2016

ALASKA HIGH SCHOOL

MOCK TRIAL COMPETITION

Anchorage, March 3-5, 2016

State v. Kolski

Case No. 3AN-15-09999 CR

OFFICIAL CASE MATERIALS & COMPETITION RULES

TEAM MEMBER'S PACKET

Including all evidence, applicable law, competition rules, and team registration forms

Sponsored by the Anchorage Bar Association
Young Lawyers Section

2016 Alaska High School Mock Trial Problem

State v. Kolski

Statement of Facts

The peaceful and picturesque town of Moose Valley, Alaska is located off the Alaska Highway System and thus unreachable by car. There are daily flights from Moose Valley to Anchorage and flights five days a week to Fairbanks. Occasional flights are also scheduled to other cities in Alaska, and planes are available for charter when the scheduled flights do not satisfy the need of the customer.

The permanent population of Moose Valley was measured in the 2000 Census to be 8,312 residents. Moose Valley is also home to the University of Alaska – Moose Valley (UAMV), a branch campus of the University of Alaska system. The student enrollment of UAMV at the start of the 2015-2016 school year were 1,928 students, all undergraduates. Many UAMV students chose the school because its small size results in a great deal of individual attention from the professors. The UAMV nickname is the Prospectors, though the school has no intermural sports programs.

The tranquil atmosphere of Moose Valley was shattered late on the evening of October 20, 2015, when a bomb exploded in the Gloria Rubin Science Center. The explosion originated in the biology laboratory. The explosion fatally wounded Peter Zoros, a UAMV janitor who was cleaning next door in the physics laboratory at the time of the explosion.

Prior to the explosion, the biology laboratory primarily housed the experiments of Prof. Kim Sanders, who was researching a deadly new disease, Alaska Respiratory Immunodeficiency Syndrome (ARIS), which had been spreading rapidly in villages around Moose Valley. As part of his/her research to counteract this disease, Prof. Sanders was conducting experiments on several animals indigenous to the area.

Following an investigation by a State forensic scientist, the Moose Valley Police Department arrested Alex Kolski on December 5, 2015. Alex was charged with Murder in the First Degree, Murder in the Second Degree, Arson in the First Degree, and Criminal Mischief in the First Degree. At the time of arrest, Alex was a junior (third year student) at UAMV and president of the campus chapter of Organized Students Against Laboratory Testing on Animals (OSALTA), a national animal rights organization.

Because of the publicity in Moose Valley surrounding the explosion, a change of venue to Anchorage was requested and granted.

Author's Note

This year's mock trial case involves substantial issues and is meant to elicit serious discussion while at the same time providing a worthy educational experience for your students. Because of the nature of the events in question, some descriptions are necessarily graphic. However, every effort has been made not to overstep the bound of decency, and students should be encouraged to do the same at the competition.

This hypothetical case is adapted from (and improves upon) the 2004 Alaska mock trial problem. All names, descriptions, and events in the problem are fictitious. Any similarity to any actual event or to the name of any actual person is strictly coincidental. The names of all witnesses were created to be gender-neutral, though genders may have been assigned to certain non-witnesses.

As in previous years, all admissible exhibits and information relating to the case are contained in these case materials. Students are not allowed to introduce at trial cases or exhibits not contained in the case materials. The description of the components of the bomb is fictitious and purposely involves chemical compounds that do not exist in reality. **Students and coaches are strongly encouraged NOT to research how to make homemade bombs or to experiment with hazardous materials.** The website where the recipe for the homemade bomb could be found is also, at the time of the writing of this problem, fictitious.

Special Note: The team playing the defendant will have the choice as to whether to portray the witness Tai Leppert as an adverse witness. This would enable cross-examination on direct examination. Tai does not want to go to jail any more than Alex does and will not admit guilt for the purpose of acquitting Alex. (Not to mention that there is nothing in Tai's affidavit to support an admission of guilt.) Because of the structure of the mock trial competition, the prosecution cannot call Tai as a witness. Should the defense choose to call Tai as a witness, which the defense is under no obligation to do and may have good reasons not to, the student performing as Tai will be judged in part based on how well that character advances his or her innocence. It will be the job of the defense attorney to attack the claims made by Tai Leppert and the job of the prosecution essentially to defend Tai in cross-examination. Tai has been granted limited immunity for prosecution for terroristic threatening in the second degree arising from statements related to a threatening email that Tai sent to Prof. Kim Sanders on October 16, 2015. As a result, anything said by Tai to explain this email cannot be used in any criminal prosecution against Tai for terroristic threatening in the second degree. This immunity, however, does not stretch to possible murder charges against Tai Leppert should Alex Kolski be acquitted. All the more reason why Tai should not say anything that contributes to his/her guilt for the bombing.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

INDICTMENT

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE.

THE GRAND JURY CHARGES:

Count I

AS 11.41.100(a)(4)

Murder in the First Degree

That on or about the evening of October 20, 2015, in the city of Moose Valley in the Third Judicial District, State of Alaska, ALEX KOLSKI did commit murder in the first degree by, acting alone or with one or more persons, committing or attempting to commit criminal mischief in the first degree under AS 11.46.475 and, in the course of or in furtherance of the offense caused the death of a person other than one of the participants.

All of which is an unclassified felony being contrary to and in violation of Alaska Statute 11.41.100(a)(4) and against the peace and dignity of the State of Alaska.

Count II

AS 11.41.110(a)(2)

Murder in the Second Degree

That on or about the evening of October 20, 2015, in the city of Moose Valley in the Third Judicial District, State of Alaska, ALEX KOLSKI did commit murder in the second degree by knowingly engaging in conduct that resulted in the death of another person under circumstances manifesting an extreme indifference to the value of human life.

All of which is an unclassified felony being contrary to and in violation of Alaska Statute 11.41.110(a)(2) and against the peace and dignity of the State of Alaska.

Count III

AS 11.41.120(a)(1)

Manslaughter

That on or about the evening of October 20, 2015, in the city of Moose Valley in the Third Judicial District, State of Alaska, ALEX KOLSKI did commit manslaughter by intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree.

All of which is a Class A felony being contrary to and in violation of Alaska Statute 11.41.120(a)(1) and against the peace and dignity of the State of Alaska.

Count V

AS 11.46.400(a)

Arson in the First Degree

That on or about the evening of October 20, 2015, in the city of Moose Valley in the Third Judicial District, State of Alaska, ALEX KOLSKI did commit arson in the first degree by intentionally damaging property by starting a fire or causing an explosion and by that act recklessly placing another person in danger of serious physical injury.

All of which is a Class A felony being contrary to and in violation of Alaska Statute 11.46.400(a) and against the peace and dignity of the State of Alaska.

Count VI

AS 11.46.475(a)(3)

Criminal Mischief in the First Degree

That on or about the evening of October 20, 2015, in the city of Moose Valley in the Third Judicial District, State of Alaska, ALEX KOLSKI did commit criminal mischief in the first degree by, with intent to damage property of another by the use of widely dangerous means, damaging property of another in an amount exceeding $100,000 by the use of widely dangerous means.

All of which is a Class A felony being contrary to and in violation of Alaska Statute 11.46.475(a)(3) and against the peace and dignity of the State of Alaska.

DATED this 16th day of December, 2015 at Alaskopolis, Alaska.

A true bill

_____
Grand Jury Foreperson

_____
Assistant District Attorney
Bar No. _____

WITNESSES EXAMINED BEFORE THE GRAND JURY:

Officer Brooke Wright
Dr. Kim Sanders

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Court No. 3AN-15-09999 CR

STIPULATIONS

It is stipulated for purposes of this [Mock] Trial that the following facts have been properly introduced into evidence and may be relied upon by the parties in the presentation of their case:

I.

All facts asserted in the Statement of Facts are true and correct.

II.

Peter Zoros died as a result of injuries caused by the explosion in the Gloria Rubin Science Center on October 20, 2015.

III.

Tai Leppert had been granted limited immunity from prosecution for terroristic threatening in the second degree for any and all statements arising from and relating to an email sent by Tai Leppert to Prof. Kim Sanders on October 16, 2015.

IV.

All exhibits included in these case materials are authentic and are accurate in all respects; no objections to the authenticity of the exhibits will be entertained. All affidavits are considered part of the case materials and may be used during trial as would any sworn statement. The signatures on the affidavits are to be considered authentic.

V.

All factual descriptions by Kris Felini of the evidence in the biology laboratory in the aftermath of the October 20 explosion are considered admitted. Evidence from the biology laboratory cannot be challenged for lack of a physical or any other evidence.

VI.

The website www.anarchistresource.com existed at all relevant times prior to one week before the start of the trial. One week before the trial the website for unknown reasons disappeared from the Internet. No printouts exist of any portion of the website for admission as an exhibit.

VII.

The witnesses for the plaintiff are:

1. Officer Brooke Wright
2. Dr. Kim Sanders
3. Toni/y Chang
4. Kris Felini

VIII.

The witnesses for the defense are:

1. Alex Kolski
2. Tai Leppert
3. Tegan Myers
4. Sam Rodriguez

ATTORNEYS FOR
STATE OF ALASKA

By:_____/s/_____

ATTORNEYS FOR
ALEX KOLSKI

By:_____/s/_____

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Court No. 3AN-15-09999 CR

FOUNDATIONAL INSTRUCTIONS

Introduction

Members of the jury, you have now heard and seen all of the evidence in the case and you have heard argument about the meaning of the evidence. We have reached the stage of the trial where I instruct you about the law to be applied.

It is important that each of you listen carefully to the instructions. Your duty as jurors does not end with your fair and impartial consideration of the evidence. Your duty also includes paying careful attention to the instructions so that the law will properly and justly be applied to the parties in this case. You will have a copy of my instructions with you when you go into the jury room to deliberate and to reach your verdict. But it is still absolutely necessary for you to pay careful attention to the instructions now. Sometimes the spoken word is clearer than the written word, and you should not miss the chance to hear the instructions. I will give them to you as clearly as I can in order to assist you as much as possible.

The order in which the instructions are given has no relation to their importance. The length of instructions also has no relation to importance. Some concepts require more explanation than others, but this does not make longer instructions more important than shorter ones. All of

the instructions are important and all should be carefully considered. You should understand each instruction and see how it relates to the others given.

Direct and Circumstantial Evidence

Evidence is either direct or circumstantial. Direct evidence, if you accept it as true, proves a fact. Circumstantial evidence, if you accept it as true, proves a fact from which you may infer that another fact is also true.

Let me give you an example. Let us pretend that as a juror you are asked to decide the following question: Did snow fall during a particular night? Direct evidence would be a witness testifying that the witness awoke during that night, went to the window, and saw the snow falling. From this evidence you could conclude that snow fell during the night.

Circumstantial evidence would be a witness testifying that the ground was bare when the witness went to sleep at 10:00 p.m., but the next morning when the witness awoke and looked out the window, the witness saw that the ground was covered with snow. From this evidence you could also conclude that snow fell during the night.

Facts may be proved by either direct or circumstantial evidence. The law accepts each as a reasonable method of proof.

Witness Credibility

You have heard a number of witnesses testify in this case. You must decide how much weight to give the testimony of each witness.

In deciding whether to believe a witness and how much weight to give a witness's testimony, you may consider anything that reasonably helps you to evaluate the testimony. Among the things that you should consider are the following:

(1) the witness's appearance, attitude, and behavior on the stand and the way the witness testified;

(2) the witness's age, intelligence, and experience;

(3) the witness's opportunity and ability to see or hear the things the witness testified about;

(4) the accuracy of the witness's memory;

(5) any motive of the witness not to tell the truth;

(6) any interest that the witness has in the outcome of the case;

(7) any bias of the witness;

(8) any opinion or reputation evidence about the witness's truthfulness;

(9) any prior criminal convictions of the witness which relate to honesty or veracity;

(10) the consistency of the witness's testimony and whether it was supported or contradicted by other evidence.

You should bear in mind that inconsistencies and contradictions in a witness' testimony, or between a witness's testimony and that of others, do not necessarily mean that you should disbelieve the witness. It is not uncommon for people to forget or to remember things incorrectly and this may explain some inconsistencies and contradictions. It is also not uncommon for two honest people to witness the same event and see or hear things differently. It may be helpful when you evaluate inconsistencies and contradictions to consider whether they relate to important or unimportant facts.

If you believe that part of a witness's testimony is false, you may also choose to distrust other parts of that witness's testimony, but you are not required to do so. You may believe all, part, or none of the testimony of any witness. You need not believe a witness even if the witness's testimony is uncontradicted. However, you should act reasonably in deciding whether you believe a witness and how much weight to give to the witness's testimony.

You are not required to accept testimony as true simply because a number of witnesses agree with each other. You may decide that even the unanimous testimony of witnesses is erroneous. However, you should act reasonably in deciding whether to reject uncontradicted testimony.

When witnesses are in conflict, you need not accept the testimony of a majority of witnesses. You may find the testimony of one witness or of a few witnesses more persuasive than the testimony of a larger number.

Evaluation of Evidence

The weight to be given the evidence is for you to determine. You must examine the evidence carefully and decide how to evaluate it in light of the law that I have given you in these instructions. In your deliberations, you must not be governed by mere sentiment, unsupported conjecture, sympathy, passion, prejudice, public opinion, or public feeling. You should consider the evidence in light of your own common sense and observations and experiences in everyday life. But you may not consider other sources of information not presented to you in this court.

Your consideration of this case should be based solely on the evidence presented and the instructions I have given. The parties to this action are entitled to have a calm, careful, conscientious appraisal of the issues presented to you. Sympathy, bias or prejudice should not have the slightest influence upon you in reaching your verdict.

Objections

There are rules of law that control what evidence you can consider. When a lawyer asks a question or offers an exhibit into evidence, and the lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered, or the exhibit be received. Whenever I sustain an objection to a question addressed to a witness, you must disregard the question entirely, and must not draw any inference from the wording of it, nor speculate as to what the witness would have said if permitted to answer the question. If I sustain an objection to a question after an answer has been given, then you must disregard the question and the answer.

Sometimes I may order that evidence be stricken from the record and that you disregard or ignore the evidence. In that case, you must not consider the evidence which I told you to disregard. You may wonder why some evidence must be excluded or disregarded when it appears to be of some interest to you. The rules that govern what evidence can be received are designed to do two things. First, they try to help you focus on important and reliable evidence by keeping out interesting but not very important or reliable information. Second, the rules help you decide the case objectively without being swayed by information that might cause you to respond emotionally.

Many of us have said to ourselves from time to time something like "I wish I never heard that about someone, because it makes it impossible for me to be unbiased now." The law tries to protect jurors from this natural human reaction. It is because the law protects what jurors hear that we have such confidence in the impartiality and integrity of the jury.

You should not be influenced by the fact that objections are made or that requests are made that I take certain actions; nor should you be influenced by the number of objections or requests that are made. Objections or requests are not evidence. Please remember that my rulings that exclude evidence or that bar questions are designed to help you decide the case fairly. When I

allow testimony or other evidence to be introduced over the objection of a lawyer, I do not mean to suggest any opinion as to the weight or effect of such evidence.

SUBSTANTIVE INSTRUCTIONS

Murder in the First Degree

Alex Kolski, the defendant in this case, has been charged with the crime of murder in the first degree. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant committed or attempted to commit criminal mischief in the first degree; and

(2) in the course of or in furtherance of that crime, or in immediate flight from that crime, any person caused the death of a person other than one of the participants.

Murder in the Second Degree

Alex Kolski, the defendant in this case, has been charged with the crime of murder in the second degree. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant's conduct caused the death of another person;

(2) the defendant knowingly engaged in this conduct; and

(3) the conduct was performed under circumstances manifesting an extreme indifference to the value of human life.

"Extreme indifference to the value of human life" means extreme recklessness. In deciding whether the defendant’s conduct manifested extreme indifference to the value of human life, you must consider the following factors:

(a) the social utility of the defendant’s conduct;

(b) the magnitude of the risk the defendant’s conduct created, including both the nature of the harm that was foreseeable by the defendant and the likelihood that the defendant’s conduct would cause that harm;

(c) the defendant's knowledge of the risk; and

(d) any precautions the defendant took to minimize the risk.

Manslaughter

Alex Kolski, the defendant in this case, has been charged with the crime of manslaughter. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant caused the death of another person; and

(2) the defendant did so intentionally, knowingly, or recklessly.

Arson in the First Degree

Alex Kolski, the defendant in this case, has been charged with the crime of arson in the first degree. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant intentionally damaged any property by starting a fire or causing an explosion, and

(2) by that act recklessly placed another person in danger of serious physical injury.

Criminal Mischief in the First Degree

Alex Kolski, the defendant in this case, has been charged with the crime of criminal mischief in the first degree. To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt the following:

(1) the defendant intended to damage property of another by the use of widely dangerous means;

(2) the defendant damaged property of another by the use of widely dangerous means;

(3) the amount of damage exceeded $100,000; and

(4) the defendant had no right to do so or any reasonable grounds to believe that the defendant had such a right.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

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Court No. 3AN-15-09999 CR

AFFIDAVIT OF OFFICER BROOKE WRIGHT

1. My name is Brooke Wright. I am 38 years old. I have been a security officer at the University of Alaska – Moose Valley for the last seven years. Before that I was a lieutenant in the United States Army, splitting my time between Fort Richardson and Fort Wainwright. Prior to that I saw action in Iraq as a communications specialist. The security of this country is very important to me.

2. I was fortunate that when my tour of service with the Army was up, there was an opening in the campus police at UAMV. I am not originally from Alaska, but my husband/wife, whom I met while stationed at Fort Wainwright, was originally from Moose Valley and wanted to return home. I thought about renewing my commitment to the Army, but decided instead to give civilian life a try. The job at UAMV was a good fit for me. While in the Army, I had served brief stints in the Military Police. I figured that a job at UAMV would be relatively stress-free and would give me plenty of time to spend with my kids. For the most part, this has turned out to be true.

3. I am one of five campus security officers at UAMV. Because of my time in the security department, I am now second in command. All of us, except for the chief, are given the title of "Officer." I have a fairly low opinion of Chief Bronson. I do not believe that Chief Bronson does an adequate job of monitoring the security threats to the University. I admit that most of the threats are relatively minor and consist principally of underage students getting drunk and pulling off or attempting to pull off stupid pranks. However, the relatively minimal severity of the threats is not an adequate excuse for a lax system of

monitoring student activities. Chief Bronson has told me that he took this job twenty-three years ago because he wanted a break from the life of a police officer in the bad neighborhoods of Seattle. I admit that when I took this job, one of the reasons was to avoid overly stressful situations, but Chief Bronson takes this too far. Personal laziness must take a back seat when security issues are at stake. Students on this campus need to know that they will be caught if they transgress the law or school rules. Right now, students think they can get away with murder. I am trying to change that.

4. Unfortunately, Chief Bronson's lax attitude toward security was demonstrated in the events of the evening of October 20, 2015. I fully believe that if Chief Bronson had in place a better system of tracking student activities that this tragedy could have been averted. A man died because Chief Bronson did not make it a priority to pay attention to the nefarious intentions of known trouble-makers. If I had been in control, Alex Kolski would have been brought in for questioning well before October 21, 2015 and would have had her/his every move followed.

5. I was on duty the night of October 20, 2015. There is always at least one officer on duty to handle any emergencies that arise. In the evenings, though, usually only one officer is on duty at a time. That was the case on October 20. The campus police office is located in the UAMV campus center, across a courtyard from the Science Center. At 23:33 I heard a loud explosion coming from the direction of the Science Center. I was already wearing my gun, as I always do when I am on duty, so I grabbed my coat and began running across the courtyard. I could immediately see that a fire had broken out on the second floor of the building in approximately the center of the east-west wall. I frantically radioed the Moose Valley Volunteer Fire Department to come to the scene.

6. Because the town of Moose Valley is rather spread out and because the University is several miles from the fire station in the town center, I knew that it would be a few minutes before the volunteer fire department would be able to assemble at the fire station, put on their gear, and arrive at the Science Center. At the time, I thought that the explosion might have been caused by a chemistry experiment gone horribly wrong and that a professor might be inside one of the laboratories. So, I used my pass card to get inside the Science Center, opened up the security box to disable the coded entries on the doors and to flip the master light switch to turn on all of the lights in the center. I then rushed up to the second floor. Fortunately, the fire had not spread into the hallway yet.

7. The first room I looked into was the chemistry lab, thinking that this might be where the explosion had originated. The doors to laboratories have glass windows in them, but the shade had been pulled down over the window in the door to the chemistry lab, so I had to open the door to peek inside. Surprisingly, the chemistry lab seemed not to have been disturbed by the explosion, other than a few beakers that had apparently fallen over from the jolt caused by the explosion.

8. The next room I looked into was the biology lab. It was immediately apparent that this is the room where the explosion had occurred. The glass in the laboratory door had been shattered, so I did not have to open the door to see inside. There were smoke and flames everywhere, but from what little I could tell, all of the glass cages had been shattered and some of the animals were running around the room. I am still haunted by the sounds of

some of the animals shrieking as they were being burned alive. Horrible, just horrible. I knew it would not be safe to go inside the biology lab to try to rescue the surviving animals. It may have been beyond hope for them anyway. From what I could tell, there were no humans inside the room.

9. Consequently, I moved on to look inside the physics lab. For reasons I did not know at first, the door to the physics lab was already open. There was a fair bit of smoke in the room, but I could still see that the wall between the biology lab and the physics lab had collapsed. The fire had not yet spread into the physics lab, but I was afraid it would soon. So, I was about to leave when I noticed a human figure partially covered in rubble from the collapsed wall. The left side of the body, mostly just the arm and leg, stuck out from the rubble. I rushed over to pull the body out. When I did, I found out it was Peter Zoros, the janitor for the Science Center and many of the other buildings on campus.

10. Pete was seriously wounded. He was bleeding heavily and appeared to have already suffered a great amount of blood loss. As Pete struggled to breathe, you could hear him get weaker with each gulp of air. I carried Pete outside the physics lab, down the stairs, and outside the Science Center. This was as far as I saw any reason to take him. As I lay Pete down on the ground outside the Science Center, I could tell he was not long for this world. Pete reached up for me, and with his last words gasped, "Is Alex Koski OK? I think I saw Alex in the biology lab." Then he died.

11. It was just like Pete to always think about others. I feel really bad for Pete's wife, kids, and grandkids. Pete had been working at UAMV ever since the branch was founded in 1981. Despite being in his early sixties, I could never see Pete retiring. Pete was a good friend to me. Real salt-of-the-earth. A lot of people used to call him "Whistling Pete" because he whistled while he worked. All the time. I guess that is how he kept himself entertained while he was cleaning. Pete left the door open of the room he was cleaning, so you could usually hear him down the hallway, sometimes even if you were in another room with the door closed. Great whistler, Pete was. I think he even won a competition at the State Fair one year. At first, I didn't know why Pete was there so late cleaning. You see, he usually did is cleaning rounds between 14:30 and 21:00 in the evenings, right after the last classes let out. The Science Center was one of the bigger buildings on campus; Pete once told me that it took him about an hour and a half to clean the Science Center. As to why Pete was working late on October 20, I talked to his wife later, and she told me that Pete had gone to a birthday dinner for a cousin of his that day and consequently was cleaning the buildings later than usual. It is very unfortunate that he had to pick this day to work late. Everybody liked him; I can't believe he is gone.

12. The way the security system in the Gloria Rubin Science Center worked, students needed a pass card to get into the building after 17:30, which is when the last class period lets out. Every student who is taking a science class with a lab component or who is working as a research assistant at the Science Center receives a pass card good for that semester. Often times, professors would set up lab experiments that students needed to conduct on their own as part of the course. That is why so many students received pass cards. I would have preferred a more restrictive system, but the decision was not in my hands. Once inside the Science Center, students would need to know what numeric code to enter on the keypad outside each door in order to get into any of the labs. The combinations

were different for each lab, so even if you knew the combination for the physics lab, this did not mean that you would be able to get into the biology lab.

13. The computer system was set up so that anyone who enters a building with a pass card has that entry into the building recorded. No entry is made when someone exits the center. If I were in charge of security, I would place cameras above each external door, so that you can always see when someone is entering or leaving the building. In addition to not recording when someone leaves a building, the pass card system also cannot detect when "guests" enter after only one of them has swiped a pass card. So, if only one student has a pass card to the Science Center, that student can let into the building all of the miscreants he or she wants. Cameras can also tell what someone is carrying into or out of the Science Center. In short, security cameras increase the degree of security in a building almost immeasurably. They cost money and personnel to monitor, but they are well worth the added expense. But apparently not to Chief Bronson. That said, I printed off the entry log for the Science Center for the evening of October 20, 2015, and it shows that Alex Kolski entered the building at 21:41 that evening. Thanks to Chief Bronson, there is no record of when Alex Kolski left the Science Center.

14. The numeric keypads on the doors to the separate laboratories are even worse than the pass card system. There are no computer records kept of when someone enters the room using the numeric keypad. You just type in the combination and you are in the room, simple as that. Because the combination is tied to the lock and not to its owner, there really is no way of tracking who is entering. Consequently, Chief Bronson has decided that it is not even worth tracking at what time anyone at all enters the room. So, there is no way to tell when someone might have entered the biology lab to set up the bomb that caused the explosion. The other thing, and this is absolutely unacceptable, is that because the doors are old, they have swollen somewhat from the humidity in Moose Valley and don't always close completely. This, of course, means that unless the person leaving the lab is careful to make sure the door closes fully and the lock clicks in place, which everyone has been instructed to do, then anyone who can get into the science building can get into that particular lab. Almost nothing is safe when this happens. File the doors down and get new springs for the door hinges for Pete's sake.

