement and I have nothing of significance to add at this
230 time. The material facts are true and correct. Of the available exhibits, I am familiar with
231 the following and only the following: Exhibit #5 is a copy of the text messages between
232 Carolyn Norton and me on September 3, 2021.

VAL DENISON

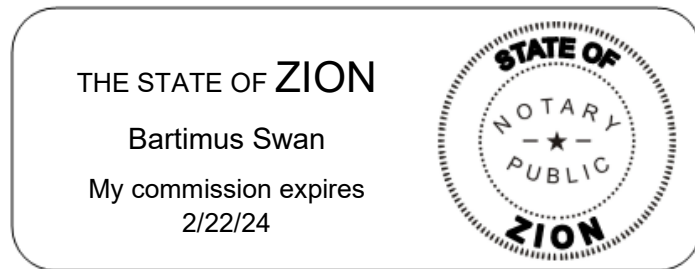
SIGNATURE: VAL DENISON

Bartimus Swan

Bartimus Swan

Notary Public

Date: October 28, 2021



EXHIBITS

Exhibits Available To Both Parties

The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defendant, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

#	EXHIBIT DESCRIPTION
1	Official Police Homicide Report, Prepared by Detective Wilson, RPD
2	Affidavit of James Sinjin Smith
3	Curriculum Vitae of James Sinjin Smith
4	Aerial Photo with Locations Based on Cell Phone Data, Prepared by Blaine Mendoza
5	Text Messages Exchanged Between Carolyn Norton and Val Denison on September 3, 2021
6	Comparison Photographs, Prepared by Amari Lewis
7	Text Messages Exchanged Between Timothy Eagan and "Unknown" on September 3, 2021
8	Aerial Photograph of the Crime Scene Using Drone Technology
9	Photograph of the Location of Eagan's Body, Prepared by Detective Wilson, RPD
10	Photographs of the Spec Home, Taken by Carolyn Norton, Prepared by Blaine Mendoza

EXHIBIT #1: Official Police Homicide Report, Prepared by Detective Wilson, RPD (Page 1 of 2)


		Homicide Report - Riverton Police Department			
VICTIM INFORMATION:					
Last, First Name	Sex	Age	DOB	City of Residence	
Eagan, Timothy	Male	34	7/24/1987	South Jordan, Zion	
REPORT INFORMATION:					
Reporter Name	Address of Reporter		Report Made To		
Det. Mickey Wilson	Riverton Police Department		Det. Mickey Wilson		
Date of Report	Time of Report		Officer Receiving Report		
Sept. 4, 2021	6:00 AM		Det. Mickey Wilson		
DESCRIPTION OF DECEASED:					
Height	Weight	Eye Color	Hair Color	Clothing	
5' 9"	155	Green	Brown	Gucci jean shorts, Gucci tank top, Gucci slides	
INITIAL NARRATIVE:					
<p>On Saturday, September 4, 2021, at approximately 6:00 a.m., I was practicing tai chi in a new residential development in the Kennecott Copper Mine area of Riverton, Zion. At that time and place I came upon the body of a man lying on his stomach, right cheek of his face down on a dirt mound leading up to an unfinished residential lot. The body was near what looked to be an under construction garden pond. The arms were resting down toward the man's waist, and his feet were both facing to the man's left. I touched the man's left cheek with the back of my hand and it was very cold and exhibited no lividity.</p> <p>Upon turning the man over I saw that he had two bullet entry wounds, one on his left shoulder, and one in the center of the chest. There were no exit wounds that I could see. The shoulder wound was relatively small, indicating it either came from a small caliber round or from a distance. The chest wound was massive, either from a high caliber round or from close range. The man was deceased. There was a small amount of dried blood around the shoulder wound. The chest wound was a mess. The front of the man's tank top was stained with smeared blood mixed with dirt. His thighs, legs, and arms were marred with dirt. The tops of his arms, the palms of his hands, his fingers, and his fingernails were clean.</p> <p>In the right rear pants pocket was a wallet containing a Zion driver's license issued to Timothy K. Eagan, DOB 07/24/1987, a Visa credit card issued by the South Valley Credit Union in the name of Timothy K. Eagan, a receipt from the Pioneer Saloon dated September 3, 2021, and \$33 in cash.</p>					

EXHIBIT #1: Official Police Homicide Report, Prepared by Detective Wilson, RPD (Page 2 of 2)

Homocide Report, Page 2

INITIAL NARRATIVE, CONTINUED:

The body had a gun holster on the hip, which was open and empty. I found a Glock 9mm handgun approximately five feet to the right of the body. Later examination revealed that the magazine was full and there was a round in the chamber. However, it did not appear that the gun had been fired recently. I visually searched the area and could find no spent shells. Later examination of the area with a metal detector failed to reveal any spent shells. However, because this was a construction site, there was a tremendous amount of stray metal in the ground, so it's possible any spent shells were lost in the "noise."

At approximately 6:15 a.m. on September 4, 2021, I called RPD dispatch to report the discovery of the body.

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

According to National Weather Service records, sunset in Riverton on September 3, 2021, was 8:12 p.m. MDT.

