

**ARIZONA HIGH SCHOOL
MOCK TRIAL TOURNAMENT
2016-2017**

STATE OF ARIZONA

v.

ROBIN BANKS

A program of

Arizona Foundation for
**LEGAL SERVICES
& EDUCATION**

Young Lawyers of Arizona

STATE OF ARIZONA

v.

ROBIN BANKS



The Arizona Foundation for Legal Services & Education sincerely thanks the YLD High School Mock Trial Committee of the State Bar of Georgia and Michael Nixon, the Georgia State Coordinator, for permission to use these materials. These mock trial materials were adapted from an original case created by Judge Michael H. Barker, John Ratterree, II, Esq., Christine S. Barker, Esq., Judge Melodie H. Clayton, C. Elizabeth (Beth) Jones, Esq., Roy E. Manoll, III, Esq., Judge Jennifer B. Mann, W. Phillip (Phil) McCurdy, III, Esq., H. Suzanne Smith, Esq., Tania R. Tuttle, Esq., and Katherine (Katie) K. Wood, Esq.

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STATE OF ARIZONA

v.

ROBIN BANKS

NOTE: All characters, names, events, places and circumstances in this mock trial case are fictitious.

BREIF CASE SUMMARY:

Most of the population of Pinetop-Lakeside was ecstatic when the town was chosen to host the four-day global economic summit referred to as the "Gang of Four" on January 11-14, 2015. Pinetop-Lakeside used to be a sleepy little mountain town, where time passed slowly and change was just as slow to arrive. However, since retirees and young professionals started purchasing mountain property, the population and economy of Pinetop-Lakeside has grown rapidly. The downtown area of Pinetop-Lakeside is in the process of being revitalized and the residential area around the old car lot near the railroad tracks has become more and more gentrified. Because of its perfect location and growing importance in the state, high-ranking officials felt that Pinetop-Lakeside would be the perfect place to host the summit. On the surface Pinetop-Lakeside seemed happy with its newfound prosperity, but some residents resented the newcomers and what they considered the overwhelming sprawl that came with it. This group of residents, led by Robin Banks, began to outline the downside of the booming growth and development, through newspaper articles and peaceful protests. They became very outspoken opponents of the "new order of things" in Pinetop-Lakeside.

At the same time, Glutco, a huge conglomerate that manufactures the latest addition to the over-sized SUV market, the Guzzler, had just purchased the abandoned alternative-fuel vehicle dealership on the edge of town, near the railroad tracks. Glutco's plans called for turning the old car lot into a new dealership for their very popular, over-sized SUV, which they considered the perfect vehicle for navigating mountain roads, going off-road, and getting off a snowbound mountain. The Guzzler is bigger than a Hummer, and viewed by many environmentalists as the ultimate in environmental waste and gluttony, but even with gas prices on the rise, Glutco had not seen a downturn in Guzzler sales. Americans love giant automobiles with big engines!

Because of worries over protests, riots and sporadic vandalism at previous Gang of Four summits, security was a major concern for summit planners and local officials began training months in advance to deal with potentially violent protestors. Fires set at Guzzler dealerships punctuated protests in cities that hosted the last two summits, so local officials knew they had to be proactive and Pinetop-Lakeside was on edge as residents read about Glutco's plans for the old car lot in the local paper. Lists were made and plans were set for dealing with protestors, both violent and peaceful, and with the media and dignitaries who would visit the area.

An international environmental fringe group called Global Nature Activist Troop (GNAT...they love to remind everybody that the G is silent) claimed responsibility for the two previous "summit fires". However, the national GNAT "organization" was quick to denounce such violent activities. According to information circulating online and by word-of-mouth, GNAT had plans to disrupt the Gang of Four summit scheduled for Pinetop-Lakeside and

because of these rumors, Glutco decided to hold off on the renovation of the site until after the summit had concluded. They were certain that GNAT would view the new dealership as a target of a bomb attack, as they had other Guzzler dealerships in the past. Local officials and Glutco executives were well aware of Robin Banks and his/her ties, however tenuous, to GNAT. The appearance of Michael/Michelle Collins in Pinetop-Lakeside seemed to cement these ties in the minds of local law enforcement officials.

Another issue that faced summit planners and local officials was how to deal with the group of homeless persons who were a constant presence near the railroad tracks in the downtown area. The local paper carried several editorials about this subject, from homeless advocates, as well as from those who wanted to rid Pinetop-Lakeside of all homeless persons in advance of the summit. It was well known in town that several homeless persons frequented the abandoned car lot and that a female homeless person, Philipa Newton, and her sibling Larry, were among the most dedicated “residents”. It was also widely known that Philipa habitually started fires both for warmth on cold nights and to cook food.

The town was tense as it waited for the summit to start and that tension exploded, along with the abandoned car lot, just as the protestors, dignitaries and the media descended on the town to attend the summit. Now Philipa Newton is dead and Robin Banks has been arrested and charged with her murder. Banks has an alibi, but is it solid enough to combat strong evidence presented by the Prosecution against him/her? As teams prepare and present their cases during the regional and state competitions, we’ll come to find out just how strong both the Prosecution and Defense cases really are.

STIPULATIONS:

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. Stipulations cannot be contradicted or challenged.
3. The signatures on the witness statements and all other documents are authentic.
4. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
5. Chain of custody for evidence is not in dispute.
6. No demurrer to the indictment shall be allowed.
7. Philipa Newton, the victim, is female.
8. Exhibits 1, 2, 3, 8 and 9 were composed and compiled by the person whose name appears thereon and were each made in the regular course of business and it was the regular course of business to make such record at the time of the act, transaction, occurrence, or event or within a reasonable time thereafter.
9. Exhibits 4 and 5 are accurate online reproductions of articles published in the *Pinetop-Lakeside Nugget*.
10. Exhibit 6 is sufficient to constitute proof of a prior conviction under Rule 609.
11. Exhibit 7 and 12 are admissible without further foundation.

12. Exhibits 10 and 11 fairly and accurately depict the scene, view or geography they purport to depict.
13. After a hearing, the trial judge found that the identification made by Newton at the hospital was admissible, and the ultimate weight to be placed on the identification was for the jury to determine.
14. The word “humyn” (a less accepted spelling of the word “human”) is not to be considered a misspelled word in the statement of Michael/Michelle Collins, but a manifestation of strongly held beliefs on the part of this character.
15. No objections to the sufficiency of the Complaint or the jury instructions will be entertained.

WITNESSES:

For the Prosecution—

Chief Brad/Barbara Gray
Laurens/Lauren “Larry” Newton
William/Wilma E. Buy

For the Defense—

Robin Banks, *Defendant*
Michael/Michelle Collins
I.C. Dahdpepal

LIST OF EXHIBITS:

1. I.C. Dahdpepal's Internet homepage
2. Memo from Maximus Glut
3. Memo to Maximus Glut
4. Article from *Pinetop-Lakeside Nugget* newspaper online: "Homelessness on Rise in Growing City"
5. Article from *Pinetop-Lakeside Nugget* newspaper online: "Uproar at City Council Meeting"
6. Newton Plea Agreement
7. Medical Examiner's Report
8. Arson Investigation Report
9. Arson Investigation Report – *Addendum*
10. Site Plan – Downtown Pinetop-Lakeside
11. Floor Plan – Glutco dealership
12. DPS Lab Report

**IN THE SUPERIOR COURT OF NAVAJO COUNTY
BILL OF INDICTMENT**

COUNT ONE: FELONY MURDER (A.R.S. § 13-1105(A)(2))

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

- | | |
|----------------------|---------------------|
| 1. Charlie Lester | 2. Steven Mann |
| 3. Nicholas Barker | 4. Leanne Beutler |
| 5. Stephen Boswell | 6. Candace Byrd |
| 7. George Carley | 8. Marlene Melvin |
| 9. Deborah Craytor | 10. Mike McGlamry |
| 11. Michael Cranford | 12. David Rieke |
| 13. Peggy Caldwell | 14. Robert McDonald |
| 15. Kali Beyah | 16. Judy Yarbro |
| 17. Julie Culhane | 18. Leah McEwen |
| 19. Emily Turner | 20. Ed Carriere |
| 21. Tania Tuttle | |

In the name and on behalf of the citizens of Arizona, charge and accuse ROBIN BANKS with the offense of FELONY MURDER, for that the said ROBIN BANKS, in the County and State aforesaid, on or about January 10, 2015, did unlawfully cause the death of Philipa Newton, during the commission of a felony, to wit: arson of an occupied structure, contrary to the laws of the State of Arizona, the good order, peace and dignity thereof.

COUNT TWO: ARSON OF AN OCCUPIED STRUCTURE (A.R.S. § 13-1704)

And the jurors aforesaid, in the name and on behalf of the citizens of Arizona, further charge and accuse ROBIN BANKS with having committed the offense of ARSON OF AN OCCUPIED STRUCTURE, for that the said ROBIN BANKS, in the County and State aforesaid, on or about January 10, 2015, did unlawfully by means of fire or explosive, knowingly and unlawfully damaging an occupied structure located at 1948 First Street, Pinetop-Lakeside, Arizona, contrary to the laws of the State of Arizona, the good order, peace and dignity thereof.

TRUE BILL
February, 2015

Filed in office this 1st day of
1 February, 2015.

/s/
Foreperson

/s/
(Deputy) Clerk, Superior Court of
Navajo County, Arizona

Defendant, on February 15, 2015, being in open court, pleads NOT GUILTY.

Robin Banks /s/
Defendant

/s/
Defendant's Attorney

/s/
Prosecuting Attorney

**IN THE SUPERIOR COURT
OF NAVAJO COUNTY
STATE OF ARIZONA**

State of Arizona)	
)	Criminal Action
v.)	No. 2016-MT
)	
Robin Banks)	

THE CHARGE OF THE COURT
[Not to be read in open court]

Pleadings

You are considering the case of the State of Arizona versus Robin Banks. The grand jury has indicted the defendant with the offenses of felony murder and arson of an occupied structure.

Issue And Plea Of Not Guilty

The defendant has entered a plea of not guilty to this indictment. The indictment and the plea form the issue that you are to decide.

Neither the indictment nor the plea of not guilty should be considered as evidence.

Presumption Of Innocence; Burden Of Proof; Reasonable Doubt

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his/her favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

No person shall be convicted of any crime unless and until each element of the crime as charged is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.

There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence.

However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

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

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

Credibility Of Witnesses

You must determine the credibility or believability of the witnesses. It is for you to determine which witness or witnesses you believe or do not believe, if there are some whom you do not believe.

In deciding credibility, you may consider all of the facts and circumstances of the case, the manner in which the witnesses testify, their intelligence, their interest or lack of interest in the case, their means and opportunity for knowing the facts about which they testify, the nature of the facts about which they testify, the probability or improbability of their testimony, and the occurrences about which they testify. You may also consider their personal credibility insofar as it may have been shown in your presence and by the evidence.

Conflicts in Testimony

When you consider the evidence in this case, if you find a conflict, you should settle this conflict, if you can, without believing that any witness made a false statement. If you cannot do so, then you should believe that witness or those witnesses whom you think are best entitled to belief.

You must determine what testimony you will believe and what testimony you will not believe.

Witness, Impeached by

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

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

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

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

- (a) whether any such statements were made,
- (b) whether such statements were contradictory to any statements the witness made on the witness stand, and
- (c) whether such statements were relevant to the witness's testimony and to the case.

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

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

Prior Inconsistent Statement; Substantive Evidence

Should you find that any witness has made any other statement inconsistent with that witness's testimony from the stand in this case and that such prior inconsistent statement is material to the case and the witness's testimony then you are authorized to consider that other statement not only for purposes of impeachment, but also as substantive evidence in the case.

Jury; Judges of Law and Facts

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

Definition Of Crime

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

Intent

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt.

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

No Presumption Of Criminal Intent

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

Evidence; Generally

Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and the exhibits admitted during the trial. It also includes any stipulations, which are facts agreed to by the lawyers. It does not include the indictment, the plea of not guilty, opening statements or closing arguments by the lawyers, or the questions asked by the lawyers.

Direct And Circumstantial Evidence

Evidence may be either direct or circumstantial or both.

Direct evidence is evidence that points immediately to the question at issue.

Evidence may also be used to prove a fact by inference. This is referred to as circumstantial evidence.

Circumstantial evidence is the proof of facts or circumstances, by direct evidence, from which you may infer other related or connected facts that are reasonable and justified in the light of your experience.

To warrant a conviction on circumstantial evidence, the proven facts must not only be consistent with the theory of guilt but also exclude every other reasonable theory other than the guilt of the accused.

The comparative weight of circumstantial evidence and direct evidence on any given issue is a question of fact for the jury to decide.

Expert Witness

Testimony has been given by certain witnesses who, in law, are termed experts. The law permits persons who are expert in certain areas to give their opinions derived from their knowledge of that area. The weight that is given to the testimony of expert witnesses is a question to be determined by the jury. The testimony of an expert, like that of any other witness, is to be received by you and given only such weight as you think it is properly entitled to receive. You are not required to accept the opinion testimony of any witness, expert or otherwise.

Venue; Generally

The law provides that criminal actions shall be tried in the county in which the crime was committed.

Venue is a jurisdictional fact that must be proved by the State beyond a reasonable doubt just as any element of the offense. Venue must be proved by direct or circumstantial evidence, or both.

Offenses Charged

The defendant is charged with the offenses of felony murder and arson of an occupied structure.