15. But I digress. The firefighters finally arrived at about 0:07 on October 21. The blaze was relatively confined to the biology lab and a little bit of the physics lab. The firefighters were able to put out most of the blaze by aiming their hoses into the building from the outside. The firefighters then went into the building and into the physics and biology laboratories to put out the remaining small fires and cool down any embers that remained. I do not believe that the firefighters were ever in any danger while fighting the fire.

16. As soon as I saw that the fire was under control and that the firefighters did not need my help, I went to question Alex about where s/he was at the time of the explosion. I trusted Pete and knew that he had recognized Alex. Pete had an extraordinary ability to remember names and faces. I was sure Alex would mess up and give me evidence that would lead to a solid conviction. When I got to Alex's dorm suite, I had to waste time badgering that stoner dimwit Tegan Myers into letting me in. When I got in, there was a faint smell of skunk, but I suppose it could just have been Tegan. Alex was in the shower. I could hear her/him coughing rather loudly. I informed Tegan that I would wait

for Alex to get out and that I preferred to wait alone. Once Alex got out of the shower, I told her/him to put on some clothes and come back in to the common room, that I needed to speak with her/him. When Alex returned, I calmly but firmly asked Alex how it felt to have murdered Pete. I told Alex to save everyone trouble and admit now that s/he had set off the bomb in the biology lab. Alex pretended not to know what was going on. Alex was still coughing rather persistently, which was the one thing I didn't think Alex was faking. Not that I felt sorry for her/him. I told Alex that this was one crime s/he was not going to get away with and that sooner or later incriminating evidence would surface. This only made Alex more obstinate. I could tell the conversation was going nowhere, so when Alex asked me to leave, I begrudgingly obliged.

17. After returning from confronting Alex, I roped off the vicinity of the biology and physics labs with police tape. To his slight credit, Chief Bronson agreed with me the next morning that the area should be continuously guarded until someone from the State crime lab could get here to conduct a thorough investigation. I can assure you that no one tampered with the evidence. Forensic investigator Kris Felini arrived in the afternoon of October 22, 2015 to begin the investigation. The investigation lasted three days.

18. I was required by University policy to fill out a report on any incident I investigated. I had never had to file a report like this one before, one involving death of a fellow University employee, and I hope I never have to again. The form is not really written for this kind of incident. I didn't see much point in filling it out, but Chief Bronson told me that I should complete the form as best I could for our internal records and in case it became useful in court. Because we had called in a forensic investigator from the State, I did not conduct much of the investigation myself, which made it even harder to fill out the incident report. One part of the report called for an estimate of damages, if any. After the forensic investigator completed his/her investigation, I called in Joan Ostergartner, the building contractor in town that UAMV principally uses, both for new construction projects and for repairing older buildings. Upon examining the damage, Joan said she was surprised at how relatively little damage had been done, considering the force of the explosion. Joan determined that the wall between the physics lab and the biology lab would of course need to be rebuilt, along with the counterspace that had previously lined that wall. Other than that, though, she stated that unless we wanted to entirely rebuild the other walls, they would be fine just with patching the cracks and missing plaster and repainting each room. Many of the cabinets on the side of the biology lab closest to the explosion were destroyed either by the explosion or as a result of the subsequent fire. These would need to be replaced, along with a few of the cabinets on the other side of the biology lab and on the near side of the physics lab. Joan provided an estimated repair cost of $80,000, about $50,000 for rebuilding the wall and about an additional $30,000 for the cabinets. Joan gave me a written estimate, admittedly not one with much detail, on November 14. She began construction in the middle of December. She is almost finished now and is on target for her estimated cost. Joan was not able to put a price tag on the damage to Prof. Sanders' experiments, at least not as far as the materials used or the reconstruction costs. Prof. Sanders told me that the invoices detailing her/his expenses had been in a drawer in the lab and were destroyed during the fire, but s/he seemed to remember that the plexiglass cages and scientific equipment cost around $12,000. Consequently, on the damages line of the incident report, I added together Joan's estimate and Prof. Sanders' estimate to come up with a total estimated

damages of $92,000.

19. I am sure that Alex Kolski did this. Alex has been a trouble-maker since day one at UAMV. Alex is a junior now, but Alex has been on my own personal radar screen since early in her/his freshman year. During freshman year, Alex was cited three times for underage drinking. During one of these incidents, Alex was also cited for disorderly conduct – yelling during quiet hours, I think. Alex should have been sent to some sort of treatment program, but s/he managed to talk his/her way out of it because his/her father is a close friend of Chief Bronson. Instead, all that happened was that Alex was given a warning on his/her official record and provided with literature on the dangers of drinking and a brochure from a treatment program in town.

20. Alex was only cited once for underage drinking during her/his sophomore year. I would have counted this as a fourth drinking citation, which under University policy would have meant an automatic expulsion for a semester. Chief Bronson, however, decided that it was a new school year and that the slate was wiped clean from the previous year. Honestly, I just can't believe what Chief Bronson allows to go on at this University. In addition, when Alex was caught trying to steal candy and school supplies from the campus store, Chief Bronson allowed Alex to clear the citation through a work-study program. Alex is clearly a repeat offender and should not be given such lax treatment.

21. Also during her/his sophomore year, Alex assumed the presidency of Organized Students Against Laboratory Testing on Animals (OSALTA), a campus branch of a national organization of the same name. I imagine that Alex had been a member of this organization freshman year as well, but to be honest, I do not keep track of membership in student organizations. I might start paying more attention now. I probably never would have known about Alex's participation in OSALTA this year were it not for the protest Alex organized. On April 25, 2015, at about 15:00, Alex spearheaded a rally outside the Science Center. I know Alex was in charge of this because s/he was the one on the bullhorn doing all of the talking. Apparently, Alex was being quite loud and disrupting other students as they studied for finals. Some students decided to call the campus police to complain of a disturbance of the peace. I was not the campus police officer who initially responded to the call; one of the junior officers got the call that day. However, the junior officer, upon arriving at the scene, decided to call for back-up, which is the call to which I responded. When I got to the protest in front of the student center, I would say there were about 75 students present. Alex was on the bullhorn verbally berating the junior officer, Officer Johnson, who was trying to break up the rally. In my book, this counts as resisting arrest. So, I physically confronted Alex, took away the bullhorn, and slapped on the handcuffs. As I was leading Alex away, I told him/her that s/he had pulled his/her last stunt at UAMV. I knew this was probably an empty threat, but I was so angry I didn't care. I brought Alex back to the campus police station, and Alex immediately went into the office of Chief Bronson and started yelling about how I had engaged in police brutality and was violating his/her free speech rights. Alex even threatened to sue UAMV. Chief Bronson decided to let Alex go without any charges if Alex agreed not to sue the University. I say, bring it on, I know I was in the right and Alex is just a punk. Fortunately, the school year was almost over, and I guess Alex decided that if there were not very many students around it wasn't worth the trouble of setting foot on campus.

22. Trouble began immediately, though, upon the start of the new school year. At UAMV, students are allowed to "shop" for courses for two weeks before signing up definitively for their course list. Alex decided that this meant that students could be persuaded against taking courses from Prof. Sanders, who was performing experiments on animals to help fight that awful ARIS disease. So, as Prof. Sanders was in the middle of delivering her/his opening lecture on the first day of Biology 101, Alex burst into class with a bullhorn, again, and began verbally berating Prof. Sanders, telling the students that Prof. Sanders was a murderer and that if they continued taking his class they were murderers too. There were about 80 students in the course, as Prof. Sanders is a very popular professor on campus. I don't know if any of them decided to drop the course because of Alex's actions – I certainly hope not. Anyway, Prof. Sanders used a campus phone to ring me up . . . I was the officer on duty at the time . . . and tell me what was happening. I immediately went to the lecture hall in the Science Center where Prof. Sanders was giving his/her course. Upon seeing me, Alex knew I meant business. I shouted at Alex to put down the bullhorn and come with me. Not wanting a repeat of last May, Alex did so. I took Alex out into the hallway and gave her/him a stern talking to. I told Alex that I was not going to take her/him to Chief Monson this time, but that if s/he ever disturbed any classes at UAMV again I would personally see to it that s/he was expelled from the University permanently, regardless of what Chief Bronson tried to do to stop me. It must have worked, because since then Alex kept relatively quiet, other than that stupid petition to revoke Prof. Sanders' tenure, until the night of October 20.

23. After the explosion at the Science Center, I wanted to arrest Alex immediately, but Chief Bronson said to wait until the investigation was complete and there was clear and definitive evidence against Alex. I decided to take matters somewhat into my own hands. Using the powers given to law enforcement officials by the Patriot Act, I got the town magistrate to order the UAMV librarian to provide me with a list of all websites Alex had surfed in the week prior to the explosion. This list provides the principle website visited, but does not contain information on the subpages visited from that homepage. In other words, once you get to a site, what you do within that site is not tracked.

24. Alex had used the library computer three times during that time. In all three instances, s/he visited a website called "The Anarchist Resource," which is located at www.anarchistresource.com. I visited the website and found out that contained on it is a recipe for a hydrogen difluomate bomb, which is the type of homemade bomb the State forensic inspector said was used to destroy the biology lab. Why would Alex go to this site if not to get this recipe? I am not aware of Alex taking any chemistry courses, so this is the only way s/he could have known how to make the bomb. If I had been chief of campus police, I would have had a system in place to monitor Alex's web surfing more carefully before October 20th happened. Terror can be prevented, it does not just need to be reacted to.

25. My research into Alex's web surfing combined with the report from the State forensic investigator convinced Chief Bronson that he had no choice but to call in the State Troopers to arrest Alex. Alex was arrested on December 5, 2015 and simultaneously suspended from UAMV. This was a great personal vindication for me, as I have been seeking to get Alex kicked off campus for the last three years.

26. I have never had any trouble with Tai Leppert. However, on October 17, 2015, I was forwarded an email from Prof. Sanders containing serious threats by Tai against Prof. Sanders. Prof. Sanders, though, told me not to take the threat seriously, so I ignored the email until the bombing. After the bombing on October 20, though, I felt it appropriate that I refer the email to the local prosecuting attorney for further investigation, with the caveat that this was likely an empty threat. I also informed the prosecuting attorney that I felt it possible that Tai might have information regarding Alex Kolski and the bombing on October 20 based on her/his close work with Prof. Sanders on the very project that Alex opposed so vehemently. My understanding is that Tai was subsequently charged with terroristic threatening in the second degree, but that this charge has been dropped in exchange for Tai agreeing to cooperate with the investigation and at trial.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Brooke Wright

SUBSCRIBED AND SWORN to before me this 15th day of January, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2017.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF DR. KIM SANDERS

1. My name is Kim Sanders. I am a full professor of biology at the University of Alaska – Moose Valley. I have been teaching there for seventeen years. I got my PhD in immunobiology at Yale University in 1986. Immunobiology is the study of how organisms, usually vertebrates, protect themselves against infectious diseases. After graduating from Yale, I went to work for six years for the National Institutes of Health in Bethesda, Maryland. While there, my primary area of emphasis was identifying different strains of the flu virus to help develop the flu vaccine made available nationally each fall. It is a complicated and sometimes fascinating process, one that involves some pretty shrewd predictive abilities about the spread of different strains through the human population. After a while, though, it became obvious to me that this was all I was going to be able to do my entire career and, frankly, I was becoming a bit bored with the lack of variety. Moreover, I was tired of living in the big city and wanted to get closer to nature and away from the hustle and bustle of modern life.

2. I decided to give teaching a try. I had enjoyed the student teaching experiences I had while at Yale and thought I could have similar experiences and actually earn a living for it. When I found out about the teaching opportunity at UAMV, it seemed like the perfect job for me. Moose Valley is a wonderful small town, picturesque location, and very laid back and easy going. Or so I thought. When I took the job, I wasn't entirely sure I would stick with it, but I fell in love with the town and greatly enjoyed the feeling of being a part of a community. I enjoy hiking in the hills around Moose Valley and don't mind being isolated from the rest of "civilization." Despite what happened with my lab, I can't imagine living anywhere else. It will be difficult to rebuild, and will probably take

a few years, but I am committed to this town and this university.

3. Just as I had hoped, I was able to renew my love of teaching when I came to UAMV. I cherish the opportunity to interact with students and teach them about the wonders of the natural world. Plus, because UAMV is rather small, with only about 2,000 students total, you really get the opportunity to become close friends with many of the students, especially those that major in biology. I would estimate that there are probably about 15 biology majors each year. Most of the students who major in biology at UAMV go to work in environmental sciences in some capacity, often for the State. A few go on to medical school. Because of the small size of the student body, I am one of only two biology professors at the university. There just is not the need for more than two. On the plus side, this means I get at some point or another to teach most of the biology courses in the curriculum, which gives me the variety I had hoped for. The other professor, Professor Foley, is essentially emeritus and no longer does research. Consequently, I have the entire biology laboratory to myself.

4. My view on teaching is that there is nothing wrong with being friends with your students. I know some professors at UAMV disagree with that policy, but this community is too small to be aloof. Plus, I think students learn best not out of fear but in an encouraging environment. There are limits, of course, and I try my best not to cross them. Ultimately, I think I am a very good teacher. I am very pleased to have been awarded a university-wide teaching award, the Golden Antler, two years ago. This award is based not just on peer review, but also on student evaluations. In fact, you need to be nominated by a student to be eligible.

5. Because of the small number of students at UAMV and the fact that there are no graduate students, biology majors have tended to serve as my de facto research assistants. Almost colleagues, I would say. I figured when I came to UAMV that I would be giving up most of my serious research. This was fine with me; the student contact more than made up for it. And I could still do some small scale research. Mold cultures, climatological effects on the diets of local birds, that sort of thing. Then in the winter of 2013-2014 a very serious flu-like virus began showing up in some of the Native villages around Moose Valley. The associated disease, dubbed Alaska Respiratory Immunodeficiency Syndrome or ARIS for short, is very dehabilitating and sometimes even deadly. What the disease does is destabilize the system in the lungs that filters out various pathogens. As a result, the rest of the body begins to think that the lungs themselves are one big virus. So, the rest of the healthy immune system attacks and in effect rejects the lungs, just as transplant recipients sometimes reject their new organs. If ARIS has infected the victim extensively, the immune system can attack the lungs to the point where they collapse. At the very least, the efficiency of large portions of the lung for respiratory purposes is seriously compromised. The after-effects may be permanent. The disease is so new that we just do not know for sure. Those who suffered from ARIS in its first year of existence are still experiencing its effects. There is no known cure for ARIS and no known means to limit its spread within an individual, though the disease seems to plateau off after the first couple of weeks. In other words, the state you are in at the end of the first two weeks is likely the state you are going to be in for the foreseeable future. ARIS affects the elderly more seriously than adults and children, but cases have been reported in all age ranges.

6. Somewhat surprisingly, ARIS seems to be active only during the winter. No one knows for sure why. Maybe it is because the lungs are weakened by the cold air in the winter. Maybe it is just that immune systems are generally weaker in the winter. Regardless, new cases of ARIS dwindled to nothing as summer approached. Because the disease more or less went away, people sort of forgot about it, despite how devastating it was and despite the fact that many people still suffered from symptoms of the disease. Then, in the winter of 2014-2015 new cases of ARIS started popping up again. Even more frighteningly, ARIS spread to more villages and infected many more people than it had the previous winter. The number of villages affected rose from 8 to 17; the number of infections rose from 23 to 68; the number of deaths rose from 2 to 11. Fortunately, there have been no cases in Moose Valley, even though many victims are brought in from outlying villages to be treated at Moose Valley Regional Hospital.

7. The fact that ARIS strikes only in winter suggests a couple of things about the virus. The first is that it must have a rather long incubation period. The virus just does not start anew each winter. It must lie dormant during the summer. But if it is lying dormant, where is it lying dormant? In other words, who or what is the host of the virus. It is certainly possible that the disease resides only in the humans that have reported being infected, but I have a suspicion that ARIS also exists in local animals. Whether the disease becomes active in the animals or whether they are just carriers of ARIS is unknown at this point. Furthermore, if ARIS can be transmitted from animals to humans, it is unclear how this happens. We know so little about this disease that we do not even know if it can survive airborne or if it needs some more direct means of transmission.

8. These are some of the issues that I had hoped to address with my research. Because of my background in developing flu vaccines, I was the perfect person to conduct this research. Right place at the right time, ironically. ARIS was striking only in small towns in Alaska, and consequently not much funding was going into research in how to stop it. I was able to call up a few of my old friends at the National Institutes of Health and get a small grant to study the disease, but I think I was probably the only person researching the disease. The grant was for $45,000, with the money to be split between obtaining the necessary equipment, some of which I already had, purchasing the animals from the Alaska Department of Fish and Game, and hiring research assistants. At the time of the explosion, I had used all of the grant money except for about $10,000, which I had retained for research assistants and other miscellaneous research expenses, such as sending away samples for testing. Needless to say, I felt like a lot of responsibility was heaped on my shoulders. However, even if the world was not paying attention to ARIS, I knew it had the potential to spread, not just to the rest of Alaska but also to other parts of the world as well, and become a major epidemic.

9. With the money from the grant I adapted my lab to study different aspects of ARIS. I got the grant in late April of 2015. It took most of the summer to adapt the biology laboratory at UAMV so that I could conduct the necessary experiments. One part of my research involved isolating the virus from cultures taken from the lungs of some of its victims. Having already applied for the NIH grant and knowing I would want to do this research once I got it, I had collected these samples back in February and March of 2015, when ARIS was at its height. At the time of that terrible explosion on October 20, 2015,

I had successfully isolated the virus and was just about to begin research on a vaccine. Some of this research would have involved sending samples of the virus to NIH labs for DNA analysis, using equipment much more expensive than I was able to obtain with my modest grant. Unfortunately, I was still a couple of days away from replicating enough samples of the virus to send away for a meaningful DNA analysis. Even with the equipment I did have, I would have been able to conduct experiments using known flu vaccines from the past 15 years to see if any of them had any effect on the ARIS virus. Each year, the flu vaccine is different, so it would have taken a while to research the different components of different flu vaccines and combine them in different ways to see if there was any way to stop the spread of ARIS. Now even that opportunity is gone. I don't know if I or NIH would have been successful in developing a vaccine before ARIS hit full force this winter, but it is entirely possible that a lot of lives could have been saved had it not been for the thoughtless act of whomever set off that bomb.

10. The other part of my research involved looking at animals as carriers of the disease, as well as how in general the disease was transmitted. For my studies, I was able to collect from the Alaska Department of Fish and Game seven ravens, six Canada geese, four beavers, twelve shrews, and twelve pikas. Because of the possibility that ARIS might be an airborne virus, I was forced to keep the animals in airtight glass enclosures. Because the room itself was secure, and because there were no courses in which students would be using the laboratory for course-related experiments, I did not see any need to place locks on the cages. I always regret having to experiment on animals, but given the severity of ARIS, I felt I had no other choice. My experiments involved purposely infecting some of the animals and seeing if they would infect other animals. I also wanted to examine how the disease manifested itself, if at all, in the animals. At the time of the explosion, several animals had been intentionally infected with ARIS, but so far none had come down with symptoms. It was unclear if the infected animals had transmitted the disease to the control sample. Really, my experiments were just beginning. Because the explosion and resulting fire killed and destroyed all of the animals, I won't be able to continue my research until I am able to isolate more strains of the virus to use for infecting a new set of animals. And even that is only after I am able to rebuild my lab. In the aftermath of the explosion, I was able to identify the remains of four ravens, all four beavers, but only one Canada goose. The explosion took place right next to where the shrews and pikas were being kept, so it was impossible to identify the remains of those animals. Somewhat fortunately, the live ARIS cultures were also located near the explosion and were almost certainly instantly vaporized, as opposed to being released into the air and potentially spreading to victims around campus. I do not know what happened to the missing animals. I have been told that the force of the explosion could have shattered the cages such that those who were not killed might have flown away through the shattered window.

11. I don't know who set off the explosion. I just can't imagine why anyone would sabotage research that was so vital to saving the lives of so many people in the region, not to mention stopping a potentially global epidemic. I've been told that the two main suspects are Alex Kolski and Tai Leppert. I've had some unpleasant interactions with both of these students since the school year began in early September. I wouldn't be surprised if Alex set off the bomb, but I don't think Tai is capable of such a thing.

12. Alex is the leader of the campus branch of OSALTA, Organized Students Against Laboratory Testing on Animals. This group has been active on campus for the past three or for years. For the most part, it has been a relatively quiet group, writing the occasional letter to the editor but not much more than that. Most of the experiments I was doing was pretty small scale stuff involving only a couple of animals at a time, so I think OSALTA more or less just let me be. However, since Alex took over the presidency of the UAMV OSALTA chapter at the end of the last school year, the group has become much more active. Right before spring finals, Alex organized this huge rally against laboratory testing of animals. I think s/he had heard about the grant I had gotten and all of the animals I would be collecting over the summer. I saw the protest going on outside the science building as I was walking in to my office that day. There looked to be about 50 students there. I didn't want to get too close to the protest, since I figured it was directed primarily against me, so I went around to a different entrance. As you can see from a local newspaper article I saved from the Moose Valley Clarion, I was right.

13. Then when the school year started this year, Alex resumed her/his protests. On the first day of my Biology 101 course, Alex burst into my classroom with a bullhorn and started yelling at students not to take courses from me because I tortured animals. I had to call campus security to have him/her removed. I guess they must have warned him/her not to come back because s/he never came into any of my classes again. For whatever reason, s/he also did not hold another rally. Instead, s/he decided to start a petition to get my tenure revoked on the grounds that I was some sort of criminal. I didn't take it too seriously because I knew it wouldn't go anywhere, no matter how many students signed it. Alex was quickly gaining a reputation among the faculty for being boisterous and unreasonable. No one took her/him seriously. Furthermore, the faculty all knew the importance of my research and strongly supported it.

14. However, I did start to pay a little more attention when I got a threatening email from Alex on October 2, 2015. I have to admit that I didn't pay too much attention to it, nor did I see any reason to report it to the campus police. I just figured it was Alex being a blowhard again. I know s/he was trying to frighten me, so I decided that the best way to respond was not to be frightened and simply to ignore the email. I didn't even respond to the email because I didn't want to egg Alex on any further. I have no idea what s/he meant by "suffering the consequences." My hope was that if I just ignored him/her then s/he would go away, or at least not bother me any further. I did not hear from her/him again prior to the explosion, nor have I heard from him/her since then.

15. Tai I am very disappointed with. Tai is a biology major, a senior this year, and had been one of my key research assistants on my ARIS project. In fact, s/he stuck around over the summer to help me set up my lab. S/He knew how important this research was to helping the people of rural Alaska. I thought s/he was committed to the project. Tai and I had become great friends over the past year from all of the courses Tai took from me, and even more so over the summer after spending so much time together putting together the lab, collecting the animals, and beginning my research. Tai did a lot of invaluable work monitoring the animals, taking blood samples, keeping records, and so on. I really trusted Tai with a great deal of responsibility.

16. That all changed following a midterm I administered October 8. Tai was taking my

Advanced Molecular Biology course, one of only eight students in the course. The midterm was difficult but fair. Tai got an F. When I passed out the grades in class on October 13, I could tell Tai was furious. Tai kept giving me dirty looks and astonished expressions as I explained the answers to the test. In fact, Tai was surly toward me for the remainder of the class. After class was over, Tai came up to me and asked how I could do this to him/her. Tai said that I knew that s/he was applying to medical schools and that a bad grade this semester in my course would ruin his/her chances of getting into a top medical school. Tai had been a wonderful student and had gotten six A's and only one B previously in all of the biology courses s/he had taken as part of the major program. Tai even asked if I would let her/him retake the exam or do extra credit to raise the grade. Remember that line about professor/student friendships I talked about earlier? This, I felt, went too far. I think Tai felt that because we were friends, some accommodation would be made to him/her. I told Tai that s/he should have studied harder and that there would be other test in the course that could be used to raise his/her final grade. Tai, almost in tears, yelled back that the reason s/he had not studied much was because of spending so much time on my "stupid project." This really shocked me. I tried to stay calm and told Tai that I appreciated all of the work that s/he had done on the ARIS study, that I would still be able to write a glowing letter of recommendation, and that this was not the end of the world. None of this seemed to get through to Tai. Tai shouted to me as s/he left the classroom: "You've ruined my life! Maybe some day I will have the chance to return the favor!" That was the last I saw of Tai before the explosion.

17. Tai did not come back to work on the ARIS project during her/his scheduled times and did not come to class on Thursday, October 15 or the following Tuesday, October 20. Indeed, I received a very threatening email from Tai on Friday, October 16, 2015. I forwarded it to University security consistent with internal University policies. However, I did not take the email very seriously. I have worked with Tai for a while now and know that s/he has a bit of a temper. But I also know that Tai cools down after a couple of days and that at her/his core is incapable of violence. Tai cared deeply about the research that we were doing and understood the importance of the research in saving lives. The dedication that Tai showed to seeing the project through is one of the main reasons why I hired him/her for the project. I can't imagine that Tai would want to see all of her/his hard work wasted because of one bad test grade.

18 All of my classes were cancelled for a week following the explosion, but Tai did return to class once it started again and worked hard enough on the remaining exams and projects to earn a high C in the course. There was no reason for Tai to return to work at the lab. Even after classes started back up again, things were never the same between Tai and myself. Tai never really spoke to me much, and it was clear our friendship was over. When Tai applied to medical schools, I found it within myself to write Tai a good letter of recommendation. I thought it was my professional duty to do so. I still thought that Tai had over-reacted to the bad grade, but I did not want to let this one incident color Tai's future. Furthermore, because Alex had been arrested for setting off the explosion that destroyed my laboratory, I felt it would be wrong of me to blame Tai for the bombing, especially since in the back of my head I thought there was not really any possibility that Tai had done it. Ultimately, I think the medical school at the University of Minnesota is the appropriate place for a person of Tai's abilities — it is a very good

school — and I do not believe that the grade Tai got in my Advanced Molecular Biology course kept Tai from getting into a better medical school.