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

INVESTIGATION SUMMARY:

On September 5, 2021, I met with Salt Flats County Deputy Chief Assistant Coroner Frankie Zappa to discuss the case. DC Zappa took me to view the body and personal effects.

DC Zappa told me that he had identified the body as that of Timothy Eagan, 34, of South Jordan. Once DC Zappa said the name I immediately remembered that I had seen Mr. Eagan previously at a zoning hearing related to the Oquirrh Mountain development.

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

On September 6, 2021, I took the two bullets recovered from Eagan's body from DC Zappa and placed them into a sealed evidence bag marking them as TES1 and TES2. I then drove to Salt Lake City, Zion and dropped them off with Sgt. James Sinjin Smith for analysis, along with the handgun found near Eagan's body and the handgun belonging to Carolyn Norton. I also went back to the crime scene with a metal detector to see if I could locate any shell casings, but I still was unable to locate any

On September 10, 2021, Sgt. Smith emailed to me the results of his analysis of TES1 and TES2, and the handguns. Smith's analysis was inconclusive See Smith's report for further details.

EXHIBIT #2: Affidavit of James Sinjin Smith (Page 1 of 2)

AFFIDAVIT OF Sgt. James Sinjin Smith

STATE OF ZION)
) ss.
COUNTY OF SALT FLATS)

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

I am an investigator with the Zion State Police Forensic Services Division in Salt Lake City, Zion. The lab has a current certification as an Accredited Testing Laboratory from the American Association for Laboratory Accreditation.

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

Evidence:

On September 6, 2021, Officer Mickey Wilson of the Riverton Police Department delivered to me two bullets that were purportedly recovered from the body of one Timothy K. Eagan. The bullets were properly sealed in an evidence bag and were marked TES1 and TES2. Officer Wilson also delivered two firearms: a Glock model 26 and a Glock model 19. Both are 9mm handguns. Officer Wilson did not tell me the origin or ownership of the handguns.

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

Procedure:

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

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

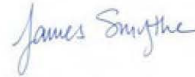
TES2 had a small surface area that had not been damaged by impact, and which retained some of the land and groove patterns from the weapon that fired it. This area did show tool marks that were somewhat similar to one of the test rounds fired from the Glock 19. However, the area on TES2 was too small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

EXHIBIT #2: Affidavit of James Sinjin Smith (Page 2 of 2)

Conclusion:

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

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



James Sinjin Smith, Sgt., ISP

On this the 10th day of September, 2021 James Sinjin Smith personally appeared before me and having been first duly sworn did execute the foregoing affidavit.



Notary Public for the State of Zion
Residing at: Murray

THE STATE OF ZION

Jane Doe

My commission expires
3/2/22



EXHIBIT #3: Curriculum Vitae of James Sinjin Smith (Page 1 of 3)

James Sinjin Smith

458 South 180 East
Salt Lake City, Zion
801-555-9786 *jsmith@zsp.Zion.gov

Personal Profile

I am a certified firearms and toolmark examiner with the Zion State Police Forensic Services Division.

Memberships

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

Education and Training

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

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

Employment

1983 - Present	Firearms and Toolmark Examiner	Zion State Police
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EXHIBIT #3: Curriculum Vitae of James Sinjin Smith (Page 2 of 3)

Job Duties and Relevant Skills

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

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

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

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

My relevant skills include:

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

EXHIBIT #3: Curriculum Vitae of James Sinjin Smith (Page 3 of 3)

Publications

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

Teaching

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

EXHIBIT #4: Aerial Photo with Locations Based on Cell Phone Data, Prepared by Blaine Mendoza

