

Summary of Case

During the summer of 2017, Tyler Blunt was serving as a counselor at Camp Mountaineer, a camp owned and operated by the Arizona Co-Ed Scouts (“ACES”). On the night of July 4, 2017, somebody ignited fireworks in the forest area around Camp Mountaineer. Later that night, a forest fire was reported in the area, and the camp was evacuated early the next morning.

The fire spread toward Mormon Lake to the southeast of Camp Mountaineer. On July 8, 2017, a mandatory evacuation order was issued for the area around Mormon Lake. Bill and Carol Hudson, who owned and operated the Elk Haven Lodge at Mormon Lake, evacuated their guests, but decided to stay in an effort to protect the Lodge. On July 15, 2017, the fire overtook the Lodge, and Bill and Carol died in the fire.

The State alleges that Tyler is the person who ignited the fireworks, and has charged Tyler with manslaughter, negligent homicide and the illegal burning of wildlands. Tyler denies that s/he is the person who ignited the fireworks, and also alleges that the fire was caused by a lightning storm in the area, not by the fireworks. Tyler has pleaded not guilty to all charges.

The State’s witnesses are: (i) Ashton Blake, the Superintendent of the Mormon Lake Interagency Hotshot Crew that fought the fire; (ii) Shea Landis, a 12-year old who was attending Camp Mountaineer at the time of the fire; and (iii) Payton Hudson, the adult child of Bill and Carol Hudson. The Defendant’s witnesses are: (i) Tyler Blunt, the defendant; (ii) Harley Bolton, a meteorologist; and (iii) Logan Fischer, the director of Camp Mountaineer.

1 REBECCA PEREZ
County Attorney
2 MARK ROBERSON
Deputy County Attorney
3 State Bar No. 032117
110 East Cherry
4 Flagstaff, Arizona 86001
Attorneys for Plaintiff
5

6 SUPERIOR COURT OF ARIZONA

7 COCONINO COUNTY

8 STATE OF ARIZONA,

No. S-0300-CR2017-09572

9 Plaintiff,

INDICTMENT

10 v.

CHARGING VIOLATIONS OF

11 TYLER BLUNT

Counts 1 and 2: Manslaughter, Class 2
Felony, in violation of A.R.S. § 13-1103;

12 Defendant.

Counts 3 and 4: Negligent Homicide, Class
4 Felony, in violation of A.R.S. § 13-1102;

**Count 5: Intentional Burning of Wildlands
that Places Another Person in Danger of
Death**, Class 3 Felony, in violation of A.R.S.
§ 13-1706;

**Count 6: Intentional or Knowing Burning
of Wildlands**, Class 6 Felony, in violation of
A.R.S. § 13-1706;

Count 7: Reckless Burning of Wildlands,
Class 1 Misdemeanor, in violation of A.R.S. §
13-1706; and

**Count 8: Burning of Wildlands With
Criminal Negligence**, Class 2 Misdemeanor,
in violation of A.R.S. § 13-1706

24
25 The Coconino County Grand Jury accuses **TYLER BLUNT**, charging on this
26 25th day of September, 2017, that in or from Coconino County, Arizona:

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28 ///

1 **COUNT 6**

2 **Intentional Or Knowing Burning of Wildlands**

3 On or between the dates of July 4, 2017 and July 15, 2017, defendant **TYLER**
4 **BLUNT**, without lawful authority, intentionally or knowingly set or caused to be set on
5 fire wildland other than the defendant's own, and the defendant knew or reasonably should
6 have known that the defendant's conduct violated an order issued by a governmental entity
7 that prohibited, banned, restricted or otherwise regulated fires during periods of extreme
8 fire hazard, in violation of A.R.S. § 13-1706.

9 **COUNT 7**

10 **Reckless Burning of Wildlands**

11 On or between the dates of July 4, 2017 and July 15, 2017, defendant **TYLER**
12 **BLUNT**, without lawful authority, recklessly set or caused to be set on fire wildland other
13 than the defendant's own, in violation of A.R.S. § 13-1706.

14 **COUNT 8**

15 **Burning of Wildlands With Criminal Negligence**

16 On or between the dates of July 4, 2017 and July 15, 2017, defendant **TYLER**
17 **BLUNT**, without lawful authority, and with criminal negligence, set or caused to be set
18 on fire wildland other than the defendant's own, in violation of A.R.S. § 13-1706.

19 Pursuant to A.R.S. § 21-101 et seq., the County Grand Jurors find that the offenses
20 described above were committed, in whole or part, in Coconino County, Arizona.

21 A "True Bill"

22 Dated: September 25, 2017

23
24 REBECCA PEREZ
25 COUNTY ATTORNEY
26 COCONINO COUNTY, ARIZONA

27 /s/ Mark Roberson
28 Mark Roberson
Deputy County Attorney

/s/ Amy Lawrence
Foreperson of the County Grand Jury

IN THE SUPERIOR COURT OF THE STATE OF
ARIZONA IN AND FOR THE COUNTY OF COCONINO
THE HONORABLE W.L. DAVIS, PRESIDING JUDGE

IN CHAMBERS ()

IN OPEN COURT (X)

JANICE HALL,
CLERK

By: B. Butler, Deputy

STATE OF ARIZONA

v.

TYLER BLUNT

DATE: October 4, 2017

TIME: 9:30 A.M.

NO. S-0300-CR2017-09572

MINUTE ENTRY

This is the date and time set for a Not Guilty Arraignment.
Court Reporter Susan Williams is present.

APPEARANCES

State's Attorney: Mark
Roberson Defendant's Attorney: Carmen
Whitaker Defendant: Present

NOT GUILTY ARRAIGNMENT

The defendant is advised of the charges in the Indictment.

Let the record reflect that the defendant enters a plea of not guilty on all charges.

IT IS ORDERED that an Initial Pretrial Conference at which the defendant shall personally appear will be held in this Division at 9:30 a.m. on November 17, 2017.

NOTICE TO DEFENDANT:

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

IT IS FURTHER ORDERED affirming all prior bond and custody orders.

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STATE OF ARIZONA)
County of Coconino) ss.

Ashton ("Ash") Blake, first duly sworn, under oath, states as follows:

1. I am 51 years old, and I am the Superintendent of the Mormon Lake Interagency Hotshot Crew (“MLIHC” or “Crew”). It is no surprise to those who know me that I work in the fire service, because as long as I can remember I’ve been fascinated by fires, especially wildfires. I grew up in the Flagstaff area and always lived near the national forest. It seemed like every summer season there were a slew of wildfires across the state. Whenever there was a wildfire nearby, I would sneak as close as I could without getting caught to watch the firefighters in action. In fact, my fascination with fire is what led to my nickname. My Uncle Ernie started calling me Ash when I was 7 years old and accidentally burned down my tree house while conducting an experiment with fire. As they say, kids will be kids. Anyway, the name stuck with me ever since.

2. My first position in the fire service was as a Wildland Fire Investigator, a position I held from 1978 to 1982. It wasn't a frontline operations position, like the firefighters I used to watch when growing up and the position I now hold, but it was interesting work. The only mandatory training for that position was a course called "Wildfire Origin and Cause Determination" (FI-210). While I was an Investigator, I also took two other recommended courses: "Wildland Fire Observations and Origin Scene Protection for First Responders" (FI-110); and "Introduction to Wildland Fire Behavior" (S-190).

3. As a Wildland Fire Investigator, I investigated or assisted in the investigation of somewhere around 25 wildland fires. I testified as an expert in the prosecution of two individuals accused of starting wildland fires. One was found guilty, and the other was acquitted. I got burned out after the acquittal, which left me feeling empty--like I expended a lot of effort for nothing. I decided that I wanted to pursue an operations position on a Hotshot Crew and see how far up the ranks I could make it.

1 4. Hotshot Crews, which also are called “Type I Crews”, got their start in
2 the late 1940s in Southern California. Crews typically have 20 highly skilled members
3 who understand safe helicopter operations and can safely and efficiently use all fire
4 tools, including Pulaskis (a combination axe on one end and grub hoe on the other,
5 which is used to dig fire lines), chain saws, fusees (a torch used by firefighters to secure
6 fire lines and create safety zones), pumps, engines and bulldozers.

7 5. Numerous federal and state agencies sponsor Hotshot Crews. As a result, it
8 is necessary to standardize as much as possible the qualifications for serving on a Hotshot
9 Crew. The National Wildfire Coordinating Group publishes the “Wildland Fire
10 Qualification System Guide” (the “Guide”). One of the primary purposes of the Guide is
11 to establish minimum interagency training and qualification standards for mobilization to
12 wildland fire assignments. The Guide sets forth the minimum qualifications in terms of
13 training, experience and physical fitness level for various positions on Interagency Hotshot
14 Crews. Just as an example, each member of a Hotshot Crew must pass the Work Capacity
15 Test at the Arduous Level--which means being able to complete a three-mile hike with
16 a 45-pound pack in 45 minutes. This rigorous fitness level is necessary, because Crews
17 often have to hike into remote fire sites while carrying all the water and supplies they
18 will need for 8- to 12-hour (and even longer) shifts.

19 6. I started on my first Hotshot Crew in the mid-1980s as a Firefighter Type 2,
20 which is the lowest position on a Hotshot Crew. Although the position required no prior
21 experience, it did require Basic Firefighter Training. In addition to the S-190 course that I
22 already took as an Investigator, I had to take “Introduction to ICS (I-100), “Human Factors
23 on the Fireline” (L-180) and “Firefighting Training” (S-130). I also took, and continue to
24 take, the “Annual Fireline Safety Refresher” (RT-130). By the way, ICS is our shorthand
25 for Incident Command System.

26 7. I progressed up the ranks over the years, until I obtained the designation of
27 Incident Commander Type 1 and became the Superintendent of the MLIHC in 2004.
28 Before that, I worked on various Hotshot Crews and held the positions of (i) Firefighter

Type 2, (ii) Firefighter Type 1, (iii) Crew Boss, Single Resource, (iv) Strike Team Leader Crew, (v) Task Force Leader, (vi) Division/Group Supervisor, (vii) Incident Commander Type 4, (viii) Incident Commander Type 3, and (ix) Incident Commander Type 2. Over the years, in order to qualify for these positions, I took the following courses: (i) “Look Up, Look Down, Look Around” (S-133); (ii) “Intermediate Wildland Fire Behavior” (S-290); (iii) “Crew Boss (Single Resource)” (S-230); (iv) “Task Force/Strike Team Leader” (S-330); (v) “Fire Operations in the Wildland/Urban Interface” (S-215); (vi) “Division/Group Supervisor” (S-339); (vii) “Introduction to Wildland Fire Behavior Calculations” (S-390); (viii) “Initial Attack Incident Commander” (S-200); (ix) “Incident Commander Extended Attack” (S-300); (x) “Command and General Staff” (S-420); and (xi) “Advanced Incident Management” (S-520).

8. As Incident Commander, the overall management of the incident is my responsibility. Specifically, it is my duty to (i) determine incident objective and strategy, (ii) set immediate priorities, (iii) establish an appropriate organization, (iv) authorize an Incident Action Plan, (v) coordinate activity for all Command and General Staff, (vi) ensure safety, (viii) coordinate with key people and officials, and (ix) authorize release of information to the media and public.

9. In order to burn, fire needs oxygen, fuel, and enough heat to ignite and burn the fuel. It is necessary to eliminate one of these three essential ingredients to prevent or fight fire. Needless to say, it is impossible to eliminate oxygen in the environment, so firefighting and prevention focuses on the elimination of fuel and/or heat. Heat and ignition sources created by the weather (i.e., temperature, humidity and lightning) cannot be controlled, but human-caused heat and ignition sources (such as campfires, smoking, combustion engines, open flame, flares and fireworks) can be controlled through education and enforcement of forest use restrictions. Fuel can be living or dead material that will ignite, carry fire and burn, including standing or fallen trees and brush. Many people don’t know this, but a tree that is struck by lightning can smolder inside for hours or sometimes even days, if the conditions are right, before igniting into an actual fire. As a preventative

measure, property owners are encouraged to create a safety zone free of fuel around their property. When fighting wildfires, crews create fire lines to control and contain the fire by clearing or burning fuel sources.

10. Weather and topography affect how fire behaves, and both are important--but uncontrollable--factors in fighting wildfires. Weather affects fires in several ways. High temperatures and relative low humidity dry out fuels, making them more susceptible to igniting. Once a fire is ignited, wind speed and direction affect (i) how large a fire will become, (ii) where it will spread, and (iii) how quickly it will move. The slope of the land also affects how quickly fire will spread. Fire tends to move uphill much more quickly than downhill. In addition, hills facing west or south tend to have drier fuels, because they are exposed to more direct sunlight--causing fire on such hills to spread faster.

11. The MLIHC is a Type I Crew based on the Coconino Forest in Flagstaff, Arizona, and is sponsored by the U.S. Department of Agriculture's Forest Service. The MLIHC is one of the Interagency Hotshot Crews in the Southwest Area--which includes Arizona, New Mexico and West Texas. The Southwest Area is divided into nine zones. The MLIHC is in the Northern Arizona Zone. The Southwest Coordination Center ("SWCC") in Albuquerque, New Mexico coordinates the mobilization of wildfire resources between Zones in the Southwest Area. When situations dictate, the National Coordination Center ("NCC") in Boise, Idaho assigns resources throughout the United States.

12. At the end of June 2017, the NCC dispatched the Crew to assist with a major wildfire in Montana. We returned to our home base in Flagstaff sometime around July 7. During the prime wildfire season, the Crew works extremely long hours and moves from incident to incident very rapidly, so it sometimes is hard to remember exact dates. On July 9, immediately after our mandatory rest period, the SWCC dispatched the Crew to takeover management of the Mountaineer Fire from the Northern Arizona Type 2 Incident Management Team (the "NAIMT"), because the fire had developed into a "complex"

1 incident to which more than 600 personnel were assigned, mandatory and precautionary
2 evacuations were taking place, and there was a high potential for property damage.

3 13. Mountaineer is a small community with a population of just over 1,000.
4 As shown on the map on page 2 of the lightning strike report (**Exhibit 5**), it is about ten
5 miles south of Flagstaff and a little more than 15 miles northwest of Mormon Lake.
6 Mountaineer's elevation ranges from approximately 6,700 to 7,000 feet above sea level.
7 Although the area generally is densely forested, much of the timber is severely dried out
8 due to the extreme drought conditions in the region, making the area susceptible to
9 wildfires.

10 14. As mandated by ICS policy, the Incident Commander of the NAIMT briefed
11 me orally and in writing shortly after my Crew's arrival at the incident. The briefing
12 indicated that the Mountaineer Fire was a human-caused fire that was first reported by a
13 civilian on the night of July 4, 2017. The first team of 20 local firefighters arrived on the
14 scene very early on the morning of July 5. The team leader initially reported that the fire
15 was in a confined basin area, and that his team should be able to manage and contain the
16 fire. As it turned out, the team leader made an error in judgment in not calling in
17 additional firefighters immediately.

18 15. I knew from my familiarity with the area that there is an Arizona Co-Ed
19 Scouts ("ACES") camp in the Mountaineer community. The area where the camp is
20 located is shown by the red arrow on the aerial map (**Exhibit 7**). I learned from the briefing
21 that the campsite was less than a mile away from the Mountaineer fire's origin.
22 Although the initial team leader expected quick containment of the fire, as a precaution,
23 the ACES camp director and the Forest Service evacuated the camp in the early morning
24 hours of July 5.