Felony Murder; Defined

A.R.S. § 13-1105. First degree murder; classification:

A. A person commits first degree murder if:

1. Intending or knowing that the person's conduct will cause death, the person causes the death of another person, including an unborn child, with premeditation or, as a result of causing the death of another person with premeditation, causes the death of an unborn child.
2. Acting either alone or with one or more other persons the person commits or attempts to commit sexual conduct with a minor under § 13-1405, sexual assault under § 13-1406, molestation of a child under § 13-1410, terrorism under § 13-2308.01, marijuana offenses under § 13-3405, subsection A, paragraph 4, dangerous drug offenses under § 13-3407, subsection A, paragraphs 4 and 7, narcotics offenses under § 13-3408, subsection A, paragraph 7 that equal or exceed the statutory threshold amount for each offense or combination of offenses, involving or using minors in drug offenses under § 13-3409, drive by shooting under § 13-1209, kidnapping under § 13-1304, burglary under § 13-1506, 13-1507 or 13-1508, arson under § 13-1703 or 13-1704, robbery under § 13-1902, 13-1903 or 13-1904, escape under § 13-2503 or 13-2504, child abuse under § 13-3623, subsection A, paragraph 1 or unlawful flight from a pursuing law enforcement vehicle under § 28-622.01 and, in the course of and in furtherance of the offense or immediate flight from the offense, the person or another person causes the death of any person.
3. Intending or knowing that the person's conduct will cause death to a law enforcement officer, the person causes the death of a law enforcement officer who is in the line of duty.

B. Homicide, as prescribed in subsection A, paragraph 2 of this section, requires no specific mental state other than what is required for the commission of any of the enumerated felonies.

C. An offense under subsection A, paragraph 1 of this section applies to an unborn child in the womb at any stage of its development. A person shall not be prosecuted under subsection A, paragraph 1 of this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

D. First degree murder is a class 1 felony and is punishable by death or life imprisonment as provided by §§ 13-

Arson of an Occupied Structure; Defined.

A.R.S. § 13-1701. Definitions:

In this chapter, unless the context otherwise requires:

1. "Damage" means any physical or visual impairment of any surface.
2. "Occupied structure" means any structure as defined in paragraph 4 in which one or more human beings either is or is likely to be present or so near as to be in equivalent danger at the time the fire or explosion occurs. The term includes any dwelling house, whether occupied, unoccupied or vacant.
3. "Property" means anything other than a structure which has value, tangible or intangible, public or private, real or personal, including documents evidencing value or ownership.
4. "Structure" means any building, object, vehicle, watercraft, aircraft or place with sides and a floor, used for lodging, business, transportation, recreation or storage.
5. "Wildland" means any brush covered land, cutover land, forest, grassland or woods.

A.R.S. § 13-1702. Reckless burning; classification.

- A. A person commits reckless burning by recklessly causing a fire or explosion which results in damage to an occupied structure, a structure, wildland or property.
- B. Reckless burning is a class 1 misdemeanor.

A.R.S. § 13-1703. Arson of a structure or property; classification.

- A. A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion.
- B. Arson of a structure is a class 4 felony. Arson of property is a class 4 felony if the property had a value of more than one thousand dollars. Arson of property is a class 5 felony if the property had a value of more than one hundred dollars but not more than one thousand dollars. Arson of property is a class 1 misdemeanor if the property had a value of one hundred dollars or less.

A.R.S. § 13-1704. Arson of an occupied structure; classification:

- A. A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.
- B. Arson of an occupied structure is a class 2 felony.

Alibi

The State has the burden of proving that the defendant was present at the time and place the alleged crime was committed. If you have a reasonable doubt whether the defendant was present at the time and place the alleged crime was committed, you must find the defendant not guilty.

Identification; Reliability

Identity is a question of fact for you to determine. Your determination of identity is dependent upon the credibility of the witness or witnesses offered for this purpose. You should consider all of the factors previously charged you regarding credibility of witnesses.

Some, but not all, of the factors you may consider in assessing reliability of identification are the opportunity of the witness to view the alleged perpetrator at the time of the alleged incident, the witness's degree of attention toward the alleged perpetrator at the time of the alleged incident, the possibility of mistaken identity, whether the witness's identification may have been influenced by factors other than the view that the witness claimed to have, and whether the witness on any prior occasion did not identify the defendant in this case as the alleged perpetrator.

Identification; Burden of Proof

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

If you do not believe that the defendant has been sufficiently identified as the person who committed the alleged crime, or if you have any reasonable doubt about such, then it would be your duty to acquit the defendant.

The burden of proof rests upon the State to prove, beyond a reasonable doubt, the identity of this defendant as the person who committed the crime alleged in this bill of indictment.

Verdict

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Navajo County, Arizona, did on or about the date alleged commit the offense as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty."

If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

Court Has No Interest in Case

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

Sentencing; Responsibility for

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

Deliberations

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

Unanimous Verdict

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

Retire to Jury Room

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

Bailiff, escort the jury to the jury room.

STATEMENT OF CHIEF BRAD/BARBARA GRAY

1
2
3 1. My name is Brad/Barbara Gray and I am an arson investigator for the Pinetop-Lakeside Fire Services
4 Department. I have been with the Fire Services since 1991. I started my career with Fire Services as a
5 firefighter; I rose through the ranks and entered the Arson Unit in 2005. I have been Chief of this Unit since
6 2015. I have been a certified firefighter since 1991; I received my certification from the Arizona Center for
7 Fire Service Excellence, actually the predecessor, but everyone knows it by this name now. I have been a
8 certified Emergency Medical Technician through the Arizona Department of Human Resources since 1998.
9 I was certified as a Law Enforcement Officer through the Arizona Peace Officer Standards and Training
10 Board [P.O.S.T.] since 2005. I have been a certified Arson Investigator through the P.O.S.T. since 2005. I
11 am also a certified Fire Officer through the National Professional Qualifications System since 2003.
12

13 2. I have attended many courses at the Arizona Fire Academy. Some of the courses include the
14 following: Building Construction; Basic Arson Investigation; and Advanced Arson Investigation. I
15 completed courses on Interviews and Interrogations and Death Investigations. I have also been to several
16 courses sponsored by Alcohol, Tobacco and Firearms [ATF] relating to Cause and Origin Investigation. I
17 have attended and taught courses on fire Investigative Approaches as well.
18

19 3. Currently, I am a member of the International Association of Arson Investigators, the International
20 Association of Firefighters, the Arizona Fire Investigators Association, and the Arizona Wildfire and
21 Incident Management Task Force.
22

23 4. While I was a firefighter, I became more and more interested in the arson cases. As such, I asked for
24 and received permission to enter the Arson Unit. In order to do this, however, Pinetop-Lakeside sent me to
25 mandate school so that I could become a certified law enforcement officer. After I received my P.O.S.T.
26 certification in 2005, I entered the arson unit. As an arson investigator, I am responsible for investigating the
27 cause and origin of fires. Of course, not all fires are considered "arson." I have investigated fires in which
28 the cause was accidental. In those cases where the cause is not accidental, our Unit will try to identify and
29 arrest the suspect. During my tenure as an arson investigator, I have investigated more than 150 structure
30 fires and more than 50 vehicle fires. I have testified in court, for both the prosecution and the defense, over
31 73 times. I have been qualified as an expert in the field of arson and arson investigation over 73 times in the
32 Superior Courts of Arizona.
33

34 5. As an arson investigator, I refer to many publications. Some of these include Kirk's Fire
35 Investigations, NFPA 921 Guide for Fire and Explosion Investigations, Arizona Law Enforcement
36 Handbook, and Methods and Techniques of Interviews & Interrogations by Donald Sparry. While these
37 publications are authoritative texts in the field, they supplement my personal experience and classroom
38 training.
39

40 6. My investigation into the origin and cause of the fire that occurred on January 10, 2015 at the Glutco
41 dealership at 1948 First Street revealed the following. At 0330 hours, a concerned citizen contacted the
42 Pinetop-Lakeside Fire Services in regards to a structure fire at 1948 First Street. As is customary on fire
43 calls, the Pinetop-Lakeside Police Department also responded to the scene. Police Officer R.S. Mann was
44 the first to arrive at the scene. He discovered a well-involved structure fire. There were several citizen on-
45 lookers upon Officer Mann's arrival. These citizens were later identified as local homeless people who
46 oftentimes seek shelter in the empty dealership. One of these on-lookers, Lauren/Laurens "Larry" Newton,
47 informed Officer Mann that he/she and his/her sister, Philipa Newton, were inside the structure when two
48 people in a car came and started a fire. He/she dragged his/her sister out of the building and flagged down a
49 passing motorist. Officer Mann radioed for an ambulance and assisted EMS personnel in placing Ms.

50 Newton into the ambulance. After the firefighters had extinguished the blaze in the office area of the
51 structure, Officer Mann approached the structure and located the charred remains of what appeared to be a
52 Sterno can and a can of paint thinner. At that time, Officer Mann notified the Arson Unit.
53

54 7. I responded to the scene and took over the investigation at that time. I used my county issued cellular
55 phone to check on the status of Ms. Newton. The hospital notified me that Dr. Carley had pronounced Ms.
56 Newton dead upon her arrival to the emergency room. The doctor was to perform the autopsy later that
57 afternoon. Next, I contacted the Pinetop-Lakeside Homicide Unit to assist in the investigation, and the
58 Pinetop-Lakeside Crime Scene Unit to assist in processing the scene. Now, just because a person dies in a
59 fire I am not going to start "rounding up the usual suspects." A person can die of smoke inhalation and
60 nobody could be "at fault." I must admit, however, that I was suspicious in this instance for two reasons. I
61 know from past experience that homeless people have used the old dealership to seek refuge from the
62 weather and that they would start fires to cook and keep warm. I thought that perhaps the fire may have
63 started accidentally and that Mr./Ms. Newton was afraid and made up the story of the two strangers in a car
64 to steer the focus away from him/her. Once I saw one charred paint thinner can and the remains of a second
65 one, however, I thought that there might be more to this.
66

67 8. I began my investigation by interviewing Officer Mann and witnesses, then having the Crime Scene
68 Unit photograph the exterior of the building, then moving to the interior from the least burned area to the
69 most burned area. Crime Scene Unit Investigator Joyce Vortice photographed the area and drew a sketch of
70 the scene. The bay/garage area was the least burned. I determined that this was not the room of origin since
71 it had the least fire damage and ordinary combustibles [paper, wood, et cetera] were still present. I later
72 examined the office area; this area had the most extensive burn. I found low burn patterns in the office area,
73 patterns that were not present in the bay/garage area. I located a burned area on the concrete floor
74 approximately 10 inches long by 10 inches wide; this was in the middle of the floor. Located near the
75 burned area was a can, which appeared to be Sterno. Four chemical samples were collected from the office
76 area and later submitted to the Arizona Department of Public Safety's State Crime Lab for analysis. I
77 determined that the office area was the room of origin as it had the most damage. Radiant heat and
78 convection currents caused fire spread to the bay/garage area.
79

80 9. Sterno cans are very small. If a person just spilled the Sterno, then it is highly unlikely that the spill
81 alone would create a fire as large as the one at Glutco. The Glutco dealership went up in flames quickly.
82 Clearly there was a large amount of accelerant used to make the fire spread that quickly. Based upon the
83 location of the fire, the point of origin, and the presence of an accelerant, I determined that this fire was
84 intentionally set.
85

86 10. I discussed the situation with W. E. Buy, who arrived at the scene some time earlier. Also, Homicide
87 Detective Davis notified me that he and Detective Sissel had potential witnesses at the hospital. I drove
88 towards the hospital so the witnesses could be interviewed. While on the way, I noticed Robin Banks, and
89 Michael/Michelle Collins walking along the road. Given the information provided by Buy, I stopped and
90 asked Banks and Collins if they would voluntarily accompany me to the hospital. They consented, and I
91 transported them to the hospital with Banks in the passenger seat and Collins in the back seat (due to space
92 constraints).
93

94 11. When we arrived, I observed someone later identified as a Mr./Ms. Newton. Immediately upon our
95 arrival, Mr./Ms. Newton became visibly shaken and agitated, yelling at Banks and Collins. Newton was
96 yelling "murderer, murderer" and pointing at Banks. This surprised me, as I really liked Collins for this fire,
97 so I pointed at Banks and asked, "Is this him?" Newton nodded. I smelled what seemed to be an odor of
98 accelerant. The cold must have prevented me from smelling it on Banks and Collins before, but the odor
99 was present at the hospital. I then began to interview each of the individuals present. After calming down

100 Newton and taking his/her statement, I spoke to Banks and Collins. I began to question them as to their
101 whereabouts that night. The Collins subject indicated that he/she and Banks were together at a restaurant
102 and then took a walk for a couple of hours. I was immediately suspicious because it was very cold outside
103 and Collins did not appear to be dressed for the weather. When I pressed Collins on this issue, he/she
104 maintained that he/she and Banks were together the whole time.
105

106 12. When I spoke with Banks, he/she did not mention being with Collins that evening. In fact, he/she did
107 not even acknowledge knowing Collins. When I asked him/her where he/she had been that evening, he/she
108 requested a lawyer. Even though he/she was not under arrest, I ceased questioning him/her at that moment.
109 I did observe what appeared to be red marks on Banks' hands. I thought that perhaps these were mild burn
110 marks created as a result of ignition from the use of some type of an accelerant. I requested the hospital to
111 look into this injury, but Banks refused treatment. I asked Detectives Davis and Sissel to review the
112 statements with each of the witnesses and then call me on my cell phone.
113

114 13. I left the hospital and I met Dr. Carley at the Medical Examiner's Office. I was present during the
115 autopsy and can testify as to the accuracy of Dr. Carley's report. The report indicates that Ms. Newton had a
116 blood alcohol level of .23. In the end, Dr. Carley determined that the cause of death was smoke inhalation
117 and that the manner of death was homicide.
118

119 14. I have known Robin Banks ever since his/her family moved to Pinetop-Lakeside. He/she is a very
120 talented artist and has drawn murals all over town. He/she has told me in the past that he/she is most proud
121 of the mural he/she painted at the old alternative fuel car dealership. He/she was upset that Glutco purchased
122 the site and would not allow him/her to remove the mural. The mural was fixed to the wall and therefore
123 belonged to Glutco – at least that is what he/she told me that the Glutco lawyer told him/her. I never thought
124 that he/she would go to this extreme, however. I am aware that artists use paint thinner in their work. I am
125 also aware that mechanics use paint thinner to clean car parts; the can of paint thinner we found was located
126 in the office area and not the bay/garage area where car parts would be located.
127