19. In closing, I just want to reiterate how devastating this explosion was for my research. I feel that I was really close to a breakthrough that would have saved many lives and much hardship. Already this past winter the disease has spread to more and more communities in the area. To date, 103 people have been infected with ARIS and 18 have died. We have even had two infections in Moose Valley. I am also greatly worried about the three ravens and five geese that apparently escaped. I had intentionally infected five ravens and four geese, so I know that some of the animals that escaped were infected. I hope not, but I fear that the escaped birds might have aided in spreading the ARIS virus. And I am sure the Canada geese migrated south.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Kim Sanders

SUBSCRIBED AND SWORN to before me this 21st day of January, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2017.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF TONI/Y CHANG

1. I am Toni/y Chang, and I am a senior at University of Alaska – Moose Valley (UAMV). I am a physics major at UAMV. Upon graduation, I plan on getting my teaching certificate and becoming a high school science teacher somewhere in rural Alaska. I am originally from Juneau, but came to UAMV for the individualized attention that students receive here. I am very happy with my choice and cannot imagine going to college anywhere else. Go Prospectors!

2. As a student at UAMV, I have become involved in the campus chapter of Organized Students Against Laboratory Testing on Animals, otherwise known as OSALTA. I am a firm believer that animals have feelings and emotions, that they can become scared and traumatized just like humans can be. No humans voluntarily want to go to jail, and I believe that animals are the same way. OSALTA shares these beliefs. The national homebase has as its main thrust the premise of organizing campus chapters around the country. A significant portion of animal testing takes place at universities, so by organizing chapters of OSALTA at universities nationwide, we can put pressure to stop much of the horrible animal testing that takes place. The animal testing that does not take place at universities primarily takes place at private laboratories, such as those owned by pharmaceutical and cosmetics companies. To some extent, these private companies are insulated from the types of pressures that could be exerted in a university setting. It is sometimes possible to put pressure on private companies through large public rallies, but OSALTA has found out that the best way to accomplish this is through mobilizing student bodies to march on the offices of these companies. Attempts to organize massive protests without relying upon the concentrated collection of activists in a university

setting have proved not to be successful in gathering enough protesters to have a meaningful impact on company policy. In other words, basing chapters of OSALTA at colleges and universities has been shown to be the most effective way to stop animal testing, both in university and in corporate laboratories.

3. My involvement in OSALTA had led me to become somewhat of a vegetarian. Not entirely, though. I will eat meat only if it was free range or if it was caught and killed in the wild. I am connected to nature. I understand that there are carnivores in nature. Humans have evolved as omnivores, meaning we eat both meat and plants. I have no problem with humans eating meat, but this must mean treating animals as nature intended it. If animals are free, we can kill them and eat them because that is the natural way to do things. However, I strongly object to the practice of raising animals under standard farming conditions solely for the purpose of killing them and eating them. Most farms in this country treat the animals they raise for food very poorly, keeping them confined to cages and force-feeding them mixtures of vitamins and steroids. This is both unethical and unhealthy. That is why the only kind of non-game meat I eat is hormone-free free range meat. Plus, I am told, this kind of meat tastes better.

4. I joined OSALTA my freshman year on campus. Back then, the membership was rather passive and disorganized. We maybe had over 100 students on our official roster because it was easy to get students to sign up at lunch to say they are against animal testing. But then when we had meetings, only about a dozen people would show up. It was somewhat disappointing, but I guess also realistic. The most we would do in those days would be to make up fliers talking about the evils of laboratory testing on animals and stuff them in student mailboxes. I don't think we even sent anyone to the national OSALTA convention that year.

5. Things did not pick up much during my sophomore year either. This was the year Alex Kolski arrived at UAMV. Alex did not join OSALTA until the second semester of that year. It just seemed like Alex needed an organization to join so that s/he could feel like s/he was fitting in somewhere. I think Alex chose OSALTA to join because s/he had a crush on Pat Ikin, who was very active in the group. I don't know if they ever went out, but if they did, the relationship did not go anywhere.

6. Despite this lackluster beginning, Alex soon became very passionate about the causes OSALTA stood for. Alex had been a big meat eater at the start of the year, but became a vegan by the end of her/his freshman year. Plus, you could tell that Alex was frustrated with how relatively inactive the UAMV chapter of OSALTA was. The OSALTA membership was just as apathetic as the year before, but Alex was a born leader and I think saw the opportunity to shape this organization to her/his liking. Alex never missed the monthly OSALTA meeting and was always asking what was next, what we planned on doing over the next month, why did we have to wait a whole month before our next meeting. It was both annoying and invigorating at the same time.

7. It was kind of weird, but at the start of his/her sophomore year, Alex wasn't involved in OSALTA. It was like Alex had forgotten that we exist. I think several people in OSALTA wanted to make Alex president of the organization, maybe stir things up a bit and breathe new life into the group. But Alex did not show up to the meetings, so we

couldn't elect him/her to anything. I heard from Alex's best friend, Tegan Myers, that Alex had spent most of his/her time alone in his/her room drinking. I guess Alex was depressed over something – I don't know what. Later that first semester, though, I saw Alex in the cafeteria over the lunch hour. I didn't know the true Alex at the time and erroneously assumed that Alex was a good person, so I went up to Alex and asked how s/he had been and why s/he was no longer a part of OSALTA. I told Alex that the organization needed him/her and the leadership qualities s/he could bring. At this, Alex's ears perked up.

8. Sure enough, Alex showed up two weeks later at the November OSALTA meeting. OSALTA did not meet in December because everyone wanted to have the time to study for finals, so the November meeting was the last of the semester. As usual, the group, which was only 11 strong, was rather apathetic. Nothing much was happening at the meeting, which was turning into more or less just a routine social gathering. It was at this point that Alex began to assume leadership of the UAMV branch of OSALTA. Alex pushed for a December meeting, despite finals. Alex told us we had to get our priorities straight. Well, coming from someone who had abandoned us for the past three months, you could tell that this plea was going nowhere. But you could also tell that Alex had something up her/his sleeve.

9. When the club resumed in January, Alex decided we should start a campus letter-writing campaign to Alaska's Congressional delegation to encourage them to pass a law prohibiting the government from giving money to any college or university that allowed its professors to conduct experiments on animals. This seemed like a good idea, and in fact the campaign was quite a success. Well, a success in the sense that we got a lot of students to send in letters. I don't think any laws were changed or anything like that. Still, I think it was this campaign that gave Alex an idea of what could be accomplished through student organizing.

10. Alex used the letter-writing campaign as a springboard to take more control over OSALTA. Normally, OSALTA held its elections in the fall, but Alex in the March meeting argued, "Why should we allow a bunch of freshmen decide who our leadership is? We should elect our new leaders at the April meeting." Everyone knew that Alex wanted to be president of OSALTA, and frankly, given the apathy of other members of the group and how impressed we were with what Alex had been able to organize, the leadership gave in and moved up the election date to April. The OSALTA president at the time, Jill Mason, was a senior, so she did not really care what happened. Needless to say, Alex ran for and won the presidency in the April meeting, promising a more active leadership and a more active OSALTA.

11. Alex was looking to do something before the end of the school year, something that the students would remember over the summer. I heard from my friend Tai Leppert that Prof. Sanders had received this big grant and that some of the money was going to be used for animal testing. I didn't know what the testing was for. I didn't know that Prof. Sanders was trying to stop ARIS. Tai never told me. If I had known, I probably would not have mentioned the grant to Alex. I am fine with animal testing when it has a high potential of leading to saving human lives. I am mostly just against testing cosmetics on animals, that sort of thing. But, again, I didn't know what the testing was for, so I

mentioned Prof. Sanders' big grant to Alex and suggested that OSALTA protest against it. Alex became immediately fixated with Prof. Sanders. It had never occurred to Alex that there might be animal testing on the campus of UAMV. This was more than s/he could take. Alex eagerly agreed to the protest and began planning.

12. Alex decided to hold the protest on April 25, the last week of classes before finals began at UAMV. The problem was how to organize a protest without attracting too much attention from the campus police, especially Officer Wright, who seemed to have it in for Alex. Alex was smart about this; I'll give Alex that much credit. A week or so before the rally, Alex set up an "informational" booth in the hallway outside the campus cafeteria so that s/he could pass out brochures about OSALTA and against laboratory testing on animals in general. Anyone who came over to pick up a brochure Alex would tell about the protest, figuring that if the person was interested enough to pick up a brochure, he or she would be likely to attend the protest and unlikely to rat us out to the campus police. Alex could be really friendly and charismatic when s/he wanted to be and consequently was able to generate a lot of interest in the protest.

13. Alex somehow got ahold of a megaphone and found a discarded trunk at the dump to stand on. At about 2:30 on April 25, 2015, Alex dragged the trunk into the courtyard in front of the Science Center, stepped on top, and began lecturing about how there was animal testing on "this very campus" and how it needed to be stopped. Knowing that Alex was going to be speaking, a large crowd had already gathered by the time Alex arrived at the courtyard. Alex was at her/his most charismatic and was really drawing the crowd in. I myself was more drawn in than I knew I had reason to be. By that point, I knew the subject of Prof. Sanders' research and was personally leaning against having the rally. But I dare not say anything to Alex, especially not at the rally. It just did not seem like the right place. Alex was really laying into Prof. Sanders, calling him/her all these bad things. Alex was saying that Prof. Sanders was some kind of mass murderer, sort of like Pol Pot or even Genghis Kahn. I thought this went too far. I mean, even if I had been against the animal testing that Prof. Sanders was doing, I would have thought this went too far. The scariest thing is that many of the other students at the rally seemed to be buying into it, chanting along with Alex, "Sanders must go! Sanders must go!" I would say that about a hundred students showed up to the rally at one point or another.

14. With the rally, Alex certainly accomplished his/her goal of leaving the students something to think about over the summer. I think Alex felt that s/he should strike while the iron was hot at the start of the new year and that this explains why Alex went into Prof. Sanders first class with that megaphone again and started yelling at students to drop out of the course. I guess I am just not as much of an activist as Alex, but I saw this as another example of Alex being out of control. Alex never even consulted with the other members of OSALTA about this little stunt. Alex was starting to give OSALTA a bad name on campus. I felt that something had to be done rein in Alex. I surreptitiously talked to other members of OSALTA and they for the most part agreed with me, but none of us knew what to do. I think all of us were really sort of afraid to confront Alex.

15. At the first OSALTA meeting of the year, Alex, reprising the rally from the previous spring, talked on and on about the evils of Dr. Sanders. Unlike the rally, though, Alex was becoming more and more strident and less and less credible. We did not get many

new members this year, and even some old members decided to quit. Alex had become so wrapped up in her/his obsession with Dr. Sanders that s/he was turning a lot of students off from the reasonable and fully justifiable goals of OSALTA. Alex had become an extremist, and someone I believed to be mentally unstable. Things got even worse when Alex began that campaign to revoke Prof. Sanders' tenure and have her/him kicked out of UAMV. Alex did this as well under the OSALTA name but without consulting any of its members. I think only a couple of students signed the petition, and they probably only did it to get Alex to leave them alone. None of the other members of OSALTA supported Alex's petition.

16. The October OSALTA meeting was unbearable. Alex could sense the distrust of the other members toward her/him. Alex told us that we were weak, that what was the point of being activists if we didn't try to bring about change? Alex tried to convince us that all we needed to do was follow her/him and OSALTA would become a powerful organization that the whole student body would listen to. No one was buying it. Finally, Alex snapped. Alex started yelling at us that s/he was the only "true" member of OSALTA and that as far as s/he was concerned, the rest of us were kicked out of the organization. Alex snorted, "I guess I'll have to take matters into my own hands!" and stormed out of the room.

17. I decided that the best way to bring Alex back to reality was to try to educate Alex about the research that Prof. Sanders was doing and how this research really was for a good cause. Don't ask me what I was thinking, but I figured that in order to do this, it was necessary to bring Alex into the biology laboratory so that s/he could see that the animals were being reasonably taken care of and that there were legitimate scientific experiments going on. In order to do this, I needed the combination to the biology lab. Alex was taking a chemistry class with a lab component that semester, so getting into the Science Center would not be a problem. The combination to the biology lab, however, would prove to be more difficult.

18. The combination to the punch pad was changed every semester, so the combination I had from a couple of semesters ago would not work. I tried to get the combination to the biology lab off of Tai, who was a research assistant for Prof. Sanders, but s/he would not give it to me. Tai said s/he did not trust Alex and did not want to risk giving Alex the combination. I next went to Cynthia Baxter, Cynthia for short. Cynthia was taking the Advanced Molecular Biology course along with Tai. I had known Cynthia for quite a while and felt comfortable asking her for the combination. Cynthia did not want to just give away the combination. However, Cynthia was willing to do things for money that she would not do for free. Cynthia was willing to give me the combination for $100. This was too steep a price for me, especially because I did not feel a particular need to see the animals myself. So, I told Alex what Cynthia could do for him/her and encouraged him/her to pay the money and go check out the biology lab for himself/herself. I guess by this point I had decided that Alex would only change if Alex wanted to change and that putting down real money to become educated about the animals and Prof. Sanders' research would be a step in a positive direction. Call me stupid, but it never occurred to me that Alex would use the combination to sabotage the experiments, let alone blow up an entire building.

19. After the explosion on October 20th, I went to Cynthia and asked her if she had given Alex the combination. She said that she had and that she now regretted it. Cynthia said the quick $100 bucks was nice, but was afraid that she might now be named a conspirator in the bombing. Cynthia told me that when she gave the combination to the biology lab to Alex, Alex calmly and resolutely replied, as if it were a foregone conclusion, "Now I will show Prof. Sanders the true meaning of terror." I figured Alex had probably set off the bomb, but this cinched it for me. I promised Cynthia I wouldn't tell anyone about her part in giving Alex access to the biology lab. I am telling you now because Cynthia unfortunately died in a small plane crash while going to visit her parents for Winter Break. I have to say, I did not know Cynthia all that well, and to be honest, never really completely trusted her, but at the same time, Cynthia never did me wrong. I'm sorry to see Cynthia gone.

20. Ever since Alex's arrest, I have been trying to rebuild the reputation of OSALTA on campus. It has not been an easy task. I should have been president of OSALTA from the beginning, not Alex. None of this would have happened if I had not let Alex be so assertive and run all over me. Was I jealous of Alex? Perhaps a little bit, but I have learned that power based on extremism is not success but violence.

21. Tai Leppert, in odd ways, reminds me a bit of Alex. Tai and I have been friends since freshman year and in fact shared an apartment last year. Tai is generally a good person, but has a nasty, vicious temper. Fortunately, it takes a lot to set Tai off, but once that happens, watch out. For example, when we were sharing an apartment, I had a big date coming up one weekend. I was going to cook dinner and we were going to watch a movie. Well, Tai's junk was all over the living room. I politely asked Tai to clean up. Tai said s/he would, but nothing happened. I did not want to be responsible for picking up after Tai, and besides, seeing me move her/his stuff would just make Tai angry. A couple of days later I asked Tai to clean up again. Again nothing. Finally, Saturday afternoon, just hours before the big date, I begged Tai to please clean up. Tai went ballistic. S/He started throwing things around the room, pulling books off the shelves, kicking over the plants, I was afraid Tai would break the television set. All the time, Tai kept yelling, "This clean enough for you!? Huh? This clean enough?!" The place was ruined; there was no way I could have a guest over. All in all I guess it was not that big of a deal, but it was stupid irrational stuff like this that made me not want to room with Tai again this year.

22. Tai and I have managed to remain friends, however. Really, Tai is not that bad as long as s/he is not set off. Actually, when you get down to it, Tai is just a nerd perhaps a bit too sensitive about taking criticism. Most of the time, though, Tai is fun to hang around with. Doesn't drink at all, likes board games, supportive of others. Yet, those who hang around Tai for very long are bound sooner or later to see that violent, destructive side of Tai. I think this is the reason why Tai doesn't have more friends than s/he should.

23. Sometime last spring, toward the end of the time we were living together, Tai started becoming really interested in anarchy. Mostly, Tai was interested in anarchy as an intellectual pursuit. You know, reading books by writers such as Proudhon, Bakunin, and Emma Goldman. These writers approached anarchism mostly as an intellectual exercise in the relationship between society and freedom, questioning the traditional justifications

for the state. I can see why this might be a thought-provoking way of spending one's time. As Tai kept reading about anarchism, though, s/he started getting into some of the more modern anarchists, many of whom take on more violent attitudes toward society and who often advocate violent overthrow of existing governments. These thinkers are less systematic and more interested in pure violence as a way of life. The thing that shocked me most was when Tai got a tattoo of the anarchist symbol, you know, the capital A inside a circle, on her/his left bicep. Most of the time, even a T-shirt sleeve would cover it up, but sometimes Tai would like to come over to me, pull up the sleeve to show me the tattoo, and not say a word.

24. Despite his/her interest in anarchy, I can't see Tai setting of that bomb that blew up the Science Center and killed Whistling Pete. Tai knew how important Prof. Sanders' research was and was strongly devoted to it. I mean, Tai had done many of the experiments personally and was in charge of making sure that the animals were taken care of as well as possible given the circumstances. Then again, Tai was as mad as I had ever seen him/her after getting that F from Prof. Sanders in Advanced Molecular Biology in early-October 2015. Tai and I had already planned on meeting in the school cafeteria for dinner that evening, and all Tai could talk about was how s/he couldn't believe that Prof. Sanders would do something like that after all that s/he had done for him/her. I met up with Tai a couple of days later and s/he was still visibly mad. Kept saying that s/he wished Prof. Sanders could feel what s/he was feeling. Tai went away for the weekend to visit his/her parents. When Tai came back s/he seemed to have calmed down a bit, but . . . I don't know . . . it was just weird.

25. I wish Tai could let things go more. You never know what is going to set her/him off, and you never know the extent of the outburst. Sometimes I expect Tai to turn all green like the Hulk and start popping all of these muscles. If Tai does become a doctor, I'm sure s/he'll be a good one. Tai is very intelligent. But I'd hate to be the patient when that big green monster walks in.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Toni/y Chang

SUBSCRIBED AND SWORN to before me this 5th day of February, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2017.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF KRIS FELINI

1. My name is Kris Felini and I am employed as a Criminalist with the Alaska Department of Public Safety Crime Lab. I share the same last name as the famous director, but we are not related and it really bothers me when people make fun of my last name. My specialty and the passion of my life both personally and professionally are guns. I am considered an expert in the state of Alaska in the disciplines of firearm identification, toolmark identification, muzzle-to-target distance determinations, shooting incident reconstructions, ballistics testing, physical matching of spent bullets and powder residues, and serial number restoration on firearms. As a criminalist, I have appeared in trial courts and have presented expert testimony in excess of 200 times in the state and federal courts of Alaska and Illinois since 1990. I have received training in arson and explosive identification, however that is not my bailiwick. The state of Alaska Crime Lab employs several criminalists who take cases on a rotation basis, unless there is a particular need for specialized knowledge. Currently, the Lab is understaffed as a result of budget cuts and does not employ a specialist in arson or explosives. Our former arson and explosives expert, Sam Rodriguez, was fired for incompetence. Sam has always been most concerned with winning whatever case s/he was working on and thus is not as scientifically rigorous as is required for such an important position as a criminalist. My main concern always has been and always will be to make an accurate identification of the perpetrator. In fact, I feel most rewarded in my job when I am able to determine that the primary suspect is actually innocent. Sam is not like that and has now given in even more to her/his mercenary tendencies by becoming a for-hire expert.

2. I was contacted at about noon on October 21 about the explosion that had occurred at the

University of Alaska – Moose Valley. By the time I was notified that I would be needed at UAMV, I had already missed the one daily flight there from Anchorage. I booked a flight for Moose Valley for October 22 and arrived there early in the afternoon. I immediately began my investigation. The investigation lasted for three days. When I say investigation, I mean that I spent three days at the crime scene, taking notes, collecting physical evidence, and so on. My analysis of the information and evidence I collected was conducted once I returned to Anchorage. Much of the physical evidence needed to be sent away to the State crime lab for chemical analysis. This delayed the completion of my report by a couple of weeks. I completed and filed my report on December 3, 2015. My understanding is that Alex Kolski, whom I named in my report as the most likely perpetrator, was arrested two days later.

3. When I conducted my investigation, I took scrupulous notes, as always. In addition, I drew diagrams where appropriate. Because there was no indication that the parents of Alex Kolski would be hiring a private forensic investigator, no efforts were made to preserve the crime scene subsequent to my investigation. This is standard practice and commonly accepted in the criminal investigation world. Indeed, prior to the completion of my report, it was not clear that Alex Kolski would be a suspect. It would be unreasonable, and possibly a safety hazard, to expect UAMV or any other owners of crime scene property to leave the crime scene untouched for several months on the chance that the accused will want to hire a private forensic investigator to examine the crime scene. My job as a forensic investigator for the prosecution is to conduct any investigations I do thoroughly enough that later forensic investigators will be able to work off of my notes and other materials to draw their own independent conclusions. If I am ever sloppy or incomplete, you can be sure that this will be raised at trial. What follows is a summary of my investigation and the subsequent report I produced. I will only address those issues that are potentially relevant to the present trial.

Type of Explosive Material

4. The explosive detonated in the biology laboratory of Prof. Sanders was quite definitely hydrogen difluomate. Whenever explosives are detonated, they never entirely use up all of the explosive material. This is because any explosion necessarily projects some of the explosive material away from the explosion itself before the chemical reaction takes place to cause that material to itself explode. No matter how quick or combustible a bomb is, trace portions of the explosive material can be found in the vicinity of the explosion. This is how explosives experts are able to tell what type of bomb was set off. Sometimes, it may be difficult to differentiate between the explosive material and other substances in the area around the blast, but the bomb set off in Prof. Sanders' lab was a rather crude bomb, and a great deal of material was flung away from the source point of the explosion. While I was not immediately able to identify the chemical composition of the explosive residue, I was rather easily able to separate it out from the other debris in the remains of the laboratory. I took several samples and sent them into our chemical analyst in Anchorage. His analysis confirmed that all of the samples I took were from a hydrogen difluomate bomb. In fact, he could tell that they were all from the same bomb because each different batch of hydrogen difluomate will contain slightly different ratios of hydrogen to the other molecules in the explosive. The hydrogen ratio was the same for

all samples, leading me to conclude that they were all from the same explosive device. I want to stress that these measurements are very precise and would be able to identify even minuscule differences in the explosive materials. No other trace materials were detected in the explosive material ejected from the bomb, suggesting to me that hydrogen difluomate was the only explosive material used in the bomb.

5. It is difficult but not impossible for a novice to make a hydrogen difluomate bomb. These types of bomb are very unstable when you are mixing the elements together, and improper proportions can lead to an unplanned explosion. Although, as I stated, there may be slight differences in the ratios of hydrogen to other compounds in the explosive, there is not much margin for error. Though I have not tried to prove this experimentally, I would estimate that anything greater than about a five percent upward disparity in the hydrogen ratio would cause an immediate, unplanned explosion. In a perfect hydrogen difluomate bomb, the ratio for maximum explosive effect would be 37.8 percent hydrogen and 62.2 percent difluomate, which is the same as saying one part hydrogen for every 1.65 parts difluomate. By a five percent upward disparity, I mean that if the hydrogen percentage exceeds 43 percent, the solution would immediately explode. If there is less than about 35 percent hydrogen, it would be impossible to detonate the solution. For someone unfamiliar with chemical processes and the making of explosives, it would not be difficult to miss the appropriate ratio of hydrogen by adding more than five percent too much hydrogen. I would say that the chance of error increases when one tries to extract the hydrogen or the difluomate from other sources rather than using pure samples of those chemicals. By this, I mean that if someone were to try to extract the difluomate from a cleaning solution or the hydrogen from water, the chemicals extracted would not be as pure as if these material were obtained from a chemistry supplier. If somewhat impure extracted chemicals were used, it would be significantly more likely that the person mixing those chemicals would exceed the allowable tolerances and set off an unfortunate unplanned explosion.

6. I have examined the instructions for making a hydrogen difluomate bomb located on the website www.anarchistresource.com and have concluded that it would be possible to make the explosive device detonated in Prof. Sanders' laboratory using those instructions. Because of the instability of the explosive, as just described, I certainly would not recommend that anyone unfamiliar with chemistry or explosives use these instructions or make any bomb for that matter, but with a bit of luck, such an inexperienced person could successfully construct the type of hydrogen difluomate explosive that destroyed the biology lab without killing himself or herself. The website also contains directions for extracting the hydrogen and the difluomate from water and common cleaning solution respectively. I actually found these particular instructions to be quite clear and informative. I have some level of confidence that a person following these instructions would be able to extract reasonably pure samples of hydrogen and difluomate, though of course not as pure as samples that would be obtained from a chemical supplier. The webiste does not contain instructions on how to obtain chemicals from a chemical supplier. If careful, it is possible to mix the chemicals for a hydrogen difluomate bomb and to set up and detonate the bomb by means of a fuse without getting any hydrogen difluomate residue on oneself. That said, hydrogen difluomate residue was found under the fingernails of Tai Leppert, but no such residue was found anywhere on Alex Kolski. It is even harder not to be affected by the fumes caused by the chemical

reaction when mixing the super-hydrogenated water and the difluomate. This chemical reaction releases a noxious, foul-smelling odor, oxyfluomate fumes, that if breathed in causes almost uncontrollable bouts of coughing that last for several hours. The fumes can be contained by placing a stopper on the glass or metal canister holding the hydrogen difluomate mixture after the bomb is completed. Unless one knows to wear a surgical mask, which is not discussed on www.anarchistresource.com, when making a hydrogen difluomate bomb, it is almost unavoidable that one will breathe in some of the oxyfluomate fumes and suffer the adverse effects. Fortunately, there does not appear to be any permanent damage. And of course, even with the mask one cannot avoid being tainted with the stench from the oxyfluomate fumes. The smell, which is not unlike that of a skunk, usually goes away after a long, hot shower.

