

**ARIZONA HIGH SCHOOL  
MOCK TRIAL TOURNAMENT  
2019-2020**

***STATE OF ARIZONA***

**v.**

***LANE HILL***

**A program of**

Arizona Foundation for  
**LEGAL SERVICES  
& EDUCATION**

**Young Lawyers of Arizona**

The Arizona Foundation for Legal Services & Education sincerely thanks the South Carolina Bar and the State of Oregon's Classroom Law Project for permission to use this year's mock trial case. These mock trial materials were adapted from case materials adapted by the South Carolina Bar Law-Related Education Committee in partnership with the South Carolina Bar Foundation. The original case was created by the State of Oregon's Classroom Law Project, which was co-sponsored by Lewis & Clark Law School, the Oregon Law Foundation and the Oregon State Bar.

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## 2019 High School Mock Trial Case:

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## **CASE SUMMARY**

The defendant, Lane Hill, has been charged with murdering business partner, Zoe Caine. Zoe Caine apparently had a gambling problem and had been unlucky for some period for time. Thinking her luck would change, Zoe borrowed money frequently from a local loan shark, Lou Carboni. However, Zoe's luck didn't change and, under pressure for payment from Lou, Zoe started stealing money from the business. However, with skyrocketing interest and continued gambling losses, Zoe's debt to the loan shark was still over \$200,000, even after she had drained the business dry. Carboni had already given Zoe several physically violent "messages" indicating the debt was to be paid – "or else." In the meantime, Lane hired an accountant to determine why the business was in the red. When Lane learned Zoe had been stealing from the business and had driven it to the point of bankruptcy, Lane allegedly became enraged and threatened to kill Zoe. A few days later, Zoe was found dead. Through a Buy-Sell Agreement and insurance policy, Lane would become a half million dollars richer. Who murdered Zoe?

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

# PLEADINGS

DAVID W. MILLER  
MARICOPA COUNTY ATTORNEY

Sally A. Smith  
Deputy County Attorney  
301 West Jefferson Street  
Phoenix, Arizona 85003  
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

LANE HILL,

Defendant.

Case No. MT-CR2018-470824

**INDICTMENT**

875GJ501

**COUNT 1: FIRST DEGREE MURDER,  
A CLASS 1 FELONY, DANGEROUS  
(LANE HILL)**

The Grand Jurors of Maricopa County, Arizona accuse LANE HILL, charging on October 30, 2018, in Maricopa County, Arizona:

**COUNT 1**

LANE HILL, on or about March 24, 2018, intending or knowing that his/her conduct would cause death, with premeditation did cause the death of Zoe Caine, in violation of A.R.S. §§ 13-1101, 13-1105, 13-3601, 13-751, 13-752, 13-701, 13-702 and 13-801.

The State further alleges that the offense charged in this count is a dangerous felony because the offense involved the intentional or knowing infliction of serious physical injury upon Zoe Caine, in violation of A.R.S. §§ 13-105 and 13-704.

*A True Bill*  
\_\_\_\_\_  
("A True Bill")

DAVID W. MILLER  
MARICOPA COUNTY ATTORNEY

Date: October 30, 2018

*Sally A. Smith*  
\_\_\_\_\_  
Sally A. Smith  
Deputy County Attorney

*Brynn Fersythe*  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

MT-CR2018-470824

11/5/2018

HONORABLE THOMAS DUPREE

CLERK OF THE COURT  
D. Jones  
Deputy

STATE OF ARIZONA

SALLY A. SMITH

v.

LANE HILL

KYLER WILLIAMS

NOT GUILTY ARRAIGNMENT/CASE ASSIGNMENT ORDER

11:20 a.m.

Courtroom SCT 3C

State's Attorney: Sally A. Smith  
Defendant's Attorney: Kyler Williams  
Defendant: Present

A record of the proceedings is made digitally in lieu of a court reporter.

Defendant was present for the group advisement given on the record at 11:05 a.m. this date in this division.

IT IS ORDERED affirming appointment of the Public Defender's Office to represent the Defendant for all further proceedings in this case.

Defense counsel waives formal reading of the charge(s).