128 15. I am familiar with Michael/Michelle Collins and the GNAT organization. During a training session
129 to prepare for the Gang of Four summit, I had the opportunity to study a fire at a ski resort in Vail, Colorado
130 started by these "tree huggers", I mean environmentalists, years ago. They are professionals; they know
131 what they are doing; they research things. If they are going to set a fire, then they are not going to use a lot
132 of accelerant. These people know that accelerant leaves a trail. They would use some sort of a timing
133 device. For instance, they would set a candle in the middle of the floor and then make a trail using ordinary
134 combustibles [like paper or wood]. Then they light the candle, set a trail of combustibles and leave!
135

136 16. I was not surprised when these "tree huggers" descended upon Pinetop-Lakeside for the Gang of Four
137 summit. We were prepared for demonstrations and not all peaceful. I am surprised that the Glutco
138 dealership was the target since everyone knew that the homeless frequent this area. In fact, Tiffany Duncan
139 just wrote a great article on that very issue for the local paper. Ironically, a few copies of Ms. Duncan's
140 article were found in the office area of the Glutco dealership.
141

142 17. After reviewing all of the evidence in the case, I went before Judge Ellie Wainwright and swore out
143 arrest warrants for Robin Banks on the charges of felony murder and arson.
144

STATEMENT OF LAUREN/LAURENS “LARRY” NEWTON

1
2
3 1. My name is Lauren/Laurens “Larry” Newton, and Philipa Newton is–was–my sister. Her death,
4 burned up in that fire at the new Guzzler site, is just the last in a series of hard knocks, which have come
5 down on both of us. Again, we’re the victims of larger agendas, castaways on the sea of life, buffeted by its
6 tide. But, as Robert Burns put it well:

7
8 *“...What tho’on hamely fare we dine,*
9 *Wear hodden grey, an’ all that?*
10 *Gie fools their silks, and knaves their wine –*
11 *A man’s a man fo a’ that!*
12 *For a’ that, an’ a’ that,*
13 *Their tinsel show an’ a’ that,*
14 *The honest man tho’e’er sae poor,*
15 *Is king o’ men for a’ that...”¹*
16

17 2. Or that’s what poor Philipa would’ve said. We kept our noses clean (if only in a figurative sense), so
18 our brushes with the police were always of the “move along, and don’t come back” kind; the last thing they
19 wanted to do was arrest us and feed us overnight those times we were roused from places we’d tried to use
20 as shelter from the cold. I did a little time for petty theft, but those days are behind me. Philipa and I figured
21 out better ways to survive.

22
23 3. I wasn’t always homeless, nor was my sister. There were times, as I’ve said, that we had ambitions.
24 Philipa’s time ended, I guess, when they began letting people go from the Army: that “peace dividend,” a few
25 years back. The military was gonna be her “useful” skill, and in the service they took care of her but she
26 didn’t do too well out on her own. What kept her together was taking care of me—I’d begun to have my own
27 problems, about then—but that only lasted so long. Then, after that logging truck hit her dog Rags... Well,
28 Philipa never got over that dog’s death. She got more and more morose, more depressed, till... Well, even
29 though Philipa qualified for some VA benefits she wasn’t comfortable going back around regular people so
30 much anymore. The doctors gave her some pills to help with the blues—and they told her not to give in to all
31 the beers she liked when she used to sit and compose monodies to Rags—but she thought her medications
32 made her “squirrely”, so she wouldn’t take ‘em.

33
34 4. Philipa always said I was good with remembering what I hear, but not so good with my letters, so the
35 military wouldn’t take me without a diploma. Civilian employers weren’t too keen, either, but I managed to
36 get jobs where I didn’t have to do so much with paperwork, just my hands. Problem was, as jobs got more
37 automated—as the neighborhood around here got more developed—those jobs got harder and harder to find.
38 Like my sister, I’ve had a touch of the wanderlust—I don’t like “setting” in one place too long—but I didn’t
39 have a single career like hers that fit that urge. And, too, none of the pick-up jobs I had came with health
40 insurance. Once I got sick, what little savings I had were gone.

41
42 5. The same economic development that was making menial jobs harder to get—at least ones that
43 covered my expenses, not just pocket money—was making it hard to find affordable places to live. And that
44 left Philipa and me—by this time she’d come to stay so we could share expenses—out on our own. Together,
45 I’d drink with her when she was down—it took away the feeling sorry for myself for awhile; took away the
46 sense of being so “different”—but it wasn’t like either of us had a “problem;” even combining our pocket
47 change, we could never buy enough alcohol at one time to become “problem drinkers.” We wandered about
48 a bit more, and then gravitated back to Pinetop-Lakeside, where we were from, originally. I guess, even if

1 “Is There for Honest Poverty” (lines 9-16); Robert Burns: Selected Poems; Penguin Classics, London, 1993; p.181

49 there's really no one and nothing for you there, you still want the feel of home.

50
51 6. It's strange that Philipa's death has brought me a better "new start" than we were ever able to manage
52 while we were together. The company got me new clothes—I'm planning to wear them for the trial so I don't
53 look like some sort of bum, 'y'know—and had my teeth looked at and helped me to get credit for a couple of
54 months rent of a place so I'll have a base from which to look for a job or some training program or
55 something. Their lawyer has told me there might be some public training programs around, he's said there
56 might be some money due me on account of Philipa getting killed in a deliberately-set fire... but, all in all,
57 I'd rather have my sister back!

58
59 7. Philipa and I have had our run-ins with the Guzzler people. They'd run us off their lot at night, but
60 we knew the watchman was spread too thin to keep on top of us, so we'd come back, as often as not, when it
61 got to be the wee hours. Especially if it was cold, that watchman didn't want to be walking about in the
62 White Mountains any more than Philipa and I did! Although the Guzzler folks were happy to rebuild the old
63 dealership so they could sell tricked-out sports utilities to the city slickers who are coming up here to build or
64 renovate vacation homes, apparently they pinched pennies pretty tightly when it came to paying menial
65 employees like their night watchmen.

66
67 8. It was dirty in the old store rooms, since Guzzler hadn't gotten to the point of cleaning up
68 completely, and the service bays were still greasy—with trash and debris from the parts of the previous
69 dealership that they'd begun to rip out—but the place was warm shelter, and the discarded furniture they
70 hadn't carted away yet was softer than the ground. There was plenty of greasy trash and tracks in just about
71 every section of the building. After the first dozen times or so, Guzzler had somebody disable the appliances
72 in the old employee break room so we "visitors" couldn't use them, and we wouldn't be encouraged to come
73 back to the site—that made us popular with the night watchman (who was using the stove and the refrigerator
74 too, I think, and had to go back just to his Thermos)—but Philipa's Army training stood her in good stead.
75 She found ways of cooking some hot grub out on the work floor, usually with Sterno. Philipa was always so
76 careful with her cookware and fuel, probably the only "useful skill" that translated from her days in the
77 Army. There is absolutely no way our little can of Sterno could have caused that fire, because I saw her put
78 the lid on it once she was done cooking.

79
80 9. It was late on the night of January 9th or early morning of the 10th, 2015, and we'd slipped through a
81 spot where erosion had washed the dirt from beneath the fence (and nobody had filled in), creating a gully
82 just deep enough for Philipa and me. At about 1:30 or 2 o'clock in the morning, we'd settled down around
83 the Parts Department, hiding below the counter, which opened into the service bays. My stomach was as full
84 as a day's scrounging and Philipa's culinary skills could make it. Philipa had ducked out to powder her
85 nose, and I was feeling drowsy.

86
87 10. Somewhere across the dealership, I heard a noise. Ordinarily, I would've let it pass—it was too far
88 away, I thought, to be my sister falling in the restroom or anything, but it was in that direction – because
89 we're not greedy about the Guzzler place being only our homestead. But this was different: the sound was
90 too "ambitious" to be simply some other homeless folks taking cover. I called for my sister in a harsh
91 whisper, but I guess she didn't hear me. Or else, she was "indisposed." Getting into a crouch, below the
92 counter, I crawled to the doorway and slowly twisted the knob. Opening the door carefully, so as not to be
93 seen, I crawled into the service bay and hugged the wall, so I'd be hidden in the shadows, somewhat.
94 Through the plate glass, smeared with grime, but translucent, I saw headlights, or heavy flashlights, or
95 something like that moving in an arc.

96
97 11. Homeless people don't drive cars, generally, and they don't usually spend the money to carry heavy-
98 duty flashlights. I thought the security guard had finally read his job description and began to provide

99 security for the old building. I skulked in the shadows, keeping an eye out for my sister so I could warn her
100 of trouble. I didn't see Philipa, but I did see Robin Banks, the defendant. I didn't know Banks at the time—
101 maybe I'd seen him/her around town a time or two—but I got a good look, as two (that I could see) figures
102 slipped into the dealership. They were carrying something; I couldn't see what it was, but their silhouettes—
103 or, at least Banks'—showed up clearly against the lights beyond the plate glass. Later, his/her face showed up
104 as a yellow-reddish glow grew below it, vibrating: flickering, I'd say, in hindsight. Intruders!

105
106 12. They crossed the service bay and headed into the back, towards the offices, where we'd left after
107 dinner. They were whispering between themselves animatedly, but I couldn't make out what they were
108 saying. Keeping my distance, I followed along the wall. By the time I got to the doorway looking into the
109 back, the second figure had disappeared. That kept me from following any closer; I didn't want to run into
110 him/her. So I watched.

111
112 13. There was, as I've said, a ripple or a flash of warm-colored light, and I saw the defendant's face
113 clearly. Banks' expression was both malevolent and satisfied: a demon gazing down on its handiwork. But
114 abruptly, after only that moment's pause, Banks moved deliberately towards the doorway behind which I hid,
115 watching mesmerized. Taken by surprise, I threw myself behind a stack of tall wastebaskets gathered from
116 the previous places at each service manager's workstation and other discarded supplies. I bit into my
117 forearm, muffling my rapid breathing with my coat sleeve to keep from being heard. Banks and his/her
118 accomplice then stopped and looked around. I heard Banks mutter "Bums" to the other person, and then
119 they left. That was my third, but somewhat shadowed, look at the defendant.

120
121 14. Again, as I regained my composure, I looked around for Philipa. I had to crab-crawl to avoid being
122 discovered—although the lights outside were moving again, I couldn't be certain everyone had departed—so it
123 took some time. My search was interrupted when I smelled smoke and heard the unmistakable crackling of a
124 fire from inside the back area where Banks and his/her companion had been. Only as the danger drew me
125 back—curiosity killing the cat—did I see a prone figure illuminated by the growing conflagration.

126
127 15. With desperation, I dragged my sister towards the relative safety of the service bay. The fire was
128 already severe—I don't know how long it had grown while I'd been searching—and Philipa wasn't sounding
129 too well. Not just smoke inhalation, but the fumes of whatever was in the smoke. As we nearly reached the
130 doorway, the flames released overhead detritus; they'd already charred through some structural supports.
131 Part of the falling material hit Philipa, only nearly missing me.

132
133 16. I wanted to call for help, but the phone lines were cut off—to discourage trespassers, again. As I
134 regained my composure, I did my best to render emergency aid to my sister, but she looked in very bad
135 shape. Where, otherwise, I would've been reluctant to draw attention to our (illegal) presence in the Guzzler
136 dealership, the injury to my sister changes the rules. Unable to telephone, and unsure where—or if—there was
137 a fire alarm, I ran through the dealership. The front doors were chained, of course; I had to retreat to a side
138 entrance, and then try to climb the fence surrounding the parking lot where inventory would've been kept.
139 By the time I'd made it, my hands were bloody from the effort and smoke curled from the building behind
140 me. I ran into the street, waving my hands above my head.

141
142 17. That the security guard did not immediately see me is testimony to his level of vigilance. Instead, a
143 passing motorist got to me first. Telling the driver—I do not know his name—to summon help, I turned back
144 to the dealership to begin my climb again. I had to get my sister out of the building; the flames were
145 spreading rapidly—far, far more quickly than I'd imagined they could. Over the dealership, the mural was lit
146 up (for the brief period before it vanished behind a layer of soot, then collapsed into ashes along with the rest
147 of the wall) like the stage set/backdrop scrim of some Wagnerian "ring" opera in Bayreuth. It's strange what
148 imagery goes through your mind at stressed moments like that.

149

STATEMENT OF WILLIAM/WILMA E. BUY

1
2
3 1. My name is William/Wilma Buy. I was born in Detroit, Michigan. I suppose you could say that
4 cars are in my blood. I've worked for all three of the major United States manufacturers over the course
5 of my career. I retired about four years ago and was bored! After six months of the retired life, I had
6 seen most of the major sites in the United States and was driving my spouse crazy! An old friend of
7 mine from the old Detroit days, Maximus Glut, had the idea for me to come and work for him. It's
8 funny how someone that you know in your childhood can be so very different from how you remember
9 him or her!

10
11 2. Max was an independently wealthy man who decided about ten years ago that the cars on the
12 road were just not big enough for him. Max insists that he is big boned, but I think that he really should
13 start taking it easy on his heart!

14
15 3. Max formed a new company – called it Glutco – to make his new larger than life sport utility
16 vehicle. He called it the Guzzler – cause it guzzles soooo much gas. He started out making a few of
17 them for his other rich friends. These cars are built like tanks. In the first year of manufacturing, one of
18 the Guzzlers withstood a tornado in Omaha. It made the national news. The rest was, as they say,
19 history.

20
21 4. Max has been buying land and building dealerships throughout the United States. He hired me
22 to help target the next tier of cities, or places that are near several metropolitan areas. Once he gets his
23 heart set on something, that's it! He doesn't always care if the demographics of an area are right for
24 Guzzler sales, so I have to check out all of that "due diligence" stuff real thoroughly. Otherwise, we
25 might throw good money after bad on a location that just doesn't work.