Size of the Explosion

7. I feel confident that the explosion that occurred in Prof. Sanders' biology laboratory was caused by a hydrogen difluomate bomb, that hydrogen difluomate was the only explosive material used in the bomb, and that the bomb would have been powerful enough to cause the destruction that was in fact caused. From the amount of hydrogen difluomate residue I was able to detect in the ruins of the biology lab, I have calculated that the bomb must have contained approximately 1.4 liters of hydrogen difluomate solution. I base this conclusion on the premise that the bomb was a "crude" hydrogen difluomate bomb. By "crude" I mean that the explosive solution was all contained in one single canister at the time of detonation. In a more sophisticated hydrogen difluomate bomb, a little bit of the explosive material will be contained in a small chamber next to the main storage chamber. It is this smaller chamber that will be detonated. When the small chamber explodes, it creates an instant burst of heat that detonates the larger chamber. This is a much more efficient explosion, using up more of the explosive solution and thus leaving less residue, than a single chamber explosion. With a single chamber bomb, the explosion necessarily starts in one part of that large chamber and flings a lot more residue away from the point of the explosion. In short, by assuming a crude single chamber bomb, I am able to backwards calculate the amount of explosive solution originally in the bomb by using amount of residue that was left behind and multiplying this by a commonly accepted factor of the ratio of residue to explosive material for a single chamber hydrogen difluomate explosive device. There is no physical evidence to suggest a dual chamber bomb, though to be honest, it is hard to imagine what physical evidence there could possibly be, since any such evidence would be destroyed in the explosion. However, there is strong circumstantial evidence to believe that a single chamber bomb was used. If a two chamber bomb was used, the explosion would have been much more efficient, meaning that a much smaller percentage of residue would have been left behind. This means that the multiplier factor would be a great deal larger for a dual chamber bomb than for a single chamber bomb. But we know how much residue was left behind. Performing the backwards calculation for a two chamber bomb yields approximately 2.2 liters of hydrogen difluomate. However, a bomb of this size would have caused much more massive destruction than actually occurred. As it was, one of the internal walls of the Science Center was toppled, resulting in the unfortunate death of Peter Zoros. A 2.2 liter hydrogen difluomate bomb almost certainly would have caused both more internal damage to the Science Center and would have blown a hole through the outside wall.

8. A single chamber bomb of 1.4 liters is consistent with the theory that Alex Kolski took the instructions for how to build a hydrogen difluomate bomb off of the website www.anarchistresource.com. That website lists different bomb sizes for different intended effects. Interestingly, the website says that in order to destroy a medium-sized room with only limited impact outside of that room, it would require a 1.4 liter hydrogen difluomate bomb. I imagine, though, that this instruction was based on the assumption that the explosive device would be placed in the center of the room. Had this been the case, the bomb would have more or less destroyed everything in the room, but probably would not have collapsed any of the walls. However, because the bomb was detonated very close to one of the walls, it collapsed that wall and did not completely destroy everything on the other side of the room. The website does not give instructions on where to place the bomb in the room for its intended effect. There is no question as to the point of explosion of the bomb. I cannot say whether the person who detonated the hydrogen difluomate intended to collapse the wall between the biology and physics labs, but I do believe it plausible that a 1.4 liter single chamber hydrogen difluomate bomb, detonated close to an internal wall, would have the effect of collapsing that wall in the manner that in fact resulted. I do not believe it plausible that any other chemicals could have been mixed in with the hydrogen difluomate used in the bomb. Any chemical compounds that contributed to the explosive effect of the bomb would have to have chemically bonded in some way with the hydrogen difluomate solution. Consequently, there should have been trace amounts of any additional chemicals found along with the hydrogen difluomate residue. No additional trace chemicals were found, only hydrogen difluomate.

9. The materials and chemicals that go into making a hydrogen difluomate bomb could easily have been found in the chemistry laboratory. A 1.4 liter hydrogen difluomate bomb would consist of 529 ml of hydrogen and 871 ml difluomate, give or take a couple of milliliters in either direction within the acceptable tolerances. Because of the chemical reaction involved in combining super-hydrogenated water with difluomate, there is a one-to-one ratio of the amount of super-hydrogenated water used and the resulting hydrogen in the hydrogen difluomate solution. Same with difluomate. In other words, it would take 529 ml liters of super-hydrogenated water and 871 ml of pure difluomate to create a 1.4 liter hydrogen difluomate bomb. I discussed with Prof. Lacey Reynolds, the chemistry professor in charge of maintaining the supplies of the chemistry laboratory, what supplies were likely to be in the chemistry lab at the time of the explosion. Prof. Reynolds told me that not only does she keep a regular log of chemicals as they are exhausted and replaced, but that because the chemistry lab was virtually unharmed by the explosion, she was able to take an inventory a couple days afterwards to determine what chemicals were missing and in what amounts. Prof. Reynolds explained to me that the chemistry laboratory was running low on super-hydrogenated water at the time because many students were conducting experiments with hydrochloric acid and that in mixing their hydrochloric acid the students were rapidly draining the supplies of super-hydrogenated water. Super-hydrogenated water is quite common in chemistry labs, and Prof. Reynolds said that she had ordered more of it, but that when she left the laboratory in the late afternoon of October 20th, there were only three 250 ml bottles remaining, two of them unopened and the third about half empty or half full, depending on your perspective. She stated that depending on how many students conducted their

experiments before Alex was logged in as being in the lab, there may or may not have been 529 ml of super-hydrogenated water remaining. The experiment had been assigned the previous Friday and results of the experiment were to be turned in on Wednesday, and each of the students required about 50 ml of super-hydrogenated water, though if the students were sloppy, they may actually have used more. Prof. Reynolds estimated that given the depletion in super-hydrogenated water over the weekend, there were still around 10 students that had yet to conduct their experiments. Because Prof. Reynolds did not conduct her inventory until a couple of days after the explosion, she had already restocked the super-hydrogenated water. In fact, she said the new supply arrived Tuesday morning. I regret to say that it did not occur to me to get fingerprints off of any of the used super-hydrogenated water bottles to see if Alex had handled more than one bottle. With regard to creating super-hydrogenated water in the lab, Prof. Reynolds told me that because it was used so much there were always many gallons of distilled water in the chemistry lab and that she did not keep track of it. The necessary equipment for extracting hydrogen as super-hydrogenated water or, for that matter, for extracting difluomate from cleaning solutions, was present in the chemistry laboratory. As for pure difluomate, Prof. Reynolds told me that because of its limited uses in a college chemistry lab, she only kept one 250 ml liter bottle of pure difluomate in the chemistry lab. However, she further stated that while this bottle had never been opened to her knowledge, it was missing when she did her inventory a couple of days after the explosion. This bottle of difluomate has never been found. Prof. Reynolds also informed me that the cleaning solution used in the chemistry lab, which was a commonly available brand of cleaner, also contained difluomate, though not in pure form.

10. The 1.4 liter single chamber hydrogen difluomate bomb is also consistent with the theory that Alex extracted most chemicals necessary to construct the bomb. It is possible to extract hydrogen at the rate of about ten milliliters a minute; difluomate could be extracted under the proper conditions at about eight milliliters a minute. There was sufficient equipment in the science lab that both of these chemicals could be extracted simultaneously. Assuming Alex used the missing 250 ml bottle of pure difluomate, it would be possible for Alex to extract the necessary materials, regardless of the stock of super-hydrogenated water in the chemistry lab at the time, combine the super-hydrogenated water and the difluomate in a receptacle that would serve as the bomb, and set up and detonate the bomb. Without using an additional source of difluomate, it would probably not be possible to set up the equipment and extract 871 ml of difluomate and construct a bomb in the time Alex was apparently in the lab. It is not inconceivable, though, that Alex might have extracted the necessary chemicals at an earlier point in time and just that evening brought them back to construct a bomb. I would also like to add that the assigned Ph experiment Alex was supposedly conducting that evening should conservatively only taken between 45 minutes to an hour to complete.

11. It would be easy to create a fuse for a hydrogen difluomate bomb out of string soaked in rubbing alcohol, sort of like a wick. As long as the string was not sitting in a puddle of rubbing alcohol, but rather was only saturated with rubbing alcohol, it would burn slowly and steadily at the rate of about seven minutes per foot of string. There are instructions for how to make such a fuse on www.anarchistresource.com.

Effect of the Explosion

12. The force of the hydrogen difluomate explosion did collapse the wall between the biology lab and the physics lab, resulting in fatal injuries to Peter Zoros. However, the full force of the blast appears to be limited to a relatively small radius around the point of the explosion. The chemistry laboratory is 33 feet in length by 12 feet in width. The explosion point was located on a counter less than a foot away from the wall the explosion caused to collapse. Because of all of the experiments Prof. Sanders was conducting, this was the only open elevated space (i.e., other than the floor) on which to place a bomb. It would make sense that a person setting up a dangerous explosive would want to work at eye and arm level rather than crouch down to construct the bomb. Within the biology lab itself, the destructive force of the explosion greatly diminishes after the first twelve or thirteen feet. Inside this radius, though, all cabinetry and exposed equipment was virtually completely destroyed. For the next eight or nine feet, there was some random scorching of the cabinets and exposed equipment, with the more severe scorching occurring closer to the blast point. However, no permanent structures of significant size were completely destroyed. Outside of this extended blast radius, any exposed glass objects or structures were shattered by the concussion of the blast, but there is minimal scorching of the cabinetry and other non-fragile equipment. If the bomb had been placed in the center of the room, the destructive radius would have encompassed a greater portion of the room. However, because the bomb was detonated close to the edge of the room, approximately one third of the biology laboratory escaped relatively unscathed.

13. I should clarify that when I say that a significant portion of the room escaped relatively unscathed, I am referring to the permanent structures in the room and what one might normally expect from an explosion powerful enough to collapse a wall. The force of the blast did destroy all glass structures throughout the room, including those housing Prof. Sanders' experimental animals. No animals themselves seemed to have survived the explosion. The shrews and pikas were close enough to the point of explosion that there is no way they could have survived the explosion. On the off chance that some of them did, they would have quickly burned to death. Beavers are relatively tough animals, and being located further away from the point of explosion than the shrews and pikas might have survived the initial blast, only to perish in the ensuing fire that engulfed that area of the room. Ravens and Canada geese, being birds, are not as tough as beavers. I am reasonably confident that those birds in the room at the time would have been killed by the force of the blast. Indeed, this seems to have happened to four ravens and one goose. What I cannot explain are the missing three ravens and five geese. Although the glass in the window shattered, you can tell from the position of the window frame that the window was half-open at the time of the explosion. The window itself had wooden crosswork in it, so the birds would not have been able to escape had the window not been open, as the wood crosswork survived the explosion. I think it is possible that someone intentionally released some of the birds prior to detonating the explosion. That person may have tried to release all of the birds, but some of those birds may have been too frightened, too obstinate, or too weak to escape. I really would not want to conjecture too much further on what might have happened. Because the biology lab is located on the second floor of the Science Center, an animal rescuer would have been unlikely to take

the mammals in the room and throw them out the window to their deaths. There were some fingerprints found on the window frame, but they were those of Tai Leppert.

14. The glass in the window of the door to the biology laboratory was indeed shattered. However, I do not believe that it was shattered entirely by the force of the blast. The glass in the window of the door was an opaque green color different from any other glass in the room. It is thus possible to identify exactly which glass came from that window. About one third of the opaque green glass was laying on the inside of the biology laboratory. The pieces of glass were all roughly the same size. Because the force of the explosion was moving toward the window in the door from the inside, I would expect all of the glass to have landed outside of the biology lab, i.e. in the hallway. The fact that one-third of the door window glass can be found inside the biology lab suggests to me that the window was at least partially shattered prior to the explosion.

15. Speaking of glass, there was some unusual red glass found in the biology laboratory, not too far from the source of the explosion. The glass was bright red, and among the shards of this glass was found a ring that resembled the top of a beer bottle. The glass was melted enough that it was impossible to take any fingerprints from the shattered pieces, but the red color of the glass matched exactly the glass color in the two bottles of Red Bottle Beer found in the chemistry lab. Red Bottle Beer uses the unusual red color of its beer bottles as its distinctive trademark and name. Both bottles of Red Bottle Beer found in the chemistry lab were empty and were covered with Alex's fingerprints.

Fingerprints:

16. I was able to recover one isolated fingerprint of Alex in the biology laboratory. The fingerprint came from the shattered remains of the glass door to the goose enclosure. I identified this glass as being from the door to the goose enclosure because the fingerprint was located on a piece of glass edged with the rubber lining used to make an airtight seal and because of the location of the glass shard next to where the goose enclosure used to be. I did not find any fingerprints from Alex on the shattered glass to the door of the raven enclosure, but it is possible that Alex wiped off any fingerprints that might have originally been placed there. As it was, the fingerprint I did find was somewhat smudged, as if someone had attempted to wipe the glass clean, but missed a spot. Because the latent fingerprint is not "clean," the match to a crime lab sample of Alex Kolski's fingerprint. With any fingerprint, there are potentially sixteen points of identification, places where the pattern of a fingerprint will come to a break, lines will merge, something like that. It is not necessary, however, to match all sixteen points to have a positive identification. While it is true that the more matching points that are found, the more confident one will be with an identification, an identification can be considered a positive identification with nine matches out of the sixteen points of identification. This is the standard adopted by the Alaska State Troopers. In the latent fingerprint found on the shard from the glass door, I was able to match up ten points. Furthermore, there were no non-matches — points of identification where there were differences between the latent print and the lab print. It is just that the other six points were too far deteriorated to be identified one way or the other. Because the number of matches exceeds the commonly accepted standard for a positive identification in Alaska, I am confident in concluding that the latent fingerprint and Alex's lab fingerprint are

from the same person, and that therefore Alex Kolski was in the biology lab at some point prior to the explosion.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Kris Felini

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires October 31, 2017.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF ALEX KOLSKI

1. Hi, my name is Alex Kolski. I'm a junior English major at University of Alaska – Moose Valley. I'm 21 years old and my turn-ons include . . . oh, sorry, I thought this was a personal ad.

2. No, I didn't blow up Prof. Sanders' lab. I love animals! Why would I kill them? Duh! Look, I don't know how to make bombs, and I don't have access to the biology lab. You want Tai Leppert, not me!

3. Yeah, I had a pass card to the Science Center and was in the building the night of October 20th. I was doing an experiment in the chemistry lab. I didn't know that website Tai told me about said how to make bombs. I don't even like chemistry. I was taking Chemistry for Non-Majors because I had to fill a distribution requirement. I didn't really want to be in the chemistry lab that night, but I didn't want to fail the class either. I was making a mild hydrochloric acid solution and testing out its Ph level. This was one of the stupid experiments we had to do in the class. Like this is ever going to come in handy in real life. It took me longer than it was supposed to for me to conduct my experiment because chemistry is so hard and uninteresting to me. Plus, I was drinking that night, which, you know, kind of slowed me down a little bit more, and I had this really bad cold and was coughing all the time.

4. I was surprised to find out later that Pete the janitor was cleaning the Science Center at the time. Surprised and saddened. My understanding from talking to those who spend more time in the Science Center than I do is that Pete usually cleaned pretty soon after

classes ended at 5:30. Actually, this is true of all buildings around campus. I never really spent much time in the Science Center — tried to avoid it like the plague — so I didn't know Pete much. To be honest, I don't believe I ever even met Pete or would know what he looks like. From what I hear from others, though, it sounds like he was an OK dude. It's too bad what happened to him.

5. I was in the lab, did my experiments, and went back to my dorm. Ask Tegan Myers. I was already back in my dorm when Tai's bomb went off. So, it couldn't have been me. It's so easy to see this! The campus police, especially Officer Wright, are a bunch of morons to arrest me for something I couldn't possibly have done. Officer Wright wanted to arrest me the night of the explosion. I could totally tell. S/He came to my dorm suite, waited until I was out of the shower, that pervert, and then accused me of setting off the explosion that destroyed the biology lab and killed Pete. I had heard the explosion, but I had no idea that someone was killed. I thought the Science Center was empty when I left at about a quarter past eleven. I told Officer Wright that I had no idea what happened in the biology lab, that I did not have access to the biology lab, and that I would not go in there even if I did. Officer Wright responded that Pete had told her/him that I was in the biology lab just before the explosion. I couldn't believe that Officer Wright would make up stories like that. I suggested to Officer Wright that Pete was an old man and didn't have very good eyesight, but this only made Officer Wright more mad. I could tell the conversation was going nowhere, so I commanded Officer Wright to get out of my dorm suite until s/he had some real and not just made up evidence against me. Little did I know the lengths to which Officer Wright would go to get me arrested.

6. Officer Wright is so clearly biased against me. I bet s/he planted evidence to get me convicted. Officer Wright was guarding the crime scene from time to time before the State forensic investigator arrived, so it would have been easy for Officer Wright to place those broken beer bottle shards in the biology lab or rearrange the glass in the door to the biology lab to make it look like I had busted in. Maybe Officer Wright even removed some evidence that Tai had set off the bomb. I don't know what evidence that would be, but I wouldn't put it past Officer Wright to do something like that. Officer Wright is this former military jerk who thinks that everything has to be clean-cut and rigid — can't stand the thought of students thinking for themselves and not following whatever idiotic rules are handed down by the corrupt administration at this University. So, Officer Wright gets all harsh and decides to restrict my free speech rights. I should have sued her/him for this, and for police brutality, after that OSALTA protest last April, but it would have been too much hassle. Even though I know for sure I would have won. And it happened again when I was trying to tell students not to take Prof. Sanders' Bio 101 course. I didn't force anyone to drop the course, I was just trying to educate them about how evil Prof. Sanders is. Nothing wrong with that. Officer Wright has no respect for the students at UAMV and doesn't deserve to be on this campus. You could tell how happy Officer Wright was to have me arrested, to arrest an innocent person for a crime I did not commit. Tai fits in perfectly with the kind of "obey all the rules" student it wouldn't even occur to Officer Wright to think s/he might have done this.

7. OK, let's look at some of the so-called evidence against me. Apparently Toni/y Chang thinks that I knew the combination to the biology lab, that I got it from Cynthia Baxter or something. Not true. I didn't want to see those animals. It makes my heart sick to even

think about animals in airtight cages like that; I would not be able to take actually seeing it. So, no, I certainly wouldn't pay $100 to get in there. Just ask Cynthia whether or not I paid money to get the biology lab combination from her. Oh wait, you can't, she's dead.

8. So, I can't get into the biology lab. I also don't know how to make bombs. What was the bomb Tai used? Hydrogen fluxor-blah-blah-blah? Whatever. Does anyone honestly think that a student whose only exposure to chemistry was a joke chemistry course would be able to make a bomb powerful enough to knock down a wall? If they did, no one would be allowed to take chemistry courses. The world wouldn't be safe. Run, hide your kids!

9. Like I was saying, I didn't know that that anarchistresource.com website told you how to make a bomb. I think Tai was just setting me up. About a week or so before setting off that bomb, Tai came up to me at dinner in the UAMV cafeteria and told me that I should check out this website s/he knew about. I remember Tai saying to me, "So, I hear you like to stir things up. You'd make a great anarchist. You should take a look at www.anarchistresource.com — it might give you some new ideas on how to resist this oppressive University administration we are yoked under." Then Tai went on to tell me how lots of modern anarchists were strong supporters of animal rights and that I would probably sympathize with anarchist philosophy.

10. Tai was just baiting me. Of course I went to the website. I mean, I'm a sucker for anything having to do with animal rights. I checked it out a couple of times, read a few of the articles, and decided it wasn't for me. From the homepage, I only clicked on the "Articles" link. I never clicked on the "Toolbook" link, which I guess is where the bomb-making instructions were. Why would I? All my protests have been non-violent. I do not need to know how to make a bomb, and I don't want to know how to make a bomb. Tai was planning all along on setting off that bomb in that destroyed Prof. Sanders' lab and killed Pete. I hear that Tai had a nasty temper and was incredibly angry at Prof. Sanders for giving him/her an F on an exam. I barely knew Tai and shouldn't have trusted him/her when s/he approached me about that website. Tai just needed me as a scapegoat to take the fall. Well, it's not going to work.

11. The only reason anarchy appealed to me in the first place is because the students on this campus, especially those in OSALTA are such pansies. They never want to take any action. All they do is just sit around passively and let things happen to them. I can't stand this way of living. I'm sorry, I don't care what anyone else says, but I'm going to take control of my life and live it the way it should be lived. Wanna try to stop me? Go for it! I love a challenge, especially when I know I'm right. When I said I don't let up, I really meant it.

12. I joined Organized Students Against Laboratory Testing on Animals (OSALTA) midway through my freshman year at UAMV. I originally joined not because I really cared about the issues OSALTA was fighting for, but because I had a crush on one of the members, Pat Ikin. Once I joined, though, it was like this big floodlight went off in my head. I had never given much thought to what happens to animals, all in the name of science. It is just horrible! Did you know that somewhere between 60 and 100 million animals are used in experimental settings each year? Not all of them are killed, but I guarantee you

that every last one of them is tortured in some way or another. Learning about animal testing made me appreciate more the other hardships animals go through, such as in the agriculture industry. I can't stand the thought of eating or drinking animal products, even if it is something as supposedly safe as keeping cows for milk. You think cows like to be milked, like being kept in small cages? Toni/y's solution of eating only what you kill is ridiculous beyond words. You are causing the death of innocent animals. I don't care if they were free up until the point of death, you are still murdering them! This is totally unacceptable. Animals have feelings and emotions just like everyone else. None of them want to be killed or kept in cages. We have to show our humanity by no longer using animal products in our food or elsewhere in our lives and instead eating and using only what we grow.

13. Things didn't work out between me and Pat. We dated for a while toward the end of my freshman year, but broke up over the summer. I was really into Pat and got depressed just at the thought of him/her. When sophomore year started, I decided not to go to any more OSALTA meetings because I was afraid of running into Pat. Then Toni/y came to me one lunch and begged me to come back to OSALTA. S/He said the group really needed me. I said, "What about Pat? Why can't Pat take over?" Toni/y replied that it was really weird, but that Pat had not come to any of the meetings this year either. I guess Pat was afraid of seeing me too. Who cares, now, right? I saw an opportunity and agreed to come back to the next OSALTA meeting. But I decided to myself then and there, if I was going to go back to OSALTA, it was going to be for all of the right reasons and that I was going to give 100%. My goal was to do whatever it took to turn OSALTA into one of the most prominent student organizations at UAMV.

14. Once I started paying attention again, I could tell that the apathy among the other OSALTA members was going to be the main obstacle in my way toward achieving greatness. I tried to get the other members to have a December meeting so that we could start off the new semester with a bang, but nobody else wanted take anything away from their precious studying time for finals. So, I took the initiative myself and planned a letter-writing campaign for January, trying to convince Alaska's Congressional delegation to stop funding colleges and universities that conduct animal testing. Despite collecting all these signatures, those losers in Congress didn't do anything about it. I guess they are all bought and sold by the big drug and cosmetic companies. But even if we couldn't get the law changed, this showed to me how much the campus of UAMV agrees with me and how all the students here are just begging for someone to lead them.

15. I knew that in order to lead the student body, I must first lead OSALTA. Elections normally weren't held until the beginning of the fall semester, but I didn't want to wait that long to put all my great ideas into action. I made up some bogus explanation about how it wouldn't make sense to let freshmen who didn't know or care anything about our organization choose our leadership. I also got outgoing seniors to be excluded from voting in the elections because they wouldn't be around the next year and thus had no stake in the outcome. With these restrictions, I knew I was a shoe-in for the presidency, not that I wouldn't have been anyway.

16. Sure enough, I was elected president of OSALTA. I wanted students to know I was now president and I wanted students to be sure to think of OSALTA over the summer, so I

came up with this brilliant idea to hold a massive protest just before finals. At first, I wasn't sure what to protest, but then Toni/y, one of my underlings in OSALTA, told me about this huge government grant that Prof. Sanders had received to conduct all these experiments on animals, and I immediately knew this had to be the subject of my protest. Allowing animal testing to be conducted on the campus of UAMV was an assault on OSALTA and everything it stood for. Prof. Sanders had to be stopped! I figured that the best way to do this was to hold a big protest rally to show that all the students were against Prof. Sanders. Surely, once the University knew its student body was against animal testing, it would not allow Prof. Sanders to continue with her/his evil ways.

17. I special ordered a megaphone for the rally. I knew that with Officer Wright watching me I had to be surreptitious in planning for the big event, so I passed out flyers in the hallway outside the school cafeteria. Only those people who came over to pick up a flyer would I tell about the rally. This way, I reasoned, no one who came over to pick up a flyer would be so much against OSALTA that they would rat us out to the campus police. Needless to say, my plan worked out just as I had planned it. I was able to plan the protest without being detected by Officer Wright.