25 16. According to the NAIMT briefing, the wind changed directions late in the
26 afternoon on July 5, and the gusts chased the fire up a hill adjoining the basin where the
27 fire started. From there, the fire quickly spread out of control to the southeast. As a
28 result, and due to the evacuation of the ACES campsite, the SWCC dispatched the NAIMT

1 on July 7 to assume command of the Mountaineire Fire from the local team. Although
2 no structures were in imminent danger, the fire continued to spread quickly toward
3 Mormon Lake, provoked in large part by strong wind gusts that occurred mid-day on July
4 8. Accordingly, later that day, the NAIMT's Incident Commander issued a mandatory
5 evacuation order for the area between Mountaineire and Mormon Lake, called for
6 additional firefighting resources, and recommended that the incident be upgraded to
7 Type 1. The MLIHC assumed command of the incident on July 10.

8 17. The Mormon Lake area is home to many cabins, lodges, campsites and
9 hiking areas, and the area attracts thousands of visitors during the summer months. I
10 coordinated with the Coconino County Sheriff's Office to make sure that all property
11 owners and visitors were apprised of the mandatory evacuation order and the threat that
12 they may be in the fire's path. Although the evacuation order was called "mandatory",
13 neither the Forest Service nor the Sheriff's Office can force people to leave their property-
14 -which is unfortunate, because it leads to preventable loss of life in cases like this one.

15 18. Before the Mountaineire Fire could be contained, she took a beeline
16 straight for the Elk Haven Lodge. Hotshot Crews do their best to protect life and
17 property, and usually they are successful, but the factors coalesced perfectly in this
18 instance to make protecting the Lodge impossible. The Mountaineire Fire was contained
19 on July 20, but not before she destroyed the Elk Haven Lodge five days earlier.
20 Containment means that the fire no longer is spreading and that there is a fire line around
21 the perimeter.

22 19. The investigation into the Mountaineire Fire's cause began immediately
23 without waiting for the fire to be contained. The first step in this process is to locate the
24 area of origin. This involves analyzing the fire flow and other indicators, including the
25 impingement of flame, char and soot patterns. One important factor, although not absolute,
26 is that the degree of charring and damage generally is more intense on the side of
27 vegetation facing the fire's origin. We caught a lucky break in determining the fire's origin
28 in this case, because one of the first firefighters on the scene located debris from

1 exploded fireworks, which according to my briefing still reeked of freshly exploded
2 gunpowder. The first responders immediately suspected that this was the cause of the fire.
3 Although it is impossible to cordon off an entire wildland fire, as would be done with a
4 typical crime scene, the first responders established a perimeter around the area suspected
5 to be the origin. My subsequent analysis of the fire flow and other factors supports the first
6 responders' determination of the fire's origin.

7 20. Due to the fatalities in this case, I accompanied the assigned Wildland Fire
8 Investigator to the fire's origin on July 16. In a clearing about 200 feet away from the
9 debris, and about 50 feet outside the established perimeter, we located a rectangular-
10 shaped package wrapped in brown paper with no identifying markings on the outside. It
11 appeared that the ground in the clearing very recently had been smoothed over, as if to
12 conceal footprints. We carefully opened the package and determined that it contained
13 unexploded fireworks. The fireworks (and the package) were destroyed to alleviate any
14 safety hazard.

15 21. When the first responders found the fireworks debris, the team leader called
16 for a Wildland Fire Investigator to be assigned to the incident. The Investigator arrived late
17 in the afternoon on July 5 and interviewed several of the campers and counselors who
18 had been evacuated from the ACES camp. During the interview of Tyler Blunt, the
19 Investigator had a technician perform an adhesive film lift on Tyler's hands to test for
20 gunpowder residue. This is one type of test upon which Investigators rely to aid in
21 determining the cause of a suspicious wildland fire. The adhesive was sent to the crime lab
22 for processing, and the results confirmed the presence of gunpowder residue on Tyler's
23 hands. Gunpowder is a major component in fireworks.

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25 [Continued on Next Page]
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22. It is my opinion that the Mountaineer Fire and ultimately the death of Bill and Carol Hudson were caused by the ignition of fireworks. Based on the evidence set forth above, I believe that Tyler Blunt is the person who ignited the fireworks.

/s/ Ashton Blake

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 10,
2018, by Ashton Blake.

/s/ Ann Carver

My Commission Expires:

October 13, 2018

Witness Addendum

I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona High School Mock Trial Tournament, and have nothing of significance to add at this time. The material facts are true and correct.

/s/ Ashton Blake

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Shea Landis, first duly sworn, under oath, states as follows:

2. When I was growing up in Garden City, we used to come out to Arizona during the summers. My parents said it did me good, because they didn't like some of the kids I was hanging out with. I guess they thought my friends were a bad influence or something. Anyway, during 6th grade, I got into some trouble at school. The school administrators were talking about one of my patented stink bomb tricks that I pulled a couple of weeks earlier. They asked me about it, but I knew if they found out it was me, they would call my parents and I would be in big-time trouble--so I blamed this other kid at school, P.J. He was so much of a "goody two shoes" that I thought it would be funny to see him freak out and turn all red when he got called to the Principal's office. I never intended P.J. to actually get in trouble, but the Principal believed he did it and gave him detention. As soon as I heard that, I fessed up.

4. Even though I had visited Arizona before, it was kind of a culture shock when we first moved here. I was in a strange place, about to start 7th grade, didn't know anyone, and it was summer, so I probably wouldn't meet anyone until school started back up. I had

1 nothing to do, and nobody to play my tricks on, so I started pulling pranks on my
2 parents. I think they had about enough of the pranks and me, because one day out of the
3 blue they told me they signed me up for ACES--the Arizona Co-Ed Scouts--and camp was
4 starting the next week. They told me if camp didn't straighten me out, military school
5 would be my next stop.

6 5. At first, I was kind of bummed about camp. Who wants to spend a summer
7 with a bunch of nerds? I mean, I was about to start seventh grade, and I didn't want to be
8 known as a scouting nerd or anything. Then it hit me that camp would be the perfect place
9 to try out some new pranks.

10 6. Camp Mountaineer, the ACES camp, is just a little south of Flagstaff. It's
11 pretty huge and, I have to say, more than a little cheesy. When you first get there, there are
12 these two giant totem poles and a sign hanging between them with the camp name.
13 That's where I was dropped off. I walked under the sign and saw the mess hall a little way
14 down a trail on the right. A little farther down the trail on the left and down a little slope is
15 the camp pool. In front of the pool, in a clearing in the forest, there is a little stadium built
16 into the hill with log benches and a big fire pit. A little ways behind the pool there is a
17 small lake with rowboats and canoes.

18 7. The camp is split into two sections. Down to the left and behind the pool and
19 lake is a path with a bunch of campsites. If you follow the trail the mess hall is on, you
20 wind up at several other campsites. When I first arrived, I lined up with a bunch of other
21 kids to meet some of the counselors and figure out which campsite I was in. I was assigned
22 to camp 7. When I got to camp 7, I saw that tents already were set up. They were just
23 canvas tents set up on wooden platforms--not very modern, and certainly not the cleanest.
24 I know I recognize that smell from somewhere, but I still can't figure out where. Anyway,
25 after I got my stuff set up in the tent, we had a meeting at the camp 7 fire pit. At the meeting
26 we had to pick which classes we would take. We were supposed to sign up for at least
27 four. I didn't see anything that really interested me, so I signed up for canoeing,
28 fishing, hiking and wilderness survival.

1 8. According to the camp brochures, the wilderness survival class was supposed
2 to teach you how to survive if you are stranded in the middle of nowhere with no food
3 and no supplies. I never expected to be stranded anywhere. I just signed up for the class
4 because Tyler Blunt was teaching it.

5 9. Tyler was different than the other counselors. My canoeing, fishing and
6 hiking counselors were really strict and wouldn't let us have any fun, which really
7 cramped my style. If you can believe it, we even had homework assignments, books to
8 read, maps to go over, and projects to complete before class even began. Tyler wasn't like
9 that at all--at least at the beginning. Tyler was cool and pretty much let us do whatever we
10 wanted. Even better, Tyler was in charge of the Snack Shack. That meant Tyler could get
11 anything--Wing Dings, M&Ms, Skittles, Snickers, Reese's Pieces, Twix, Gummy Worms,
12 Atomic Fire Balls, Hot Tamales, anything! You name it, and Tyler could get it--for
13 cheap. If Tyler didn't have it in the Snack Shack, s/he had people on the outside that
14 could bring it in. That made Tyler the most popular counselor at the camp.

15 10. During one of the classes, Tyler taught us how to enjoy the forest while
16 causing as little harmful impact as possible and the importance of obeying forest use
17 restrictions. Tyler started by telling us that we should always check on closures and
18 restrictions before venturing into the forest. Tyler then passed out copies of an Order that
19 s/he said restricted activities in the forest, and two other Orders that s/he said closed all or
20 part of the forest. (**Exhibits 1, 2 and 3**). Tyler also gave us a copy of a press release
21 announcing that the forest was reopening. (**Exhibit 4**). I had never heard of the forest
22 being closed or no campfires being allowed, but Tyler assured me that it happens often in
23 the summer months when the fire danger is high.

24 11. During the next class, Tyler was supposed to teach us how to build fires
25 out of sticks, without matches or anything like that, in case we were ever trapped in the
26 middle of nowhere. We took a short hike to a place where Tyler prepared to build
27 a fire. Although there are no fences or boundary markings around Camp Mountaineer,
28 I'm pretty sure that we left the camp and entered the forest. All of a sudden, one of the

1 other kids in the class, Rip Irwin, pulled the Fire Restrictions Order that Tyler gave us the
2 class before (**Exhibit 1**) out of his backpack. Tyler asked Rip to see the Order, and when
3 Rip gave it to Tyler, Tyler crumpled it up, threw it on the ground and said, "Let's use that
4 for kindling once we get the fire started." Everybody started laughing. We all thought it
5 was pretty funny, but Rip seemed pretty upset. Tyler told him, "Just trust me, I know what
6 I'm doing." With all the laughter, I couldn't hear everything that Tyler said, but I never
7 heard Tyler say anything about not being in the forest or having a permit. Nobody else did
8 either.

9 12. On the morning of July 4th, we had what turned out to be our last
10 wilderness survival class. I remember that class because we were all pretty excited about
11 the special camp-wide campfire scheduled for that night. We knew that there was going to
12 be a big cookout, and they told us to expect some surprise entertainment. I kept asking
13 Tyler what was planned. I could tell Tyler knew but wouldn't tell me. I kept bugging Tyler,
14 and I could tell Tyler was getting a little testy. After class, I even followed Tyler down to
15 the Snack Shack. That's when Tyler snapped at me: "I won't tell you what's going to
16 happen tonight, but it's the 4th of July and I promise you will have a blast." Tyler used
17 finger quotes when saying "blast." I thought for a second and figured it out. I said, "I know
18 what it is--there's going to be fireworks, right?" Tyler said, "Bingo! I'm shooting off
19 fireworks tonight." Tyler then told me not to say anything to anyone, and that it was a
20 surprise.

21 13. That afternoon I was at the pool with some of the other kids from my camp.
22 We were just swimming and having a good time. I had a Baby Ruth that I got from Tyler
23 and threw it in the pool. I had seen it in a movie and thought it would be funny. Boy, was
24 it ever! Kids were screaming and jumping out of the pool. When the lifeguards figured out
25 what happened and started asking questions, I suggested that it might have been one of the
26 kids from camp 8, the camp next to ours. That's when Tyler showed up. I think Tyler knew
27 right away that I did it, because I bought the candy bar at the Snack Shack earlier that
28 morning from one of Tyler's special deliveries. Tyler looked at me, and that's when I fessed

up--just like I always do. What's the point of a good prank if you don't get to take credit for it? Anyway, Tyler yelled at me right there in front of everyone else. Tyler said a prank was one thing, but blaming someone else was another. I was so embarrassed. And, on top of that, Tyler threatened to have my parents come to pick me up before camp ended. At that point I got pretty upset, and I was afraid that I would be shipped off to military school. I'd do almost anything to avoid that. In the heat of the moment, I think I even said something like, "You'll be sorry if you tell my parents."

14. After I had enough of Tyler's lecture, I spent the rest of the afternoon in my tent. I didn't even want to go to the stupid campfire that night anymore. After a while, Tyler came by and we patched things up. We even had a good laugh about the other kids' reaction to the Baby Ruth bar in the pool. I felt relieved that I wouldn't be headed off to military school, and I decided to go to the campfire after all.

15. On the way to the campfire, I saw Tyler coming out of one of the counselor's cabins. Tyler was looking all around, as if s/he wanted to avoid being seen, but I don't think Tyler ever saw me. I saw Tyler carrying a couple of rectangular-shaped packages covered in plain brown paper wrapping. Tyler and the rest of the counselors had been acting pretty secretive, so I assumed the packages had something to do with the big surprise planned for the campfire.

16. The campfire was pretty cool. After the cookout, there were a bunch of awards for individual campers for the first couple of weeks and then the best campsite. Then, this guy in a crazy costume told us the legendary story of the Mogollon Monster. Awesome story, most of the kids were pretty scared. Then we built a campfire. We wanted to make it bigger, but we could tell right away it was too windy. The embers were drifting off a little ways and if the fire was any bigger they might have gone past the clearing into the forested areas. When I was watching the embers, I saw Tyler sneaking off. Tyler ducked behind the camp pool and toward the forest, and then I couldn't see him/her anymore. Tyler had the packages that I saw earlier. I knew that Tyler must be involved with the big surprise, and I started to get excited.

17. Some of the counselors led us in singing some patriotic songs for the July 4th holiday. Then the guy who did the revelry every morning, played the Star Spangled Banner and we all sang along. That's when Tyler did it. Right on cue when we sang "bombs bursting in air," I saw the first firework go off. It was from the far side of the pool. Everyone went crazy. It was awesome. There were a lot more fireworks after that. I remember watching them go up, and then get caught in the breeze and get carried away. I was a little worried because we couldn't have a big campfire due to the blowing embers. The fireworks were going further than the campfire embers. The fireworks pretty much concluded the campfire.

18. After the campfire, we all went back to our campsites. When we got back to camp 7, there was Tyler, sitting by our fire pit, with a small fire going. Tyler had graham crackers, marshmallows and chocolate lined up, so that we could all have some s'mores.

19. I was a little worried for a while that night, expecting someone to say that there was a forest fire from the fireworks. I remember some thunder and lightning. It seemed to get pretty close too. I remember that because I was hoping it would rain just in case there was a fire and we didn't know about it yet. We didn't end up getting any rain though.

20. The next morning, there was a lot of commotion. I don't remember how I found out, but I remember everyone had to pack quickly and we had to get going because there was a forest fire. I knew right away that it was the fireworks Tyler had shot off. We all lined up at the camp entrance and school buses picked us up. On the ride out, a forest service guy told us that the fire had started just east of the camp. That's the direction the wind was blowing the night before. It's the direction that the fireworks were being blown.

[Continued on Next Page]

21. I know that Tyler and I had a little spat early on July 4th, but all-in-all I liked Tyler. I still do. But as I think back, Tyler didn't seem to take fire safety all that serious, especially for someone teaching wilderness survival.