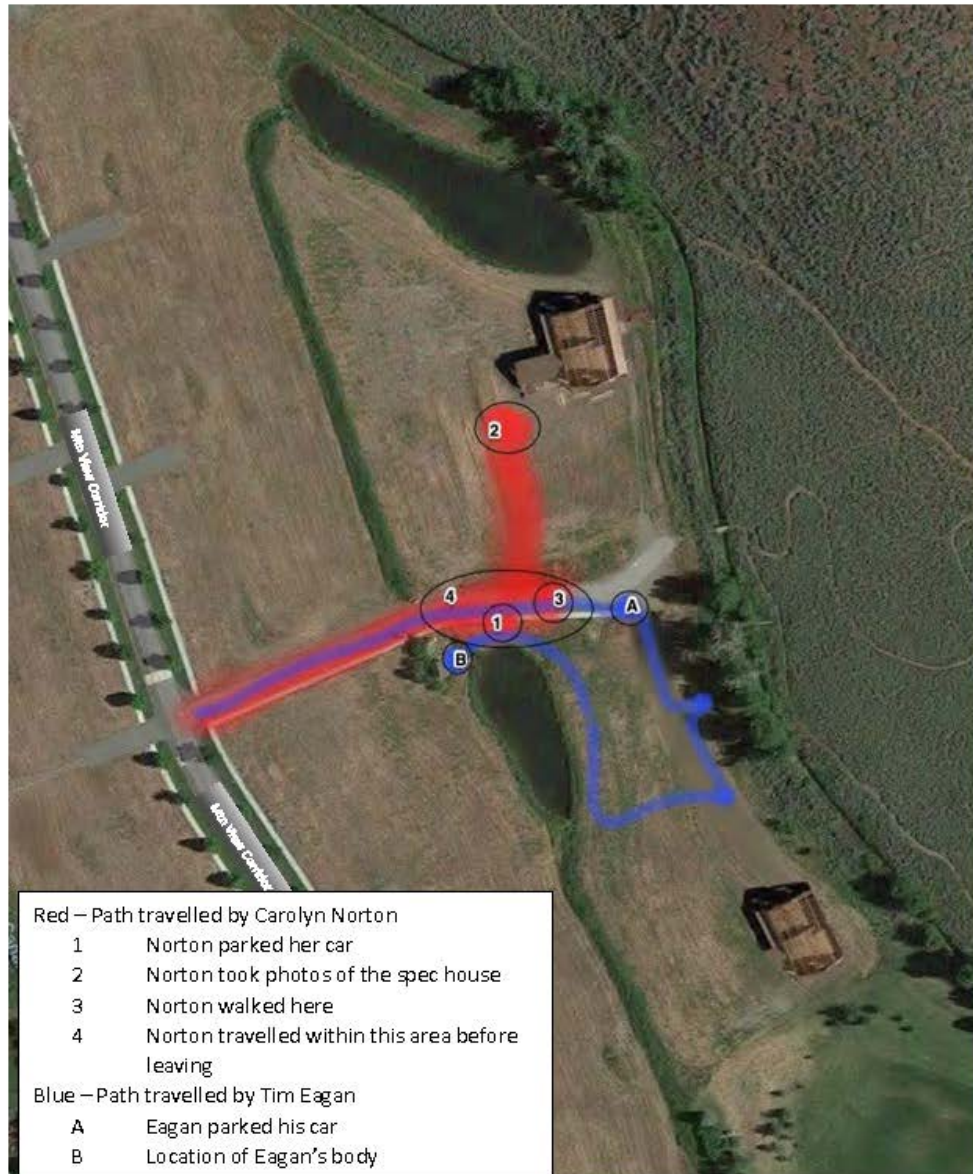
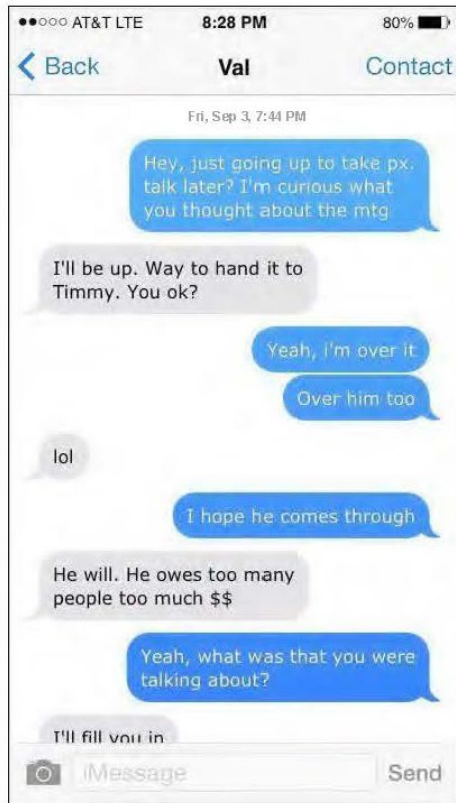


EXHIBIT #5: Text Messages Exchanged Between Carolyn Norton and Val Denison on September 3, 2021 (Page 1 of 2)

1



2



EXHIBIT #5: Text Messages Exchanged Between Carolyn Norton and Val Denison on September 3, 2021 (Page 2 of 2)

3



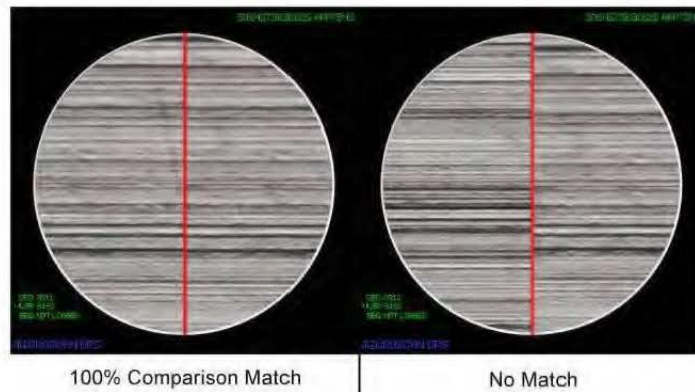
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5



EXHIBIT #6: Comparison Photographs, Prepared by Amari Lewis



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

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

EXHIBIT #7: Text Messages Exchanged Between Timothy Eagan and “Unknown” on September 3, 2021



EXHIBIT #8: Aerial Photograph of the Crime Scene Using Drone Technology



**EXHIBIT #9: Photograph of the Location of Eagan's Body,
Prepared by Detective Wilson, RPD**



EXHIBIT #10: Photographs of the Spec Home, Taken by Carolyn Norton, Prepared by Blaine Mendoza