18. The protest went off great. There must have been well over a hundred people at the rally. For a campus of under a two thousand students, that is an amazing turnout. Like I was saying, the students were all just looking for a leader to take them to new and better places. My main purpose at the rally was education. I laid it out plain and simple for my fellow students how Prof. Sanders was a mass murderer who, like all mass murderers, needed to be stopped. I told the students that if they did not actively resist what was going on, they were complicit in the banality of evil. It wasn't too long before I had all of the students eating out of my hands like lambs. It was at this point that I spontaneously decided that we should all march on the office of the President of UAMV. I yelled to the throng, "Who's with me?" The crowd roared back in joinder. But it was just at this moment that who should show up but none other than Officer Wright, the bane of my existence at UAMV. The other officer there was keeping things well under control, so I don't even know why Officer Wright showed up. Probably heard that I was involved and rushed to the scene. Wouldn't want to miss an opportunity to harass me, would s/he? For no reason at all, Officer Wright humiliated me by handcuffing me and leading me away from all of my many supporters.

19. I swore I'd get back at Officer Wright. And I certainly wasn't going to let Officer Wright get away with disciplinary proceedings against me. Officer Wright wanted to have me suspended, even though there was only a week or so left of classes. You'd think that Officer Wright wouldn't want to force me to repeat the semester, that Officer Wright would want me to graduate as quickly as possible, but Officer Wright isn't exactly the sharpest knife in the drawer. I demanded to see Chief Bronson, who understands students a lot better than Officer Wright does. I told the Chief that if any charges whatsoever were brought against me, I'd sue the University quicker than a pig to slop for violating my free speech rights and for police brutality. Chief Bronson knew I'd win and pleaded with me to call the whole thing even and walk away, which I did. I let the University off easy that time. After I get off from this bogus arson and murder charge, I'm going to sue the University something serious, and this time it'll be for real. I get knocked down, but I get up again. You ain't never gonna keep me down.

20. I stayed in Moose Valley over the summer, working in a hardware store owned by a friend of the family. Fortunately, I didn't run into Officer Wright during that time. When school started back up in the fall, I knew I didn't have any time to waste by calling an OSALTA meeting. I needed to take matters into my own hands. It appeared that my protest from the spring had been completely forgotten, because there was Prof. Sanders, back teaching courses, and there were a lot of student blindly taking his/her courses. I knew those in the Advanced Molecular Biology course were beyond hope, but I figured I might be able to get to the students taking Biology 101 from Prof. Sanders.

21. I decided to reprise my protest from the spring, only this time inside Prof. Sanders' classroom on the first day of class. I knew it was arguably wrong to go inside a classroom and begin yelling on a megaphone, but desperate times called for desperate measures. These were mostly freshmen in the class, and they were not making an informed decision when they signed up for a course from Prof. Sanders. I was trying to even the playing field a little bit by giving these students, in the most efficient manner I could think of, information they would not receive from the University.

22. Needless to say, it was Officer Wright who broke up the party. I didn't put up much of a fight, because I knew what was going to happen. But even I was surprised at what Officer Wright said to me after taking me out of the classroom. Officer Wright told me that I was a troublemaker and that s/he'd be keeping her/his eye on me. S/He said s/he knew I had Chief Bronson cowed and thus wasn't going to take me in to the campus police headquarters. Then Officer Wright, can you believe this, threatened me. S/He actually threatened me! Officer Wright said that if I ever made another peep in a classroom or created another campus disturbance, that s/he would see to it personally that I was expelled. I was afraid. I mean, Officer Wright is crazy. I knew Officer Wright would have no compunctions about breaking the law to have me expelled. This whole bombing thing, blaming me for it when it is clear Tai did it, is all part of Officer Wright's twisted little mind.

23. The really sad thing is that the other members of OSALTA were starting to abandon me. At the September meeting, I tired to rally new and old members alike by telling them about how evil Prof. Sanders is. People looked at me like I was crazy. I told them, "Can't you see that Prof. Sanders is killing OSALTA just like s/he is killing all of those animals?" If an organization like OSALTA, whose sole purpose is to stop laboratory testing on animals, does not do everything in its power to stop Prof. Sanders, why do we exist? We'd be viewed as a joke by the rest of the campus. I, for one, will never be viewed as a joke.

24. If no one was going to help me out, I knew I'd have to take matters into my own hands once again. Remembering how successful the Congressional letter-writing campaign had been in garnering student participation, I decided that I would start another campaign, a petition to have Prof. Sanders' tenure revoked and have Prof. Sanders fired. Cruelty to animals is illegal, isn't it? No one wants to have a professor at UAMV who is a criminal. So, therefore, Prof. Sanders should be kicked out of UAMV. I even looked at the faculty handbook in the library, and it said that professors convicted of serious criminal offenses can be dismissed at the discretion of the University President. I know the President of

UAMV wants a happy student body and should be more than willing to terminate Prof. Sanders for criminal activities if the students ask for it. I couldn't believe that so few students signed the petition. It was like they had all been hypnotized and turned against me. Why can't anyone see the logic of my arguments?

25. I couldn't take these betrayals anymore. No one from OSALTA had signed the petition against Prof. Sanders, so at the October meeting I really ripped into them. They were all traitors to the cause and deserved to be told that. They needed to be told that. I was the only true member of OSALTA left! Our earlier efforts to get rid of Prof. Sanders had not worked, and we all needed to band together to think up more effective ways to get rid of Prof. Sanders and stop the animal testing that s/he was conducting. I pleaded with them to help me continue to fight the good fight. But I warned them that if they didn't want to help me, they could forget about being a part of OSALTA. I wasn't going to let them claim any credit for what I was doing on behalf of OSALTA. Why are they doing this to me? I AM THE LEADER!!!

26. I still don't really know what Prof. Sanders was doing with all of those animals. I think s/he was researching the flu or something like that. So some people get the sniffles, that isn't a justification for murder! Those animals should have been free in the wild rather than kept locked up in cages and infected with human diseases. I wish those animals had all lived, and I don't think resorting to bombs is an appropriate means of protest, but at the same time, I can't exactly say I am sorry that Prof. Sanders was stopped.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Alex Kolski

SUBSCRIBED AND SWORN to before me this 2nd day of February, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2018.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF TAI LEPPERT

1. My name is Tai Leppert. I am 22 and a senior at the University of Alaska – Moose Valley ("UAMV"). I am testifying today under a limited grant of immunity from the State of Alaska. In exchange for agreeing to testify at trial if necessary and for information I gave the prosecution regarding Alex Kolski, the State has agreed to drop a charge against me of terroristic threatening in the second degree for an email that I sent to Prof. Kim Sanders on October 16, 2015. I understand that this limited immunity only covers statements arising from and explaining that email and does not cover any other criminal acts with which I might be charged.

2. I will graduate this spring and have been accepted into the medical school at the University of Minnesota. Minnesota is ranked among the top forty medical programs in the country. I should have gotten into a better medical school, but I can accept going to Minnesota. I have lived in Alaska all of my life, and for that matter grew up literally miles from the nearest other family. My father is a miner, mostly for gold, in some of the hills around Moose Valley. My mother helps out around the house, and with the business end of the mines. It has been quite an adjustment for me coming to UAMV and having to live with so many other people. I am sure it will be even more of a challenge living in Minneapolis and being a student at the U, but I look forward to the challenge. It is important to me that I do this, not just professionally but also so that I can mature as a person. My goal after getting my medical degree is to come back to the Moose Valley area and be a doctor in the rural health system around here.

3. All in all, I am glad that I decided to become a biology major. Hopefully, it will lead to

me having the opportunity to do a lot of good for my community. Plus, I have found the subject matter to be quite interesting. I have managed to do well in biology, but to be honest, I think I probably would have done well in any course of study I chose. I am fortunate to have inherited my parents' intelligence. And UAMV has been the perfect place to develop my intellectual pursuits. I have really appreciated all of the individual attention that I have received here. I was home schooled by my mother and father, so I am used to receiving individual attention when I am in an educational setting. Indeed, I feel it is how I learn best. I must admit that I sometimes do not do well in class settings. First of all, I am still a bit uncomfortable around other students. This is because of my upbringing away from other children. I am trying to change that about myself, but it can be somewhat difficult to do this. Over time, I will become much more sociable. The other reason I sometimes have trouble in classroom settings is because I am so much smarter than the average student at UAMV. When I do not feel that I am being challenged intellectually, I lose much of my motivation to study hard. Of course, I still do well on all of the tests, but the class is not as enjoyable as it would be if I were surrounded by peers.

4. Prof. Kim Sanders has been great to work with. For the most part, Prof. Sanders has recognized my intelligence. Prof. Sanders hired me on as her/his primary research assistant upon receipt of a National Institutes of Health grant to study ARIS (Alaska Respiratory Immunodeficiency Syndrome). ARIS is a horrible disease that has struck many small, mostly Alaska Native villages around Moose Valley and in a few other places in Alaska. There are now reported cases of ARIS in Moose Valley itself, and I myself, along with Prof. Sanders, am very concerned that the disease may soon spread to the rest of Alaska and perhaps even to other parts of the world. ARIS strikes the immune system within the lungs and causes the lungs to turn against themselves. This disease, which exists in viral form, has no known vaccine and no known cure. ARIS can often be deadly, and even in those it does not kill, ARIS appears to permanently damage the respiratory system. I know personally how devastating ARIS can be because it struck a cousin of mine in the village of Ekliunk two years ago. Fortunately, my cousin survived, but the disease has left him greatly weakened, and he obviously is not the strong athlete he once was. I am very thankful that my aunt and uncle and two other cousins in Ekliunk have not been stricken with ARIS, especially after the devastating outbreak this past winter, but I am always worried that they will be next. It saddens me to no end that because of the unforgivable bombing in Prof. Sanders' laboratory, we are that much further from stopping the deadly spread of ARIS.

5. Prof. Sanders realized how personally involved I was in the fight against ARIS and knew I would be a strong ally in finding a vaccine and/or a cure. I worked very hard over the summer and during the school year to set up various experiments being funded by the grant. Once we got the animals from the State, I was in charge of making sure the animals were well taken care of, at least as well as possible considering we were purposely infecting them with a deadly disease and monitoring their progress through taking blood samples and so on. I cared for this project and knew its importance. I would not have destroyed it just to get even with Prof. Sanders.

6. Yes, I have a serious temper, and yes, I was extremely angry at getting an F on that exam that Prof. Sanders gave. To be honest, I blame this exam, and the resulting C grade I got

in Advanced Molecular Biology, as the reason why I did not get into a better medical school. I knew this is what would happen once I saw the grade on the exam. Prof. Sanders knew how smart I was and knew how much time I was spending working in the laboratory. After grading the test, Prof. Sanders should have immediately realized that the grade I was getting was not reflective of my true abilities and offered to allow me to retake the test or to do extra credit to receive a better grade. I had been sick the day of the mid-term exam on October 8. Either a very bad cold or a mild case of the flu, I'm not sure. If there had not been an exam, I would have stayed in my dorm room. But I knew how important it was not to miss exams. It just would not be fair to the other students. However, I had no idea how much my illness would affect me until I actually started the exam. I tried to explain this all to Prof. Sanders after class on the day the exams were handed back, but s/he wouldn't listen. From what I understand from talking to UAMV professors, including Prof. Sanders in better times, the whole purpose of grading is to give the student the grade that student deserves according to that student's understanding of the material. My understanding of the material in Advanced Molecular Biology was clearly better than the F level — it had to be. I had always gotten good grades in biology courses. But for whatever reason, Prof. Sanders insisted on giving me the F grade I received on that particular administration of the test rather than a grade more reflective of my true abilities when I wasn't sick. Furthermore, after reviewing the test a couple of days later, I discovered that Prof. Sanders had given me far less partial credit than I deserved for my essay answers to some of the questions on the exam. By my calculations, I should have received at least a C on the exam. This would have allowed me to achieve a B overall in the course or possibly even an A. In other words, Prof. Sanders' actions were once again totally uncalled for.

7. Prof. Sanders and I had been very close friends before this whole exam incident. As I described, we had worked closely together on the ARIS project and both shared a passion for biology. Now, I get mad even thinking about Prof. Sanders. How can someone callously ruin someone else's dream when it is so easy not to? It was almost unbearable getting through class the day Prof. Sanders passed back that fateful exam. I knew I was going to confront Prof. Sanders after class about what s/he had done to me. When I confronted Prof. Sanders after class, I tried to explain calmly why I felt I deserved the opportunity for a better grade, but I was so emotionally distraught over having my life ruined that my arguments might not have come out as well as I would have hoped them to. To be honest, I cannot accurately remember what I said or did, I was so consumed with rage. All I know is that Prof. Sanders would not budge and that our friendship is now over.

8. After getting the F on that exam, I wanted to kill Prof. Sanders. But of course I would never do something like that. Unfortunately, I sent a stupid and very angry email on October 16, 2015 to Prof. Sanders threatening to just that. This was a very regrettable outburst on my part, and I am very sorry that I did not control my temper better. I never intended actually to kill Prof. Sanders. I admit that I can sometimes get kind of emotionally violent when I lose my temper. It is sort of like my own personal Dr. Jekyl/Mr. Hyde phenomena. I cannot really predict when it is going to happen or what I am going to do. I usually cool down after a while, though. It is true that I am still mad at Prof. Sanders, but not to the point where I fear I might lose my self-control. I did, after all, return to class the week after the explosion. No, one cannot expect me to forgive

Prof. Sanders or be Prof. Sanders friend or research assistant again. There was after the exam incident and forevermore will be some tension between the two of us. But I am in the process of learning that just because you are angry at someone, this does not mean that you cannot work with that person. I wanted and needed to take Advanced Molecular Biology from Prof. Sanders, so I suppressed my anger and decided to make the best of a bad situation.

9. I had come to this realization prior to the night of the explosion. I had been angry all week after receiving the F, and I was generally an unpleasant person to be around. I had refused in protest to go to the October 15th Advance Molecular Biology class. I also did not want to do anything else that might be viewed as being in support of Prof. Sanders, so I conscientiously neglected my lab work duties as part of my work-study program on the ARIS project with Prof. Sanders. I figured Prof. Sanders would probably fire me, as s/he had obviously lost trust in me if nothing else, but at that point I did not care.

10. I decided to go home over the weekend to visit my parents and blow off some steam, so to speak. My parents live about an hour out of Moose Valley. It is only about twenty miles in physical distance, but the dirt road to get to my parents' abode was winding and in poor condition, so much that it takes about an hour, maybe a little more, to drive. Once I get home, the way I like to release tension is by setting off small explosions in my father's mines. I am well versed in formulating explosives, and my father always indulges me by allowing me access to the chemicals need to make the explosives. In fact, my father often tells me in which mines to set off the explosives, so that I do not interfere with and can even advance the work that he is doing. I am not interested in following in my father's footsteps, career-wise. My younger sister Kendra can do that if she wishes. However, I will always remain interested in chemistry and the science of explosives.

11. The primary explosive my father, and by extension myself, uses is sodium trichromide. This explosive is very stable and easy to control, while at the same time quite powerful. Sodium trichromide can be used as a directional explosive to clear out precise areas of rock surrounding where a suspected vein of gold is located. Because of this, sodium trichromide is sometimes called "Miner's Friend." Once prepared, the explosive, which exists in liquid form and is placed inside some sort of glass container, can only be set off through some sort of electrical charge. Consequently, sodium trichromide is very safe to transport, as it is hard to accidentally detonate. Furthermore, the means of intentionally detonating a sodium trichromide explosive is fairly simple. Typically, the miner will string wire into the glass canister containing the sodium trichromide solution, rest the glass canister on the desired location on the rock (perhaps taping it in place), stretch the wire several hundred feet away (somewhere outside the mine in a safe, shielded location), and hook the wire up to a battery powered detonator. When a button is pressed on the detonator, an electrical charge travels down the wire and sets off the explosive device.

12. That weekend we were running low on the ingredients to make a sodium trichromide explosive, so my father told me to make a hydrogen difluomate explosive instead. I do not like hydrogen difluomate explosives as much as sodium trichromide explosives. Hydrogen difluomate explosives are much more unstable and thus harder to make than sodium trichromide explosive. To be honest, I am a bit nervous about making hydrogen difluomate explosives — if you do not mix the ingredients exactly correctly, you might

blow yourself up. Plus, the fumes smell awful and can be toxic, so you need to be sure to cover your mouth and nose with a cloth while making the explosive and putting a rubber or cork stopper on the canister when finished. One time I forgot to do this and coughed for three hours straight. You only need to make that mistake once. After the explosive is concocted, though, it stands up well to sudden jolts, which makes it relatively easy to transport, as long as you do not expose it to excessive heat. Assuming you can make the explosive without killing yourself, hydrogen difluomate explosives can be detonated through exposure to temperatures above 150 degrees, like the kind of heat you would find in almost any flame. In a mining context, this typically means you attach a long fuse to the canister containing the hydrogen difluomate, which like sodium trichromide exists in liquid form, and run away. Hydrogen difluomate explosions are very messy and not very good for directional explosions. Adding gasoline can somewhat increase the force of hydrogen difluomate explosives, but mostly it just creates a larger fireball.

13. However, hydrogen difluomate was all we had that weekend, and despite my nervousness about it, making a hydrogen difluomate bomb is well within my capabilities. Hydrogen difluomate explosives can be created using chemicals found commonly in any chemistry laboratory or which can be easily ordered online. For that matter, it is easy to extract the difluomate from certain cleaning solutions and create super-hydrogenated water by using distilled water, electricity, and a lead collecting plate. Once the extraction process is complete, the trick comes in knowing the exactly right proportions for mixing the two together to create hydrogen difluomate. My father trusts me not to make explosives I do not feel comfortable with, and I trust myself as well. I usually create a two chamber bomb by placing a small test tube of hydrogen difluomate next the larger master chamber. This creates a more powerful explosion than a single chamber bomb and is also marginally safer. I cannot exactly remember what I blew up that weekend. I think I just set off the explosive in a rocky outcropping somewhere on a worthless hillside. I find it fun to watch small pieces of rock flying every which way. And the loud boom created by the explosion sends a shiver down my spine, but in a good way.

14. I was still upset with Prof. Sanders when I returned to UAMV on Monday morning October 19. So upset that I decided to skip my Advanced Molecular Biology class that next day, October 20. But over the course of the day, I was able to calm myself down and put things in perspective. My college career was not entirely over, and if I quit then I would flush three years of hard work and a promising future down the drain. I had resolved to put my differences with Prof. Sanders behind me as much as possible and return to work on the ARIS project, the importance of which certainly did not diminish due to my dispute with Prof. Sanders. Despite the late hour by the time I reached this realization, the first thing I decided to do was check out the animals. It had been my job to take care of them, and it had now been a week since I had last tended to them. I figured that Prof. Sanders or another research assistant had taken care of the animals in my absence, but it was now my turn to resume those duties. I used my pass card to get into the Science Center at about 10:15 p.m. I then punched in my combination to the biology laboratory, went inside, and closed the door behind me. It was a bit stuffy in the room, so I opened one of the windows to let in some fresh air. I cannot remember if I closed the window upon leaving the laboratory.

15. It was almost like some of the animals were happy to see me again. I was the one who

usually fed them, so I guess this should not be too surprising. The animals were in airtight glass cages and besides were likely contagious, so of course I could not pet them. I do not think the geese or ravens would want to be pet anyway. The air circulation system to the airtight cages contained a special filtering system designed to trap any airborne viruses. I changed out the filters on the air circulation system and carefully placed the old filters in a special solution to begin the process of congealing and separating out the viruses. I then fed the animals through specially designed foot chutes. This whole process took about forty-five minutes, after which I left to go to my apartment to go to bed. As always, I made sure that the door to the biology laboratory closed shut behind me.

16. As I was leaving the Science Center at about 11:00, I saw Whistling Pete, the janitor who serviced the Science Center, approaching. I often worked late in the biology laboratory and consequently had become quite acquainted with Pete. Pete was a really good guy, always smiling and whistling, whistling and smiling. Friendly to everyone. Pete used to tell me fascinating stories about working as a salmon and halibut fisher out of Dillingham. Tales of the sea and of narrow escapes from its clutches. I think I was part of the reason it sometimes took Pete so long to clean the Science Center. But not tonight. I held the door open for Pete as I exited the building so that he would not have to bother with getting out his pass card. I asked Pete why he was there so much later than usual, and Pete responded, "Well, you know, I was at my cousin's birthday party, and we got to drinking and it ran a little late, but I still have a job to do, so I'm here to do it." I told Pete that there was no reason to clean tonight, that I knew he did not want to clean tonight, and that he should just go home. I told Pete that he could just clean tomorrow and that no one would notice the mess. I wish Pete had listened to me.

17. I cannot believe that Alex Kolski went so far as to set off a bomb that destroyed the biology laboratory and killed Pete. I wish I had never told Alex about anarchistresource.com. I knew the website has recipes for making bombs, but that is not why I thought Alex wanted to visit the site. About a week and a half before the explosion, in fact, I think it was the Sunday before I got my Advanced Molecular Biology grade, Alex approached me in the library to ask me if I knew anywhere where s/he could research different theories of anarchy. I did not trust Alex. Not too much earlier, Toni/y Chang had tried to buy the combination to the biology laboratory off of me to give to Alex or show Alex the animals or something. I did not trust Alex, so I did not give Toni/y the combination. I liked Toni/y and enjoyed rooming with her/him. And I feel bad about Toni/y because sometimes I blew my cool when I should not have. But Alex I did not trust, and if giving Toni/y access to the biology laboratory meant giving access to Alex, that was something up with which I would not put. However, when Alex approached me about wanting to research anarchist theorists, I was tricked into believing that the request was genuine. Alex even asked me if I would be willing to talk about anarchy over a couple of Red Bottle Beers. I do not drink alcohol, nor did I especially want to spend any time with Alex, so I told Alex to read the website first and then maybe I would consider discussing it with him/her.

18. Anarchy had become a very important part of my life ever since my first exposure to anarchist theory in a political theory course on radical movements I took spring semester of my junior year. Almost everyone who criticizes anarchist thinking has not actually

read any anarchist thinkers. Anarchism is at its heart a social critique. The core of anarchism is the doctrine that society can and should be organized without the coercive authority of the state. Different anarchism theorists have taken this central idea to different lengths. For example, some of the early individualist anarchists were the forerunners of modern libertarianism. On the other hand, collectivist anarchists offer up a stateless version of communism that can be seen as an alternative to Marx's proletarian-based communism. As anarchists have become more and more frustrated with the oppressive socialization of life in an industrial, ever more state-based world, some of them have turned to increasingly violent forms of resistance, such as terrorist acts aimed at government organizations. I am a libertarianist and use anarchism as a form of social critique. That is all. I was briefly tempted by the more violent side of anarchism — that is when I got a tattoo of the anarchist symbol of a capital "A" inside a circle on my left bicep. I find it more funny now than serious. Sometimes I show the tattoo to people just to scare them a little bit. It gives me a sense of power without having to place anything on the line. But I would never take it any further than that. I stopped going down the path toward the violent terrorist strain of anarchism when I realized that it had never accomplished anything and never would. All it did was disrupt society and shatter a government's sense of security. True anarchism is not about lawlessness but rather about moving beyond the need for governmental authority by transforming how people relate to each other.

19. It was in this spirit of anarchism as education that I told Alex about anarchistresource.com. The website contains many informative articles of its own and links to other excellent articles, all of which give a comprehensive overview of the history of anarchist thinking. I have often thought about submitting an article myself. I used this website to supplement the meager reading on anarchism we did in my political theory course. There are, and I emphasized this to Alex, strains of modern anarchism that overlap with the animal rights movement by drawing analogies between the relationship between society and the individual on the one and the way human beings treat animals and the natural world on the other. I certainly did not trust Alex, but I thought that if Alex was trying to be conscientious about her/his activism, this could only be a good thing. I was aware that anarchistresource.com had some "recipes" for bombs — I guess they figured they need to satisfy all brands of anarchists — but I certainly did not need to look at these pages and cannot give any details on whether any of these so-called "recipes" would actually work. Unfortunately, it seems like at least one of them did work. It never occurred to me that Alex would be looking for an anarchism website to try to find out how to make explosives. If it had, I never would have told Alex about anarchistresource.com.

20. I do not know why some people consider me a suspect in the October 20th bombing. Why would someone like me who has such a promising future throw it all away by destroying a project that I knew was of supreme medical importance? It does not make sense. And I am a very rational person.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Tai Leppert

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2017.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-S15-09999 CR

AFFIDAVIT OF TEGAN MYERS

1. My name is Tegan Myers. I am a junior at University of Alaska – Moose Valley ("UAMV"). I should be a senior this year, but I took last year off from school to be with my ailing mother, may she rest in peace. I left around the beginning of November, and since I never finished the courses I was taking, I had to start all over. At least the University didn't give me F's for the courses I dropped out of. My mother died of ovarian cancer last April. Needless to say, it was a tough year for me, but I am glad to be back at UAMV.

2. I have been friends with Tai Leppert since we were labmates in Biology 101 freshman year. I was really into science freshman year, but I have since then decided to become a music history major. UAMV is not a big school for music history, mostly because we do not have enough students for a substantial music performance department. So, I am the only music history major. The professors love me, and it is great to get all of the individualized attention. But like I was saying, freshman year it was all about the sciences. Tai and I were labmates in Biology 101 with Prof. Bickers. Old guy, funny name. The name wasn't onomatopoeic or anything, it was just funny. Pretty cool dude, too, though a bit too fascinated with biology, if you know what I mean. Still, it got the students excited about the subject. I know Tai spends most of her/his time working for Prof. Sanders now, but I think it was Prof. Bickers that convinced Tai to become a biology major. Might have worked for me too if I didn't prefer spending all of my time with headphones on.