/s/ Shea Landis

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 15,
2017, by Shea Landis.

/s/ Leslie Smith

My Commission Expires:

December 12, 2018

Witness Addendum

I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona High School Mock Trial Tournament, and have nothing of significance to add at this time. The material facts are true and correct.

/s/ Shea Landis

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STATE OF ARIZONA)
County of Coconino) ss.
)

Payton Hudson, first duly sworn, under oath, states as follows:

1. My name is Payton Hudson. My parents, Bill and Carol Hudson, owned the Elk Haven Lodge at Mormon Lake (the “Lodge”); that is, until it burned to the ground with them trapped inside. The Lodge had been in the family since it was built in the late 1920s.

2. Although the name of the Lodge included the phrase “at Mormon Lake”, that was just to take advantage of Mormon Lake’s name recognition. The Lodge actually was several miles northwest of Mormon Lake off of Lake Mary Road to the west.

3. When I was growing up, we didn't have much money. We lived off the income from the Lodge. Some parents always tell their children about having to walk miles to school, uphill in the snow both ways. Not my parents, because neither of them finished school. Instead of telling me about walking to school, my dad always told me how he had to quit school to help his parents run the Lodge. Back in those days, it took more backbreaking work to run the Lodge than it did when I was growing up, because the Lodge didn't have the modern conveniences that exist today. All that my parents knew how to do was run the Lodge, so I don't know what other job they could have gotten if the Lodge ever shut down.

4. Over the years, we faced a number of close calls with fires. My parents always stayed to make sure the Lodge was safe. No fire ever got closer than 1000 yards from the Lodge--well, no fire before the Mountaineer Fire.

5. We always were concerned during the summer months. It is especially dry, and we would get nervous that lightning from a summer monsoon storm would start a fire. We also were worried that a careless camper or a nutcase smoker would start a fire accidentally. My parents worked hard to make sure the Lodge was safe by clearing out brush and keeping the guests from engaging in dangerous acts that might ignite a fire, especially during the summer months.

1 6. The 4th of July weekends always were particularly frightening. Crazy kids
2 would come into the area and light off fireworks obtained from other states. Now you can
3 get them on the Internet. Kids just don't understand how dangerous they are in the dry area
4 where fires can start so easily.

5 7. On July 4, 2017, I was home visiting my parents for the first time in years.
6 We were sitting outside at about 1:00 p.m., catching up on old times and having some
7 lemonade and homemade ice cream. We watched one of those summer afternoon
8 thunderstorms develop. We saw some pretty nasty lightning strikes way off in the distance
9 toward Flagstaff, but there wasn't any rain.

10 8. About seven or eight hours later, I was outside enjoying a very quiet evening.
11 I heard a faint boom that I first thought was thunder from another monsoon storm. Then I
12 realized it actually was fireworks off in the distance. After hearing a few faint booms, I
13 could barely see some fireworks shoot into the air just above the tree line.

14 9. Even though the fireworks were off in the distance, they seemed dangerously
15 close to the Lodge. I asked my parents if they wanted me to jump on the ATV and
16 head through the forest to where the fireworks were to look for the culprits. They said, "No,
17 this happens every year. Don't worry about it." We actually sat for a few minutes and
18 enjoyed what we could see of the brief fireworks display. I feel terrible that I never got up
19 and got the person that was shooting off the fireworks. I can't help but feel that just
20 maybe I could have saved my parents--but even if I caught the imbecile, the damage already
21 was done.

22 10. At about 10:15 p.m., we saw that paralyzing glow. It was the familiar--too
23 familiar--glow of a forest fire. My dad ran inside and called the Forest Service. At the time,
24 the glow looked safely off in the distance.

25 11. We stayed up all night, and we continued to monitor the situation. We kept
26 the radio on to listen to the regular news briefings. We were worried that the fire department
27 would not be able to contain the fire quickly. By the afternoon of July 5th, it looked from
28

1 the Lodge like the smoke from the fire was spreading out. Still, we had not heard of any
2 evacuation orders.

3 12. Three days later, on July 8th, we heard that there was a mandatory evacuation
4 order for the area around the Lodge. My parents told me to gather the guests and lead them
5 out of the area. We had arrangements with other lodges to assist if we ever had to evacuate.
6 I took our 35 guests to a couple of lodges near Stoneman Lake, which was outside
7 the evacuation area, and I made sure that the guests were comfortable and safe. I went back
8 to the Lodge a few times to get luggage and other necessities for our guests. The roads into
9 the Lodge area were blocked by Sheriff's Deputies, but when I told them that I
10 needed to get some necessities and would be coming right back out, they let me go through.

11 13. Each time I went back, I tried to talk my parents into leaving with me. I
12 probably went back five times. The last time that I went back, on July 10th, the Sheriff's
13 Deputies told me that they would not let me back in anymore once I left. I told my parents
14 that, and I begged them to leave with me. The fire was getting really close and it wasn't
15 getting contained.

16 14. My parents refused and told me they were trying to cut a larger clearing to
17 protect the Lodge. They thought they could get out in time if the fire got too close. I'm not
18 sure what happened, but I never saw them again.

19 15. On July 15th, I was watching the news when I saw the firefighters at the
20 Lodge. Although the flames were ripping through the building, I could tell it was the Lodge.
21 I couldn't believe what I was seeing. They were pouring water on the Lodge, but it was
22 absolutely no use--it was destroyed. Because the Lodge was so old, it just went up so fast.
23 I keep a still photograph of what I saw on the news that day. (**Exhibit 6**).

24 16. As soon as I could compose myself, I kept calling my parents' cell phones
25 and waiting for them to answer. They never did. I was frantic and tried to drive up there,
26 but the Sheriff's Deputies wouldn't let me get anywhere close. Finally, a firefighter called
27 me. He told me that he had bad news. They found my parents--both were dead. He said
28 they were huddled in a corner of the Lodge, holding each other, wrapped in what looked

1 like wet blankets. I can't imagine the excruciating pain they endured as the flames burned
2 them to death.

3 17. I don't know what to do with my life now. I quit my job and I've gone back
4 to graduate school, but I'm not able to focus. I just want to know what really happened that
5 night. If that kid Tyler Blunt set the fire, I want him/her to pay. I want Tyler to go to jail
6 and never get out. I want Tyler to huddle in a corner of a jail cell knowing that the end of
7 his/her life is looming and there's nothing that s/he can do about it--just like Tyler made
8 my parents go through.

9 _____
/s/ Payton Hudson

10 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 5, 2017,
11 by Payton Hudson.

12 _____
/s/ Robert Lewis

13 My Commission Expires:

14 _____
May 23, 2019

15
16 Witness Addendum

17 I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona
18 High School Mock Trial Tournament, and have nothing of significance to add at this time.
19 The material facts are true and correct.

20 _____
/s/ Payton Hudson

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1. Tyler Blunt, first duly sworn, under oath, states as follows:
2. My name is Tyler Blunt. I am 20 years old, and I should be a sophomore at Northern Arizona University. I was studying to enter the Forest Service before this all happened. Now I am on temporary suspension from school pending the outcome of this case.
3. When I was younger, I was a member of ACES--the Arizona Co-Ed Scouts. I used to love summers because that meant it was time for Camp Mountaineer. That is ACES' camp located outside of Mountaineer, Arizona. It is near the Mogollon Rim, and it's a beautiful area. It is perfect for hiking, canoeing and pretty much any other camping activity you like. I went every summer, and every summer I had a great time. When I was a senior in high school, I turned 18 and was too old to be a scout anymore, so I signed up as a counselor. I loved helping kids, loved the forest, and loved the camp. It was perfect for me. Plus, I could earn a little money to help with books for college.
4. I was a camp counselor for the first time two summers ago. Because I had been coming to the camp so many years it was a pretty easy transition. Most of the people there already knew me and already had been treating me like a counselor, because most of the kids at the camp are 15 and under. Needless to say, I started off as one of the more experienced counselors from all the years I had been at the camp. As a result, I was asked to teach wilderness survival. That was perfect for me. The class involves a combination of what I like to call "the worst-case scenario" as well as forest conservation and safety.
5. With respect to the "worst case scenario" part, I teach a bare-bones survival technique. The best way to explain what I mean is to ask the question--if you were stranded in the middle of the forest, with no supplies, what would you do to survive? I teach the importance of building a simple, but effective, lean-to shelter. I teach the importance of

1 food -- i.e., what is edible, what isn't, and how to tell the difference. I teach the kids how
2 to purify water, how to heat and cook food, how to stay warm and how to navigate, all with
3 nothing more than a pocketknife.

4 6. With respect to the conservation side of the class, I work with Forest Service
5 personnel. I teach the kids the basics of forest conservation, including erosion, over- growth
6 and fire dangers that are prevalent in dry regions like Arizona. A part of that includes
7 providing campers with any current warnings, alerts, and/or closures issued by the Forest
8 Service, and teaching the kids to routinely check for these things before using the forest. I
9 also emphasize the importance of obeying orders issued by the authorities, including use
10 restrictions and so-called "mandatory" evacuation orders. I say so-called, because everyone
11 knows that there always are some idiots who would rather put themselves in danger than
12 leave their property unattended.

13 7. This last summer, I arrived at camp the second week of June -- June 10th to
14 be specific. The counselors generally get there early to set up everything, refamiliarize
15 ourselves with the area, and train rookie counselors and counselors with less experience.
16 By arriving June 10th, the counselors had two weeks to set up everything for a summer's
17 worth of kids. Generally there were around 200-300 kids in the camp any given week.

18 8. I remember that there already was mail for me when I first arrived. The first
19 thing I noticed was a Fire Restriction Order issued by the Forest Supervisor for the
20 Coconino National Forest. (**Exhibit 1**). It became effective June 5, 2017, and was in effect
21 until rescinded or until the end of the calendar year. I hated seeing that. I mean, it is not
22 uncommon for the Forest Service to issue these fire warnings, especially given that the
23 weather has been so dry the last couple years, but usually we get a couple weeks' worth of
24 campers before the first order. I had a bad feeling that this order wasn't getting rescinded
25 anytime soon either.

26 9. Don't get me wrong, we were still able to have campfires at the main fire pit
27 and at the individual fire-pits in each of the campsites. Camp Mountaineer had a permit
28 for those, and the Order applies only to "National Forest Service lands". But, I was teaching

1 wilderness survival. One of the best parts of the course, and one of the things the kids like
2 the most, is our trip out into the forest where we learn to build a fire out of only the things
3 available there. No matches and no lighters.

4 10. My fears were confirmed just days before the first set of campers showed up.
5 The Forest Service issued an Emergency Fire Closure Order effective June 23, 2017.
6 (**Exhibit 2**). A fire closure meant the Forest Service was pretty worried, because it literally
7 closed off the restricted areas. These orders are issued in the most severe fire conditions--
8 when the Forest Service is afraid that a car might cause a spark, or a person will ignore
9 or be unaware of the Fire Restriction Order. What it meant for me was that the fire
10 conditions had worsened, and my popular wilderness survival forest trip was definitely off.

11 11. The first group of kids showed up on Saturday, June 24th. They were all
12 assigned campsites with counselors, and they all signed up for courses. I had a good size
13 group of 20 sign up for my wilderness survival course. I remember Shea Landis was in that
14 class. Shea is easy to remember because s/he goes 100 miles an hour 24/7. Shea is
15 constantly joking around, not paying attention, or playing pranks on other people. Usually
16 nothing big, just annoying. More often than not, Shea was the only one who thought the
17 pranks were funny.

18 12. I got some really good news at the end of the first week of camp. Effective
19 July 2, the Forest Service issued another Emergency Fire Closure Order that kept part
20 of the forest closed but opened the area around Camp Mountaineer. (**Exhibit 3**). The
21 original Fire Restriction Order, however, was still in effect.

22 13. As soon as the forest reopened, July 2nd, I decided to go ahead and take the
23 class on the wilderness trip. We hiked a short way to an area known as Horseshoe
24 Bend, which is near where the camp abuts the forest. It's actually almost impossible to tell
25 where the camp ends and the forest begins, because there are no markings. I was originally
26 going to have all the kids make their own lean-tos but once I saw that there was a pretty
27 big bare area, I changed my mind. I mean, there was no foliage, no brush, nothing
28 that could catch fire in this little area.

1 14. I told the kids to gather up some small tinder and kindling from the
2 surrounding area. Small, dry sticks, twigs, leaves and that kind of stuff. I then gathered a
3 little lint from my pocket, placed it on a flat stone, and was going to show them how to
4 build a fire without any matches or anything. That's when one of the kids, a little "know
5 it all" named Rip Irwin, pulled out the Forest Service Fire Restriction Order (**Exhibit 1**)
6 I had given them and discussed the day before. Rip actually brought the paper with him on
7 the hike. I asked to see it. I assured Rip that the restriction should be followed. I told Rip
8 something to the effect of, "This was a survival course and when you are stranded you
9 sometimes have to break the rules." Then I said that if you have paper at your disposal, you
10 might as well use it. So I crumpled up the order and placed it in the kindling pile. I
11 remember Shea giggling about that, but couldn't figure out why. Anyway, I was just
12 trying to make a point with Rip about the mentality it takes to survive, but I also told Rip
13 that the restrictions only applied on forest land, not private property. I then showed
14 everyone how to start the fire. Afterwards, I had the kids put the fire out using water from
15 a nearby pond and then burying the soaked ashes.

16 15. I had a class on July 4th. I remember that throughout the class Shea would
17 not stop asking me questions about the campfire that night. I told Shea I didn't know what
18 the plans were, I was not in charge of the campfire, and I was not involved with the
19 campfire. That's the truth, but Shea wouldn't believe me. After the class, Shea followed
20 me to the Snack Shack. I was in charge of the Snack Shack, mostly because I had a friend
21 who worked for a candy distributor and who could get candy in bulk so that it was
22 cheaper. All the way to the Snack Shack, Shea wouldn't stop with the campfire questions.
23 I finally told Shea that the campfire was going to be fun and that s/he would have a
24 blast. I thought that would put an end to it--but Shea just wouldn't give it a rest. Shea said,
25 "You're shooting off fireworks, aren't you?" I responded sarcastically, "Yeah right! I'm
26 shooting off fireworks tonight!" Before I could even finish, Shea started to run out the
27 Snack Shack. I was afraid that Shea was going to spread a rumor that wasn't true and would
28 get all the campers' hopes up, so I yelled at Shea not to say anything. Obviously, I was

1 being facetious about shooting off fireworks. That's not only prohibited, but it's also
2 extremely dangerous and stupid.

3 16. Later that day, I had just finished up with my duties at the Snack Shack
4 and was on my way back to the counselor's cabin for a nap when I saw some commotion
5 at the pool. Kids were jumping out, running around and screaming. I was afraid that one
6 of the kids was going to slip and get hurt. I rushed into the pool area, and saw what the
7 commotion was about. There was a candy bar floating in the pool. I looked to one side and
8 saw one of the lifeguards talking to Shea. I heard Shea tell the lifeguard some other kid put
9 the candy bar in the pool. I walked closer and Shea saw me. Shea knew that s/he was busted.
10 Shea's look of surprise immediately became a look of guilt, and Shea's head dropped. I
11 asked what happened. Shea admitted to putting the candy bar in the pool and said it was
12 just a joke. I scolded Shea about how dangerous it was, that someone could have gotten
13 hurt, and that there is more to life than just jokes and pranks. I will admit, looking back at
14 it, I really let Shea have it. I think I was just fed up with Shea's behavior. There is always
15 one of those kids every summer, but for some reason, I just snapped and lost my cool. I
16 don't even remember everything I said, but I'm sure I threatened to have Shea sent home
17 early.