26
27 5. I went out to Navajo County a bunch of times to get reports on traffic counts, average household
28 income, neighboring businesses, and the like. I try to review anything and everything I can before I
29 present a possible site to Max. Because, like I said, once he gets his heart set on something you cannot
30 change his mind about it.

31
32 6. I was very encouraged by the growth and development of Pinetop-Lakeside. It looks like the
33 yuppies have been buying up the old dilapidated warehouses and turning them into loft apartments and
34 condominiums. I checked out all of the demographics for the area and Pinetop-Lakeside looks like a
35 perfect fit for a new Guzzler car dealership! Glutco was lucky to get this site for its new showroom. I
36 don't know why we were able to get it – but I think it is great! It's right next to the railroad tracks. I
37 think that we can use that to bring in the Guzzlers – they are too wide for transportation on standard-
38 sized tractor-trailers. We have to use two lanes of a major highway to transport them to the dealership.
39 This makes moving a Guzzler very expensive and cumbersome. The cost and difficulty of moving the
40 Guzzler means that there is no trading of vehicles from one dealer to another. Everyone has the same
41 thing at the same time. We have only 1 model of Guzzler for sale at any time. We also transport them
42 in only one color. We custom paint each Guzzler to any of our 256 colors at the dealership's custom
43 paint shop.

44
45 7. I drove by the site maybe six or seven times during my visits to Pinetop-Lakeside in the summer
46 and fall of 2014, before we purchased the Property. Yeah, I heard that there might be homeless people
47 at the site, but I never saw one homeless person when I drove by there. That environmental report by
48 SPEWI said that there was evidence of homeless people. When I saw that I called Sid and asked if he
49 ever actually *saw* a homeless person there, he said no. But, I put it in my report anyway, because, like I
50 said, I like to be thorough.

52 8. Glutco hired a man who had been discharged from the police force to periodically conduct
53 surveillance of the site. He has a wife and six kids under the age of ten, so he was happy to take a part-
54 time job for some extra money and fresh air! Because the building was so dilapidated, there was no heat
55 or air conditioning, etc.; he agreed to take the job if he could check on the site four times per day. He
56 went out to the site at 8:00 a.m., on his way to his regular job fixing cars at the only car repair shop
57 located in town. He went back at 5:00, 8:00 and 11:00 at night. We didn't have to pay him as much as
58 you would a regular caretaker; it's always good to save the company's money. We eventually turned off
59 the electricity and gas to the site to help shave off a few dollars of our monthly expenses. Most of the
60 lights were burned out anyway, so what if he'd have to carry a flashlight – it got the job done, didn't it?
61 Our security must be doing a good job, because I get verbal reports of vagrants and trespassers that have
62 been run off from the premises.

63
64 9. Glutco's plan was to demolish the building and construct a brand new, spacious, modern-design
65 car dealership. Our plans have been substantially delayed every step of the way. We can't even get a
66 permit to remove the old furniture and fixtures from those folks at city hall and we were starting to
67 wonder what we could do to get the ball rolling over there. I understand that the general contractor has
68 had trouble with the officials over the type of car that Glutco will be selling on the Property. I can't see
69 why that's any of their business. Take for example the town council meeting that turned into the big
70 fight. We were trying to secure a few minor (but necessary) permits and some nut case stands up to
71 speak out against the development in general. S/he said his/her name was Robin Banks, and from the
72 moment s/he opened his/her mouth, you could tell s/he was a few cards short of a full deck. It was a
73 constantly rambling, vicious attack that was mostly incoherent. It got so bad that Banks was removed
74 from the meeting, kicking and screaming! As they dragged Banks from the room, s/he kept screaming
75 "Keep it like it was!" It's almost as if Pinetop-Lakeside doesn't want Glutco! I can't imagine why. Sure,
76 we've had some trouble from other cities when they find out that we're coming to town. The people
77 want us, just look at our sales records!

78
79 10. During the meeting, I kept thinking that Banks looked familiar, but I couldn't place him/her. It
80 then dawned on me that I had met Banks about a week earlier. I was actually on the Property when
81 Banks appeared out of nowhere. I have no idea how s/he got in, because I distinctly remember locking
82 the gate behind me when I arrived. S/he started rambling about trying to save that mural on the
83 property. I told Banks that we had been given permission to raze the entire structure and there was
84 nothing there worth saving. What I meant was that the historical review board had reviewed the
85 application and found nothing of historical significance to save. I may have mentioned that s/he was
86 trespassing and threatened to call the police. Banks must have taken my statement the wrong way,
87 because s/he flew off the handle again just like at the town council meeting. Banks then stormed out and
88 said over his/her shoulder as s/he was running away, "Mark my words, that mural will become your
89 pyre! I'll see to that personally. I have friends..." I had to look up what s/he meant. I think s/he kept
90 yelling at me, but the echo from the empty building and the fact that s/he was running away made it
91 difficult to understand.

92
93 11. Considering the threats and irrational behavior, I did a little research on Robin Banks. I
94 discovered that s/he is a member of GNAT. We have had run-ins with members of that organization
95 before, and I've been briefed on the general activities of Michael/Michelle Collins, their leader. They
96 love to target companies such as ours for their twisted agenda. How does setting fire to a car dealership
97 help the environment? Think about the global warming concerns (if you are into that sort of
98 propaganda) when more ash, soot and burned petroleum products are let loose?

99
100 12. It was right around the time that Pinetop-Lakeside hosted The Gang of Four conference that this
101 whole mess arose. I was in Pinetop-Lakeside for the summit, staying at a new hotel downtown. Our
102 security guard called and said that the building was all clear at the time of his last inspection, around
103 11:30 p.m. on the 9th, the night of the accident. I went to bed and the next thing I know, I get a call from

STATEMENT OF ROBIN BANKS

1
2
3 1. My name is Robin Banks. I was born on February 9, 1968, in San Francisco, California, so I
4 guess, in some respects, you could say I am a product of my hippie parents' attempt to re-live of
5 "Summer of Love" festival a decade after the original. But a more cynical observer might say my
6 origins stem from my dad's fear of losing his student draft deferment. Here's the way my parents, whom
7 I was raised to call Ernie and Kathy, tell their part of the story:
8

9 2. In the spring of 1977, my dad, Ernest "Ernie" Banks, was a student at the University of Virginia.
10 Having spent more nights exploring the steam tunnels that crisscross the bowels of the campus than he
11 did studying, Ernie finished up his freshman year at UVA without an invitation to return for a
12 sophomore year. Although underground exploration became Ernie's passion, at that time he was more
13 interested in charting a surreptitious route to the nursing school, where my mom Katherine Barclay
14 Banks, was a student.
15

16 3. When classes ended in May, Ernie proposed to Kathy that they drive to San Francisco in the used
17 mail truck he had bought at a postal service auction. Though her views later changed when she became a
18 feminist, in 1967 she was like many women at that time—looking for a Mrs. Degree, if not a diploma.
19 So Kathy agreed to go, provided that Ernie marry her first. They tied the knot in an impromptu
20 ceremony, which coupled with my subsequent birth nine months and three days later, provided Ernie
21 with a paternity deferment from the draft to replace the student deferment he lost by flunking out.
22

23 4. Their summer-long, cross-country honeymoon was spent camping in the mail truck. During each
24 stop on their way west, Ernie worked on decorating the truck's exterior. By the time they reached
25 California, the mail-truck residence resembled a mini-version of Ken Kesey's famous psychedelic bus.
26 The only difference, other than size, was that Ernie painted the word "Father" (where the Merry
27 Pranksters' bus said "Further") above the windshield because he was ecstatic that Kathy was already
28 expecting by the time they reached San Francisco.
29

30 5. In the Bay Area, Ernie and Kathy found the hippie underground and psychedelic counterculture
31 that they expected, but they were most excited to be there as the seeds of the nascent ecology movement
32 grew into Earth Day. My parents say the benign environmental teach-ins that they took me to when I
33 was a baby were a far cry from the ecotage tactics later employed by some of the fringe elements that
34 spun out of my generation's more radical environmental groups, such as the Global Nature Activist
35 Troop (GNAT...they love to remind everybody that the G is silent).
36

37 6. Unfortunately, our little family was not able to settle permanently in San Francisco. Ernie's
38 dream of finding steady work turning vehicles into psychedelic magic buses went up in smoke and he
39 was reduced to painting anything anyone would pay him to paint, whether it was an artistic endeavor or
40 not, while we made our nomadic journey back east.
41

42 7. Eventually, we settled in Pinetop-Lakeside in Arizona. When Ernie found stable work painting
43 "See Rock City" on barns after a freak lightning strike laid up the guy who had the regular gig, Kathy
44 got a part-time job at the health-food co-op. Pinetop-Lakeside also suited Ernie because Arizona has
45 numerous famous subterranean caverns that provide plenty of spelunking opportunities and as I got
46 older he started taking me along. Because I was home-schooled, it wasn't until I started college that I
47 found out some folks thought my family was a little batty for spending so much time in the darkness
48 underground.
49

50 8. As a teenager, I dreamed of going away to college at UVA to explore the steam tunnels like
51 Ernie did. But, when the time came, it just made more sense to stay at home to attend classes part-time

52 at Pinetop-Lakeside College and not incur a ton of student debt. I worked in Ernie’s painting business
53 when I wasn’t attending classes. The only down side was that it took seven years to earn my art degree.
54 During this time, Ernie taught me that the secret to success as a painter requires some exceptions to our
55 healthy and environmentally correct lifestyle. Chemical strippers and paint thinners are necessities, but
56 must be used carefully because they can burn your hands if you don’t wear gloves.
57

58 9. In 2002, toward the end of my student career, I founded a chapter of the newly created Global
59 Nature Activist Troop (GNAT). By this time, the environmental movement had come a long way from
60 my parents’ early efforts to establish a global holiday for the whole planet. Our chapter’s motto: “Resist
61 much, obey little.”¹ In my mind, that means peaceful civil disobedience, which I had to make clear
62 whenever one of our hothead members suggested we would get more impact from ecotage.
63

64 10. By the time I graduated in 2003, the painting business was growing by leaps and bounds as
65 retirees and young professionals started buying mountain property and building homes that needed
66 painting inside and out. Ernie even put his artistic skills to work doing trompe l’oeil murals and faux
67 finishes for rich folks really into decorative arts. He and I were in big demand over the next decade or so
68 as developers completely transformed Pinetop-Lakeside with new shopping centers catering to the
69 newcomers and restored commercial buildings downtown housing gift shops and gourmet restaurants.
70

71 11. Although this growth allowed me to develop a prosperous niche painting murals, I was
72 determined to stay true to GNAT and my environmentalist roots by speaking out at City Council
73 meetings when they were considering zoning changes to permit new development. I became a regular
74 gadfly, telling the City Council over and over again, “Keep it like it was.”² Sadly, the City Council
75 never seemed to listen.
76

77 12. In frustration, I decided to paint a nostalgic rendering of Pinetop-Lakeside, the way it looked
78 when I was growing up, before the City Council let the developers create all the horrible traffic and
79 pollution problems. Entitled “Keep It Like It Was,” this was my favorite mural. Unfortunately, I painted
80 it inside the only business to fail miserably in Pinetop-Lakeside—a dealership for alternative fuel
81 vehicles that had been built out by the railroad tracks in the area under which the best spelunking cave
82 was located. In fact, the dealership building was constructed right over one of the many entrances to the
83 cavern, which a number of homeless people began utilizing after the building was vacated to enter it for
84 shelter from the cold mountain air.
85

86 13. I was horrified when I found out that Glutco was acquiring the building for a Guzzler dealership.
87 The idea of those ecological monstrosities being showcased against my “Keep It Like It Was” mural
88 really made my blood boil. I tried contacting Glutco’s president, Maximus Glut, to arrange for
89 removal, but he just had a secretary call to tell me that they weren’t going to use the mural.
90

91 14. Then one day while I was painting a mural of frolicking canines at Dave’s Doggy Day Care, the
92 pet spa out by the railroad tracks, I saw one of Glutco’s fat cats pull up to the dealership building. I
93 decided to go over there and talk to him/her about getting the mural back. I had called Glutco and spoke
94 with a very nice PR person who said they’d look into the issue. The Glutco guy/gal had locked
95 himself/herself inside by the time I got there and wouldn’t answer my knocks at the door. So, I found
96 my way into the building through the subterranean passages I knew so well.
97

¹ This quote from Walt Whitman was the motto of Edward Abbey, the author of *The Monkey Wrench Gang*, a novel about radical environmental activism, and he included it between two other quotes at the beginning of the book. *The Monkey Wrench Gang*, Copyright 1975, Perennial Classics, New York, Introduction by Douglas Brinkley, Copyright 2000, p. xv.

² This was the battle cry of the fictional Monkey Wrench Gang in Edward Abbey’s book. *The Monkey Wrench Gang*, Copyright 1975, Perennial Classics, New York, Introduction by Douglas Brinkley, Copyright 2000, p. xx.