3. So, yeah, Tai and I became friends and stayed friends even after we split paths academically. Tai is, like, really smart. I wish I were as smart as Tai. Tai is going to make a great doctor someday. Or at least s/he would have before getting that C in Prof. Sanders class. I don't know, maybe Tai will still be able to get into a good medical school. I can't say I've looked into it myself. I'm not sure what I am going to do after graduation. I figure I'll figure it out when I get there. No reason to stress myself out about it now. But Tai, Tai has ambition. Tai was really angry about getting that F on that exam from Prof. Sanders. And I can totally understand. Tai is, I mean, Prof. Sanders research assistant, and all. Prof. Sanders had been keeping Tai real busy and such, so you'd figure Prof. Sanders would cut Tai a break on the test. Maybe give a chance for extra credit or something. But no, Prof. Sanders stuck to her/his guns. I'd be angry too if that happened to me. That was so uncool by the Prof.

4. Of course, Tai doesn't get angry like a normal person. When Tai gets angry, s/he throws a temper tantrum like a little child. Mostly, Tai just yells and pouts. It is a good thing Tai doesn't drink, because who knows what would happen with a drunk Tai. I've never seen Tai do anything physically violent out of anger. I think Tai would be too afraid of the possible repercussions if s/he did. Tai certainly did not want to get into a fight with anyone. And risk getting in trouble with the campus police or the law? Forget about it. Tai knew the limits of what s/he could get away with and never went beyond them. Tai just had to lash out a little bit now and then to let off steam. Tai had all of these, you know, suppressed feelings and emotions. I think Tai was a lot more tense than s/he let on. I guess Tai had too many brain waves going on in her/his head. Now that I think about it, I guess sometimes I'm glad I'm not that smart.

5. Tai has an interesting background, and loves to tell it to people. Moose Valley used to be one of the big gold mining regions in Alaska back in the late 1920s and early 1930s. People down in the States were going broke because of the Great Depression, but we were getting always filthy and sometimes filthy rich up here in Moose Valley. Not me personally. I mean, I wasn't even born then. Actually, I'm not from Moose Valley, I'm from Tok. So, I guess I am speaking hypocritically. But there were plenty of people who were up here at the time, and Tai's great-grandfather, Joseph Eagleton, was one of them. Joe E., as legend has it he was known to his friends, was one of the more successful prospectors in the Moose Valley vicinity. Joe E. bought up all this land in the hills around town and even some parcels miles away. Joe E. figured that if he found gold in one hill, there must be plenty of gold in other hills. This turned out to be a fool's hope. Joe E. kept digging for several years, but after the initial riches never found another gold nugget. Each unsuccessful mine broke Joe E.'s back, wallet, and spirit all at the same time. Joe E. died in 1949 at the young age of 43, still with a lot of land, but with even more illusions.

6. When he died, Joe E. had an even younger wife, Lucy, and a four-year-old daughter Mary. Moose Valley was a rough-and-tumble place, and certainly no place for a proper lady. It was no place for Lucy either. So, despite still owning all of this land around Moose Valley, she and Mary moved to Anchorage, where Lucy became a seamstress. Mary, Tai's grandmother, eventually grew up to marry Charles Leppert, who had come to Anchorage from Chicago during World War II as part of an Army unit stationed here. Charles liked Alaska enough to stay, and supposedly even thought the weather was better

than in Chicago. Mary and Charles met in 1966 and married two years later. Joseph Leppert, named after Joe E., was born not too long after that. Charles couldn't handle the pressures of fatherhood and ran away, never to be seen again. Most say he went back to Chicago. Some say he went to live in a small village somewhere in the Bush, or maybe even out on his own all alone. Some even say he emigrated to Russia or China to escape from things. Doesn't make much sense to me. Mary died when Joseph was only 17 and left Joseph all of the land that she herself had inherited from Joe E. and Lucy. Joseph decided he would go to Moose Valley and try to revive some of the old mines on what was now his land. Joseph, like his father, I guess, was a bit of a loner, so this suited him perfectly. Joseph was real smart, though. Before leaving Anchorage, Joseph bought all of these books on mining techniques and explosives. Joseph then basically taught himself to become a mining engineer, with nothing even approaching a college education.

7. By trick or by charm, Joseph managed to find a woman to marry who was as much a loner as he was. Amy Ehrsen, was from one of the Native villages, Ekliunk, around Moose Valley, and grew up learning enough about the land to help Joseph live the type of wilderness lifestyle they both enjoyed so much. Tai is one of two children they have. Tai's younger sister, Kendra, just started at UAMV this year. I haven't interacted too much with Kendra, but from what I have, Kendra seems a little bit better adjusted to society than Tai is. I guess a little social awkwardness is to be expected when you grow up out in the middle of nowhere, with only the occasional trips into town for supplies. It is fortunate for Tai and Kendra that Joseph was smart enough to home school them well. Joseph would get the books, and learn them himself first before teaching his children. Tai also said that s/he learned plenty about the mining business and about explosives from his/her father. I guess it was sometimes all Joseph could talk about at the dinner table. I don't think Joseph ever became filthy rich like his grandfather was at one point, but I do think he had enough technical know-how to extract enough gold to live a comfortable life.

8. Tai would go home during the summers and blow stuff up. Sounds fun to me. Tai once told me that this was the perfect way to release tension after a long school year. I mean, Tai was doing this to help her/his father explore for gold and all, but there is nothing wrong with an ulterior motive now and then. But to say that Tai knew how to make her/his own explosives would be an understatement. I hear a hydrogen difluomate bomb was used to blow up the Science Center. I don't know if Tai knew how to make that kind of bomb, but I wouldn't be surprised.

9. I think Tai probably set off the bomb that blew up the Prof. Sanders' lab. Tai was really upset about getting that F from Prof. Sanders. And as I was saying earlier, Tai was capable of becoming physically violent when s/he got angry. I would not put it past Tai to do something like blow up Prof. Sanders' lab out of revenge. That is how ill-adjusted Tai was to society. I only saw Tai once between the time s/he got the F and the time of the explosion. I came across Tai sitting in one of the carrels in the library. I think this was the day after Tai got the F. Tai was just totally fuming. S/He was flipping through her/his advanced bio textbook, muttering under her/his breath, "I can't believe I didn't get at least partial credit for this. What an idiot!" So, I went up to Tai and was all, like, "Tai! What's up?" Tai turned to me and almost snarled at me, "What do you care? You got out of biology at the right time. I can't believe I've wasted my life in this stupid

major." I could tell Tai needed a time out, so I left Tai there at the carrel and went to listen to my music history assignments. But then, when I saw Tai a little over a week later, Tai was all calm and serene, like s/he had set off one of those explosions to let off steam. I bet Tai was so calm because s/he had set off that explosion in the Science Center.

10. Plus, Alex Kolski couldn't have set off the bomb — I was with Alex when the explosion happened. Alex and I lived in the same dorm last semester, on the same hallway for that matter. We had been best friends for the past couple of years, ever since Alex came to UAMV in fact. Alex likes that I buy beer for her/him, even when I had to do it through my brother before I turned 21, and doesn't mind that I only bathe once a week. Plus, we both like the same shows and music, and Alex is so easy to get along with. We hit it off real well. Alex can kind of be boisterous to others, but to me Alex is like all relaxed. I guess maybe Alex has given up on trying to motivate me or whatever. Best off, Alex was amazingly understanding when I had to take time off to be with my mother. Alex was a real friend to me at a time of need. So, when it came time to pick roommates for this year, Alex and I going into the room draw together was a no brainer. Alex and I share a suite with two losers who had no where else to go and don't want too much to do with us. The suite has a long hallway with four rooms off of it and a common room at the end with a television and a microwave. The common room is at the front of the suite, so you had to go through it to get to the individual rooms down the hallway. I was sitting up watching television in my suite common room late on the night of October 20th. I think I was watching the Tonight Show. Jimmy Fallon had on some actor I'd never heard of talking about the upcoming new Star Wars movie. I was so stoked to see that movie. And then Alex walks in. I asked Alex where s/he had been, and Alex responds that s/he had been in the library studying. I didn't entirely believe it, because you could tell that Alex had been drinking a bit and not even Alex was stupid enough to drink in the library. Alex is a bit of a lush. From what I hear, Alex has always been an occasional heavy drinker and has even been cited from time to time for underage drinking. I don't care about that, though. I'm old enough to drink, so I buy beer and put it in the mini-fridge we have in our common room. Alex sometimes takes a couple of beers with her/him, but always pays me for it. I'm fine with that. I've tried to get Alex to smoke marijuana with me before, but Alex won't do it. S/he says that alcohol is plenty effective.

11. So, I'm like looking at the clock to see what time it is and all that Alex is getting home and it says 11:36. Just then, we hear this loud explosion. BOOM!!! Coming from the direction of the Science Center. Alex exclaimed: "Whoa! Was that a bomb?!" Alex seemed really surprised by the explosion. I was too. I thought we were under attack or something. So, I'm like, "What's going on? Do you think we should hide?" And Alex and I are both pretty frightened. Alex says, "I don't know, maybe we should check it out." And so, I mean, there is no reason to believe we are any safer in our dorm than anywhere else, so we both go outside. You could see all of this smoke coming from the Science Center. Well, I mean, it was dark outside. There was half a moon showing, so there was a little bit of light from that. And the walkways on campus are pretty well lit, which lets off light elsewhere. So, yeah, you could tell that there was all this billowing smoke rising into the air. And as it rose it merged with the Aurora Borealis; you couldn't really tell which was which. The Aurora was out that night, but it was one of those dull gray Auroras, and not the pretty reds or greens that really turn me on.

12. Alex wanted to go up to the Science Center and check things out closer, but I was like, "No, there might be secondary explosions. Who knows what is going on up there. Let's just go back inside the dorm and make sure we lock the door." Alex said, "Yeah, I guess you're right, I mean, if someone is going to bomb the Science Center, they probably don't care much about the dorms." So, we went back inside the dorm, locked the door, and tried to forget about what was going on. Except Alex kept coughing something fierce. I thought it was weird that Alex would be all sick all of a sudden because s/he seemed fine earlier in the day. I also realized that Alex totally reeked. I think Alex had been sprayed by a skunk or something. I told Alex that even I would shower if I smelled like that. So, Alex went off to the bathroom to shower.

13. Then that pig, Officer Wright, starts banging real loud on the door and demands to be let in. And I'm like "Respect my authority," imitating Cartman from South Park. This really ticked Officer Wright off. I let Officer Wright in and s/he is, like, blowing smoke out her/his ears and saying, "Where's Alex! I need to talk to Alex!" I told Officer Wright that Alex was in the shower but that Alex would probably file a sexual harassment suit if s/he went into the bathroom to check him/her out. Officer Wright said s/he would wait until Alex came out and that it was probably in my best interest if I went to my room. I don't like being around pigs anyway, so I did. It wasn't until the next morning that I heard the details of what had happened and how Pete the janitor was killed. That was so totally heinous. I hope they catch whoever did this, because blowing up stuff for jollies or revenge is like way uncool.

14. I don't think Alex would have done anything as destructive as setting off a bomb in the Science Center. I know Alex had her/his problems with Prof. Sanders, but this was all political. I don't think Alex hated Prof. Sanders personally, I just think Alex was opposed to what Prof. Sanders was doing to those animals. And that is a political position. The University should be encouraging their students to be more politically active, like Alex is. The University likes to brainwash their students into being all passive and like. But not me, I'm free. And so is Alex. Maybe Alex went a little too far with that megaphone sometimes, but that's OK, you've got to rattle the boat every now and then. And saying something is Free Speech. And that's in the Constitution, so it's got to be OK, right? Alex had never done anything physical before, but has always been just exercising her/his rights. Alex is a hero, and here the University thinks that Alex did this heinous act. That's totally bogus!

15. But you know who I bet would do something like this — Tai Leppert. Tai is into all of this anarchy stuff. I hear anarchists like to blow up things. This fits Tai perfectly. Tai is a real loner, doesn't like society, so I imagine Tai wouldn't mind if society, you know, dissolved. There were times when Tai felt the system was against him/her. I mean, Tai was really bad at taking responsibility. Like I was saying when Tai got that F on Prof. Sanders' exam, Tai thought it was all Prof. Sanders' fault. It didn't occur to Tai that maybe s/he should have studied more. I can understand, because Tai is really smart, but this doesn't mean you can blow off your schoolwork and expect to do well. I don't do too much of my schoolwork, but that's because I'm not very smart, so it kind of wouldn't matter. Plus, like I said, I've got this totally sweet situation with the music department

because they have to give me good grades otherwise they think they're wasting their time.

16. So, yeah, Tai knows all about explosives and is into anarchy. I mean, come on! Tai tried to get Alex into anarchy as well. Tai and Alex had this weird sort of friendship. By which I mean Tai totally didn't trust Alex, but still Tai could tell that Alex was really driven and had strong leadership talents. I think Tai wanted Alex to channel these abilities away from hating animal killers and toward something more productive. You wouldn't think that an anarchist would want to encourage someone with strong leadership abilities to get into the anarchy movement. Seems sort of counter-productive to me. But Alex was telling me that this one time a few weeks before the explosion, Tai came up to her/him and was talking all about this great website, www.anarchistresource.com, and telling Alex that s/he should check it out. Alex said Tai was explaining how the modern anarchist movement and the animal rights movement had a lot of overlap. And how Alex should become an anarchist. I guess, maybe Tai thought this would appeal to Alex. I don't know. Maybe Tai wanted to start some kind of broad social movement and figured Alex could be the leader. Then we could all live out in the woods and blow up stuff like Tai and his/her father. Whatever. If they have satellite TV, and the Internet so that I could order all of my food and not have to catch it myself, maybe I could do it. Probably not.

17. A few weeks after the explosion, I went to that anarchist website after Alex told me about it. It had some stuff on animal rights, a few articles you could link to. I didn't do that, though. If I wanted to read, I'd open up a textbook. I don't want to read. But I also noticed that the website had all this information on how to make bombs. This is so totally perfect for Tai, and I can totally see why Tai was into this anarchy stuff. That was when I knew Tai had set off the bomb that destroyed the Science Center. It just all fit together.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Tegan Myers

SUBSCRIBED AND SWORN to before me this 9th day of February, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires December 31, 2016.

IN THE SUPERIOR COURT OF THE STATE OF ALASKA

THIRD DISTRICT AT ANCHORAGE

STATE OF ALASKA	)
	)
Plaintiff,	)
	)
vs.	)
	)
ALEX KOLSKI	)
DOB: 9/12/1994	)
APSIN ID: 5867132	)
SSN: 546-19-0999	)
ATN: 105-691-992	)
	)
Defendant.	)
_____	)

Court No. 3AN-15-09999 CR

AFFIDAVIT OF SAM RODRIGUEZ

1. My name is Sam Rodriguez, and I am a forensic scientist specializing in crime scene investigation and latent fingerprint discovery and identification. I have owned and operated Alaska Professional Forensics, a private forensic science investigation firm in Anchorage, Alaska since April of 2013. I was previously employed with the State of Alaska Crime Laboratory as a Criminalist for three years. I am appearing in this case at the request of Alex Kolski and his/her parents. My fee for providing expert witness services is $300 per hour in addition to any reimbursable travel expenses I may incur while working on this case. My interest in crime scene investigation and fingerprint identification came about out of my involvement in a student anarchist group in college. In high school, I was always what you could call a nerd and when I arrived at John Hopkins University for my freshman year I had a roommate who was really involved in the anarchy movement. Well, wanting to fit in with the crowd, I began attending their meetings and before long, I was protesting and eventually participated in some anarchy demonstrations. The thing that turned me around was that my roommate and a few friends made a small pipe bomb that was used to blow up the flowerbed in the President of the University's front yard. Luckily no one was injured and after analyzing the bomb, the police were able to determine that it had been made out of materials found in the campus chemistry labs. Eventually, forensic scientists were able to identify a portion of my roommate's fingerprint on materials left in the lab. Seeing how the state crime lab was able to piece all the information together to figure out who did it was really great and put me on the straight and narrow path I am on today.

2. After that fateful freshman year, I decided to major in chemical engineering and I

received my BS in 2006 from Johns Hopkins University. I then went on to Marshall University where I earned a MS in forensic science in 2009. I have completed trainings in post-blast investigation, processing of arson evidence, latent print imaging, crime scene processing, trace evidence collection, and death investigation. Additionally, I am an Alaska Police Standards Council certified police instructor in latent print development, physical evidence, blood evidence, forensic photography, crime scene processing and taking 10-prints and palm prints. Pursuant to this certification, I have taught classes at the Department of Public Safety Academy in Sitka, Alaska since November of 2011.

3. I was dismissed as a State forensic investigator because of two consecutive misidentifications that sent innocent men to prison for a period of time before the error was discovered. I attribute this to my zealous pursuit of proof of criminality. I have learned from my mistakes to no longer cut corners. Turns out getting dismissed was a blessing in disguise. I have found that it is much more lucrative working as a for-hire forensic expert. I can be as aggressive as I want to be. I have a very solid track record, and my client has won 23 out of 28 cases in which I have been an expert witness. And I have to say that I enjoy going up against my old employer . . . and beating them so often. Because I was an explosives expert and Kris Felini is a firearms expert, I rarely worked with her/him while I was with the State.

4. I was hired by the attorneys for Alex Kolski on January 6, 2016, about a month after Alex was arrested. Alex's parents wanted me to look at the forensic report compiled by Kris Felini to see if its conclusions regarding Alex were sound. I immediately requested o copy of the UAMV bombing file from Kris Felini and received it on January 12. Following an exhaustive analysis of the file, I have concluded that there is insufficient evidence to implicate Alex Kolski in the bombing that took place in the UAMV Science Center on the evening of October 20, 2015.

3. It is common practice in criminal investigations for only the government's forensic investigator to conduct the actual investigation. This makes sense, since the focus of my inquiry is to determine whether the analysis and conclusions reached by the government's forensic investigator are supported by the evidence collected. I trust the authenticity and accuracy of all measurements, data, diagrams, samples, and all other information collected by Mr./Ms. Felini. In what follows, I will point out the areas where I agree and disagree with the analysis of Mr./Ms. Felini.

Type of Explosive Material

4. I agree with Ms./Mr. Felini's analysis that the primary explosive material used in the bomb in the Science Center on October 20, 2015 was hydrogen difluomate. Given the analysis conducted, I also agree with the conclusion that this material all came from the same bomb. However, for reasons I will elaborate upon later, I disagree with the State's conclusion that hydrogen difluomate was the only explosive material used in the bomb. I firmly believe that the bomb also contained a significant amount of gasoline.

5. In my opinion, it would be nearly impossible for a novice chemist to make a hydrogen difluomate bomb. I cannot rule out this possibility entirely. Indeed, the formula for making a hydrogen difluomate bomb on the website anarchistresource.com does provide

accurate chemical proportions for making a hydrogen difluomate bomb, though the instructions for making such a bomb are difficult for someone without a substantial background in chemistry to understand. I think it unlikely that someone would "luck out" and not kill themselves attempting to make a hydrogen difluomate bomb. In fact, I think there is a greater than fifty percent chance that the mixing of the chemicals would go wrong and an unplanned explosion would result, killing or seriously injuring the person creating the bomb. Using carefully controlled experiments, I calculated the margin of error for the hydrogen ratio in a hydrogen difluomate bomb. I was able to determine that there is only a three percent tolerance, meaning that if greater than 2.9 percent too much hydrogen was added, an immediate explosion would result. The margin of error on the downside is even less. If 2.3 percent too little hydrogen was added, no explosion would result from attempts to detonate the bomb. Combined, this yields a range of only 5.2 percent within which the appropriate hydrogen ratio must fall in order to have a bomb that is capable of detonating but that does not detonate in the course of its creation. To think of it another way, this is a range of 1.61 to 1.69 parts difluomate to 1.00 parts hydrogen. A chemist creating the explosive hydrogen difluomate solution would gradually add super-hydrogenated water to pure difluomate using a pipette. As the super-hydrogenated water combines with the difluomate, the hydrogen difluomate solution, which is green in color, separates out and sinks to the bottom, with the excess water remaining on top. This water must be periodically poured out to enable a successful combination of the remaining super-hydrogenated water and the remaining difluomate to combine properly. Not all of the water need be removed, but most of it must be. Either by pouring off a little bit of the difluomate when draining the excess water or by a shaky hand with the pipette, the chances of adding too much hydrogen, or even too little, are great. This is why I find it highly unlikely that a person such as Alex Kolski, whose only training in working with chemicals was a very low level chemistry course employing minimal use of pipettes, could successfully make a hydrogen difluomate bomb. Either the bomb would not contain enough hydrogen and thus would not detonate later, or in the process of making the bomb Alex would have added too much hydrogen and killed himself/herself.

6. I find it much more likely that Tai Leppert, who had extensive experience making explosives and a great deal of familiarity with chemistry in general, would be able to successfully create a hydrogen difluomate bomb. As Mr./Ms. Felini described, the instructions on www.anarchistresource.com on how to make a hydrogen difluomate bomb are not especially clear. They would be clearer to someone like Tai or Mr./Ms. Felini who knew a great deal about chemistry, but to a novice such as Alex, they may as well be written in Greek. For the reasons explained above, I have little confidence that a person without any chemistry training could successfully create a hydrogen difluomated bomb by following the instructions that could be found on www.anarchistresource.com. Indeed, even the task of extracting the hydrogen and the difluomate is much more complicated than Mr./Ms. Felini lets on. Alex was just learning how to use a pipette to test the Ph level of certain chemicals. S/he certainly was not at the level where it would be simple to conduct the chemical extractions described on www.anarchistresource.com, no matter how elaborate the instructions were. If performing complex chemistry tasks were as simple as reading a website, there would be no need for chemistry courses in college. Plus, I also note that it was Tai and not Alex who had traces of hydrogen difluomate on his/her hands.

Size of the Explosion

7. I disagree with the conclusion that hydrogen difluomate was the only explosive material used in the bomb detonated in the biology laboratory on October 20th. I strongly believe that the bomb also contained a significant portion of gasoline. The introduction of gasoline into a hydrogen difluomate bomb does not increase or decrease either the stability of the bomb or the necessary proportions of hydrogen to difluomate. Rather, all that gasoline does is increase the force of the explosion. Adding 500 ml of gasoline to a 1.1 liter hydrogen difluomate bomb would have the same effect as a 1.4 liter bomb using only hydrogen difluomate. I should say that this is for a single chamber bomb. I accept Ms./Mr. Felini's analysis of the differences between one and two chamber bombs and that a two chamber bomb is more efficient and uses up more of the explosive material as compared to a single chamber bomb. Of course, the addition of gasoline alters the multiplying factors involved in relation to the amount of remaining residue. The amount of residue found would be consistent with either a single chamber 1.1 liter hydrogen difluomate bomb combined with 500 ml of gasoline or a dual chamber 0.8 liter hydrogen difluomate bomb combined with 800 ml of gasoline. Different combinations of gasoline and hydrogen difluomate are possible to yield the same result. It is important to note that the more gasoline is used, the more dispersed will be the explosion, since increased volume of the liquid caused by the addition of the gasoline results in a greater spraying effect of explosive material. To put it another way, instead of one localized explosion, you have a large fireball. The instructions on www.anarchistresource.com do not say that the power of a hydrogen difluomate bomb can be increased by the addition of gasoline. One would have to know this independently of that website.

8. I do not believe that a 1.4 liter hydrogen difluomate bomb by itself would be sufficient to cause the type of destruction that occurred on October 20th. Ms./Mr. Felini mentioned that a 1.4 liter hydrogen difluomate bomb would have only limited impact outside the room in which it was detonated. Anything beyond that is pure speculation by Ms./Mr. Felini. Adding gasoline to a hydrogen difluomate bomb would not only create a large fireball, it would also increase the force of the immediate explosion. I would believe it much more likely that a 1.1 liter hydrogen difluomate bomb combined with 500 ml of gasoline would yield enough explosive force to collapse a wall than would a 1.4 liter pure hydrogen difluomate bomb. There really is a minimal relationship between the force of an explosion and the amount of residue left behind afterwards. Well, I should say that is true where there are different combinations of explosive materials that would yield the same amount of residue but have different explosive energies, as is the case with adding gasoline to a pure hydrogen difluomate bomb. As discussed above, there is a whole range of gasoline/hydrogen difluomate combinations that would yield the amount of residue that Ms./Mr. Felini found in the remains of the biology laboratory. It is next to impossible to determine exactly which combination was used of gasoline and hydrogen difluomate was actually used, though given the effects of the explosion, I would say the bomb was probably closer to 1.1 liter of hydrogen difluomate and 500 ml of gasoline than 0.7 liters of hydrogen difluomate and 1.0 liter of gasoline. This is because hydrogen difluomate is still more explosive than gasoline, so a higher percentage of hydrogen difluomate will result in a more powerful explosion. And this is assuming a single chamber bomb. With a dual chamber bomb, such as one with 0.8 liters of hydrogen

difluomate and 800 ml of gasoline, you would get the same amount of residue but an even more powerful explosion. Furthermore, given the force of the explosion, I see no reason not to believe that the type of bomb set off was not a two chamber bomb. As for why traces of gasoline did not show up in the bomb residue, it is common knowledge that gasoline is completely used up as it burns. Because the gasoline was added to the hydrogen difluomate bomb, the effect on the explosive material was not limited to the explosion itself. Rather, as the gasoline/hydrogen difluomate solution spread across the room, it continued to burn, maybe even causing further smaller explosions, until the gasoline was completely consumed. This is one of the reasons why combining gasoline with a hydrogen difluomate bomb results in a massive, spreading fireball. The residue found is what was left after the gasoline has completely burned off.