18 17. At first, Shea seemed pretty scared. But, as I kept yelling, and as Shea noticed
19 the other kids watching, Shea seemed to get angry. Finally, Shea just turned and ran off.
20 As Shea was running away, I'm certain I heard Shea say something about making me pay.
21 I yelled, "What was that?" Shea stopped, turned and just stared at me. Shea said, "You'll
22 see!"

23 18. 17. I saw Shea briefly that afternoon at the campsite. I could tell that Shea
24 was still hacked off at me, so I didn't say anything. The next time I saw Shea was at the
25 campfire that night. I said hi, but Shea just looked the other way. About halfway through
26 the campfire activities, after the scary story, I snuck off. I had decided to treat the campers.
27 My friend had gotten a bunch of chocolate, marshmallows and graham crackers cheap. I
28 decided to put some in all the campsites so that the kids could all have s'mores when they

1 returned to their campsites after the campfire. I had given the campsite leaders the
2 chocolate and marshmallows earlier, but I didn't get the graham crackers until just before
3 the fire.

4 19. When I was dropping off the graham crackers at each campsite, I noticed
5 fireworks going off. I didn't really know where they were or who was doing it because I
6 couldn't see up through the trees, but I could hear them. I was pretty angry at first. It was
7 a clear violation of the Fire Restriction Order, and if it was a camper or counselor and the
8 Forest Service found out, the camp might lose its permits to operate. The fireworks stopped
9 almost as quickly as they began, so I finished up with the graham crackers. All in all, the
10 fireworks were not that big of a deal.

11 20. To be honest, I was more worried about lightning storms in the area. We
12 didn't get any rain, but there had been a lot of lightning all the way around the area. From
13 my own experience, it seems like most fires are caused by lightning, and with the lightning
14 so close and no rain, I thought that there might be a risk of a fire.

15 21. The next morning, my fears were confirmed. A Forest Service truck pulled
16 up to the camp early that morning. I was on my way to the showers when I saw the truck
17 pulling up. A forest ranger told me we needed to get everyone out of the camp and that
18 school buses would be there within a half hour. There was a forest fire spotted east of the
19 camp. He said the wind was blowing east for the moment, so the fire was moving away
20 from the camp, but to be safe the Forest Service wanted everyone out in case the winds
21 changed. I sounded the alarm with the camp director, Logan Fischer, and the other
22 counselors.

23 22. Later that afternoon, after the camp had been evacuated, someone who said
24 he was an Investigator with the Forest Service pulled me aside. He told me that some of
25 the kids were talking about the fireworks that I set off and that the fireworks were what
26 caused the fire. That was news to me. The first thing that actually went through my mind
27 was Shea Landis. I asked the Investigator if the kid who said I set off the fireworks was
28 Shea Landis. He apparently was not at liberty to say yes or no. I have since learned that it

1 was Shea. I can't believe it. I mean, I would believe that Shea would initially blame me as
2 one of his/her stupid pranks--just like s/he did with the candy bar. But, this is way too far.

3 23. After talking to me for a short while, the Investigator asked to see my
4 belongings. He then asked if I had showered since the night before. I said no, I had
5 gone right to sleep. With that, the Investigator asked me to step inside this trailer with
6 all kinds of equipment. Someone in there tested my hands for something, I didn't know
7 what then, but I do now. I know that the Forest Service is claiming they found some kind
8 of residue on my hands. That is bogus. I was at a camp that had a rifle range. I hadn't been
9 up there in a couple of days, but it had to be from there.

10 24. While they were testing my hands, the Investigator apparently ran a
11 background check on me. He asked about an incident when I was at the University of
12 Arizona. About a month into my freshman year, my roommate was drinking a little bit and
13 apparently shot fireworks from my dorm window. My roommate was not the brightest bulb
14 I've ever met. We were roommates only by random chance. By the time the campus police
15 finally figured out where the fireworks came from, my roommate already had left.
16 When I opened the door, the police saw a case of beer on the table. They wrote me tickets
17 for minor in possession of alcohol and for unlawful possession of fireworks. I got an
18 attorney then, but it was not much use. Eventually, I agreed to a diversion program and
19 was kicked out of the dorm. That's when I decided to transfer up to NAU and get a fresh
20 start.

21 25. I still can't believe that they think I'm the one who shot off the fireworks. I
22 know way better than that. I mean, starting a small, controlled fire is one thing. Although
23 I think I was on private property, if I was wrong and I have to pay a fine, so be it. But, I
24 had nothing to do with those fireworks--whether they caused the fire or not. Someone
25 needs to tell Shea that this isn't funny anymore.

26 /s/ Tyler Blunt

27
28 [Continued on Next Page]

SUBSCRIBED AND SWORN to before me, a Notary Public, on December 28,
2017, by Tyler Blunt.

/s/ Joan Kee

My Commission Expires:

February 13, 2018

Witness Addendum

I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona High School Mock Trial Tournament, and have nothing of significance to add at this time. The material facts are true and correct.

/s/ Tyler Blunt

AFFIDAVIT OF LOGAN FISCHER

STATE OF ARIZONA)
) ss.
County of Coconino)

Logan Fischer, first duly sworn, under oath, states as follows:

1. My name is Logan Fischer, and I'm 45 years old. I'm the camp director at Camp Mountainaire, which is the camp near Mountainaire, Arizona that is owned and operated by the Arizona Co-Ed Scouts ("ACES"). The red arrow on the map (**Exhibit 7**) shows the approximate location of Camp Mountainaire. I've worked as a camp director for 10 years, the last three at Camp Mountainaire. Our camp is recognized as one of the best scouting camps in the southwest. The staff has worked hard to develop a program that teaches young campers everything they need to know about the outdoors. I am really proud of our program and our staff.

2. I learned the hard way over the years that a camp is only as good as its staff. That is why I take a very "hands on" approach in hiring all of the camp staff. I first hired Tyler Blunt two summers ago to work as a camp counselor. Tyler was a senior in high school at the time, which was somewhat unusual for a counselor, but Tyler had attended our camp as a camper for a number of years before that. I met Tyler as a camper during my first year as camp director and was very impressed. So, it was a no-brainer to hire Tyler as a counselor. Tyler has been fantastic--just like all the other staff.

3. One of Tyler's gifts is great interaction with kids. I think that Tyler relates well to the campers, because Tyler is always having fun and understands firsthand the poor decisions that young people often make. I heard that Tyler got arrested at school shortly after serving as a counselor the first summer. Don't get me wrong--it's not that I condone whatever Tyler did to get arrested, but I don't necessarily think it was that big of a deal either. In fact, if anything, I think it helps Tyler deal with the kids who habitually cause problems, because Tyler's been there.

4. As a camper, Tyler excelled in wilderness survival. That's why, when I hired Tyler as a counselor, I asked him/her to fill a vacancy teaching the wilderness survival

1 course. Tyler was very excited about the course, and handled the position very responsibly
2 -- much more responsibly than I could have imagined from the stories I heard about things
3 that Tyler did as a camper long before I became camp director.

4 5. The stories that I heard about Tyler were ancient history. They took place
5 when Tyler was just a kid who didn't know any better. When Tyler was 9 years old, s/he
6 was sent home from camp after being caught trying to light a trashcan on fire with a
7 book of matches that was left in the kitchen. When Tyler was 11 or 12 years old, Tyler was
8 sent home after pointing an unloaded rifle at another camper in the rifle range. Tyler
9 was allowed to return a couple of days later on the condition that the rifle range was off
10 limits. I'm sure that these stories were embellished over the years. In fact, I don't know
11 of anyone who was on the camp staff that long ago and can confirm the stories. But even
12 if the events happened as I heard them, Tyler has proven that s/he has grown up a lot
13 since then. I never mentioned to Tyler that I heard about these stories.

14 6. The wilderness survival course includes lessons on forest-use restrictions and
15 fire restrictions. For that reason, and because I was impressed with how responsible Tyler
16 was in teaching the wilderness survival course during his/her first summer as a counselor,
17 I put Tyler in charge of monitoring the forest conditions for the 2017 summer camping
18 season. As you can imagine, this is a very important job. We are always committed to
19 keeping our campers safe and ensuring that forest fires and other unsafe conditions do not
20 threaten our campers. Moreover, the camp's operating permit would be in jeopardy of
21 termination, if campers and/or staff were to violate the Forest Supervisor's orders--not to
22 mention the potentially crippling liability that ACES could face, if such a violation caused
23 any damage. I certainly would not have entrusted Tyler with this important task unless I
24 was 100% positive that s/he could handle it.

25 7. The staff arrived at camp on June 10, 2017 to prepare for the first group of
26 campers to arrive on June 24. Almost immediately after we arrived at camp, Tyler showed
27 me that the Forest Supervisor for the Coconino National Forest already had issued a Fire
28 Restrictions Order. (**Exhibit 1**). The fire restriction bummed us out, because we wanted to

1 have the kids in the wilderness survival class go into the forest and build a fire. I know
2 that Tyler was really disappointed. The fire restrictions also made us more nervous about
3 the safety of the campers.

4 8. Tyler kept me up-to-date regarding forest-use restrictions, and provided me
5 with copies of all of the orders and press releases issued by the Forest Supervisor. (**Exhibits**
6 **1 through 4**). The restrictions made the entire staff more careful and limited what we could
7 do on the public lands, but we were never in danger of having to cancel the 2017 summer
8 camps--that is, until the Mountaineer Fire started sometime on July 4th.

9 9. Monsoon storms started to roll in shortly after noontime on July 4th. The
10 annual Fourth of July festivities, which included a big camp-wide cookout and campfire,
11 were scheduled for that evening. We were concerned that the storms were going to spoil
12 the fun. In fact, we did have to cancel some events due to the amount of lightning in the
13 area. We also took the precaution of closing the pool for a couple of hours until the
14 lightning passed.

15 10. The campfire was supposed to begin at 8:00 p.m. on July 4th immediately
16 after the cookout. Among other things, we were planning to talk about our country's history
17 and tell stories about what makes our country so great. Tyler told me that s/he had a surprise
18 up his/her sleeve that the campers would remember for a long, long time. I wasn't sure
19 what it was, but knowing Tyler, I figured it was going to be memorable and probably
20 funny. I guess I figured Tyler was going to lead the campers in some outlandish games, or
21 maybe dress up in some goofy costume.

22 11. I saw Tyler at the cookout and during the first part of the campfire. The last
23 time I saw Tyler was about an hour into the campfire, when some of the counselors
24 began leading the campers in singing patriotic songs. After about 20 minutes of singing,
25 while everyone was singing the National Anthem, we heard what sounded like missiles
26 being launched and saw fireworks exploding in the air. We were all stunned, because
27 everyone knew that fireworks were not allowed in the forest. Of course, the fireworks
28 were beautiful, but I was immediately concerned about the potential for a fire. I didn't want

1 to alarm the campers, but I decided to call an emergency staff meeting to go over
2 our emergency evacuation plan.

3 12. The campfire ended right after the fireworks, and everyone retired to their
4 campsites. Everyone was abuzz about the fireworks. I spent the next 45 minutes or so
5 rushing around to all of the campsites to alert the staff that there would be an emergency
6 staff meeting right after lights out. I was surprised to see the campers at every campsite
7 making s'mores. It struck me as odd that every campsite had all of the necessary supplies,
8 but when I got to campsite 7, Tyler told me that s/he delivered the supplies to the campsites
9 during the campfire. That's when I realized that the s'mores were the surprise up Tyler's
10 sleeve.

11 13. After lights out on July 4th, all the counselors met to discuss the fireworks
12 and the plan for evacuation, if that became necessary. I was furious and asked whether any
13 of the counselors knew who set off the fireworks. Most of the counselors threw out names
14 of campers who they thought could've done it, but invariably other counselors reported
15 seeing the campers who were mentioned. Tyler repeatedly mentioned that Shea Landis was
16 quite the prankster, and actually became rather adamant that Shea must've done it. I
17 remember that vividly, because Shea was my initial suspect as well. Although I didn't ask,
18 none of the counselors at the meeting volunteered that they had seen Shea at the
19 campfire when the fireworks were launched. In any event, we quickly turned to our
20 emergency planning and decided that we would evacuate the camp if we saw even the
21 slightest hint of a fire. I also asked Tyler to monitor the forest conditions even more
22 closely, to maintain regular contact with the Forest Service, and to keep me apprised of
23 any developments.

24 14. Early on July 5th, Tyler alerted me that a forest ranger came by the camp to
25 advise us that there was a forest fire nearby and that we needed to evacuate the camp. I
26 looked around the camp, and we could see the smoke but not any flames. We quickly got
27 all the campers together according to our plan. The Forest Service sent buses to take the
28 campers to a nearby hotel, where we regrouped and called all the parents to come get the

1 kids. I know Tyler is accused of shooting off fireworks and starting the Mountaineire
2 Fire, but I just don't believe it. Tyler is an avid lover of the outdoors who is mindful of the
3 vulnerable condition of the forest, particularly during the summer. Tyler would never be
4 so stupid or irresponsible as to set off fireworks in the forest. That is exactly what I told
5 the Investigator who questioned me right after the Mountaineire Fire started.

6 15. I heard about Tyler blowing up during an incident with Shea Landis at the
7 camp pool during the day on July 4th. Some of the kids and staff members who were there
8 told me it was over the top, but I understood why Tyler got upset. Shea means well and
9 deep down inside is a good kid, but Shea had been pulling pranks since the first day of
10 camp. Shea hasn't learned yet when enough is enough. I knew that, as a result, there was
11 some friction between Tyler and Shea. To say the least, Tyler didn't really care for Shea. I
12 think Tyler's dislike for Shea just boiled to the surface during the pool incident.

13 16. After the incident with Tyler at the rifle range several years ago, the camp
14 director who preceded me established a strict protocol to be followed to gain access to
15 the rifle range. Under the protocol, which still is in effect: (i) keys to the rifle range are
16 checked out from the camp director personally; (ii) the camp keeps a monthly log of all
17 persons who enter the rifle range; and (iii) nobody is permitted to enter the rifle range alone.
18 The log for July 2017 does not reflect that Tyler ever was at the rifle range before the
19 Mountaineire Fire forced the evacuation. I know that once in a while a camp counselor will
20 forget to sign in, but I've only seen that happen when the counselor is running a quick
21 errand to the rifle range, not when the counselor is taking range practice.

22 17. As the camp director, I sit on ACES' executive council. About 60 days ago,
23 the council had a meeting to address what could be done to protect ACES from
24 potential liability for the death of Bill and Carol Hudson, if one of the camp's staff or
25 campers ultimately was found responsible for starting the Mountaineire Fire. At the
26 meeting, I learned that ACES was on the brink of financial ruin some 8 or 10 years ago
27 after ACES lost a lawsuit arising out of the illegal activities of two camp staff members.
28 Fortunately, one of the parents of an ACES scout stepped up and gave ACES \$60,000

1 to keep the camp from having to close. I learned for the first time during the council
2 meeting that it was Tyler's father who came to the camp's rescue. I have never met Tyler's
3 father, and his donation to ACES has not affected my testimony on behalf of Tyler.