98 15. I realize now that I probably startled the Glutco guy/gal when I encountered him/her inside the
99 dealership. I tried to explain that I was the artist who had painted the mural and started to give my
100 reasons for wanting to get it back, but the Glutco guy/gal apparently thought I was one of the homeless
101 people who sometimes use the same underground entrance to seek shelter in the building. S/he punched
102 911 on his/her cell phone and told me he/she would push send if I didn't leave immediately. "If you
103 remove that mural, you'll be a liar! Resist much, obey little!" I roared as I escaped into the underground
104 tunnel.
105

106 16. The next week, I saw the Glutco guy/gal at the City Council meeting and found out his/her name
107 is W.E. Buy. There were two items of interest to me on the council's agenda. One was approval of
108 security plans to limit demonstrations during the four-day global economic summit referred to as the
109 "Gang of Four." The other was approval of a demolition permit to allow Glutco to level the old
110 dealership building to construct a new facility. I signed up on the list to make public comment, as I
111 always do.
112

113 17. When the council was considering the "Gang of Four" issue, I expressed concern that the plan to
114 confine demonstrators to a park far from the meeting site was a violation of the First Amendment rights
115 of GNAT and other organizations who were planning to protest during the summit. I rose to speak again
116 when the council was considering the Glutco demolition permit, but the council president said, "You
117 can't speak twice." When I responded that in all the council meetings I have attended over the years I
118 had never heard of such a rule, the council president ordered police to remove me. The officer took me
119 by the arm and twisted it behind my back. I collapsed to the ground and cried, "Resist much, obey
120 little," and let my body go limp. As they carried my dead weight past W.E. Buy I told him/her, "You
121 better not destroy my mural, 'Keep It Like It Was.'" I was referring to the name of the mural, not the
122 GNAT battle cry, so I don't know why the media reported that I threatened Glutco.
123

124 18. About three weeks before the "Gang of Four" summit, I met the famous GNAT activist
125 Michael/Michelle Collins, who had come to town to help organize the protests. After an organizational
126 rally, we went to the Red Bird Café to grab a bite to eat and to discuss how to get around the City
127 Council's newly enacted limitations. I started telling him/her about the meeting in which they were
128 adopted and how I wasn't allowed to make a plea to save my mural at the old dealership building. I
129 think Michael/Michelle really understood how attached I am to that mural. S/he picked up the check,
130 saying it was his/her treat to cheer me up, and suggested that we take a walk through town so that s/he
131 could become more familiar with some of the staging areas for the protests.
132

133 19. We were just about to call it a night after surveying several potential rally sites when Chief
134 Brad/Barbara Gray pulled up in a squad car. I've known Chief Gray for years because s/he is always at
135 the City Council meetings so I was shocked that s/he suddenly popped out of his/her squad car and very
136 curtly told us to get in. I'm all for protesting, but when an authority figure I know personally makes a
137 request, I plan on complying even though Michael/Michelle demanded to know what was going on.
138

139 20. I was completely stunned when Chief Gray took us to the hospital and marched us into the
140 emergency room and stood us in front of one of the homeless people that I had seen hanging around
141 down by the railroad tracks when I was painting at the pet spa. The bum pointed at me when the chief
142 asked, "Is this them?" And the next thing I knew, I was carted off to jail.
143

144 21. That is all I am prepared to state at this time. I didn't do it.
145

STATEMENT OF MICHAEL/MICHELLE COLLINS

1
2
3 1. My name is Michael/Michelle Collins. I was born on June 10, 1984 in Cambridge, Massachusetts,
4 but not to any blue blood, Harvard-types. My Mom and Pop were working class folks who immigrated to
5 this country before I was born. When I was just a baby, we moved to Boston's south side and my
6 playground was the hardscrabble streets south of the Charles River. Boston has always been famous for its
7 revolutionaries and you grow up angry when you grow up on the mean streets. For me, I directed that anger
8 at the corporations who polluted the air and fouled the water of the Charles River so near my home.
9

10 2. While my anger could have turned to violence, I've dedicated my life to non-violent activism and
11 social justice. Since I was a teenager, I've been involved with various issues ranging from the environment
12 to non-humyn animal welfare to humyn rights. I think, feel and care about the well being of everyone and
13 everything. The desecration of our only Earth Mother, the abuse and slaughtering of our co-inhabitants and
14 the rampant violation to civil and humyn rights has motivated me to non-violent action and to oppose and
15 expose what I see as heinous crimes in our culture. I admit I am a follower of the principles of the Global
16 Nature Activist Troop ("GNAT", the "g" is silent), but the government alleges that I'm the national leader of
17 GNAT. However, the government is just trying to pin that label on me and make me a target for persecution
18 because I chose to challenge the status quo.
19

20 3. In fact, to say that anyone is the leader of GNAT in itself demonstrates a complete lack of
21 understanding of GNAT, its goals or principles. GNAT was formed in 1992 as a splinter group from the
22 Earth First! Movement during an international conference held in England. GNAT is an underground
23 movement with no leadership, membership or official spokesperson. Because GNAT is non-hierarchical,
24 there is no centralized organization or leadership. There is also no "membership" in GNAT. While some
25 individuals commit arson and other illegal acts under the GNAT name, individuals who choose to do so
26 under the banner of GNAT do so driven solely by their personal conscience. GNAT is not organized like a
27 service club where you pay \$20.00 and get a handbook or membership card. You anoint yourself in GNAT
28 by following its principles and by acting out, to the extent your personal conscience allows, against those
29 who pollute the environment and are cruel to animals.
30

31 4. I am also aware that Ecotage, shorthand for Ecologically Motivated Sabotage, has been associated
32 with GNAT by the FBI, but as GNAT's website states, "no citizen or animal has ever been hurt by GNAT's
33 actions." While GNAT opposes all those who profit from the desecration of the Earth Mother, some of the
34 most egregious violators include logging companies, ski resorts, whaling vessels, anything sold by Big Box
35 or made of plastic. However, without question, the main symbolic offense against our only Earth Mother is
36 the Guzzler automobile. Under the GNAT banner, there have been numerous attacks on Guzzler dealerships
37 across the country. In San Diego, a fire gutted a Guzzler parts warehouse and destroyed 20 Guzzlers on the
38 lot. At a Guzzler dealership in Los Angeles, slogans such as "Fat Lazy Americans" and "I ♥ Pollution" were
39 spray painted on vehicles. Besides, the Guzzler is no automobile. It's an urban tank. Gas-guzzler is too
40 polite a term for this behemoth on the freeways. It's a reverse oil well sucking in fuel at three miles to the
41 gallon to feed its insatiable 613-horse power engine. It's the vehicular equivalent of buffed biceps and
42 hypertrophied abs. The Guzzler should run on steroids, not petroleum.
43

44 5. However, unlike some followers of GNAT's principles, I reject violence and I have dedicated my life
45 to non-violent activism and social justice. While the people who set fires under the banner of GNAT may
46 make a big splash with their fires and break-ins, I feel their actions are obscuring the true message of GNAT.
47 Their actions are causing people to liken GNAT to groups like Al Qaeda or ISIS, not to more mainstream
48 organizations like the Sierra Club or the American Society for the Prevention of Cruelty to Animals. To
49 paraphrase Barry Goldwater, extremism in the defense of the environment or animals is no virtue;

50 moderation in the pursuit of environmental change or animal rights is no vice.

51
52 6. Participating in peace marches, protests and speaking at various humyn rights festivals keeps me
53 traveling around the country all the time. Naturally, when I heard that Pinetop-Lakeside had been selected to
54 host the four day "Gang of Four" Summit, which consists of the four main violators of our only Earth
55 Mother, I knew I had to come to Northern Arizona to help organize and participate in peaceful, non-violent
56 protests. I arrived in Pinetop-Lakeside on Saturday, December 20, 2014, about three weeks before the
57 beginning of the summit. A friend had arranged for me to stay with some art students from Pinetop-
58 Lakeside College. The art students also took me to campus where, from the free speech platform in front of
59 the Student Center, I gave speeches on the desecration of the environment, humyn and non-humyn rights and
60 how the government sold the country to the corporations. I also posted flyers around campus scheduling a
61 series of meetings to organize protests at the upcoming Gang of Four Summit. The organizational meetings
62 were held at a small bar called "The World" which was near campus and frequented by an artsy student
63 crowd and other eclectic types. It was at one of these early organizational meetings that I first met Robin
64 Banks.

65
66 7. Robin was either from Pinetop-Lakeside or grew up there and told me that s/he had attended Pinetop-
67 Lakeside College. Robin became essential to organizing the protests for the Gang of Four Summit. Since
68 s/he was local, Robin knew everyone in the area who shared our sentiments on the environment, humyn and
69 non-humyn rights and anyone with an ultra-progressive political agenda. Robin even knew that the best
70 place to get a tofu burger was at the Red Bird Café.

71
72 8. In fact, it's because of the Red Bird Café that I'm certain that Robin Banks is innocent of these
73 charges. You see, the night of the fire at the would-be Guzzler dealership, Robin and I were having a bowl
74 of tofu and bean sprouts at the Red Bird. We'd gone there about 11:00 p.m. to get something to eat after one
75 of our organizational rallies. The place was not crowded, and I doubt anyone else could vouch that we were
76 there. We were sitting there eating when the music in the restaurant started playing Lil' Nemeses T's
77 "School's for Suckas." Now while I've never been a big fan of hip-hop banjo, upon hearing that song, tears
78 welled up in Robin's eyes. Robin told me how this was one of his/her favorite songs and that s/he had
79 listened to it over and over again while painting this mural of the way Pinetop-Lakeside looked before the
80 developers and urban sprawl. Robin also said the mural would be destroyed when the new Guzzler
81 dealership went in to what had been an alternative fuel vehicle dealership located on the edge of town.

82
83 9. To help lighten up Robins' spirits, I paid the check at the Red Bird and suggested that we go out and
84 get some fresh air. We walked around the downtown area of Pinetop-Lakeside and around campus for
85 maybe an hour or two. We discussed the great response we were having to our calls to protest the Gang of
86 Four Summit and how the protests would attract a lot of media attention to our cause. This seemed to take
87 Robin's mind off the mural and put him/her in a better mood. I was just about to tell Robin that I needed to
88 call it a night when blue lights started flashing and Chief Brad/Barbara Gray got out of a squad car, gun
89 already drawn and pointing at us.

90
91 10. Chief Gray shouted, "don't move" and then, "put your hands on your heads." Robin and I both
92 complied, but I demanded to know what was Gray's basis for detaining us. In typical fascist manner, Gray
93 gruffly responded by telling us to "shut up" and s/he handcuffed us and roughed us into the back of the squad
94 car. As Chief Gray sped us away in the patrol car, I again demanded to know why we were being detained
95 and I demanded to see a lawyer. After all, as a political activist, I've been arrested dozens of times for my
96 peaceful, non-violent protests, so I know my rights. However, this jack-booted thug tersely told us that "the
97 only rights we had was the one's s/he wanted to give us." To my surprise, instead of jail, Chief Gray took us
98 to the hospital. S/he made us get out of the squad car and force-marched us into the Emergency Room.
99 Once inside, Gray asked some disheveled-looking bum sitting on a bench "Is this them?" The bum pointed a

STATEMENT OF I. C. DAHDPEPAL

1
2
3 1. My name is I. C. Dahdpepal and I am smarter than you are. It sounds conceited, but it is a
4 simple fact – otherwise, you wouldn't be asking my expert opinion about the origin of this fire.
5

6 2. After being home schooled in Tennessee, I attended Clemson University for three years where I
7 had a double major in French and political science. Alas, the traditional university held no charm for
8 me, and I moved to North Dakota where I joined the local fire department in Nanook. Two years ago, I
9 decided to end one career of public service and start another, and offer my professional services to those
10 who required a competent expert to assist in their investigations. By the way, I am currently enrolled in
11 an online university, and I hope to get my bachelor's degree in chemistry. I am on track to be in the
12 cyber-class of 2022.
13

14 3. While with the Nanook Fire Department, I was tapped to take courses in fire investigation. Over
15 the ten years I worked for NNDFD, I completed several fire investigator courses offered by the Bureau
16 of Alcohol, Tobacco and Firearms, as well as state agencies. I also investigated scores of fires in
17 Nanook, and occasionally testified in court about my findings. This is the first time I've testified about a
18 case I investigated since opening my professional services company two years ago in Flagstaff. Don't
19 get me wrong – I've worked several files, but this is the first one that wound up in court.
20

21 4. I was first contacted about this file approximately two weeks after the fire. I was hesitant to take
22 the case because the passage of two weeks can jeopardize a quality investigation. After all, you never
23 know what is left standing after the local investigation is completed and the elements have deteriorated
24 the scene. However, I was convinced to take the case, and I arrived in Pinetop-Lakeside the next day.
25

26 5. When I investigate a fire, the NFPA 921 is my bible. It is a publication from the National Fire
27 Protection Association, a private association. The official name of NFPA 921 is "Guide for Fire and
28 Explosion Investigations." A committee of the finest minds associated with arson and fire investigation
29 created it. I know it isn't "official" or "binding" on investigators, but it is a wealth of information.
30 Personally, I wouldn't even listen to anyone who wasn't intimately familiar with NFPA 921.
31

32 6. In order to understand my investigation, I need to explain a few things. First, let's talk about fire
33 itself. Fire is commonly defined as the rapid oxidation of a combustible substance based on an
34 uninhibited chemical chain reaction, which is usually associated with the production of heat, light,
35 smoke and exhaust gasses. So, the four elements of fire are heat, fuel, oxygen and the chain reaction.
36 Take one away, and the fire goes out. This is the logic used by firefighters in combating a fire.
37

38 7. There are several stages of fire development. During the Incipient Stage, the fire is just
39 beginning, slowly producing more smoke, gasses and heat. This is the stage where a smoke detector is
40 designed to sound an alarm. During the Free-Burning Phase, the fire and temperatures grow
41 exponentially. Temperatures in a room can exceed 1900 degrees Fahrenheit at this point. During the
42 Flashover Phase, the temperature at the floor will equal, and then rise above the temperature at the
43 ceiling. This is the most dangerous condition for firefighters because all the contents of the room will
44 reach ignition temperature. Finally comes the Decay Phase, where the fuel in the room has been
45 consumed and the fire dies down. This entire process can happen so fast that all these phases can be
46 compressed into a matter of minutes.
47

48 8. A fire will usually burn up and out from the place it starts. This burning usually occurs in three
49 dimensions, like a cone, unless there is something that will cause a fire to behave differently. This could
50 be an obstruction, odd ventilation or airflow, highly combustible building materials in the vicinity or
51 chemicals.