9. I have no reason to question the account given by Ms. Reynolds of the supplies in the chemistry laboratory. I would only note that Alex was conducting a chemistry experiment involving super-hydrogenated water, so s/he would be expected to have handled the bottles containing super-hydrogenated water. Indeed, Alex could reasonably have been expected to have handled much of the equipment in the laboratory. As for the missing bottle of pure difluomate, there is absolutely no reason to believe that Alex is the cause of this. Given how thin the evidence is that Alex constructed a homemade bomb, the missing bottle of pure difluomate should not be used to incriminate Alex. The connection is simply far too tenuous. Furthermore, even if Alex had in fact used a full 250 ml bottle of pure difluomate to construct a bomb, by Mr./Ms. Felini's own estimates, there would not have been enough difluomate to construct a 1.4 liter hydrogen difluomate bomb. Alex would have been forced to separate out at least a portion of the difluomate from a cleaning solution, which, as I have already discussed, someone of Alex's level of understanding of chemistry would likely not be able to do successfully.

10. Once again, Mr./Ms. Felini bases his/her bomb-making assumptions on someone who already knows a great deal about chemistry. Someone of Alex's very limited abilities successfully being able to extract chemicals is hard enough, doing this procedure quickly is next to impossible. Setting up these extraction processes and performing careful measurements requires confidence, confidence that comes only from extensive familiarity with chemistry. Even assuming Alex would attempt something as complex as extracting the necessary chemicals to make a highly volatile bomb, it is unimaginable that Alex would do this with the nonchalant alacrity that Mr./Ms. Felini envisions. It is much more likely that Alex took longer than usual to complete her/his assigned science experiment than that s/he deftly extracted several hundred milliliters of two different chemicals.

11. I agree that a string soaked in rubbing alcohol could be used as a fuse for a gasoline/hydrogen difluomate bomb, though it is also conceivable that a more sophisticated fuse was used. I would also note that the longer the fuse, the more likely it is to be extinguished on its own without detonating the explosive.

Effect of the Explosion

12. The aftermath of the explosion speaks for itself. There was quite obviously a great deal of damage, strongly suggesting an extraordinarily powerful bomb. The radius of the explosion is not as important as the fact that it collapsed a wall. One would naturally

expect an explosion to diminish in force as one gets further away from the point of detonation. I accept Mr./Ms. Felini's account of the physical effects of the explosion and am not surprised that the primary destructive force of the explosion was limited to twelve or thirteen feet, with limited scorching of cabinetry for another eight or nine feet after that. However, I think that by focusing on the limited range of the explosion, Mr./Ms. Felini misses the sheer power contained in that explosion. It is the ability to collapse a wall and kill a man on the other side that we should look at when analyzing the type of bomb that was used, not the fact that one third of the room escaped relatively unscathed.

13. The death of all of those animals was certainly unfortunate. However, I find it incorrect to conclude that the missing animals must have been released from their enclosures prior to the explosion. One can make generalizations, which Ms./Mr. Felini does, about how an explosion might have affected different kinds of animals, but it is impossible to predict precisely what will happen to each individual animal. I speak here of the birds, which are the only animals to have gone missing. In other words, some birds were clearly killed by the force of the explosion. We know this because the fire did not reach that side of the room to any significant degree. But some birds, the fortunate few, likely survived the explosion. We know that the glass enclosures surrounding both the ravens and the geese were completely destroyed by the force of the blast. The glass probably protected the birds enough that the force of the blast was somewhat muted. Once the glass shattered and fell to the floor, though, those birds who survived the explosion were free to fly away. And they were able to escape the biology laboratory because we also know that the window was half open and that Tai Leppert's fingerprints were all over the window. The way I see it, there are two possible explanations: either Tai came into the room and intentionally let some of the birds free, perhaps out of spite toward Prof. Sanders; or Tai accidentally left the window open and some of the birds were able to fly away once they escaped from their cages. I do not disagree with Ms./Mr. Felini's analysis of the fate of the other animals.

14. Mr./Ms. Felini is rashly jumping to conclusions regarding the glass in the doorway to the biology laboratory. This really shows his/her inexperience as an expert in explosives. The force of the blast would not necessarily caused all of the glass to fall on the hallway side of the door. In fact, this would be quite unusual. What the explosion would do is cause the glass in the door to immediately crack and shatter, but otherwise remain within the frame for the window. It would then fall straight down toward the floor. As it fell, some of the glass would fall in the hallway and some would fall in the lab. Because the force of the blast was coming from inside the lab, it is to be expected that slightly more glass would fall outside the lab than inside. This is what in fact happened. About one-third inside and one-third outside is what would be expected from an explosion inside the room. There is absolutely no reason to believe that the window was shattered prior to the explosion. Indeed, given that the pieces of shattered glass were all the same size, I find this highly unlikely. The blunt force of a fist or other large solid object breaking the window would have resulted in unevenly sized pieces of glass because the force of that blow would itself be unevenly distributed on the window. For example, if you hit a window with a baseball bat, the shattering immediately around the point of impact will result in rather small shards of glass. As you get further away from the point of impact, though, the glass shards get bigger because the cracks in the glass are spreading outward away from each other. Another way to think of it is to take a circle and draw an "X"

through the center. The center of the circle is the point of impact. Notice how close together the intersecting lines are at the center. As the lines spread out toward the edge of the circle, they get further away from each other. This is what happens with a blunt impact on a glass window, such as if someone had intentionally broken it. However, the force of an explosive blast, especially at a distance of approximately 33 feet, would be distributed evenly across the glass window. In effect, there would be no point of impact and thus no uneven spreading of the cracks in the glass. In other words, the evenly sized shards of glass must mean that the window was whole at the time of the explosion.

15. Alex Kolski may have been drinking in the chemistry lab. I do not know this one way or the other, though I suppose the fingerprints on the empty bottles are a strong indication that Alex was in fact drinking and maybe even drunk. If s/he had been drinking, it makes it that much less likely that Alex would have been able to achieve the precision of measurement necessary to create a complex and unstable bomb. As for the red glass found in the biology lab, it is conceivable, and perhaps even likely, that this came from the same brand of beer that Alex had in the chemistry lab. But Red Bottle Beer is widely available in Moose Valley. Anyone could have left a bottle in the biology laboratory prior to the explosion. The point of a criminal trial is to find solid proof of guilt, not to dwell in conjecture. There is no solid proof that Alex is the person who placed the bottle of Red Bottle Beer in the biology laboratory.

Fingerprints:

16. It is shameful that Mr./Ms. Felini and the State of Alaska is willing to accept nine points of identification out of a possible sixteen as a positive identification. Most other states and an overwhelming consensus of the fingerprint identification manuals maintain that twelve matches are necessary for a positive identification. I agree that the ten points of identification that Mr./Ms. Felini points to are in fact matches and that there are no points of identification that are non-matches. I would therefore have to concede that the latent fingerprint is consistent with a fingerprint from Alex Kolski. But it is hardly a positive identification. The use of nine points of identification by the Alaska State Troopers is merely a convention and is not codified in law. You would expect the prosecution to lower the standards for criminal identification to try to get more convictions. This is a practice that cannot be allowed to continue. A justice system must be honest before it can be fair. No forensic scientist who is rigorously trained in fingerprint identification can say with a clean conscience that ten points of identification constitutes a positive identification for the purposes of a criminal conviction. Thus, the latent fingerprint found in the biology laboratory is not a valid piece of evidence to use in this prosecution.

WITNESS ADDENDUM

I have reviewed this affidavit, and I have nothing of significance to add. The material facts are true and correct.

_____
Sam Rodriguez

SUBSCRIBED AND SWORN to before me this 10th day of February, 2016.

_____
Notary Public in and for the State of Alaska. My commission expires October 31, 2018.

KRIS FELINI
Curriculum vitae

Experience

Alaska Department of Safety Crime Lab, Anchorage, Alaska
Criminalist III, November 1990 – Present

Illinois Department of State Police, Maywood, Illinois
Forensic Scientist (I, II, & III), 1986 – 1990

Illinois Dept. of Law Enforcement, Joliet, Illinois
Forensic Scientist Trainee, 1984 -1986

Education

Southern Illinois University
B.S. in Zoology, 1983

Joliet Junior College
A.S. in Biology, 1980

Other Trainings

2013, Forensic Digital Imaging, Forensic Images, Jeff Weiss, Anchorage, AK

2006, Shooting Crime Scene Processing and Reconstruction, FBI Training Academy, Quantico, VA

2005, Arson Investigation, Bureau of Alcohol, Tobacco and Firearms, Seattle, WA

2004, Ballistic Measurement Workshop, Oehler Research, Inc., Fredericksburg, TX

2002, Gunpowder and Primer Residues Detection and Identification, FBI Training Academy, Quantico, VA

2001, Postblast Investigation, Bureau of Alcohol, Tobacco and Firearms, Seattle, WA

1999, Specialized Techniques in Firearm Identification, FBI Training Academy, Quantico, VA

1986 – 1988 Forensic Firearm and Toolmark Identification Training Program, Illinois Dept. of State Police

Ongoing, AFTE Annual Training Seminars

Ongoing, Attended armorer's schools at the following manufacturers: Smith & Wesson, Glock, Remington, Berretta, Ruger, and Colt

SAM RODRIGUEZ
Curriculum Vitae

Experience

Alaska Professional Forensics, Anchorage, Alaska
Owner, operator of private forensic laboratory, specializing in latent fingerprints and crime scene investigation, April 2013 – Present

Alaska Department of Safety Crime Lab, Anchorage, Alaska
Criminalist II, January 2010 – January 2013

City of Huntington Police Department, Huntington, WV
Crime Scene Investigator, May 2009 – January 2010

Education

Marshall University
M.S. in Forensic Science, 2009

Johns Hopkins University
B.S. in Chemical Engineering, 2006

Other Trainings

June 2014, Postblast Investigation, Bureau of Alcohol, Tobacco and Firearms, Anchorage, AK

April 2013, Arson Evidence, State of Alaska Fire Marshall, Anchorage, AK

January 2013, Latent Print Imaging, Forensic Images, Jeff Weiss, Anchorage, AK

January 2013, Forensic Digital Imaging, Forensic Images, Jeff Weiss, Anchorage, AK

August 2012, 87th Association for Identification Educational Conference, Las Vegas, NV

April 2012, Trace Evidence Collection, *Alaska Crime Lab, Anchorage, AK*

January 2012, Crime Scene Academy, State of Utah Crime Lab, Salt Lake City, UT

November 2011, Latent Fingerprint Development and Comparison, Western Identification Network, Sacramento, CA

July 2010, Death Investigation, Ohio Peace Officer Training Commission, Ironton, OH

September 2009, Arson Detection for First Responders, Wood County Fire School, Parkersburg, WV

Moose Valley Clarion

April 30, 2015, p. 5

Students Protest Animal Testing

The need to change current practices was the message of the day at a protest on the UAMV campus. At about 3:00 on the afternoon of April 25, an estimated 100 students gathered outside the Gloria Rubin Science Center to protest the use of federal grant money for researching involving experiments on animals.

The protest was organized by a campus organization known as Organized Students Against Laboratory Testing on Animals (OSALTA). According to the leader of OSALTA, Alex Kolski, the focus of the protest was Prof. Kim Sanders, who recently received a grant from the National Institutes of Health to conduct research into ARIS.

"Prof. Sanders is a murderer! Society should not condone murders," Alex Kolski repeatedly yelled into a megaphone. Alex Kolski exhorted the crowd to take action, arguing that those who do not stop "animal murderers" such as Prof. Sanders are themselves animal murderers.

Crowd reaction appeared to be quite favorable, chanting "Sanders must go! Sanders must go!" While more students gathered around to join in the protest, Alex Kolski continued speaking into the megaphone. Alex Kolski compared Prof. Sanders to some of the worst mass murderers in history, ranging from Pol Pot to Genghis Kahn.

The loudest cheers of the day came when Alex Kolski told the assembled masses that Prof. Sanders must be stopped by "any means necessary": "We must not be afraid to take drastic action. Those who are evil do not deserve our kindness. Prof. Sanders' lab and the evil it brings to our campus must be destroyed no matter what the cost."

In a fever pitch, Alex Kolski yelled to the crowd to march on University President Fortson's house. Before this could happen, campus police arrived to put an end to the protest. Alex Kolski resisted arrest and was led away in handcuffs. After the de-parture of Alex Kolski, the crowd quickly dispersed. No charges have been filed as a result of the protest.

October 2, 2015

To: Prof. Sanders <KSanders@uamv.ak.edu>
From: Alex Kolski <akolski@uamv.ak.edu>
CC:
Time: October 2, 2015; 1:14 a.m. Alaska Daylight Time
Re: STOP MURDERING ANIMALS!!!!!!

Dear Professor Death,

I told students to stop taking your courses, but some of them are stupid enough to continue doing it! I don't know how anyone can accept what you stand for! What you are doing to those animals is unethical and unacceptable!

As you know, I am going to get you kicked out of this University and hopefully out of Moose Valley altogether! But it might not be soon enough!

How can you keep animals in cages, they should be free!!! How can you conduct experiments on animals and kill them so that you can see the results!!! You are a ruthless MURDERER and must be stopped!!!! You should be the one in a cage – a prison cell!!! You should be the one poked with needles and dissected!!!

STOP YOUR EXPERIMENTS NOW OR SUFFER THE CONSEQUENCES OF YOUR ACTIONS!!!!!!!!!!!!!!!!!!

Signed,
Alex Kolski,
President of OSALTA and conscience of UAMV

October 16, 2015

To: Prof. Sanders <KSanders@uamv.ak.edu>
From: Tai Leppert <tleppert@uamv.ak.edu>
CC:
Time: October 16, 2015; 10:33 a.m. Alaska Daylight Time
Re: You will regret your intransigency

Prof. Sanders –

I have been your loyal assistant for several months now, helping you in your quest to "save the world". I would hope that this loyalty would be returned, but it HAS NOT! With no good explanation why not, you stubbornly refuse to reconsider the F grade you gave me earl this week on the mid-term in Advanced Molecular Biology. I have tried to BE REASONABLE! But now you need to be TAUGHT A LESSON! It would be unfortunate if something were to happen to you, wouldn't it? I know how to make bombs, you know? I can make bombs in my sleep! I can make bombs while you sleep! And then you wake up . . . or think you are going to wake up . . . only you don't! BOOOOOOM! Pop goes the weasel! Friendly word of advice – only we definitely aren't friends any more – don't go to your lab alone at night! I will cause you to feel twice as much pain as you have caused me feel! Only the pain you feel will be physical not emotional because you obviously have no capacity for emotions! I am never going to get into medical school now because of the grade you gave me! I could have saved the world too! But I guess you didn't want that!

I hate you and wish you only harm,
Tai

WebTracker v. 2.3

Student: Kolski, Alex

ID: 546-19-0999

Query dates: October 10, 2015 to October 20, 2015

Number of log-ins: 4

October 11, 2015: 4:55 p.m. to 5:23 p.m.

4:55 p.m.	www.espn.go.com
5:02 p.m.	www.cnn.com
5:12 p.m.	www.people.com

October 13, 2015: 7:17 p. m. to 7:52 p.m.

7:17 p.m.	www.anarchistresource.com
7:26 p.m.	www.match.com
7:39 p.m.	www.cnn.com
7:46 p.m.	www.espn.go.com

October 18, 2015: 11:12 a.m. to 12:03 p.m.

11:12 a.m.	www.cnn.com
11:20 a.m.	www.espn.go.com
11:27 a.m.	www.anarchistresource.com

October 20, 2015: 4:14 p.m. to 5:19 p.m.

4:14 p.m.	www.anarchistresource.com

GLORIA RUBIN SCIENCE CENTER
ENTRY LOG

UNIVERSITY OF ALASKA
MOOSE VALLEY

DATE: 10/20/15
RANGE: 08:00 p.m. – 11:59 p.m.

Name	Entry Time
Mary Klaspe	8:03 p.m.
Arnold Davis	8:04 p.m.
Richard Lopez	8:29 p.m.
Susan Iparti	8:37 p.m.
Christopher Grolf	8:43 p.m.
Thomas Miller	8:56 p.m.
Janet Yoshino	9:12 p.m.
Sandra Goldberg	9:24 p.m.
Alex Kolski	9:41 p.m.
Pat Ikin	9:55 p.m.
Tai Leppert	10:06 p.m.
Michael Larsen	11:08 p.m.
Brooke Wright	11:40 p.m.

UNIVERSITY OF ALASKA – MOOSE VALLEY

ACADEMIC TRANSCRIPT

Name: TAI LEPPERT
ID # : 037-296-4873
D/O/B: 4/24/1993
Address: Rural 171 RFD
Moose Valley, Alaska

Date Transcript Issued: 12/28/15

DESCRIPTIVE TITLE	POINT VALUE	POINTS EARNED	GRADE
----------2012 AUTUMN----------			
INTRO TO BIOLOGY	4.0	4.0	A
ENGLISH 101	4.0	4.0	B
ALASKA STUDIES	4.0	4.0	A
WESTERN CIVILIZATION	4.0	4.0	A
WRITING/SPEECH	2.0	2.0	PASS
----------2013 SPRING----------			
CHEMISTRY 101	4.0	4.0	A
ART HISTORY	4.0	4.0	A
PHYSICS 101	4.0	4.0	A
ENGLISH LITERATURE	4.0	4.0	B
----------2013 AUTUMN----------			
EASTERN PHILOSOPHY	4.0	4.0	A
CHEMISTRY 201	4.0	4.0	A
BIOLOGY 201	4.0	4.0	A
EUROPEAN HISTORY	4.0	4.0	A
BIOLOGY LAB	2.0	2.0	PASS
----------2014 SPRING----------			
BIOCHEMISTRY	4.0	4.0	A
INTRO TO POLITICAL THEORY	4.0	4.0	A
ANATOMICAL SYSTEMS	4.0	4.0	B
BIOCHEMISTRY LAB	2.0	2.0	A

----------2014 AUTUMN----------

MOLECULAR BIOLOGY	4.0	4.0	A
WORLD TERRORISM – PAST & PRESENT	4.0	4.0	A
CHEMISTRY 301	4.0	4.0	A
DICKENS & DOSTOEVSKY	4.0	4.0	B

----------2015 SPRING----------

ORGANIC CHEMISTRY	4.0	4.0	A
HUMAN PHYSIOLOGY	4.0	4.0	A
THEORIES OF RADICALISM	4.0	4.0	A
THERMODYNAMICS	4.0	4.0	A
ORGANIC CHEMISTRY LAB	2.0	2.0	PASS

----------2015 AUTUMN----------

ADVANCED MOLECULAR BIOLOGY	4.0	4.0	C
APPLIED GENETICS	4.0	4.0	A
PSYCHOLOGY 101	4.0	4.0	A
WESTERN PHILOSOPHY	4.0	4.0	A
MOLECULAR BIOLOGY LAB	2.0	2.0	PASS

----------2016 SPRING----------

NOT YET REGISTERED

Legal Authority

Alaska Statutes

AS 11.41.100. Murder in the First Degree.

(a) A person commits the crime of murder in the first degree if

(1) with intent to cause the death of another person, the person

(A) causes the death of any person; or

(B) compels or induces any person to commit suicide through duress or deception;

(2) the person knowingly engages in conduct directed toward a child under the age of 16 and the person with criminal negligence inflicts serious physical injury on the child by at least two separate acts, and one of the acts results in the death of the child;

(3) acting alone or with one or more persons, the person commits or attempts to commit a sexual offense against or kidnapping of a child under 16 years of age and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of the child; in this paragraph, "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470;

(4) acting alone or with one or more persons, the person commits or attempts to commit criminal mischief in the first degree under AS 11.46.475 and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of a person other than one of the participants; or

(5) acting alone or with one or more persons, the person commits terroristic threatening in the first degree under AS 11.56.807 and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of a person other than one of the participants.

(b) Murder in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

AS 11.41.110. Murder in the Second Degree.

(a) A person commits the crime of murder in the second degree if

(1) with intent to cause serious physical injury to another person or knowing that the conduct is substantially certain to cause death or serious physical injury to another person, the person causes the death of any person;

(2) the person knowingly engages in conduct that results in the death of another person under circumstances manifesting an extreme indifference to the value of human life;

(3) under circumstances not amounting to murder in the first degree under AS 11.41.100 (a)(3), while acting either alone or with one or more persons, the person commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS 11.71.010 (a), 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants;

(4) acting with a criminal street gang, the person commits or attempts to commit a crime that is a felony and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants; or

(5) the person with criminal negligence causes the death of a child under the age of 16, and the person has been previously convicted of a crime involving a child under the age of 16 that was

(A) a felony violation of AS 11.41;

(B) in violation of a law or ordinance in another jurisdiction with elements similar to a felony under AS 11.41; or

(C) an attempt, a solicitation, or a conspiracy to commit a crime listed in (A) or (B) of this paragraph.

(b) Murder in the second degree is an unclassified felony and is punishable as provided in AS 12.55.

AS 11.41.115. Defenses to Murder.

(a) In a prosecution under AS 11.41.100 (a)(1)(A) or 11.41.110(a)(1), it is a defense that the defendant acted in a heat of passion, before there had been a reasonable opportunity for the passion to cool, when the heat of passion resulted from a serious provocation by the intended victim.

(b) In a prosecution under AS 11.41.110 (a)(3), it is an affirmative defense that the defendant

(1) did not commit the homicidal act or in any way solicit or aid in its commission;

(2) was not armed with a dangerous instrument;

(3) had no reasonable ground to believe that another participant, if any, was armed with a dangerous instrument; and

(4) had no reasonable ground to believe that another participant, if any, intended to engage in conduct likely to result in death or serious physical injury.

(c) A person may not be convicted of murder in the second degree under AS 11.41.110 (a)(3) if the only underlying crime is burglary, the sole purpose of the burglary is a criminal homicide, and the person killed is the intended victim of the defendant. However, if the defendant causes the death of any other person, the defendant may be convicted of murder in the second degree under AS 11.41.110 (a)(3). Nothing in this subsection precludes a prosecution for or conviction of murder in the first degree or murder in the second degree under AS 11.41.110 (a)(1) or (2) or of any other crime, including manslaughter or burglary.

(d) [Repealed, Sec. 44 ch 102 SLA 1980].

(e) Nothing in (a) or (b) of this section precludes a prosecution for or conviction of manslaughter or any other crime not specifically precluded.

(f) In this section,

(1) “intended victim” means a person whom the defendant was attempting to kill or to whom the defendant was attempting to cause serious physical injury when the defendant caused the death of the person the defendant is charged with killing;

(2) “serious provocation” means conduct which is sufficient to excite an intense passion in a reasonable person in the defendant’s situation, other than a person who is intoxicated, under the circumstances as the defendant reasonably believed them to be; insulting words, insulting gestures, or hearsay reports of conduct engaged in by the intended victim do not, alone or in combination with each other, constitute serious provocation.

AS 11.41.120. Manslaughter.

(a) A person commits the crime of manslaughter if the person

(1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree; or

(2) intentionally aids another person to commit suicide.

(b) Manslaughter is a class A felony.

AS 11.46.400. Arson in the First Degree.

(a) A person commits the crime of arson in the first degree if the person intentionally damages any property by starting a fire or causing an explosion and by that act recklessly places another person in danger of serious physical injury. For purposes of this section, "another person" includes but is not limited to fire and police service personnel or other public employees who respond to emergencies, regardless of rank, functions, or duties being performed.

(b) Arson in the first degree is a class A felony.

AS 11.46.410. Arson in the Second Degree.

(a) A person commits the crime of arson in the second degree if the person intentionally damages a building by starting a fire or causing an explosion.

(b) In a prosecution under this section, it is an affirmative defense

(1) that no person other than the defendant had a possessory, proprietary, or security interest in the building or that all persons having such an interest consented to the defendant's conduct; and

(2) that the sole intent of the defendant was to damage or destroy the building for a lawful purpose.

(c) Arson in the second degree is a class B felony.

AS 11.46.475. Criminal Mischief in the First Degree.

(a) A person commits the crime of criminal mischief in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) the person intentionally damages an oil or gas pipeline or supporting facility;

(2) with intent to cause a substantial interruption or impairment of a service rendered to the public by a utility or by an organization that deals with emergencies involving danger to life or property, the person damages or tampers with property of that utility or organization and causes substantial interruption or impairment of service to the public;

(3) with intent to damage property of another by the use of widely dangerous means, the person damages property of another in an amount exceeding $100,000 by the use of widely dangerous means.

(b) Criminal mischief in the first degree is a class A felony.

AS 11.81.900. Definitions.

(a) For purposes of this title, unless the context requires otherwise,

(1) a person acts "intentionally" with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

RULES GOVERNING THE ALASKA HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP COMPETITION

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I. COMPETITION RULES

A. GOVERNING RULES

Rule 1. Competition Coordinators

The Alaska High School Mock Trial Championship is sponsored by the Anchorage Bar Association, Young Lawyers Section. A committee comprised of interested members of that organization and other persons, as appropriate, shall organize and oversee all aspects of the competition, and shall be referenced as the competition coordinators. All written correspondence with the competition coordinators should be addressed to:

ANCHORAGE BAR ASSOCIATION
YOUNG LAWYERS SECTION
P.O. BOX 240362
ANCHORAGE, AK 99524
Attn: MOCK TRIAL

Competition organizers may also communicate via electronic means with teams and offer alternate addresses to which to send or fax registration and other forms. Email communication can be sent through mocktrial.alaska@gmail.com or through another email address provided by competition organizers.