4
5 /s/ Logan Fischer

6 SUBSCRIBED AND SWORN to before me, a Notary Public, on February 19, 2018,
7 by Logan Fischer.

8 /s/ B.J. Gerhart

9 My Commission Expires:

10 September 10, 2018

11
12 Witness Addendum

13 I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona
14 High School Mock Trial Tournament, and have nothing of significance to add at this time.
15 The material facts are true and correct.

16 /s/ Logan Fischer
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Harley Bolton, first duly sworn, under oath, states as follows:

2. I received my Bachelor's degree in biology from Northern Arizona University in 1978. I attended law school at California Western Law School in San Diego, California, where I received my J.D. in 1981.

4. With my life in shambles, I attended the Nancy Reagan Substance Abuse Clinic in El Centro, California, where I learned to “just say no” and was able to “clean up.” Ever since, I have been a member of NA (Narcotics Anonymous). I decided while I was in the clinic that I needed to make a clean break with my past. Growing up in Arizona, the monsoon season always has been my favorite time of the year. I especially love watching the “haboobs”--huge walls of dust or sand that are created when the cool gusty downdraft from a severe thunderstorm reaches the ground. I also have been fascinated by the intense

1 cloud-to-ground lightning that often occurs in monsoon storms. So, I decided that I would
2 study meteorology.

3 5. In 1990, I graduated with a Bachelor of Science degree in Applied
4 Meteorology from Embry-Riddle Aeronautical University in Prescott, Arizona. You might
5 recognize me from TV or one of those billboards. I was hired straight out of school as the
6 weather forecaster on Channel 2 - KNAZ-TV, the NBC affiliate in Flagstaff, handling
7 weekend newscasts. Since 1994, I have been the forecaster on the nightly five o'clock news
8 and occasionally fill in on the ten o'clock news.

9 6. I have been a member of both the American Meteorological Society's Board
10 of Broadcast Meteorology and its Board of Meteorological Education. I hold the American
11 Meteorological Seal of Approval for both radio and television, and in 2005, I was awarded
12 its new Certified Broadcast Meteorologist designation after passing a comprehensive
13 examination. In 2001, the National Weather Association named me its Radio/Television
14 Broadcaster of the Year in Flagstaff.

15 7. I remember July 4, 2017 well. I served as the Grand Marshal for Flagstaff's
16 10th annual Fourth of July Parade. It rained on us some during the parade. There was even
17 some lightning to the southeast of Flagstaff, but it didn't really impact the parade. I know
18 the kids are disappointed when we don't have a big fireworks display like they do in
19 Phoenix, but with our drought conditions and the bark beetle infestation of the
20 surrounding forest lands, sometimes it is just too dangerous to have a fireworks display in
21 this part of Arizona. Unfortunately, 2017 was one of those years that all the fireworks
22 shows had to be canceled. Despite the disappointment, everyone up here in Northern
23 Arizona appreciates the dire consequences that even a single stray firework can cause.

24 8. Lightning is raw untamed electricity that occurs during storms. It is one of
25 the oldest, but least understood, of all-natural phenomena. Technically speaking, lightning
26 in a discharge of atmospheric electricity that is accompanied by a vivid flash of light.
27 A "lightning strike" is the generic term for this flash of light. Think of lightning as a giant
28

spark of static electricity--the same kind of electricity that sometimes shocks you when you touch a doorknob.

9. To be even more precise, a cloud-to-ground lightning strike initiates inside the storm. A negatively charged channel transmits from the storm base toward the ground in a series of steps. This is called a “stepped leader”. Each step of the stepped leader is about 160 feet in length and 1 microsecond (.000001 of a second) in duration. The stepped leader is looking for an object to strike, and if there is none, then it takes another step until it finds an object. Naturally, the stepped leader is attracted to taller objects, such as trees and structures. One leader can be comprised of over 10,000 steps.

10. As the stepped leader approaches the ground, the negative charge induces electric channels with a positive charge, called “streamers”, up from the ground. When a positive-charged streamer connects with a negative-charged stepped leader between 100 to 300 feet above the earth’s surface, the negative charge flows down the established channel, and then a “return stroke” shoots up the channel. This return stroke heats the surrounding air to an incredible 54,000 degrees Fahrenheit, creating the visible flash that we see as lightning. Although it actually is traveling from the ground to the cloud, it happens so fast that it appears to the naked eye that the lightning strike is coming from the cloud to the ground. This whole process takes a fraction of a second.

11. Great progress has been made in developing technology to detect lightning. A company called Vaisala (pronounced “VICE-e-la”) operates the world’s largest lightning detection system, which is based in Tucson. Three University of Arizona physicists and an electrical engineer developed the technology in the 1970s. In short, they developed a sensor that was capable of picking out signals emitted by the return strokes in cloud-to- ground lightning. The sensors were strategically placed, so that it became possible to calculate the location of a lightning strike. The original network of sensors was built in the Western United States to help detect forest fires. That network was expanded over the years by merging it with other networks. Meteorologists like myself rely heavily on the data provided by Vaisala’s system.

1 12. I obtained a lightning strike report from Vaisala for the area around
2 Mountaineer on July 4, 2017. (**Exhibit 5**). I have relied upon Vaisala's lightning strike
3 reports in two other cases in which I testified as an expert. In both of those cases, insurance
4 companies were trying to avoid paying a claim for fire damage. It was my opinion in both
5 of those cases that the fire was started by a lightning strike.

6 13. On page two of the lightning strike report, you will see that 20 strokes struck
7 the ground within the area and duration of study. Each stroke is indicated by a purple dot.
8 Within each visible lightning strike, there may be multiple strokes with multiple ground
9 contacts. In fact, about half of all flashes have more than one ground strike point. On
10 average, at least 30 million points on the ground in the United States are struck each year.
11 All of the strokes indicated in the report occurred between noon and 2 p.m. on July 4, 10
12 2017.

13 14. Page three of the report includes confidence ellipses for the lightning
14 strokes detected in the area. The confidence ellipses also are purple. In essence, they
15 indicate the area in which Vaisala is 99% confident that the stroke occurred. You will
16 notice that the ellipses are different sizes and shapes. The number of sensors that monitored
17 the stroke determines the size and shape of an ellipse. The more sensors that "pick up" a
18 stroke, the more compact the ellipse will be--thus increasing our ability to pinpoint the
19 location of the stroke.

20 15. As you can see on page three of the report, Mountaineer is within only one
21 of the stroke confidence ellipses (which happens to be the largest confidence ellipse on
22 the report). Several other stroke confidence ellipses cover the area within a couple
23 miles north of Mountaineer, including the area surrounding the ACES camp.

24 16. Pages five and six of the report show the location, time and peak current
25 (amplitude) of each stroke. The higher the peak current number, the more intense the
26 amplitude of the stroke. You will notice that some of the peak current numbers are
27 positive and others are negative. If the peak current number is positive, the stroke has
28 traveled from the upper regions of the cloud. If the peak current number is negative, the

1 stroke has traveled from the lower regions of the cloud. Only 10 to 20% of cloud-to-ground
2 flashes are from the upper regions of the cloud. Strokes from the upper regions of the cloud
3 last longer and are three to four times greater, and can be as much as ten times greater,
4 in intensity than strokes from the lower regions of the cloud. For example, the stroke that
5 occurred at 1:03:29 p.m. with a current number of 22.6 is three to four times more
6 powerful than the stroke that occurred at 1:03:29 with a current number of -30.1. Just
7 to be clear, these strokes were two of a total of six strokes that comprised a single strike,
8 or flash of light.

9 17. I am not a forest fire expert by any stretch of the imagination, but I do know
10 from my meteorological studies that lightning is responsible for causing 60 to 70% of all
11 forest fires in the Southwestern United States. Fortunately, 97% of lightning-caused fires
12 consume less than ten acres. One study from Northern Arizona University indicated that
13 10% of 500,000 lightning strikes result in fires. It's not surprising to anyone who watches
14 the news that the Southwest leads the nation in both the average number of lightning-
15 caused forest fires and the number of acres burned by lightning-caused forest fires each
16 year. Two-thirds of the lightning-caused fires occur in June, July and August, because the
17 conditions that produce lightning occur most often in the summer months. July accounts
18 for 25% of lightning-caused forest fires, the most of any month.

19 18. It is my opinion that one of the lightning strikes occurring on the afternoon
20 of July 4, 2017 likely caused the Mountaineer Fire, even though the fire was not discovered
21 until many hours later.

22 19. I normally charge \$200 per hour for meteorological consulting services, but
23 I am not being paid by the defense to prepare this affidavit or to testify at trial. I feel so bad
24 for the Blunt family. Tyler's father, Butch Blunt, owns Channel 2. Mr. Blunt hired me right
25 out of the Embry-Riddle meteorology program when most people wouldn't dare touch
26 anyone with my background. I always told Mr. Blunt that if there was any way I could pay
27 him back for giving me the chance to put my life back together--I would. This is the least
28 I could do. Of course, my loyalty to Mr. Blunt and his family has not affected my analysis

1 of the weather data in this case in any way. After all, I'm not willing to sacrifice my dignity.
2 I believe that any competent meteorologist would reach a conclusion similar to mine.

3
4 /s/ Harley Bolton

5 SUBSCRIBED AND SWORN to before me, a Notary Public, on February 12, 2018,
6 by Harley Bolton.

7 /s/ Roberto Silva

8 My Commission Expires:

9 December 5, 2018

10
11 Witness Addendum

12 I have reviewed this affidavit as of 8:00 a.m. on the day of this round of the Arizona
13 High School Mock Trial Tournament, and have nothing of significance to add at this time.
14 The material facts are true and correct.

15 /s/ Harley Bolton
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Exhibit 1

**ORDER
FIRE RESTRICTIONS
COCONINO NATIONAL FOREST**

Pursuant to 16 U.S.C. 551, and 36 CFR § 261.50(a), the following acts are prohibited on all National Forest System lands within the Coconino National Forest, in the following counties with the state of Arizona: Coconino, Yavapai, and Gila. The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

PROHIBITIONS:

1. Building, maintaining, attending or using a fire, campfire, charcoal, coal, or wood stove, 36 CFR § 261.52(a). The use of petroleum-fueled stoves, lanterns or heating devices providing such devices which meet the fire underwriter's specifications for safety is allowed.
2. Smoking, except within an enclosed vehicle or building, or a developed recreation site, 36 CFR § 261.52(d).
3. Using an explosive; 36 C.F.R. § 261.52(b).
4. Operating a chainsaw, or other equipment powered by an internal combustion engine, is prohibited from 9:00 a.m. to 8:00 p.m., 36 C.F.R. § 261.52(h).
5. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order meeting either:
 - Department of Agriculture, Forest Service Standard 5100-1a; or
 - Appropriate Society of Automotive Engineers (SAE recommended practice J335 (b) and J350 (a); 36 C.F.R. § 261.52(j)
6. Welding or operating acetylene or other torch with open flame; 36 C.F.R. § 261.52(i).
7. Possessing or using a motor vehicle off National Forest System roads, except when parking in an area devoid of vegetation within 10 feet of the roadway; except for parking overnight in Forest Service developed campgrounds and trailheads; and except in the Cinder Hills Off Highway Vehicle area; 36 C.F.R. § 261.56.

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

This Order is necessary to protect public health and safety due to the fire danger.

This Order becomes effective at 8:00 AM, June 5, 2017, and will remain in force until rescinded or until December 31, 2017, which event ever occurs first. This Order rescinds, replaces and supersedes Order No. 04-06-03-TF.



Done at Flagstaff, Arizona, this 1st day of June 2017

/s/ Nora B. Rasura
Forest Supervisor
Coconino National Forest

Violations of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both: 16 USC § 551, and 18 USC §§ 3559 and 3571.

**PLEASE SEE MAP ON
PAGE 3**

Exhibit A
Order No. 04-06-04-TF
Coconino National Forest
Fire Restrictions

-  Cinder Hills OHV Area
-  Fire and Smoking Restrictions

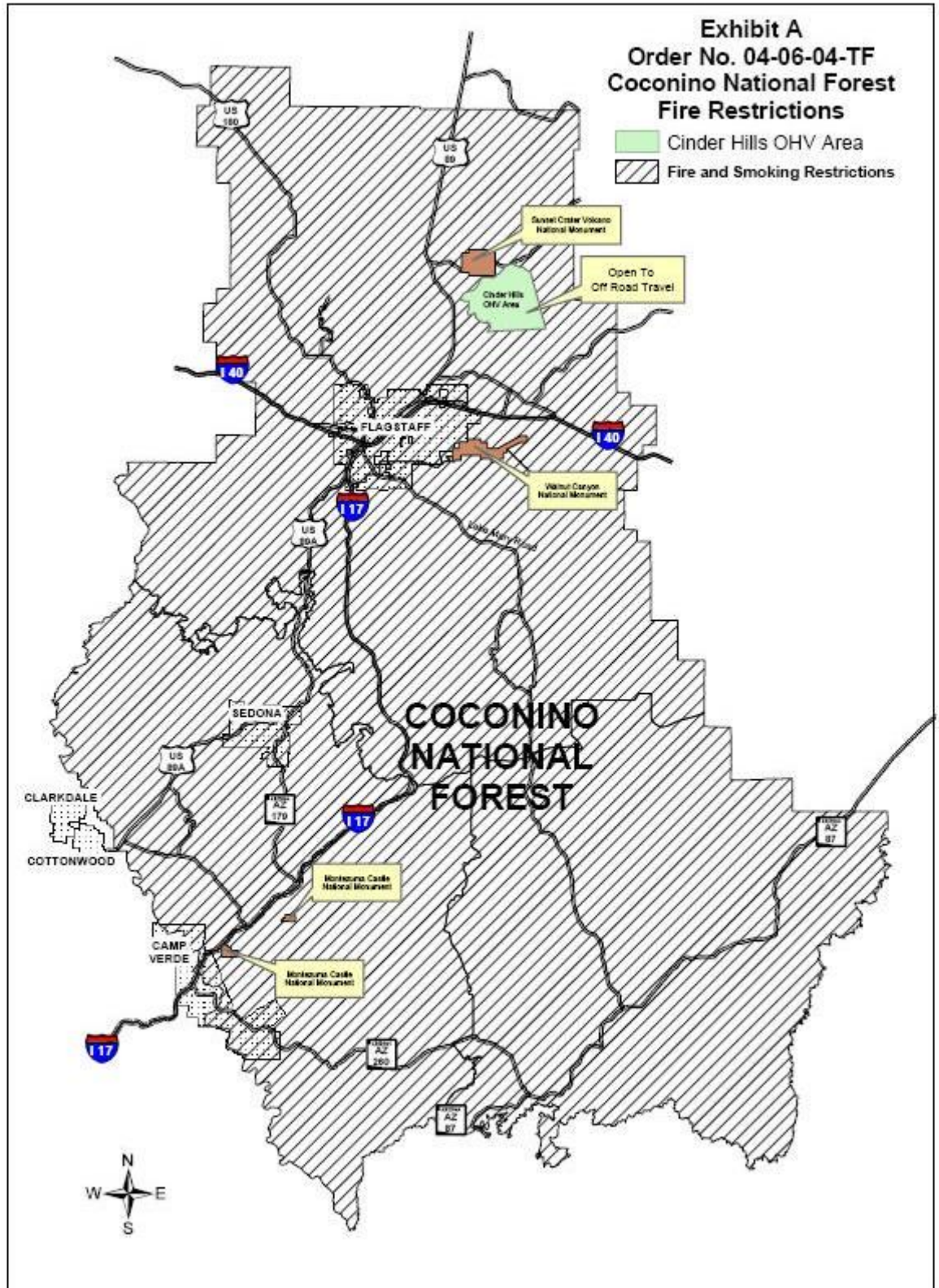


Exhibit 2

**ORDER
EMERGENCY FIRE CLOSURE
COCONINO NATIONAL FOREST**

Pursuant to 16 U.S.C. 551, 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are prohibited on all National Forest System lands within the Coconino National Forest, in the following counties with the state of Arizona: Yavapai, Coconino and Gila. The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A..