52 9. NFPA 921 outlines that an investigator will generally try to work backwards – from the area of
53 least damage to the area of the greatest damage. Then the investigator must determine the point of
54 origin of the fire. A point of origin is where the very first heat source and the very first fuel source came
55 into contact with each other. Finally, the investigator must determine the cause of the fire, taking care to
56 eliminate all reasonable accidental and natural causes before attributing a fire to foul play.
57

58 10. This is exactly what I did, or at least what I tried to do. However, the previous investigation and
59 firefighting effort had destroyed much of the remaining structure. Coupled with the fact that it had
60 snowed between the time of the fire and the time of my investigation, the scene was significantly
61 compromised.
62

63 11. I was able to locate the area of origin (more general than the point of origin), which was an area
64 later described to me as a suite of offices. I also determined the point of origin, which was an area on
65 the concrete floor near the center of the office suite. I noticed the odd shape of what appeared to be a
66 spill burned in the middle of the floor, roughly 6 inches long and 8 inches wide at the widest point. The
67 burn patterns radiated out from this shape in the floor, and it was obvious that this small area was the
68 point of origin. I took samples in the immediate area and processed it the next day, but from the shape
69 of the burned area, I already knew what it was. It turned out to be a mixture of ethanol, methanol and
70 petroleum jelly. This confirmed my suspicions. I returned to the scene and looked through the debris.
71 Although the area was in a pretty sorry state, there it was – a can of Sterno. It is liquid fuel, after all. I
72 don't see how the original investigator missed it as the primary cause of the fire.
73

74 12. I had seen this repeatedly in Nanook. The winters are so bitter up there; many homeless seek
75 any available shelter from the elements. Some get their hands on Sterno and use it to cook or just for
76 heat. I can't count the number of times someone spilled the Sterno and started a fire. I can't believe that
77 the original investigator missed it, but I do think I understand. Many investigators who initially respond
78 to the scene of a fire already believe that there is some suspicious origin. In short, they expect it to be a
79 criminal matter, and immediately begin to look for signs of foul play. As NFPA 921 suggests, the best
80 practice is to eliminate any reasonable accidental or natural cause before looking for evidence of an
81 intentional act. In fact, NFPA 921 specifically cautions against using the term "suspicious" during the
82 investigation, as it is not an accurate description of the cause of a fire.
83

84 13. To me, it is simple. Homeless people were using the building for shelter. Someone is using
85 Sterno, either cooking or just trying to keep warm. They accidentally tip the can over. The flammable
86 gel spreads and quickly ignites surrounding items. Judging from the report and the remaining debris, the
87 room was full of trash like paper, broken pieces of wood, and all manner of potential fuel. In short, the
88 place was a tinderbox waiting to go up, and all it needed was a spark and this huge fire started from a
89 small, innocuous area in the middle of the floor. It is certainly unfortunate, but hardly the eco-terrorism
90 that the prosecution alleges. Judging from that report, the amount of accelerant used was significant,
91 and I found absolutely no evidence that a significant amount was present at the scene, much less placed
92 in strategic areas in the room. Any other accelerant found by Investigator Gray is probably due to cross-
93 contamination. You see, trespassers who walk throughout the building probably spent some time in the
94 service bay area. It is very easy to pick up oil, sludge and other flammable substances on the bottoms of
95 shoes, on clothes and on hands. Walk through the office area, hang out for a while and voila!
96 Flammable substances are spread everywhere. I have no doubt that those substances contributed to the
97 acceleration of the fire once they were ignited, but the point of origin is still the area where the Sterno
98 was spilled. This also explains the paint thinner found in the debris. Once the fire was really going, the
99 paint thinner in those cans ignited and caused an explosion, which naturally spread the substance in the
100 general area.
101



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Certifications Include:

North Dakota Public Safety Training Center
 Certified Private Investigator – University of Georgia (2013)
 Physical Significance of Bloodstain Evidence—Elmira College Graduate School (1999)
 Clairvoyant Training Program of the Psychic School (2009)

Member of:

International Association of Bloodstain Pattern Analysts
 National Association of Private Investigators
 Inner Circle Society of the International Ghost Hunter Society



INTEROFFICE MEMORANDUM

TO: W. E. Buy, Acquisition Team
Ima Lawyer, Esq., Legal Department
Bill Payer, Accounting Department
Justin Case, Risk management/Insurance Department

FROM: Maximus Glut, President

DATE: December 18, 2014

**RE: *Purchase of Former Johnson Family Car Dealership Building, 1948
First Street, Pinetop-Lakeside, Arizona (the "Property")***

This memo was dictated and not reviewed by Mr. Glut. Typed by Ms. Gold

I drove in the new Guzzler model 2MCH out to Pinetop-Lakeside last week to look at the site. It was a great drive, although the roads are far too narrow up there. Several cars nearly ran into me during the trip! Ms. Gold, would you please check with the general contractor to see if he can get someone out there to make those roads wider; when were they designed, in the horse and buggy days?

Where was I? Oh yeah, I went to the site last week and found that a stiff wind would knock over that building. Maybe the building was something special in 1950, or whenever it was built, but we want something modern out there. I want our new dealership to scream to the customer that the Guzzler has arrived! I want shiny steel and glass and concrete. I don't want anything old or used anywhere. I want everything that was here to be thrown away and all new stuff to come in. I had to look at all sorts of old stuff in those antique stores they have up there. My wife, Ginger, bought so much stuff that I thought that it wouldn't all fit into even the new Guzzler model; but, of course, it did! Did you know that Ginger insisted that we ride horses through the mountains? I think that horse was way too small. Have horses always been so small? My backside smarted for several hours after that horse ride. We did have a delicious dinner in the bed and breakfast. I had a steak that was so tender, oh . . . sorry.

Uh, let's see, let's buy it, tear it down, and build something new and different. Guzzler has arrived!

contains walls of glass, nearly all of which have been broken. Many of these holes have been boarded up, but there remain several openings into the facility. The Property was vacant on the date of inspection and did not appear to have any current utility service.

Lead-Based Paint and asbestos containing materials were noted inside and outside the building structure. Since lead content of paint were not reduced until 1978 and asbestos containing materials was not regulated until 1973 to 1978, the dates of construction of various improvements are of concern. Proper precautions should be taken with regard to the removal of any lead-based paint or asbestos containing materials.

Due to the use of the Property as an automobile repair shop, there may be subsurface petroleum impacts on the soil and surrounding area. SPEWI did not believe that this would trigger any significant regulatory liability. No abutting or proximate sites were found that would suggest any significant current environmental concerns on the Property. Review of the environmental regulatory database listings did not find any listings for the Property or properties, which are abutting or proximately located to the Property.

Graffiti has been painted on the exterior of the building. There appears to be a significant amount of garbage and discarded items on the Property and inside the dilapidated building (see attached pictures of the site extracted from the environmental report). There are two (2) 50-gallon steel storage tanks which contain old rags with oil residue, five (5) empty steel drums (one of which has charring inside), several shopping carts filled with discarded household items, food cans and cartons, and other general debris.

SPEWI noted that there is an entrance to some of the many local underground caverns near the rear of the Property. These caverns are known to house homeless people. SPEWI believes that the building is, also, possibly being used by homeless people for shelter.

In conclusion, the SPEWI report stated that within the tasks included in a Phase 1 environmental assessment, they did not locate any known releases or environmental conditions that would impose a liability, restrict the use, limit the development, or impact the value or marketability of the Property.

3. Utility Availability:
 - a. Water – available through City of Pinetop-Lakeside.
 - b. Sewer – available through City of Pinetop-Lakeside.
 - c. Telephone – available through Arizona Bell.
 - d. Electricity – available through City of Pinetop-Lakeside.
 - e. Zoning – Zoned for general commercial use by the City of Pinetop-Lakeside.

4. Demographics:
 - a. Population:
 - i. Population Figures:
 1. Within 1 mile of site 3,107 people
 2. Within 3 miles of site 7,099 people
 3. Within 5 miles of site 14,443 people
 - ii. Population Age Range:
 1. 27.49% - 18-24 years
 2. 27.06% - 25-44 years
 3. 16.77% - 45-64 years
 4. 12.36% - 65+
 - iii. Projected Growth (*next 5 years*):
 1. Within 1 mile of site - 4.41%
 2. Within 3 miles of site – 8.22%
 3. Within 5 miles of site – 10.85%

Note: The population is roughly 46% male and 54% female.

- b. Average Household Income:
 - i. Within 1 mile of site \$95,130/year/household
 - ii. Within 3 miles of site \$101,260/year/household
 - iii. Within 5 miles of site \$105,060/year/household

 - c. New home developments:
 - i. **Blue Sky** – a new development consisting of 3,000-5,000 square foot single-family homes on 3-acre lots (sales prices starting at \$1,000,000).
 - ii. **Cedar Creek Condominiums** – a combination of new development and redevelopment of the old lumberyard and mill consisting of 1,500-2,000 square foot layouts (sales prices starting at \$250,000).
 - iii. **Big Bear Timeshare** – a new development of 2,000 - 3,000 square foot time-share and hotel space (sales prices start at \$20,000 for off-season weeks and \$35,000 for prime weeks (Fall) or nightly rental of unused/unsold weeks at a rate of \$500 per week for off-season and \$2,000 per week for prime season (Fall)).

 - d. Neighboring retail – All major retail stores are either in place or are planned to be located with 2 miles of the site. Within the next 3 years this formerly quaint mountain town will be inundated with 3 grocery stores, 2 national “super” stores, 2 home improvement stores, 3 bargain stores (99¢ stores), 8 drug stores, 12 banks, 3 video stores, 14 gas stations, 5 coffee shops (inside and outside of bookstores), 6 fine restaurants, and 18 fast food restaurants. Guzzler will fit right in!!
5. Survey of Property and Title Work to be reported upon by Ima Lawyer, Esq. in the Legal Department.

Based upon the Acquisition Team’s review of these reports and information, we have the following recommendations:

1. Bill Payer in the accounting department recommends that the Property be purchased before the end of the year 2014, for accounting purposes.
2. We recommend the purchase of a terrorism rider to the property’s insurance policy.
3. Justin Case recommends hiring a caretaker or part-time watchman for the Property to run off any homeless people who may turn up.
4. I recommend the careful removal of the mural for use in the new building.
5. Justin Case and Ima Lawyer recommend destruction of the building located on the Property.
6. Justin Case and I recommend construction of the new car dealership building to commence in the early spring, 2015, to be completed by June 2015.
7. New vehicles should deliver in June 2015.

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THE PINETOP-LAKESIDE NUGGET

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WEATHER



43°

Poll

What should we do as citizens about the potential decline of hemlock trees in Northern Arizona?

- Ignore the problem altogether
- Raise money and awareness to fight the problem
- Leave it to the experts to solve

Vote

HOMELESSNESS ON RISE IN GROWING CITY

By Tiffany Duncan

original publication date: Friday, 17 October 2014

A recent report by the Navajo County Coalition Against Homelessness states that the number of homeless in Pinetop-Lakeside is growing rapidly. The report criticizes the local government for not ensuring enough accommodation for vulnerable people.

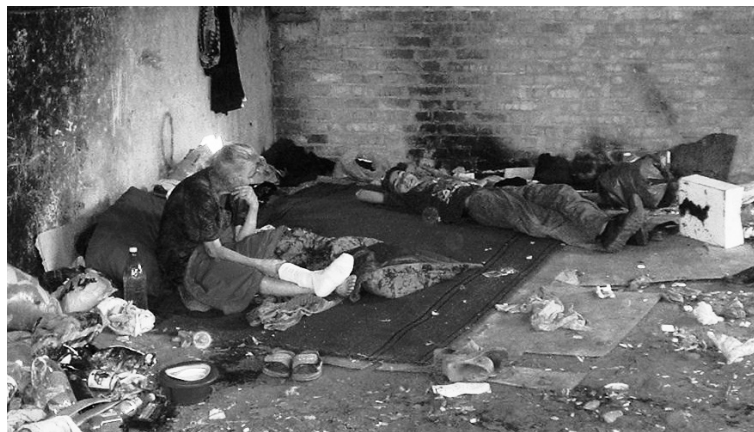
In the past five years, Pinetop-Lakeside has become the fastest growing city in Navajo County. Unfortunately, the number of homeless in Pinetop-Lakeside has also risen. According to Garfield Trumble, director of Navajo County Coalition Against Homelessness, the homeless population of Pinetop-Lakeside has increased thirty percent since 2013.

"Many growing cities have to deal with the increase of a homeless population. The accurate response from the city is to provide adequate shelters and services to assist in helping these people get back on their feet. Pinetop-Lakeside hasn't done that. There are no resources or shelters set up to help people who have become homeless," said Trumble.

Nowhere to go

The lack of shelters in Pinetop-Lakeside is starting to become a major concern for the residents and businesses of Pinetop-Lakeside as well. As the weather becomes

colder in the White Mountains, homeless people are looking for warmth and shelter wherever they can find it.



"Philipa" (right) relaxes inside the abandoned car dealership on First Street with an unidentified homeless man.

One homeless woman, who only identified herself as Philipa, stated that many of her friends, end up sleeping "rough" because there is

nowhere else to go. Sleeping "rough" is a term used to describe sleeping on the street, making due with whatever you can find.

Philipa told us that she and her sibling have a favorite spot – the old abandoned alternative-fuel vehicle dealership in downtown Pinetop-Lakeside. "It's empty right now and there is this beautiful mural on the wall that makes me feel like I'm home. Plus, there are some abandoned tubs we use to light a fire and heat up whatever food we can find," said Philipa. Local companies, however, are not happy that people like Philipa are using their properties as makeshift residences.

A local security guard, who asked to remain anonymous, stated that Glutco, which owns the property Philipa calls home, has taken steps to discourage the homeless from using its property. The company recently had him remove furniture and appliances that were left on the property by the previous owners.

Other local businesses are also voicing their frustration over the homeless problem. Peter Pines, a local bookstore owner, feels that the situation is an embarrassment. "With the Gang of Four coming here soon, the local government should be more concerned about the growing homeless problem. It makes our great city look bad when we have people sleeping on the streets and in abandoned properties".

Local Government Claims Issue Addresses Before Summit

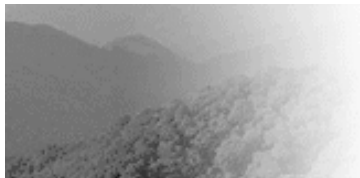
"There is an unusually high number of homeless in Pinetop-Lakeside area because of the city's rapid growth - but plans are under way to help them," stated Pinetop-Lakeside Councilman Trey McCullers. "The government aims to persuade developers to build more low cost housing in new developments."