Rule 2. Interpretation of the Rules

All trials will be governed by the current Alaska High School Mock Trial Championship's Rules of Competition and Rules of Procedure and by the Federal Rules of Evidence (Mock Trial Version). Interpretation of the rules is within the discretion of the competition coordinators, whose decisions are final. Any clarification of rules will be issued in writing to all participating teams. Teams who believe that clarification is needed should request clarification in writing.

Rule 3. Code of Conduct

The Competition rules, as well as proper rules of courthouse and courtroom decorum and security must be followed. The Competition Coordinators will have discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations, or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.

Rule 4. Emergencies

During a trial, the presiding judge or the competition coordinators shall have discretion to declare an emergency and adjourn the trial for the period of time necessary to address the emergency. If an emergency arises which would cause a team to be unable to continue a trial, or require it to participate with less than six members, the competition coordinators

Rule 4.5. Food and Beverages in the Courthouse

Food and beverages – including water – are NOT ALLOWED in the courtroom at any time. After receiving a warning, teams that fail to follow this rule are subject to forfeiture of rounds and/or disqualification. Water will be available during the trial for the participating lawyers and witnesses.

B. THE PROBLEM

Rule 5. Case Materials

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

Teams who believe that errors exist in the case materials should bring such errors to the attention of the competition coordinators in writing. Any clarification of case materials will be issued in writing to all participating teams. In preparing and participating in the Competition, students are limited to the supplied case materials, the Governing Rules and the Modified Rules of Evidence.

Rule 6. Witness Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 7, outside the scope of the problem.

If, in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

A witness is not bound by the facts contained in other witness statements.

Rule 7. Unfair Extrapolation

Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

Consistent with the obligation to attack unfair extrapolations through impeachment and closing arguments, attorneys for the opposing team may refer to Rule 7 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

a. No extrapolation has occurred;
b. An unfair extrapolation has occurred;
c. The extrapolation was fair; or
d. Ruling is taken under advisement.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

Rule 8. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any team member may portray the role of any witness of either gender. Please try to be mindful of the genders of the witnesses portrayed by the opposing team.

Rule 9. Voir Dire

Voir dire examination of a witness, including experts, is not permitted.

C. THE TRIAL

Rule 10. Team Eligibility

Any Alaska high school may assemble one or more teams and become eligible to compete in the Alaska High School Mock Trial Championship Competition. Two or more Alaska high schools may jointly form a team if each school participating in the formation of a joint team would otherwise be unable to participate in the Alaska High School Mock Trial Championship Competition. Educational and civic organizations which are 1) independent of any Alaska high school, 2) not formed primarily for the purpose of competing in the Alaska High School Mock Trial Championship Competition, and 3) comprised of high school students residing in Alaska, may assemble one or more teams and become eligible to compete in the Competition. Alaska high schools wishing to form a team but not qualifying under this Rule may timely request that an exception to this Rule be granted by the competition coordinators. A decision by the competition coordinators as to eligibility under this Rule or an exception to this Rule shall be final. Any team wishing to participate in the Alaska High School Mock Trial Championship Competition must properly register with the competition coordinators in advance of the competition. The competition coordinators will attempt to accommodate all registrants. Any school or other organization wishing to enter multiple teams must designate a "first" team. In the unlikely event that registration must be limited as a result of too many teams attempting to participate, priority will be given to the "first" team over other teams from the same school or organization. In all other aspects, registration will be permitted on a first come, first served basis. The team that wins the Alaska High School Mock Trial Championship Competition will be deemed the current Alaska State Mock Trial Championship Team and is eligible to participate and compete in the National High School Mock Trial Championship. Any team representing Alaska in the National High School Mock Trial Championship must be comprised of students who participated on the current Alaska State Mock Trial Championship team. The Alaska State

Mock Trial Championship Team is responsible for its own expenses in attending the National High School Mock Trial Championship Competition. Registration fees (estimated at $300) incurred by the Alaska State Mock Trial Championship Team in conjunction with participation in the National High School Mock Trial Championship Competition may be paid by the competition sponsors to the extent that budgetary constraints will permit. The Anchorage Bar Association, Young Lawyers Section, may be prohibited from contributing any funds for travel and related expenses.

Rule 11. Team Competition

Teams consist of no less than **six** members and no more than **nine** members, including alternates. Team members are assigned to roles representing the Prosecution/Plaintiff and Defense/Defendant sides in each round of the competition. Student timekeepers may be provided by the teams; however, these persons are not considered "official timekeepers" in the tournament.

Rule 12. Team Presentation

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six team members. Different sides will be assigned to teams for different rounds. Only in the case of an emergency occurring during a round of competition may a team participate with less than six members. In such a case, a team may continue in the competition by making substitutions to achieve a two attorney/three witness composition. If an emergency causes a team to use less than three attorneys, the team may be penalized by a reduction of points for that round or may be caused to forfeit the round, depending on the nature of the emergency. Final determinations of emergency, forfeiture, or scoring record will be made by the competition coordinators.

Rule 13. Team Duties

Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statement and another will present a closing argument. The principal attorney duties for each team will be as follows:

1. Opening Statement
3. Direct Examination of Witness #1
4. Direct Examination of Witness #2
5. Direct Examination of Witness #3
6. Cross Examination of Opposing Witness #1
7. Cross Examination of Opposing Witness #2
8. Cross Examination of Opposing Witness #3
9. Closing Argument

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who will examine a particular witness on direct examination is the only person who may make objections to the opposing attorney's questions of that witness's cross-examination, and the attorney who will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call three witnesses. Witnesses must be called only by their own team and examined by both sides. Although re-direct and re-cross are permissible, witnesses may not be recalled to the stand after their testimony is complete. Thus, once a witness is excused and steps down, neither team may recall the witness for further questioning even if no re-direct or re-cross was previously conducted.

Rule 14. Swearing of Witnesses

The following oath, or a similar oath permitted by the presiding judge, may be used before questioning begins:

> "Do you promise that the testimony you are about to give faithfully and truthfully conforms to the facts and rules of the mock trial competition?"

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are assumed to be sworn, or the above oath will be conducted by a) the presiding judge, b) a bailiff or clerk provided by the competition coordinators, or c) the examining attorney. The presiding judge shall indicate which method will be used during any given round of the Mock Trial Competition. Witnesses may stand or sit during the oath.

Rule 15. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

1. Opening Statement (5 minutes per side)
3. Direct and (optional) Redirect Exam (25 minutes total per side)
4. Cross and (optional) Recross Exam (15 minutes total per side)
5. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff is the first to present the opening statement and give the closing argument. The Prosecution/Plaintiff may reserve a portion of the time allotted for closing argument to present a rebuttal. Rebuttal is limited to the scope of the opposing side's argument.

Rule 16. Timekeeping

Time limits are mandatory and will be enforced. Each team is permitted to have its own timekeeper and timekeeping aids; however, an official timekeeper will be assigned to each trial. Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. Time does not stop for the introduction of exhibits.

Rule 17. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to discount points in a category because of over-runs in time.

Rule 18. Prohibited Motions

Except as provided in these Rules, no motions may be made. (A motion for directed verdict, acquittal, or dismissal of the case at the end of the Prosecution's case, for example, may

not be used.) A motion for a recess may be used in the event of an emergency (i.e., health emergency). To the greatest extent possible, team members are to remain in place. Should a recess by called by the court, teams are not to communicate with any observers, timekeepers, coaches, or instructors during the recess.

Rule 19. Sequestration

Teams may not invoke the rule of sequestration.

Rule 20. Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should normally be conducted in such a manner that all participants, scoring judges, instructors, alternates, and other courtroom observers can hear the arguments and discussions in their entirety. This Rule is designed to further the educational interests of the Alaska High School Mock Trial Competition. Bench conference time shall not be counted against the time allotted to either team.

Rule 21. Supplemental Materials/Illustrative Aids

Teams may refer only to the materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials.

Rule 22. Trial Communication

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This Rule remains in force during any recess time that may occur during the course of the trial. Team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' own timekeepers shall not be considered a violation of this Rule. Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in a round may sit inside the bar during that round.

Rule 23. Viewing a Trial

Each team is responsible for the conduct of its members and persons associated with the team throughout the duration of the mock trial competition. Team members, alternates, attorney-coaches, teacher-sponsors, and any other persons directly associated with a mock trial team may view their team competition, but otherwise, except when specifically authorized by the competition coordinators, are not allowed to view other teams in competition, so long as their team remains in the competition.

Nothing may be brought into the courtroom which would tend to reveal the identity of the participating teams. Spectators should be cautioned that they may not wear school insignias. School owned equipment should have all identifying marks covered.

Rule 24. Videotaping/Photography/Audiotaping

Any team may videotape or audiotape a competition round in which it participates for its own educational purposes only. With the consent of an opposing team, any team may videotape or audiotape a competition round for any other purpose. Bright camera lights, flash bulbs and

equipment tending to distract the competitors may be barred in the discretion of the presiding judge. Disruptive conduct in the course of taping, filming, or taking photographs is prohibited, and may result in a penalty against the team responsible for the conduct of the offending photographer.

If school owned equipment is employed for video or audiotaping, identifying information must not be visible on such equipment that might be seen by a judge.

Media coverage will be allowed in accordance with the policies of the competition coordinators.

D. JUDGING

Rule 25. Decisions

All decisions of the judges are FINAL.

Rule 26. Composition of the Judging Panel

The judging panel will consist of individuals determined to be eligible by the competition coordinators. Generally, the competition judges are members of the Alaska judiciary or attorneys practicing in Alaska. Qualified educators and other persons may also be invited by the competition coordinators to participate as Mock Trial judges. The composition of the judging panel and the role of the presiding judge will be at the discretion of the competition coordinators. For preliminary rounds, one presiding judge and at least one additional scoring judge will be appointed by the competition coordinators to judge the round. The final (championship) round may have a larger judging panel than preliminary rounds, at the discretion of the competition coordinators.

All presiding and scoring judges receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing as to the case, the role of judges, and the standards to be applied.

Rule 27. Score Sheets/Ballots

The presiding judge and each additional scoring judge shall complete a "score sheet" or "ballot" for each trial conducted in each round of the competition. Judges' ballots will be substantially like the sample provided by the competition coordinators to each team. When evaluating the teams that each judge observes in the competition, the judges will reference the teams only by their assigned identification codes.

Score sheets are to be completed individually by the judges and without consultation with the other judges. Scoring judges are not bound by the rulings of the presiding judge. While the judging panel may confer within guidelines established by the competition coordinators, the judging panel should not deliberate on individual scores.

Rule 28. Completion of Score Sheets

Score sheets are completed by the judges as follows:

1. Trial Points:
   Each judge will award and record a number of points for each aspect of the trial. Points will be awarded from a scale of 1 to 9, with 9 being the highest. Judges are required to complete the ballots in their entirety.

2. Final Point Total:
A team is determined to be the winner of a round when that team wins a majority of the points cast by the judges scoring a given trial. If the opposing teams for a given round each receive the same number of points for that trial, the competition coordinators shall consider the judges' determinations of tiebreaker points, as provided in the tiebreaker box at the bottom of each scoresheet.

A forfeiting team will receive a loss for purposes of ranking. If a trial cannot continue due to forfeiture, the non-forfeiting team shall be considered to have won by default. A non-forfeiting team will not be penalized in ranking by any inability to receive points from scoring judges.

Rule 29. Team Advancement

Teams will be ranked based on the total number of points received for all rounds. The two teams emerging with the strongest record from the preliminary rounds will advance to the final round. Ballots from the championship round will determine the current Alaska State Mock Trial Championship Team only.

Rule 30. Selection of Opponents for Each Round

A random lottery will be conducted prior to the competition for the purpose of assigning team identification designations. The assignment of opponents for all rounds will be governed by a fixed schedule which will be made available for review by team coaches prior to the time of conducting the lottery. As a result, all opponent selections for all preliminary rounds will become manifest through the random process of assigning team identification designations.

The schedule governing the assignment of opponents will designate which team is to present the Prosecution/Plaintiff's case and which is to present the Defense/Defendant's in each round. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Every effort will be made to ensure that each team will present each side twice, but all teams will be scheduled to present each side of the case at least once.

Rule 31. Merit Decisions

Judges will make a ruling on the legal merits of the trial, after deliberating. During the debriefing process, judges may inform students of the verdict on the merits of the case. Judges may not inform the students of score sheet results.

Rule 32. Effect of Bye

A "bye" becomes necessary when an odd number of teams are present for the tournament. If an odd number of teams are competing, an additional round will be scheduled, during which those teams receiving a bye will compete against each other. Any team receiving a bye must not observe other teams competing during the round in which the bye was drawn.

E. DISPUTE SETTLEMENT

Rule 33. Reporting a Rules Violation/Inside the Bar

Disputes which (a) involve students competing in a competition round and (b) occur during the course of a trial must be filed immediately upon conclusion of the trial. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial. If any team

believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The presiding judge will instruct the student attorney to prepare a notice of dispute, in which the student will record in writing the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure permitted under this Rule.

Rule 34. Dispute Resolution Procedure

Upon receipt of a Rule 33 notice of dispute, the presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a representative. After the designated representatives have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's designated representative three minutes for a presentation. The judge may question the designated representatives. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider his/her ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 35. Effect of Violation on Score

If any judge, whether presiding or scoring, observes independently that a substantial rules violation has occurred, or if the presiding judge makes such a determination in accordance with Rule 34, the judge will inform each of the other judges for that trial. The presiding judge shall inform all other judges who score a trial in which a notice of dispute is submitted of the nature and existence of the dispute, and in the event that some or all of the scoring judges are not present for resolution of the dispute, the presiding judge shall provide a summary of each team's argument and any decision rendered as to the dispute. Each scoring judge will consider the dispute before reaching his or her final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 36. Reporting of Rules Violation/Outside the Bar

Disputes which arise from matters not governed by Rule 33 may be brought exclusively by a team's official faculty advisor or attorney-coach. Such disputes must be made promptly to the competition coordinators, who may ask the complaining party to state the complaint in writing. The competition coordinators will select and appoint a dispute resolution panel which will (a) notify all pertinent parties; (b) allow time for a response, if deemed by the dispute resolution panel to be appropriate; (c) investigate, if deemed by the dispute resolution panel to be appropriate; (d) conduct an informal hearing, if deemed by the dispute resolution panel to be appropriate; and (e) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge.

II. RULES OF PROCEDURE

A. BEFORE THE TRIAL

Rule 37. Team Roster

Copies of the team roster must be completed and duplicated by each team prior to arrival for trial. Teams must be identified ONLY by the code assigned at registration. No information identifying a team's city or school of origin should appear on the form or any materials brought into the courtroom. Before beginning a trial, the teams must exchange copies of the Team Roster Form. Copies of the Team Roster Form should also be made available to the judging panel before each round.

Rule 38. Stipulations

When the Court asks the Prosecution/Plaintiff if it is ready to proceed with opening statements, the attorney assigned the opening statement should offer the stipulations into evidence.

Rule 39. The Record

The stipulations, indictment, and charge to the jury, if any, will not be read into the record.

B. BEGINNING THE TRIAL

Rule 40. Jury Trial

The case will be tried to a jury unless the presiding judge determines otherwise; arguments are to be made to the judge and jury. Teams may address the scoring judges and any other persons permitted by the presiding judge to sit in the jury box as the jury.

Rule 41. Standing During Trial

Unless excused by the presiding judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 41. Objection During Opening Statement/Closing Argument

No objections may be raised during opening statements or during closing arguments.

If a team believes an objection would have been necessary during the opposing team's closing argument, a student-attorney, following the closing arguments, may seek to be recognized by the presiding judge and may say "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that _____." The presiding judge need not rule on this "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by the opposing team will be heard.

C. PRESENTING EVIDENCE

Rule 43. Argumentative Questions

An attorney shall not ask argumentative questions, except that the Court, may, in its

discretion, allow limited use of argumentative questions on cross-examination.

Rule 44. Lack of Proper Predicate/Foundation

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.

Rule 45. Procedure for Introduction of Exhibits

The following steps are *examples* by which evidence may be effectively introduced:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. ___?"
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.
5. "I now hand you what has been marked as Exhibit No. ____ for identification."
6. Ask the witness to identify the exhibit. "Would you identify it please?"
7. Witness answers with identification only.
8. Offer the exhibit into evidence.
9. Court: "Is there an objection?" (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
10. Opposing Counsel: "No, your Honor," or "Yes, your Honor." If the response is "yes", the objection will be stated on the record. Court: "Is there any response to the objection?"
11. Court: "Exhibit No. ____ is/is not admitted."

Rule 46. Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes.

Rule 47. Redirect/Recross

Redirect and recross examinations are permitted, provided that they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (Mock Trial Version).

D. CLOSING ARGUMENTS

Rule 48. Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial.

E. CRITIQUE

Rule 49. The Critique

The judging panel is allowed time for debriefing. Judges are encouraged to limit critique sessions to approximately 15 minutes total. Judges will not reveal the scores attributed by them to individual performances, nor will they reveal which team was the ballot winner. The judges

may announce the winner of the case on the merits and may discuss or comment upon the presentations in furtherance of the educational interests of the Alaska High School Mock Trial Competition.

III. MODIFIED RULES OF EVIDENCE

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the Federal Rules of Evidence (Mock Trial Version) and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses. For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence and its numbering system. When rule numbers or letters are skipped, those rules were deemed not applicable to mock trial procedure. Text in italics represents simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

Article I. General Provisions

Rule 101. Scope

These Rules of Evidence (Mock Trial Version) govern the trial proceedings of the Alaska High School Mock Trial Competition.

Rule 102. Purpose and Construction

The Rules *are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.*

ARTICLE II. Judicial Notice – Not Applicable

ARTICLE III. Presumptions in Civil Actions and Proceedings – Not Applicable

ARTICLE IV. Relevancy and its Limits

Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

Relevant evidence is admissible, except as otherwise provided *in these Rules. Irrelevant evidence is not admissible.*

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, *if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.*

Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

(a) Character Evidence – Evidence of a person's character or a *character trait*, is not admissible to prove *action regarding* a particular occasion, except:
   (1) Character of Accused – Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
   (2) Character of Victim – Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
   (3) Character of witness – Evidence of the character of a witness as provided in Rules 607, 608, and 609.

(b) Other crimes, wrongs, or acts – Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

(a) Reputation or opinion – In all cases in which evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, *questions may be asked regarding* relevant specific instances of conduct.

(b) Specific instances of conduct – In cases in which character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person's conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When measures are taken after an event which, if taken before, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose; such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 410. Inadmissibility of Pleas, Pleas Discussions, and Related Statements

Except as provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

(1) a plea of guilty which was later withdrawn;
(2) a plea of *nolo contendere*;
(3) any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the foregoing pleas; or
(4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn. However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in presence of counsel.

Rule 411. Liability Insurance (civil case only)

Evidence that a person was or was not insured against liability is not admissible upon the issue of whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias, or prejudice of a witness.

Article V. Privileges

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

(1) communications between husband and wife;
(2) communications between attorney and client;
(3) communications between grand jurors;
(4) communications between psychiatrist and patient.

Article VI. Witnesses

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless t*he witness has personal knowledge of the matter*. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses (See Rule 3).

Rule 607. Who may Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

(a) Opinion and reputation evidence of character – The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.

(b) Specific instances of conduct – Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused's or the witness' privilege against self-incrimination with respect to matters related only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime (this rule applies only to witnesses with prior convictions)

(a) General Rule – For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused had been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused. Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.

(b) Time Limit – Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of

intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.

(c) Effect of pardon, annulment, or certificate of rehabilitation – Evidence of a conviction is not admissible if (1) the conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the person convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, other equivalent procedure based on a finding of innocence.

(d) *Not applicable*.

(e) *Not applicable*.

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

(a) Control by Court – The Court shall exercise reasonable control over *questioning* of witnesses and presenting evidence so as to (1) make the *questioning* and presentation effective for ascertaining the truth, (2) to avoid needless use of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of cross-examination – *The scope of cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.*

(c) Leading Questions – Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.

(d) Redirect/Recross – *After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.*

Rule 612. Writing Used to Refresh Memory

If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

Rule 613. Prior Statement of Witnesses

Examining witness concerning prior statement – In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor

its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

Extrinsic evidence of prior inconsistent statement of witness – Extrinsic evidence of prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

(a) *Opinion or inference testimony* otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.

(b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give reasons therefor without prior disclosure of the underlying facts or date, unless the Court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross examination.

Article VIII. Hearsay

Rule 801. Definitions

The following definitions apply under this article:

(a) Statement – A "statement" is an oral or written assertion or nonverbal conduct of

a person, if it is intended by the person as an assertion.

(b) Declarant – A "declarant" is a person who makes a statement.

(c) Hearsay – "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(d) Statements which are not hearsay – A statement is not hearsay if:

(1) Prior statement by witness – The declarant testifies at the trial or hearing and is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or

(2) Admission by a party-opponent – The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

Rule 802. Hearsay Rule

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

(1) Present sense impression – A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

(2) Excited utterance – A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

(3) Then existing mental, emotional, or physical conditions – A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

(4) Statements for purpose of medical diagnosis or treatment – Statements made for the purpose of medical diagnosis or treatment.

(5) Recorded Recollection – A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.

(6) Business Records – A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge acquired of a regularly conducted business activity, and if it was the regular practice of that business activity to make and keep the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

(18) Learned treatises – To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.

(21) Reputation as to character – Reputation of a person's character among associates or in the community.

(22) Judgment of previous conviction – Evidence of a judgment *finding* a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

Rule 804. Hearsay Exceptions–Declarant Unavailable.

(a) **Definition of Unavailability.** Unavailability as a witness includes situations in which the declarant

(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of his statement; or

(2) persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so; or

(3) establishes a lack of memory of the subject matter of his statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of his statement has been unable to procure his attendance (or in the case of a hearsay exception under subdivision (b) (2), (3), (4), or (5), of this rule, his attendance or testimony) by reasonable means including process.

A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) **Hearsay Exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) *Former Testimony.* Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of another proceeding, if the party against whom the testimony is now offered, or, in a civil

action or proceeding a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.
(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be his impending death.
(3) *Statement Against Interest.* A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.
(4) *Statement of Personal or Family History.* (A) A statement concerning the declarant's own birth, adoption, marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.
(5) *Other Exceptions.* A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the declarant.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

Article X. Contents of Writing, Recordings and Photographs – Not applicable.

EVALUATION GUIDELINES

The competition judges are given instructions on how to evaluate the performance of participating teams and individuals. The following guidelines, as well as additional instructions that are not included here, are included in the material provided to the competition judges. Participating teams may assume that the winning team will excel in the following ways:

ATTORNEYS: **DEMONSTRATED SPONTANEITY:**

- in response to witnesses and/or the court;
- in the overall presentation of the case; and
- in making and responding to objections, capitalizing on opportunities which arise during trial.

DEMONSTRATED COMMAND OF THE FACTS AND ISSUES in the case and attorney's understanding of the relevant points of law.

When examining witnesses, attorney **PHRASED QUESTIONS PROPERLY** and demonstrated a clear understanding of trial procedure and the simplified rules of evidence used for the mock trial competition.

The attorney's questions:

- were clearly stated, concise, and to the point;
- resulted in straightforward answers from the witness;
- brought out information important to the case; and
- brought out contradictions in testimony.

Opening statements and closing arguments were **ORGANIZED AND WELL-REASONED** presentations, with the closing argument emphasizing the strengths of the attorney's own side and addressing the flaws exposed by the opposing attorneys during trial.

WITNESSES: Testimony was **CONVINCING** and characterizations were **BELIEVABLE** and **CONSISTENT** with the affidavits**. PREPARATION** and **SPONTANEITY** were evident in the manner witnesses handled questions posed to them by the attorneys.

TEAMS: Courtroom **DECORUM AND COURTESY** by all team members and coaches were observed. Affiliated observers were not disruptive. All participants were **ACTIVE** in the presentation of the case.

2016 ALASKA HIGH SCHOOL
MOCK TRIAL CHAMPIONSHIP COMPETITION
(Anchorage, March 3-5, 2016)

TEAM REGISTRATION FORM
(Please CLEARLY print name and contact information)

School (Organization) Name: _____

Team Mailing Address: _____

_____

Teacher or other School Advisor: _____ T-Shirt Size: _____

Advisor Contact Phone: _____ Message Phone: _____

Advisor FAX Number: _____ **E-Mail: _____**

Attorney Coach: _____ T-Shirt Size: _____

Coach Contact Phone: _____ Message Phone: _____

Coach FAX Number: _____ **E-Mail: _____**

Student Team Members (Please print names in block lettering)

	(T-Shirt Size)		(T-Shirt Size)
_____	( )	_____	( )
_____	( )	_____	( )
_____	( )	_____	( )
_____	( )	_____	( )
_____	( )	THIS IS TEAM NUMBER _____	

Each team must have a minimum of six students members. No team may have more than nine members, including alternates. The assistance of attorney coaches is recommended, but not mandatory. Schools wishing to register more than one team may designate the same teacher or other school sponsor as the official school advisor. Any school wising to register multiple teams MUST indicate which team is the "First Team," "Second Team," etc. **All teams must be registered *no later than February 22, 2016.***

TO REGISTER A TEAM, PLEASE RETURN THIS FORM WITH THE REGISTRATION FEE OF $150 PER TEAM TO:

ANCHORAGE BAR ASSOCIATION
YOUNG LAWYERS SECTION
P.O. BOX 240362
ANCHORAGE, ALASKA 99524
Attn: MOCK TRIAL