PROHIBITION:

1. Going into or being upon the restricted area; 36 CFR § 261.52(e)
2. Being on a National Forest System road; 36 CFR § 261.54(e)
3. Being on a trail; 36 CFR § 261.55(a)

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this closure order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

This Order is necessary to protect public health and safety due to the fire danger and fire operations being conducted in the area.

This Order becomes effective at 8:00 AM, June 23rd, 2017, and will remain in force until rescinded or until December 31, 2017, which ever occurs first. This order is in addition to order No. 04-06-04-TF.

Done at Flagstaff, Arizona, this 19th day of June, 2017

Nora B. Rasure

Nora B. Rasure
Forest Supervisor
Coconino National Forest

Violations of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both; 16 USC § 551, and 18 USC §§ 3559 and 3571.

Exhibit A
Order No. 04-06-04-TF
Coconino National Forest
Fire Restrictions

- Cinder Hills OHV Area
- Fire and Smoking Restrictions

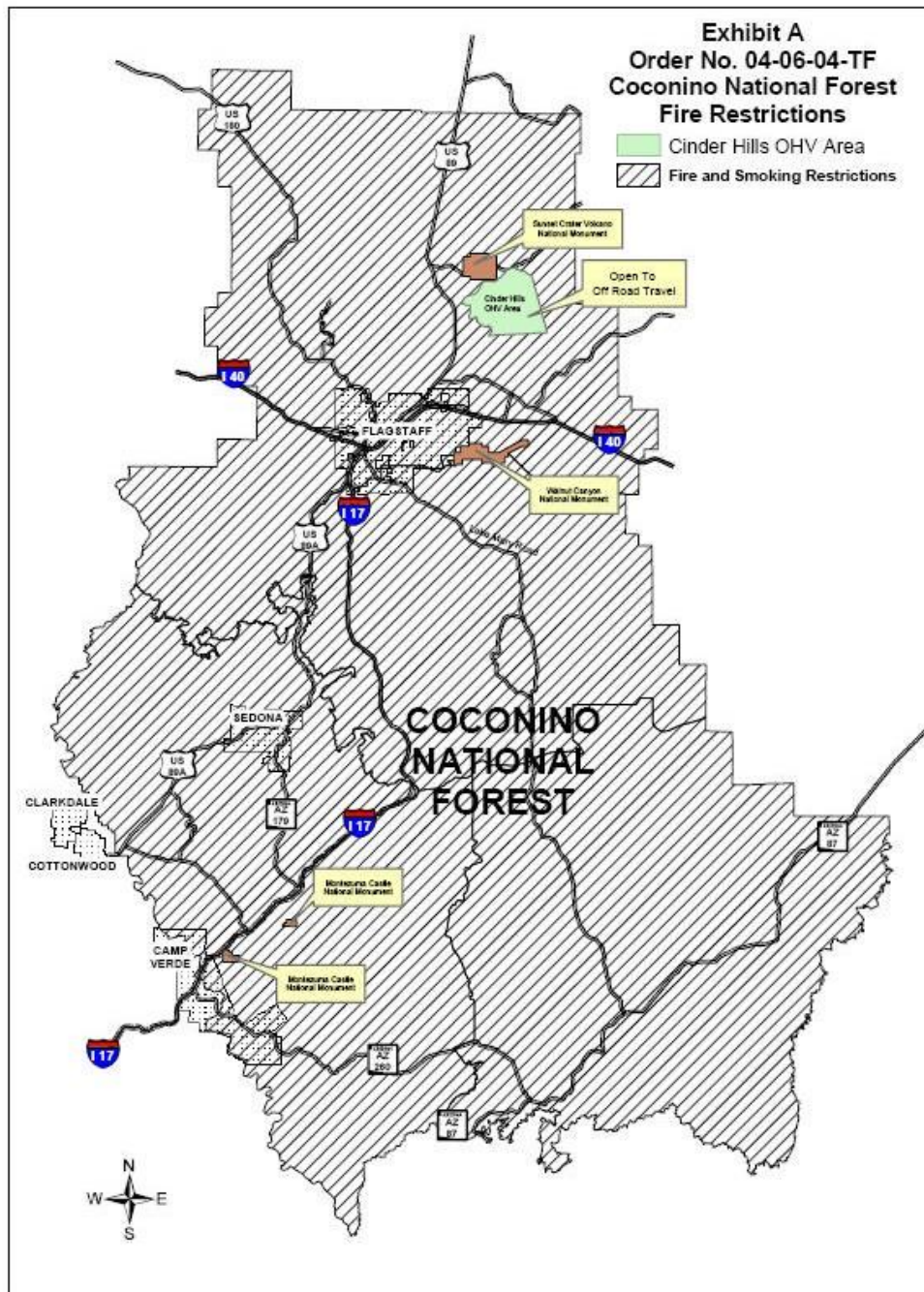


Exhibit 3

Order Number: 04-06-06-TF

**ORDER
EMERGENCY FIRE CLOSURE
COCONINO NATIONAL FOREST
Red Rock Ranger District**

Pursuant to 16 U.S.C. 551, 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are prohibited on all National Forest System lands within the Coconino National Forest, in the following counties with the state of Arizona: Yavapai, Coconino and Gila. The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A..

PROHIBITION:

1. Going into or being upon the restricted area; 36 CFR § 261.52(e)
2. Being on a National Forest System road; 36 CFR § 261.54(e)
3. Being on a trail; 36 CFR § 261.55(a)

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this closure order:

1. Persons with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.

This Order is necessary to protect public health and safety due to the fire danger and fire operations being conducted in the area.

This Order becomes effective at 8:00 AM, July 2nd, 2017, and will remain in force until rescinded or until December 31, 2006, which ever occurs first. This Order rescinds, replaces and supersedes Order No. 04-06-05-TF.

Done at Flagstaff, Arizona, this 30th day of June, 2017

Nora B. Rasure

Nora B. Rasure
Forest Supervisor
Coconino National Forest

Violations of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both; 16 USC § 551, and 18 USC §§ 3559 and 3571.

Description of the closure boundary on Coconino National Forest, effective 7/2/2017

Starting from the South end of the forest:

- Highway 87 starting at the forest boundary; the west side of Hwy. 87 is closed up to the junction with Hwy. 260.
- Highway 260, going northwest from the junction of Hwy. 87 for approximately 8 miles to where the power line crosses the highway; the west / southwest side of Hwy. 260 is closed.
- North along the power line to where it hits FR 142B; the west side of the power line is closed.
- FR 142B, North from the power line to the West Clear Creek Wilderness Boundary and along a line north across the wilderness to FR 81A; the west side of FR 142B and this North line is closed.
- FR 81A to FR 214, North along FR 214 to junction with FR 230, along FR 230 to FR 230E, following FR 230E to intersection with FR 213; the west side of these roads is closed.
- West on FR 213 for about $\frac{3}{4}$ of a mile to FR 765, north on FR 765 to junction with FR 9244E, west on FR 9244E about 2 miles to the district boundary, along the district boundary to I-17; the west and south of this described line is closed.
- The remainder of the closure boundary is the boundary of the Red Rock Ranger District, which follows the edge of the Mogollon Rim to the western forest boundary.

Exhibit A
Order No. 04-06-06-TF
Coconino National Forest
Fire Closures

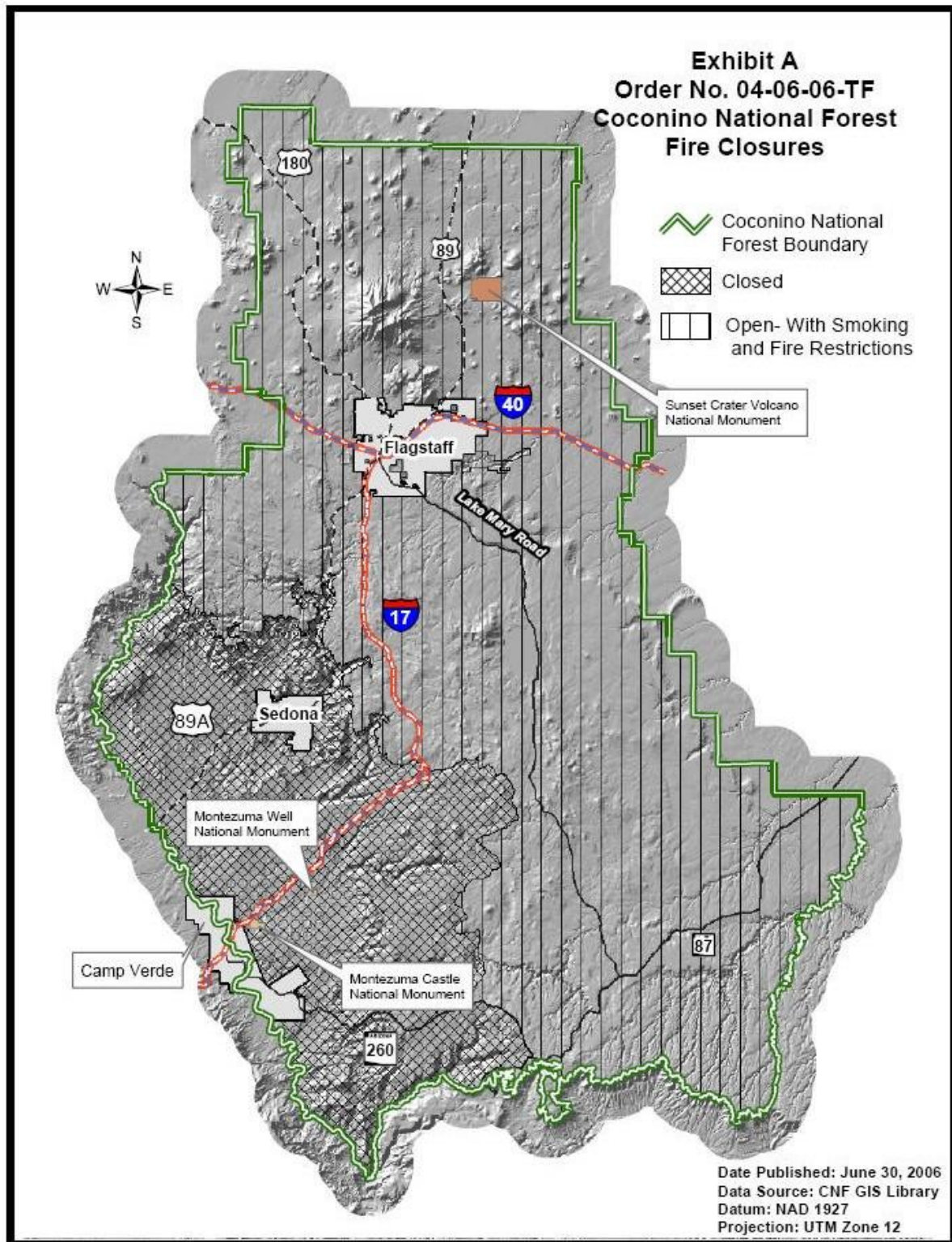


Exhibit 4

Coconino National Forest to Partially Reopen on Sunday

For Immediate Release

June 30, 2017

Contact: Forest Closure Info Center - 928-226-4601

Flagstaff, AZ – Most of the Coconino National Forest will reopen to public access at 8:00 A.M. Sunday, July 2, thanks to enough rainfall to sufficiently dampen the extreme fire danger. The Red Rock Ranger District, essentially the portion of the Coconino below the Mogollon Rim, will remain closed until that area of the forest receives more rain. The entire Coconino National Forest has been under closure since Friday, June 23.

“Our Forest Information Center received over 1,000 calls over the past 10 days inquiring about the forest closure. We appreciate everyone’s patience and cooperation while the Forest Service employed this ultimate fire prevention strategy,” said Nora Rasure, Coconino National Forest Supervisor. “The forest closure was effective. No human caused wildfires have been reported on the Coconino so far during the closure.”

The boundaries of Red Rock Ranger District are roughly described as northeast of the Verde River, west of a meandering line between the junction of Highways 87 and 260 to Stoneman Lake, south of where Interstate 17 drops off the rim, and east of Sycamore Canyon. Included in the closure area are: Stoneman Lake, Fossil Springs Wilderness, western half of West Clear Creek Wilderness, Beaver Creek, Wet Beaver Creek Wilderness, Munds Mountain Wilderness, Red Rock Secret Mountain Wilderness, all Forest Service campgrounds, picnic areas and trailheads in Oak Creek Canyon. Private land owners who access their property through closed areas of the National Forest must obtain a permit from the district office that manages the adjacent National Forest System lands. To receive an entry permit, individuals and organizations need to provide photo identification and proof of residence.

The following restrictions are still in effect on the open areas of the Coconino National Forest:

- ☺☞☼ Campfires—including charcoal fires—are prohibited, including in developed recreation sites. Pressurized liquid or gas stoves, lanterns and heaters are allowed.
- ☺☞☼ Operating a chainsaw for personal use with a firewood permit is prohibited between 9:00 A.M. and 8:00 P.M.
- ☺☞☼ No smoking, except within an enclosed vehicle or building, or developed recreation site.
- ☺☞☼ Welding is prohibited.
- ☺☞☼ Using an explosive is prohibited.
- ☺☞☼ Operating any internal or external combustion engine without a spark arrester is prohibited.
- ☺☞☼ Operating a motor vehicle off National Forest System roads is prohibited, except when parking in an area cleared of vegetation, and except in the Cinder Hills Off-Highway Vehicle Area north of Flagstaff.
- ☺☞☼ Fireworks are ALWAYS prohibited on national forest lands.

Violations are punishable by a fine of not more than \$5000, or imprisonment for not more than six months, or both. These restrictions will remain in place until enough precipitation falls to further decrease fire danger. For further information about closures and restrictions in the Coconino National Forest, call 928-226-4601 between 7:00 A.M. and 7:00 P.M, or visit www.fs.fed.us/r3/coconino. For information on fire restrictions on all public lands in Arizona, call toll-free 1-877-864-6985, or see www.azfireinfo.com.

Exhibit 5

STRIKE[®]net

Jul 25 2017 4:46:14 AM

Thank you for using Vaisala's STRIKE[®]net to validate the referenced claim. Your report was generated using data from Vaisala's National Lightning Detection Network[®], the most comprehensive archive database in North America.