The Navajo County Coalition Against Homelessness report is based on their studies of their own shelters such as the one they have in Pinetop-Lakeside, which has space to sleep 25 people. However, this shelter is currently the only shelter offering overnight accommodations for the homeless in Pinetop-Lakeside.

Director Trumble estimates that there are currently over 500 homeless living in Pinetop-Lakeside. "We are working to get another shelter up before the Gang of Four Summit," responds McCullers. "I know that is a big concern for many of my constituents. Right now, the city is growing rapidly and we are trying to respond to that growth".

Hopefully those shelters will come sooner rather than later. In the case of Philipa and her sibling, the abandoned building that they call home is scheduled to become a Guzzler dealership later this winter.

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WEATHER



41°

Poll

Which of the following do you see as the biggest waste of taxpayer dollars?

- War in Iraq
- Subsidies to corporations
- Federal aid to disaster victims
- The national war on drugs
- Congressional paychecks

Vote

UPROAR AT TOWN COUNCIL MEETING

By Natalie Barker

original publication date: Wednesday, 17 December 2014

At Tuesday evening's Town Council meeting, Robin Banks, a local artist and environmental activist created quite an uproar during the public comment portion of the meeting.

Banks, 36, rose early in the meeting to express concern that the plan to confine demonstrators at the upcoming "Gang of Four" Summit to a park far from the meeting site violates the First Amendment. Banks tried to address the council for a second time when it considered Glutco's request for a permit to demolish the old Johnson car dealership on First Street, near the railroad tracks. Glutco, manufacturer of the "Guzzler", has recently purchased the property on First Street and has plans to turn it into a glitzy new dealership for the newest and largest addition to their SUV family.

Banks' told the council that Glutco's plans "will ruin our downtown, clog up our streets with those over-sized behemoth vehicles and pollute the air we must breathe to live!" Speakers during the public comment portion of each Council meeting are allotted three minutes to make their comments.

However, Banks not only sought to speak twice, but also went over the time limit during his/her first speech on the "Gang of Four" summit, ignoring the buzzer that indicated three minutes was up. Banks reluctantly sat down and several more residents stood to make comments on various other issues. In a few moments, however, Banks rose again and approached the microphone, muttering something indiscernible at the Council in general when it took up the Glutco issue.



Robin Banks resists a Pinetop-Lakeside police officer on Tuesday evening at Town Hall. No charges will be filed against Banks.

Banks that his/her seat. uniformed from the point, Banks

At that point, Council President, Fred Merkle, informed his/her time had already expired and requested that s/he take Banks refused and a scuffle ensued between Banks and three Pinetop-Lakeside police officers. Banks was dragged bodily Council chamber screaming and fighting the officers. At one dropped to the floor and one officer dragged him/her by his/her leg across the carpet.

"I have never seen a scene like this in all my 20 years of serving on the Town Council," said Merkle after the meeting had concluded, "Banks was totally out of line." For his/her part, Banks stated after the officers had deposited him/her on the sidewalk outside Town Hall, "All I wanted was to make one more point. They had no right to rough me up like that, just because I wanted to say one more thing. When I see a government body that is so totally against citizens, like me, who support government, it scares me! They're just afraid that Glutco will pull out if there's any opposition to the company's plans and the town's tax receipts will decrease. The way they treated me, you'd think they thought I was a terrorist! They owe me an apology."

When asked for a response, Merkle said, "S/he flagrantly disobeyed the rules of the meeting. Speakers are only allowed one three-minute spot on the agenda, no more. S/he cursed the Council members and attacked the officers. The officers had no choice but to physically remove him/her. No charges will be filed against Mr./Ms. Banks, but we will not apologize for doing what was necessary to maintain order during the meeting."

IN THE SUPERIOR COURT OF NAVAJO COUNTY, ARIZONA

STATE OF ARIZONA

Criminal Case No. MT-201601

vs.

Offense(s) THEFT BY SHOPLIFTING (four cans of paint thinner valued at \$300 or less)

LARRY NEWTON

NEGOTIATED PLEA DISPOSITION FORM

WHEREAS, the above-named defendant has entered a negotiated guilty plea to the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that said defendant is hereby sentenced to confinement for a period of 12 months in the common jail of Said County, to be computed as provided by law. However, it is further ordered by the Court that the above sentence may be served on probation.

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of Probation:

- 1) Do not violate the criminal laws of any government unit, specifically including trespassing.
- 2) Avoid injurious and vicious habits-especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation officer as directed and permit such officer to visit him (her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
- 7) Obtain suitable employment.
- 8) Pay fines, restitution and probation fees in the amount of (fees waived) as directed by the State Probation Office.

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence, which was originally imposed, or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has already served on probation.

This the 29th day of November 2014

Damon E. Elmore /s/
Judge, Navajo County Superior Court

Receipt acknowledged by:

"Larry" Newton /s/
Defendant

/s/
Attorney for the Defendant

State of Arizona
Department of Public Safety
Division of Forensic Sciences
Record of Medical Examiner

CITY: Pinetop-Lakeside COUNTY: Navajo CASE NO. 2015-002

NAME OF DECEASED: **Philipa Newton**

RESIDENCE OF DECEASED: None

AGE: 34 DOB: 02/24/81 HEIGHT: 65" WEIGHT: 125 lbs.

MANNER OF DEATH:

Natural () Homicide (X) Suicide () Accident () Undetermined () Other ()

CAUSE OF DEATH: Asphyxiation

LAST SEEN: Date: 01/10/15 Hour: 0330 Place: 1948 First Street (Glutco)

FOUND: Date: 01/10/15 Hour: 0330 Place: 1948 First Street (Glutco)

INJURY: Set forth below:

PRONOUNCED: Date: 01/10/15 Hour: 0400 Place: Navajo County Hospital

BODY IDENTIFIED BY: Fingerprints (x) Car Registration () Photographs () Family (x)
(Larry Newton)

AUTOPSY AUTHORIZED BY: County Coroner CORONER NOTIFIED: Yes

PRESENT AT AUTOPSY: George Carley, M.D. Medical Examiner & Chief B. Gray, Investigator

SUSPECT(S): _____

NAME OF MORGUE: _____ DATE RECEIVED: _____ HOUR: _____

BODY REMOVED FROM: Navajo County Medical Center Morgue

AUTOPSY: (X) LIMITED DISSECTION () EXTERNAL EXAM () HISTORY REVIEW ()

PERFORMED BY: George Carley, M.D. DATE: 01/12/15 TIME: 0900 hours

SIGNED: _____/s/ DATE: 01/12/15

APPROVED: _____/s/ DATE: 01/12/15

In accordance with the Arizona Death Investigation Act, an autopsy is performed on the body of **Philipa Newton** at the Navajo County Morgue in Pinetop-Lakeside, Arizona, on Wednesday, January 12, 2015, commencing at 0900 hours.

External Examination:

The body appears to be that of an adult female, approximately 65” in height and weighing 125 lbs, consistent with the stated age of 34 years and information concerning decedent’s manner of living in elements.

The body is received wrapped in a black zippered body bag, is identified by an attached name tag, and is clad in the following articles of clothing:

1. Faded olive pants, worn patches on seat, knees, multiple tears along right side from knee to ankle, some with fraying evident of age. Multiple stains of unknown origin and age overlap front, with some testing a faint positive for the presence of blood. Much dirt present in lower legs and edges, with wet mud smeared along back of legs and seat.
2. Torn and well-worn panties bearing slogan – “Tuesday’s Child is Full of Woe.”
3. Long sleeved tee shirt of unknown color, extensive staining, with evidence of multiple sources of unknown origins and ages. Rip along front right sleeve and fresh wet stain extending $\frac{1}{4}$ to $\frac{1}{2}$ in along all edges testing positive for human blood.
4. Faded olive U.S. Army jacket, all major seams bearing signs of age and wear. Multiple tears, but with fraying evident of age along front. Rip along back shoulder area. Back coated in mud with distinctive horizontal drag pattern. Large fresh rip in front right sleeve approximately 5 in from right shoulder. Rip is wet and testing positive for human blood. Long stains also testing positive for human blood extend downward right sleeve from rip.

All clothing bears strong smell of acrid smoke. The clothing is marked with the case number and inspector’s initials (GC) and is retained as evidence.

X-Ray examination:

No x-rays were performed.

Postmortem Changes:

Rigor mortis has passed. Lividity is dorsal and easily blanches with pressure and is the usual violaceous color. Other decompositional changes are absent.

Diagnostic and therapeutic artifacts:

The clothing has been partially torn as previously described. There are no needle marks or other signs of diagnostic or therapeutic intervention.

Features of identification:

The body measures 5'5" in height and weights 125 pounds. The hair is light brown and measures about 15 inches at longest. The teeth are in poor condition, and are natural. Eye color is brown. Other distinctive marks are absent.

Fingerprints were removed from the right hand for identification purposes. Identification as Philipa Newton was confirmed by Larry Newton, sibling and by fingerprints on file for Pvt. Philipa Newton with DEERS, the Pentagon's automated system.

External Examination of the Body:

After complete removal of apparel, visual examination discloses numerous scars of undeterminable age.

The head, neck and torso show no evidence of contusion, abrasion or other abnormality.

The back and upper shoulders and arms show considerable bruising, with large 2 in. discolorations along the left shoulder and left upper arm, consistent with the body being pulled across uneven surfaces.

The external genitalia appear normal for age. There are no foreign objects in the vagina and there is no evidence of vaginal injury or hemorrhage. The perineum and ano-rectal regions are normal and atraumatic.

Internal Examination of the Body:

Head:

The skin of the scalp is reflected in the usual manner. The calvarium is intact, and upon its removal, epidural, subdural and subarachnoid hemorrhage are absent. The brain weighs 1200 grams and is normal when sectioned. The base of the skull is intact.

Neck:

The skin of the neck is dissected up to the angle of the mandible. No evidence of injury is seen. The thyroid, hyoid and cricoid are normal and atraumatic. The carotid vessels are widely patent. The anterior cervical spine is intact. The epiglottis is inflamed and there is smoke/ash residue evident in major airways and trachea.

Chest, Abdomen and Pelvis:

No evidence of injury is seen. There are no abnormal fluid collections in the chest or abdomen.

The internal organs are examined in situ, then removed and examined individually. Organ weights are as follow:

Heart: 350 grams
Left lung: 340 grams
Right lung: 330 grams
Spleen: 80 grams
Liver: 1800 grams
Kidneys: 380 grams combined

The heart contains blood in left ventricle and atrium. Tissue in the lungs appears bright red with soot in the airway, consistent with smoke inhalation. Three samples of foreign residue are taken from the right lung, first, second and fourth quadrants, for further chemical analysis. The spleen and kidneys are unremarkable. The liver shows evidence of advanced cirrhosis. The adrenals, thyroid and pancreas are normal. The cavity contains 5 grams of partially digested food. The lymph nodes are not enlarged and musculoskeletal system is normal. The urinary tract is normal and the bladder is empty.

Procedures and Evidence:

- 1) Blood for toxicology and typing
- 2) Fingerprints of right hand for identification
- 3) Documentary photographs
- 4) Clothing
- 5) Samples of smoke residue from right lung for analysis

Results:

Toxicology tests show a blood alcohol level of 0.23gm% and a carbon monoxide level of 43 percent.

Cause of Death

Cause of death is asphyxiation.

 /s/ George Carley, M.D.
Medical Examiner
Navajo County

Initial Investigation: Fire Report
Pinetop-Lakeside Fire Services

INCIDENT #3155

1948 First Street
Pinetop-Lakeside, Arizona

Date of Incident: 10 January 2015
Alarm Time: 0330 Hours
First Responder Arrival Time: 0341 Hours
Weather: Clear / Light Wind 5-10 knots SW
Temperature: 39° F

#1. Fire Services Action

Engine 1, Truck 1, EMS 2, Command Unit 1 responded to the above address as requested by communications. Upon arrival, Command Unit 1 established First Street Command. Involved was a single story, commercial structure of metal joist construction over poured cement slab with a composite roof. Interior separation walls were of metal joist construction protected with 2 hour gypsum wallboard. No carpet or floor covering was observed over finished cement slab. The structure was a non-occupied premises previously used as an automobile dealership.

Pinetop-Lakeside EMC provided standard commercial service to a service panel on the NW exterior of the building and there was an interior 300 amperes sub-panel protected with over-current protection in the form of commercial circuit breakers. The EMC reports that electrical service to the structure was not provided at the time of the incident.

Suppression Activities:

The following activities generally cover the operations of suppression companies:

ENGINE 1 - Heavy smoke and flames were observed prior to arrival of Engine 1. Upon arrival firefighters observed heavy smoke and interior flames extending from the central portion of the interior of the building which appeared to have been dedicated office space. This area was the most significantly involved with the garage/bay and showroom areas being less involved.

Engine 1 dropped a five-inch supply line from the hydrant approximately 135 yards west of the structure but within the fenced premises of the property involved. Two crews from Engine one and Truck one using one and one-half inch, pre-connect hose lines were taken through the front door of the showroom area and the garage/bay area, respectively and were extended to the central area of the structure where the main body of the fire was located. Firefighting operations were successful in containing the fire to this area.

Severe fire damage occurred to the central office area of the structure. Heavy to moderate fire, heat and smoke damage extended into the showroom and light to moderate heat and smoke damage was sustained in the garage/bay area.

#2 Alarm History

The Johnson Automobile Dealership has been abandoned for several years although Glutco recently purchased it for renovation/demolition.

A concerned citizen first reported the fire to Pinetop-Lakeside Fire Services at 0330 Hours. The citizen reported that a distraught homeless person who reported that his sister had been injured in a fire at the old car dealership had flagged him down. Dispatch notified the Pinetop-Lakeside Police Department and routed the above units to the scene.