STRIKE[®]net Report 165793

Claim Number:

Insured/Claimant Name:

Approx. Claim/Loss Value:

Items Damaged/Loss Type:

Claim Address:

Search Period:

Jul 4 2017 12:00:00 PM US/Arizona

Jul 5 2017 5:00:00 AM US/Arizona

Search Center Point:

34° 57' 43" N (Latitude), 111° 28' 52" W (Longitude)

Search Radius:

15 mi/25 km around the given location.

Comments: 20 strikes were detected by the National Lightning Detection Network for the given time period and location.

Thank you again for selecting STRIKE[®]net. If you have any questions please contact us at 1 800 283 4557 or thunderstorm.support@vaisala.com.

Best Regards,

The Vaisala STRIKE[®]net Team

Vaisala Inc.
Tucson Operations
2705 E. Medina Road
Tucson, AZ 85706, USA
thunderstorm.vaisala.com
Tel. +1 520 806 7300
Fax +1 520 741 2848
thunderstorm.sales@vaisala.com

Jul 25 2017 4:46:14 AM GMT

 **VAISALA**
Reliable.

Page 1 of 6

STRIKEnet®

STRIKEnet Report 165793

Report Title: Pine Grove

Total Lightning Strokes Detected: 20

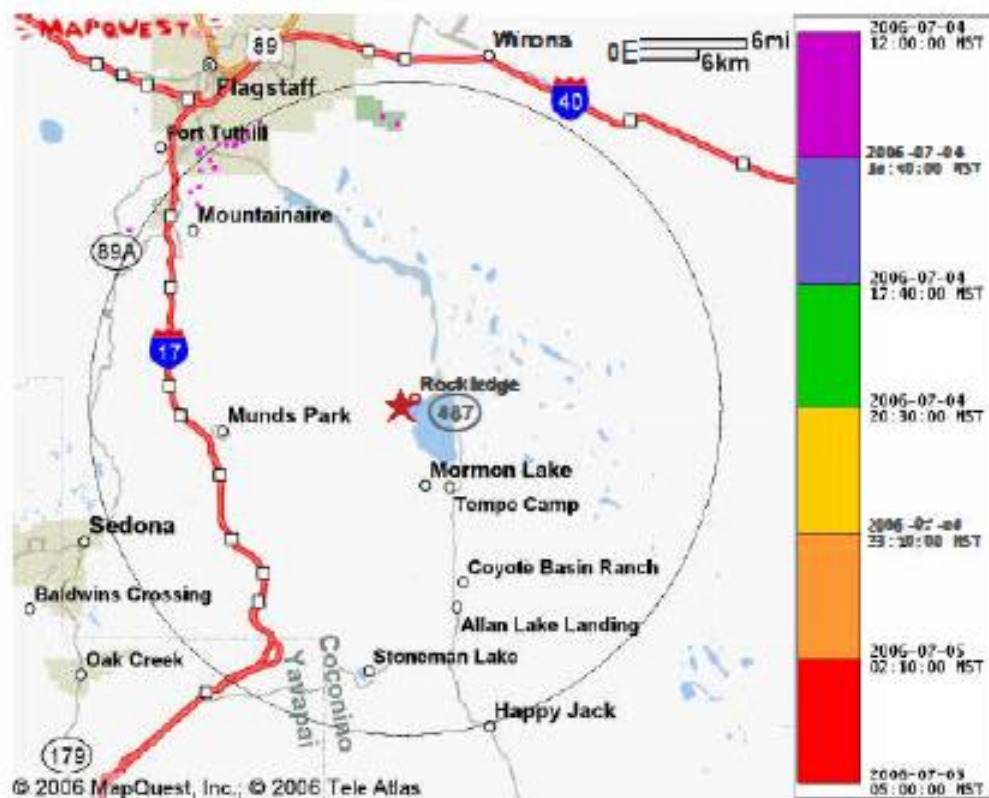
Lightning Strokes Detected within 15 mi/25 km radius: 14

Lightning Strokes Detected beyond 15 mi/25 km whose confidence ellipse overlaps the radius: 6

Search Radius: 15 mi/25 km

Time Span: Jul 4 2017 12:00:00 PM US/Arizona to Jul 5 2017 5:00:00 AM US/Arizona

Location Points For Lightning Strokes



Lightning data provided by Vaisala's NLDN® and/or Environment Canada's CLDN.

Vaisala Inc.
Tucson Operations
2706 E. Medina Road
Tucson, AZ 85706, USA
tucson@vaisala.com
Tel: +1 520 802 7300
Fax: +1 520 741 2848
tucson@vaisala.com

VAISALA
Reliable.

July 25, 2017 4:46:14 AM GMT

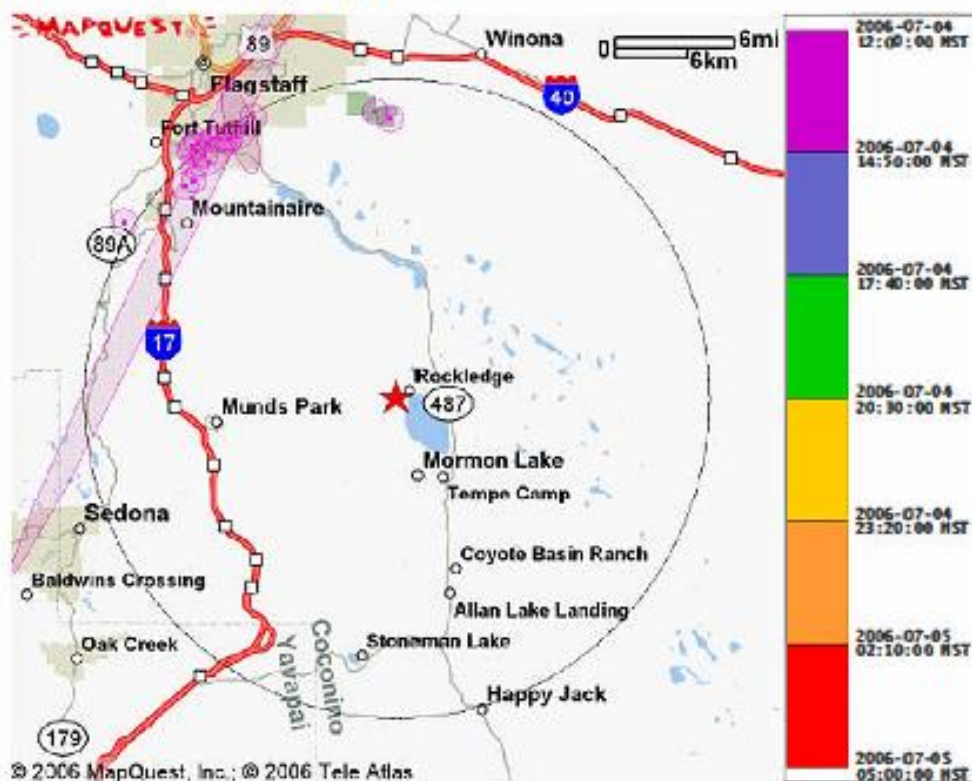
Page 2 of 6

STRIKEnet®

STRIKEnet Report 165793

Report Title: Pine Grove
Total Lightning Strokes Detected: 20
Lightning Strokes Detected within 15 mi/25 km radius: 14
Lightning Strokes Detected beyond 15 mi/25 km whose confidence ellipse overlaps the radius: 6
Search Radius: 15 mi/25 km
Time Span: Jul 4 2017 12:00:00 PM US/Arizona to Jul 5 2017 5:00:00 AM US/Arizona

Confidence Ellipses For Lightning Strokes



Lightning data provided by Vaisala's NLDN® and/or Environment Canada's CLDN. Note: These ellipses indicate a 99% certainty that the recorded lightning event contacted the ground within the bounds of the ellipse.

Vaisala Inc.
Tucson Operations
2705 E. Medina Road
Tucson, AZ 85708, USA
thunderstorm.vaisala.com
Tel: +1 520 808 7300
Fax: +1 520 741 2848
thunderstorm.sales@vaisala.com

VAISALA
Reliable.

July 25, 2017 4:49:14 AM GMT

Page 3 of 6

STRIKEnet Report 165793

Area Of Study With Center Point



STRIKENet®

STRIKENet Report 165793

Report Title: Pine Grove

Total Lightning Strokes Detected: 20

Lightning Strokes Detected within 15 mi/25 km radius: 14

Lightning Strokes Detected beyond 15 mi/25 km whose confidence ellipse overlaps the radius: 6

Search Radius: 15 mi/25 km

Time Span: Jul 4 2017 12:00:00 PM US/Arizona to Jul 5 2006 5:00:00 AM US/Arizona

Lightning Stroke Table (Note: All events shown. Events ordered by time.)

Date	Time	Peak	Distance From	Latitude	Longitude
		Current (kA)	Center (mi/km)		
Jul 4, 2017	12:42:45 PM	-11.9	13.9/22.4	35.1627	-111.4995
Jul 4, 2017	12:44:39 PM	-19.9	14.7/23.7	35.1111	-111.6674
Jul 4, 2017	12:44:39 PM	-12.1	15.9/25.7	35.0849	-111.7203
Jul 4, 2017	12:45:34 PM	-13.4	13.5/21.8	35.1578	-111.4865
Jul 4, 2017	12:47:46 PM	-8.2	14.7/23.8	35.1277	-111.6461
Jul 4, 2017	12:47:46 PM	-14.1	15.7/25.4	35.1367	-111.6600
Jul 4, 2017	12:47:46 PM	-12.2	15.8/25.5	35.1409	-111.6555
Jul 4, 2017	12:47:46 PM	-13.8	15.8/25.5	35.1382	-111.6605
Jul 4, 2017	12:47:46 PM	-19.0	15.7/25.4	35.1373	-111.6596
Jul 4, 2017	12:48:55 PM	-13.2	14.6/23.5	35.1145	-111.6589
Jul 4, 2017	12:48:55 PM	-8.9	14.0/22.6	35.1022	-111.6613
Jul 4, 2017	12:50:17 PM	-15.4	15.1/24.3	35.1253	-111.6585
Jul 4, 2017	12:53:42 PM	-11.0	15.5/25.0	35.1438	-111.6428
Jul 4, 2017	12:54:31 PM	-10.3	15.1/24.4	35.1322	-111.6495
Jul 4, 2017	1:03:29 PM	-76.7	15.1/24.3	35.1444	-111.6278
Jul 4, 2017	1:03:29 PM	22.6	15.1/24.4	35.1505	-111.6185
Jul 4, 2017	1:03:29 PM	-30.1	15.2/24.6	35.1430	-111.6360
Jul 4, 2017	1:03:29 PM	-14.7	15.3/24.7	35.1589	-111.6068
Jul 4, 2017	1:03:29 PM	-9.3	14.9/24.0	35.1452	-111.6214
Jul 4, 2017	1:03:29 PM	-22.1	15.0/24.2	35.1427	-111.6291

STRIKEnet®

STRIKEnet Report 165793

Report Title: Pine Grove

Total Lightning Strokes Detected: 20

Lightning Strokes Detected within 15 mi/25 km radius: 14

Lightning Strokes Detected beyond 15 mi/25 km whose confidence ellipse overlaps the radius: 6

Search Radius: 15 mi/25 km

Time Span: Jul 4 2017 12:00:00 PM US/Arizona to Jul 5 2006 5:00:00 AM US/Arizona

Lightning Stroke Table (Note: All events shown. Events ordered by distance.)

Date	Time	Peak	Distance From	Latitude	Longitude
		Current (kA)	Center (mi/km)		
Jul 4, 2017	12:45:34 PM	-13.4	13.5/21.8	35.1578	-111.4865
Jul 4, 2017	12:42:45 PM	-11.9	13.9/22.4	35.1627	-111.4995
Jul 4, 2017	12:48:55 PM	-8.9	14.0/22.6	35.1022	-111.6613
Jul 4, 2017	12:48:55 PM	-13.2	14.6/23.5	35.1145	-111.6599
Jul 4, 2017	12:44:39 PM	-19.9	14.7/23.7	35.1111	-111.6674
Jul 4, 2017	12:47:46 PM	-8.2	14.7/23.8	35.1277	-111.6461
Jul 4, 2017	1:03:29 PM	-9.3	14.9/24.0	35.1452	-111.6214
Jul 4, 2017	1:03:29 PM	-22.1	15.0/24.2	35.1427	-111.6291
Jul 4, 2017	1:03:29 PM	-76.7	15.1/24.3	35.1444	-111.6278
Jul 4, 2017	12:50:17 PM	-15.4	15.1/24.3	35.1253	-111.6585
Jul 4, 2017	12:54:31 PM	-10.3	15.1/24.4	35.1322	-111.6495
Jul 4, 2017	1:03:29 PM	22.6	15.1/24.4	35.1505	-111.6185
Jul 4, 2017	1:03:29 PM	-30.1	15.2/24.6	35.1430	-111.6360
Jul 4, 2017	1:03:29 PM	-14.7	15.3/24.7	35.1589	-111.6066
Jul 4, 2017	12:53:42 PM	-11.0	15.5/25.0	35.1438	-111.6428
Jul 4, 2017	12:47:46 PM	-14.1	15.7/25.4	35.1367	-111.6600
Jul 4, 2017	12:47:46 PM	-19.0	15.7/25.4	35.1373	-111.6596
Jul 4, 2017	12:47:46 PM	-12.2	15.8/25.5	35.1409	-111.6555
Jul 4, 2017	12:47:46 PM	-13.8	15.8/25.5	35.1382	-111.6605
Jul 4, 2017	12:44:39 PM	-12.1	15.9/25.7	35.0849	-111.7203

Exhibit 6



Exhibit 7



IN THE SUPERIOR COURT OF THE STATE OF
ARIZONA IN AND FOR THE COUNTY OF COCONINO
THE HONORABLE W.L. DAVIS, PRESIDING JUDGE

IN CHAMBERS ()

IN OPEN COURT (X)

JANICE HALL,
CLERK
By: B. Butler, Deputy

STATE OF ARIZONA
v.
TYLER BLUNT

DATE: February 23, 2018
TIME: 9:30 A.M.

NO. S-0300-CR2017-09572

FINAL PRETRIAL MANAGEMENT CONFERENCE

This is the date and time set for the Final Pretrial Management Conference.
Court Reporter Susan Williams is present.

APPEARANCES

State's Attorney: Mark
Roberson Defendant's Attorney: Carmen
Whitaker Defendant: Present

PRETRIAL ORDER

The Court confers with counsel regarding pretrial issues.

IT IS ORDERED as follows:

1. The State will call the following witnesses:

Ashton Blake
Shea Landis
Payton Hudson

2. The Defendant will call the following witnesses:

Tyler Blunt
Logan Fischer
Harley Bolton

3. The exhibits that may be used at trial are premarked as follows:

Exhibit 1	Fire Restrictions Order 04-06-04-TF
Exhibit 2	Emergency Fire Closure Order 04-06-05-TF
Exhibit 3	Emergency Fire Closure Order 04-06-06-TF
Exhibit 4	Coconino National Forest Press Release
Exhibit 5	Lightning Strike Report
Exhibit 6	Photograph of Burning Lodge
Exhibit 7	Aerial Map

4. Authenticity (but not foundation) is stipulated for all exhibits.

5. All witness affidavits are presumed to have been signed before trial. Each witness has reviewed his/her affidavit for accuracy, and no changes were made. Each exhibit or affidavit that bears a signature block is presumed to have been signed on the date indicated on the exhibit or affidavit.