Pinetop-Lakeside Police Officer R.S. Mann was the first responder. Officer Mann contacted EMS Unit 2 and assisted an onlooker in removing a female victim who had apparently been overcome by smoke inhalation to the EMS unit. Another onlooker told Officer Mann (who forwarded the report to Command Unit 1) that two individuals had been observed "starting" a fire.

#3 Additional Details

Command 1 was dispatched by communication to the scene at 0330 Hours and arrived on scene and established command at 0355 Hours. Engine 1 and Truck 1 had effectively extinguished the fire by 0400 Hours. A standard "walk-around" established that the fire began in the office area and low burn patterns were evident in the office area. A burn pattern approximately 10 inches square was observed in the concrete floor of the middle of the office area. Officer Mann had located an empty can of what appeared to be a commercial paint thinner in the same general area. Samples were collected from the burn area and the overturned can and submitted to the Arizona Department of Public Safety Crime Lab.

Heavy charring and calcinations were observed on the interior of the gypsum wall board in the central office area and convection current smoke patterns and radiant heat markings indicated the above referenced 10 inch square burn area to be the point of origin for the fire.

Accidental Ignition Sources:

Accidental ignition sources in the area of origin were not evident. No other accidental ignition sources were observed and electrical sources were eliminated due to EMC report that no service was active at the premises.

PROBABLE CAUSE:

The most probable cause of this fire is arson originating from the ignition point at, or immediately adjacent to, the 10 inch square burn pattern observed in the central office area of the structure. However, based upon the rate of involvement of the remainder of the structure, the intensity of the radiant heat patterns and the involvement of adjacent areas, accidental origin has been eliminated. Pending verification from the DPS Crime lab, the other most likely other accelerant would be paint thinner from the cans located by Officer Mann. All other accidental sources of ignition have been examined and eliminated.

The assessment on the cause is based on the assessment of the physical evidence present at the scene and the elimination of all other accidental and incendiary sources.

END OF REPORT

/s/
Brad/Barbara Gray--Investigator
Pinetop-Lakeside Fire Department

Date Submitted: 28 January 2015

Final Investigation: Fire Report

Pinetop-Lakeside Fire Services

INCIDENT #3155

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Pinetop-Lakeside EMC provided standard commercial service to a service panel on the NW exterior of the building and there was an interior 300 amperes sub-panel protected with over-current protection in the form of commercial circuit breakers. The EMC reports that electrical service to the structure was not provided at the time of the incident.

Suppression Activities:

The following activities generally cover the operations of suppression companies:

ENGINE 1--Heavy smoke and flames were observed prior to arrival of Engine 1. Upon arrival firefighters observed heavy smoke and interior flames extending from the central portion of the interior of the building, which appeared to have been dedicated office space. This area was the most significantly involved with the garage/bay and showroom areas being less involved.

Engine one dropped a five-inch supply line from the hydrant approximately 135 yards west of the structure but within the fenced premises of the property involved. Two crews from Engine one and Truck one using one and one-half inch, pre-connect hose lines were taken through the front door of the showroom area and the garage/bay area, respectively and were extended to the central area of the structure where the main body of the fire was located. Fire fighting operations were successful in containing the fire to this area.

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#3 Additional Details

Command 1 was dispatched by communication to the scene at 0330 Hours and arrived on scene and established command at 0355 Hours. Engine 1 and Truck 1 had effectively extinguished the fire by 0400 Hours. A standard walk-around established that the fire began in the office area and low burn patterns were evident in the office area. A burn pattern approximately 10 inches square was observed in the concrete floor of the middle of the office area. An overturned can of commercial cooking, gelatin based, portable heating product (Sterno) was observed adjacent to the burn area. Officer Mann had located an empty can of what appeared to be a commercial paint thinner in the same general area. Samples were collected from the burn area and the overturned can and submitted to the Arizona Department of Public Safety State Crime Lab.

Heavy charring and calcinations were observed on the interior of the gypsum wall board in the central office area and convection current smoke patterns and radiant heat markings indicated the above referenced 10 inch square burn area to be the point of origin for the fire.

Accidental Ignition Sources:

Except for the above referenced gelatin based, portable heating product, accidental ignition sources in the area of origin were not evident. No other accidental ignition sources were observed and electrical sources were eliminated due to EMC report that no service was active at the premises.

PROBABLE CAUSE:

The most probable cause of this fire is arson originating from the ignition point at, or immediately adjacent to, the 10 inch square burn pattern observed in the central office area of the structure. However, based upon the rate of involvement of the remainder of the structure, the intensity of the radiant heat patterns and the involvement of adjacent areas, accidental origin has been eliminated. It is equally unlikely that the gelatin based, portable heating product was the sole accelerant present. In order to create the incendiary speed, burn and smoke patterns and other involvement an additional accelerant would be required. The DPS Crime Lab confirmed the accelerant as paint thinner, most likely from the cans located by Officer Mann. All other accidental sources of ignition have been examined and eliminated.

The assessment on the cause is based on the assessment of the physical evidence present at the scene and the elimination of all other accidental and incendiary sources.

END OF REPORT

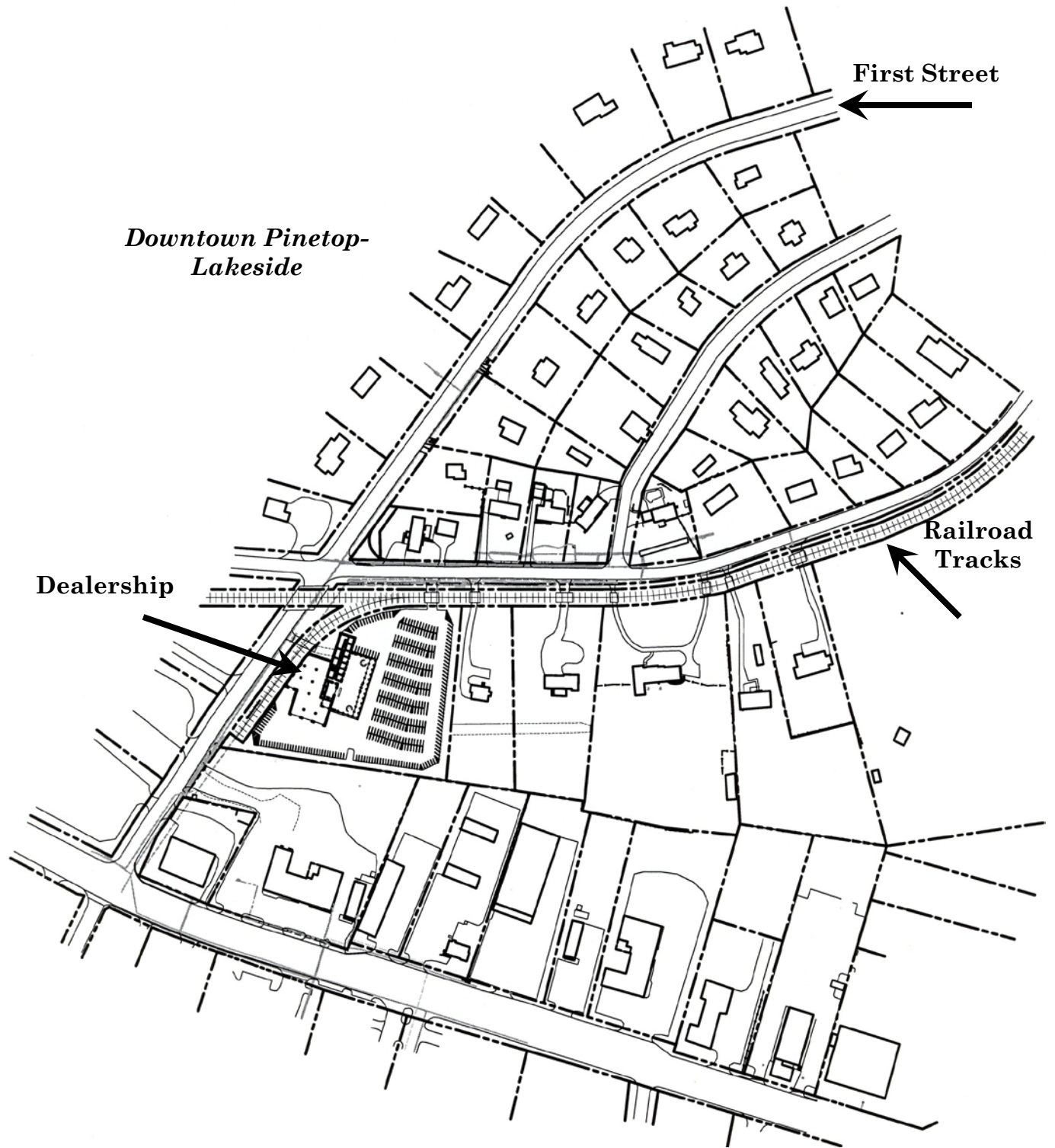
_____/s/
Brad/Barbara Gray--Investigator
Pinetop-Lakeside Fire Department

Date Submitted: 10 April 2015

Glutco Dealership Site Plan

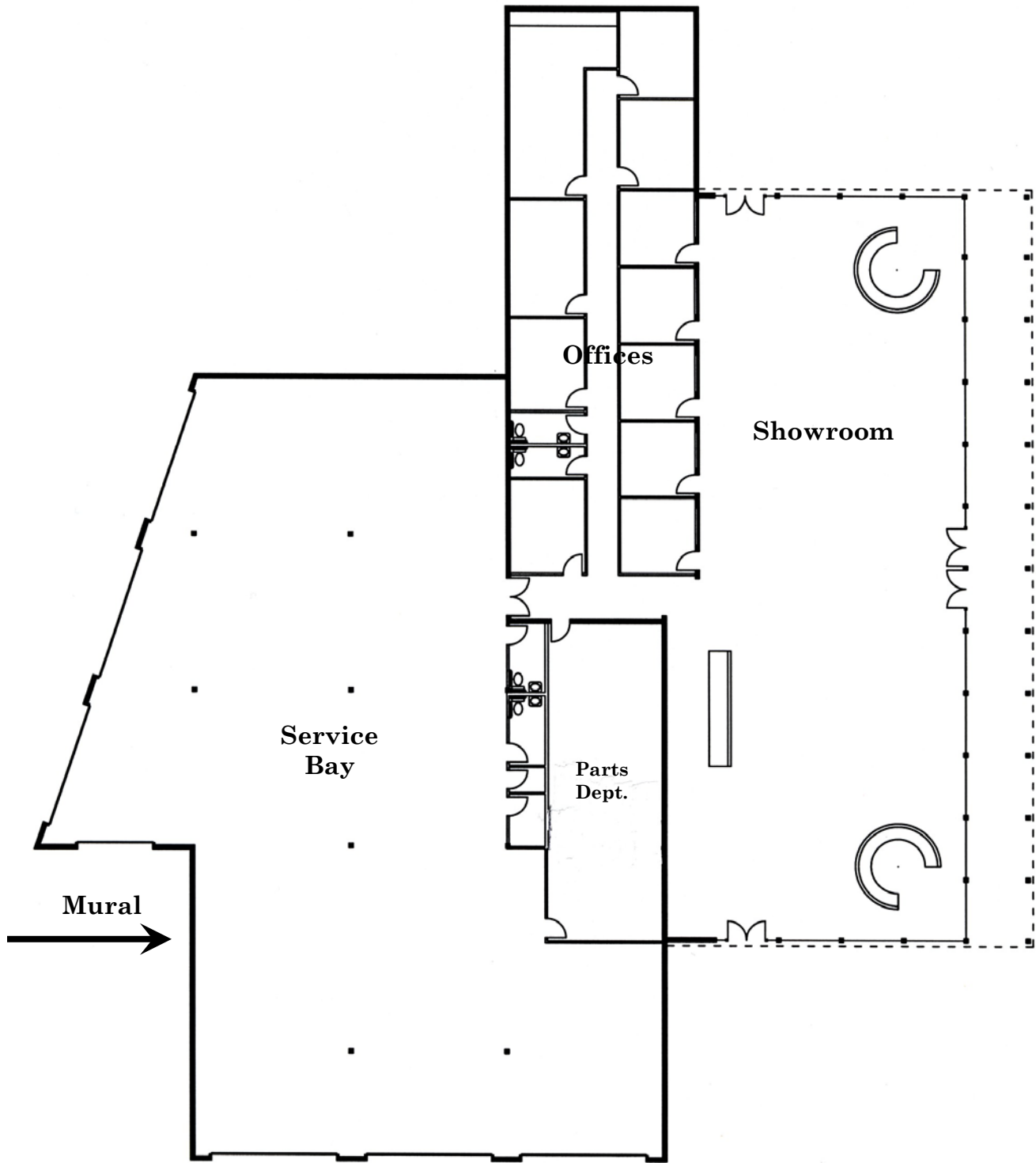
1948 First Street

Pinetop-Lakeside, Arizona



Glutco Dealership Floor Plan

1948 First Street
Pinetop-Lakeside, Arizona



**ARIZONA DEPARTMENT OF PUBLIC SAFETY
CRIME LAB**

Forensic Report

Items Received: Four independently collected and bagged samples of apparently burned material.

Date Received: 14 January 2015

Received From: Officer R. S. Mann, *Pinetop-Lakeside Police Department*

Requested Analysis:

1. Test for presence or absence of accelerant
2. If accelerant is found, identify type

Tests Performed:

1. Gas chromatography with flame ionization detection (GC/FID) and headspace sampling of volatile flammable materials.
2. Gas chromatography with mass spectrometric (GC/MS) detection of the same volatile flammable materials after concentration of the vapors with solid adsorbent
3. Hydrocarbon analysis

Results: All four samples tested positive for the presence of accelerant. Analysis of the chemical properties establishes type of accelerant as commercially available paint thinner. Since no independent sample of paint thinner was provided and many paint thinners vary in their precise chemical composition, the source cannot be conclusively determined.

_____/s/_____
Joe Jackson
Lab Specialist III