6. Counts 5 (Intentional Burning of Wildlands that Places Another Person in Danger of Death) and 6 (Intentional or Knowing Burning of Wildlands) are dismissed with prejudice. The remaining charges will be tried to a jury.

7. The attached jury instructions are approved.

8. All objections to the sufficiency of, or any defects in, the Indictment have been waived and/or overruled.

9. The Defendant voluntarily has decided to testify at trial, and as such, has waived all rights against self-incrimination. No such objections will be entertained at trial.

10. The Defendant voluntarily gave his/her statement after being properly advised of his/her Miranda rights, and as such, has waived his/her Miranda rights. No such objections will be entertained at trial.

NOTICE TO DEFENDANT:

Failure to comply with the above orders may result in revocation of the defendant's release from custody and/or the imposition of other sanctions.

The defendant may be tried in his/her absence if he/she fails to appear for trial.

IT IS FURTHER ORDERED affirming all prior bond and custody orders.

Jury Instructions

It is your duty as a juror to decide this case by applying these jury instructions to the facts as you determine them. You must follow these jury instructions. They are the rules you should use to decide this case.

It is your duty to determine what the facts are in the case by determining what actually happened. Determine the facts only from the evidence produced in court. When I say “evidence”, I mean the testimony of witnesses and the exhibits introduced in court. You should not guess about any fact. You must not be influenced by sympathy or prejudice. You must not be concerned with any opinion that you feel I have about the facts. You, as jurors, are the sole judges of what happened.

You must consider all these instructions. Do not pick out one instruction, or part of one, and ignore others. As you determine the facts, however, you may find that some instructions no longer apply. You must then consider the instructions that do apply, together with the facts as you have determined them.

In their opening statements and closing arguments, the lawyers have talked to you about the law and the evidence. What the lawyers said is not evidence, but it may help you to understand the law and the evidence.

The lawyers are permitted to stipulate that certain facts exist. This means that both sides agree those facts do exist and are part of the evidence.

You are to determine what the facts in this case are from the evidence produced in court. If the court sustained an objection to a lawyer’s question, you must disregard it and any answer given.

Any testimony stricken from the court record must not be considered.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. In civil cases, it is only necessary to prove that a fact is more likely true than not true, or that its truth is highly probable. In criminal cases such as this, the State’s proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant’s guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the other hand, you think there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find the defendant not guilty.

You must decide whether or not the State has proven the defendant guilty beyond a reasonable doubt. The law does not require a defendant to prove innocence. You must start with the presumption that the defendant is innocent. The State must then prove the defendant guilty beyond a reasonable doubt. This means that the State must prove each element of the charges beyond a reasonable doubt. If you conclude that the State has not met its burden of proof beyond a reasonable doubt with respect to a particular charge, then you must find the defendant not guilty of that charge.

You must decide whether the defendant is guilty or not guilty by determining what the facts in the case are and applying these jury instructions. You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

If you find that the plaintiff, the State of Arizona, has lost, destroyed, or failed to preserve evidence whose contents or quality are important to the issues in this case, then you should weigh the explanation, if any, given for the loss or unavailability of the evidence. If you find that any such explanation is inadequate then you may infer that the evidence is against the State's interest, which may create a reasonable doubt about the defendant's guilt.

The State must prove guilt beyond a reasonable doubt with its own evidence. You must not conclude that the defendant is likely to be guilty because the defendant did not testify. The defendant is not required to testify. The decision on whether or not to testify is left to the defendant acting with the advice of an attorney. You must not let this choice affect your deliberations in any way.

The defendant is not required to produce evidence of any kind. The decision on whether to produce any evidence is left to the defendant acting with the advice of an attorney. The defendant's failure to produce any evidence is not evidence of guilt.

Before you may convict the defendant of the charged crimes, you must find that the State proved beyond a reasonable doubt that the defendant committed a voluntary act. A voluntary act means a bodily movement performed consciously and as a result of effort and determination. You must consider all the evidence in deciding whether the defendant committed the act voluntarily.

In determining the evidence, you must decide whether to believe the witnesses and their testimony. As you do this, you should consider the testimony in light of all the other evidence in the case. This means you may consider such things as the witnesses' ability and opportunity to observe, their manner and memory while testifying, any motive or prejudice they might have, and any inconsistent statements they may have made.

The State has charged the defendant with certain crimes. A charge is not evidence

against the defendant. You must not think that the defendant is guilty just because of a charge. The defendant has pled “not guilty”. This plea of “not guilty” means that the State must prove each element of the charges beyond a reasonable doubt.

Evidence may be direct or circumstantial. Direct evidence is the testimony of a witness who saw, heard, or otherwise observed an event. Circumstantial evidence is the proof of a fact or facts from which you may find another fact. The law makes no distinction between direct and circumstantial evidence. It is for you to determine the importance to be given to the evidence, regardless of whether it is direct or circumstantial.

A witness may give an opinion on a subject upon which the witness has become an expert because of education, study, or experience. You should consider the opinion of an expert and the reasons, if any, given for it. However, you are not bound by any expert opinion. Give the expert opinion the importance that you believe it deserves.

Evidence of other acts of the defendant has been admitted in this case. You must not consider this evidence to prove the defendant’s character or that the defendant acted in conformity with that character. You may, however, consider that evidence only as it relates to the defendant’s motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Each count charges a separate and distinct offense. You must decide each count separately on the evidence with the law applicable to it, uninfluenced by your decision on any other count. You may find that the State has proved beyond a reasonable doubt, all, some, or none of the charged offenses. Your finding for each count must be stated in a separate verdict.

You must evaluate the defendant’s testimony the same way as any witness’ testimony.

The State need not prove motive, but you may consider motive or lack of motive in reaching your verdict.

“Intentionally” or “with intent to” means that a defendant’s objective is to cause that result or to engage in that conduct.

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

“Knowingly” means that a defendant acted with awareness of or belief in the existence of conduct or circumstances constituting an offense. It does not mean that a

defendant must have known that the conduct is forbidden by law.

If the State is required to prove that the defendant acted “knowingly”, that requirement is satisfied if the State proves that the defendant acted “intentionally”.

“Recklessly” or “reckless disregard” means that a defendant 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 such that disregarding it is a gross deviation from what a reasonable person would do in the situation.

If the State is required to prove that the defendant acted “recklessly”, that requirement is satisfied if the State proves that the defendant acted “intentionally” or “knowingly”.

“Criminal negligence” means, with respect to a result or a circumstance described by a statute defining an offense, that a 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 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.

If the State is required to prove that the defendant acted “with criminal negligence”, that requirement is satisfied if the State proves that the defendant acted “intentionally”, “knowingly”, or “recklessly”.

The crime of manslaughter includes the lesser offense of negligent homicide. You may consider the lesser offense of negligent homicide if either:

1. you find the defendant not guilty of manslaughter; or
2. after full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of manslaughter.

You cannot find the defendant guilty of negligent homicide unless you find that the State has proved each element of negligent homicide beyond a reasonable doubt.

The crime of reckless manslaughter requires proof of the following two things:

1. The defendant caused the death of another person by
2. conduct showing a conscious disregard of a substantial and unjustifiable risk of death.

The risk must be such that disregarding it was a gross deviation from what a reasonable person in that defendant's situation would have done.

The crime of negligent homicide requires proof that the defendant, by criminally negligent conduct, caused the death of another person.

"Criminal negligence" in this context means that the defendant failed to recognize a substantial risk of causing the death of another person. The risk must be such that the failure to recognize it is a gross deviation from what a reasonable person would do in this situation.

The distinction between manslaughter and negligent homicide is this: for manslaughter the defendant must have been aware of a substantial risk and consciously disregarded the risk that the defendant's conduct would cause death. Negligent homicide only requires that the defendant failed to recognize the risk.

If you determine that the defendant is guilty of either manslaughter or negligent homicide but you have reasonable doubt as to which it was, you must find the defendant guilty of negligent homicide.

The crime of reckless burning of wildlands includes the lesser offense of burning of wildlands with criminal negligence. You may consider the lesser offense of burning of wildlands with criminal negligence, if either:

1. you find the defendant not guilty of reckless burning of wildlands; or
2. after full and careful consideration of the facts, you cannot agree on whether to find the defendant guilty or not guilty of reckless burning of wildlands.

The crime of reckless burning of wildlands requires proof that the defendant, without lawful authority, recklessly set or caused to be set on fire wildland other than the defendant's own.

The crime of burning of wildlands with criminal negligence requires proof that the defendant, without lawful authority, and with criminal negligence, set or caused to be set on fire wildland other than the defendant's own.

SCORING MATRIX

	ATTORNEYS	WITNESSES
1 – 3 Ineffective	Case/rules/legal issues not understood Trial procedures not understood Delivery not persuasive or articulate Script/notes was total relied upon No questions/arguments moved case forward Asked questions intended for an unfair extrapolation No understanding of making/responding to objections No understanding of how to recover from objections Eye contact not made Voice weak, unclear or inaudible Failed to consider other team's presentation	Witness statements and exhibits not understood Responses not thorough, persuasive, or natural Responses not consistent with facts Consistently went materially outside case materials No understanding of how to recover from objections Eye contact not made Voice weak, unclear or inaudible Deliberately attempted to waste opposing counsel's time Performance was not credible or convincing
4 – 5 Poor	Case/rules/legal issues poorly understood Trial procedures slightly poorly understood Poise and delivery needed work Script/notes was highly depended upon Few questions/arguments moved case forward Asked questions intended for an unfair extrapolation Struggled to make/respond to objections No understanding of how to recover from objections Little eye contact made Voice often difficult to hear Failed to consider other team's presentation	Witnesses statements and exhibits poorly understood Responses felt generic and/or scripted Responses sometimes inconsistent with facts Materially went outside case materials more than once No understanding of how to recover from objections Little eye contact made Voice often difficult to hear Deliberately attempted to waste opposing counsel's time Performance was passable, lacks depth
6 Average (Proficient)	Case/rules/legal issues fairly understood Trial procedures fairly understood Delivery had some hesitation/stumbles Script/notes used occasionally Questions/arguments moved case forward Questions asked called for no unfair extrapolation Missed appropriate opportunities to object Recovered adequately after objections Eye contact maintained some of the time Voice sometimes difficult to hear Minimally responsive to other team's presentation	Witness statements and exhibits fairly understood Performance was somewhat credible and convincing Some responses felt scripted Responses consistent with facts Materially went outside case materials once Recovered adequately after objections Eye contact maintained some of the time when appropriate Voice sometimes difficult to hear Answers most cross questions responsibly
7 – 8 Very Good	Case/rules/legal issues well understood Trial procedure understanding was very good Delivery was persuasive Script not used, reacts to the moment Notes only used for issues raised during trial Questions/arguments moved case forward Questions asked called for no unfair extrapolation Objections/responses were appropriate Recovered well after objections Eye contact mostly maintained Voice was clear, audible, and confident Adjusted case other team's presentation	Witness statements and exhibits well understood Responses mostly felt spontaneous and not memorized Responses consistent with facts Did not materially go outside case materials Rarely went outside scope of case materials Recovered well after objections Eye contact mostly maintained when appropriate Voice was clear, audible, and confident Answers most cross questions responsibly Performance was mostly credible and convincing
9 – 10 Outstanding and Superior	Case/rules/legal issues excellent understanding Trial procedure understanding was superior Delivery was compelling Script not used, reacts to the moment Notes only used for issues raised during trial Questions/arguments were compelling Objections/responses were appropriate and mastered Superior recovery after objections Questions asked called for no unfair extrapolation Eye contact maintained Voice was clear, audible, confident and with conviction Excellent responses to other team's presentation Compelling trial presentation Took command of courtroom, but not overbearing	Witness statements and exhibits excellent understanding Performance felt spontaneous and natural Responses consistent with facts Did not materially go outside case materials Superior recovery after objections Eye contact maintained when appropriate Voice was clear, audible, confident and with conviction Answers most cross questions responsibly Took command of courtroom, but not overbearing Performance was compelling

Judge _____

Courtroom _____

Arizona High School Mock Trial Competition Score Sheet

(Circle one) Round 1 2 3 4
Competition: Regional State
Region _____

P=Prosecution/Plaintiff _____ **D**=Defendant/Defense _____

Using a scale of 1 to 10, rate the **P** and **D** in the categories below.

DO NOT USE FRACTIONAL POINTS.

Not Effective	Fair	Good	Excellent	Outstanding					
1	2	3	4	5	6	7	8	9	10

Category		P		D
Opening Statement			Opening Statement	
Prosecution/Plaintiff First Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Prosecution/Plaintiff Second Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Prosecution/Plaintiff Third Witness	Direct Examination		Cross-Examination	
	Witness Presentation			
Defendant/Defense First Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Defendant/Defense Second Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Defendant/Defense Third Witness	Cross Examination		Direct Examination	
			Witness Presentation	
Closing Argument			Closing Argument	
Subtotal			Subtotal	
Penalty Points			Penalty Points	
Total Points (Absolutely no ties)			Total Points (Absolutely no ties)	

Overall Best Performance:

(School Name)

Outstanding Individual Performer:

(Student's Name)

Please deliver ballot and student roster to timekeeper before debriefing the team



TEAM ROSTER – PROSECUTION (PLAINTIFF)

Team roster forms are to be duplicated and completed by each team prior to each round and presented to the Presiding Judge (1), Scoring Judges (3) and opposing counsel (1) before the round begins (5 per trial). Your team must be identified only by your TEAM CODE.

TEAM CODE: _____

Round (circle one): 1 2 3 4 Final

**NAME of STUDENT
ATTORNEYS**

TASKS

WITNESS EXAMINED

1) _____
(Student's Name)

Opening/Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

2) _____
(Student's Name)

Closing/Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

3) _____
(Student's Name)

Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

**NAME of STUDENT
WITNESSES**

GENDER of WITNESS

ROLE to be PORTRAYED

4) _____

M F

Ashton Blake

5) _____

M F

Shea Landis

6) _____

M F

Payton Hudson

7) _____

Timekeeper (may not communicate with team)

Team Member(s) Not Participating in this Round:

8) _____

9) _____

(only if team is using a 9th member exclusively as timekeeper)

NOTE: Team members not participating must sit behind the bar and may not communicate with participating team members during round.



TEAM ROSTER – DEFENSE

Team roster forms are to be duplicated and completed by each team prior to each round and presented to the Presiding Judge (1), Scoring Judges (3) and opposing counsel (1) before the round begins (5 per trial). Your team must be identified only by your TEAM CODE.

TEAM CODE: _____

Round (*circle one*): 1 2 3 4 Final

NAME of STUDENT ATTORNEYS

TASKS

WITNESS EXAMINED

1) _____
(Student's Name)

Opening/Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

2) _____
(Student's Name)

Closing/Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

3) _____
(Student's Name)

Dir/C-X

Direct: _____
(Witness)

Cross: _____
(Witness)

NAME of STUDENT WITNESSES

GENDER of WITNESS

ROLE to be PORTRAYED

4) _____

M F

Tyler Blunt

5) _____

M F

Logan Fischer

6) _____

M F

Harley Bolton

7) _____

Timekeeper (may not communicate with team)

Team Member(s) Not Participating in this Round:

8) _____

9) _____

(only if team is using a 9th member exclusively as timekeeper)

NOTE: Team members not participating must sit behind the bar and may not communicate with participating team members during round.