IT IS ORDERED entering a Not Guilty Plea to all charges on behalf of the Defendant.

IT IS FURTHER ORDERED assigning this case to Judge Andrew Pearl.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

MT-CR2018-470824

11/7/2019

HONORABLE ANDREW PEARL

CLERK OF THE COURT  
S. Pruitt  
Deputy

STATE OF ARIZONA

SALLY A. SMITH

v.

LANE HILL

KYLER WILLIAMS

**PRETRIAL ORDER**

On this the 7<sup>th</sup> day of November, 2019, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to the terms of this Order. The terms of this Order shall not be altered, except by this Court upon a showing of good cause.

**I. Statement of Case**

The State of Arizona charged the Defendant, Lane Hill, with First-Degree Murder.

**II. Pretrial Rulings**

Because the parties have stipulated to the cause of death of the victim, the judge has sustained the Defendant's objection to showing photos of the victim's body and injuries on the grounds that those photos would be unnecessarily cumulative of the testimony of Dee Haiden and that, as a result, those photos would be substantially more prejudicial than probative. Exhibit #7 is not part of the photo exclusions.

**III. Stipulations of the Parties**

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

- a. The signatures on the witness statements are authentic and signed under oath by each witness.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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- b. The jury charges are accurate in all respects. No objections to jury charges may be raised.
- c. The indictment is valid. The Defendant may not challenge the indictment as deficient.
- d. The autopsy of Zoe Caine concluded that Caine died as a result of hypothermia. Hypothermia causes the body to be pale and waxy, not cyanotic, because the blood withdraws from the skin by the body's defensive mechanisms to avoid loss of heat.
- e. Time of death could not be determined from typical physical examination of the body, i.e. body temperature, because the body was chilled to 35 degrees F.
- f. The autopsy results dated the cigarette burns found on Caine to have occurred two weeks prior to death, and strangulation of neck, non-life threatening, to have occurred a week prior to death.
- g. Fingerprint analysis shows that Hill's fingerprints are on the padlock to the cooler, cooler door, and kitchen knife. Carboni's fingerprints were not detected on the padlock to the cooler, cooler door, or doors to the restaurant.
- h. Exhibits #2, #3, #4, and #5 were made at or about the time of the events by a person with knowledge of the events and are kept in the course of regularly conducted business activity, and it is the regular practice to make such records. Exhibits #2, #3, #4, and #5 do not need to be introduced through the custodian of the records.
- i. Exhibit #7 is the original photograph taken by Detective Haiden at the scene of the crime and accurately depicts the victim and the surroundings at the time of Detective Haiden's investigation.
- j. Exhibit #9 is a true and accurate copy of the original note from Zoe Caine provided by Defendant Hill shortly after being charged with the murder. The handwriting contained in Exhibit #9 has been confirmed to be that of Zoe Caine, per expert handwriting analysis. The original note disappeared from the evidence room prior to analysis. Therefore, the dating of the handwriting on the note cannot be determined. Exhibit #9 is admissible, without objection.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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11/7/2019

- k. A spreadsheet was obtained from Zoe Caine’s residence that confirmed money was owed to Lou Carboni. Neither side may contest that this document existed or contained anything further. The remaining balance on the spreadsheet owed to Lou Carboni was \$208,500.
- l. The financial audit prepared by Jo Walker showing Zoe Caine stole \$273,958 is not in dispute nor is the Supplies Unlimited invoice. Examples of the types of theft are included as exhibits and may be used.
- m. Following the closing of Southberry’s, John Croswell accepted a sous chef position at a restaurant in Ontario and is unavailable to testify. John Croswell is not a suspect.
- n. For purposes of Mock Trial allowing roles to be gender neutral, no issue will be raised if Lou Carboni and CJ Morgan are performed by opposite genders in reference to sharing a prison cell.

**IV. Terminology / Pronunciation Guide**

<b>Word / Name</b>	<b>Pronunciation</b>	<b>Audible Pronunciation Link</b>
poissonier	paw-sun-ya	<a href="#">Click Here</a>
saucier	soh-see-ay	<a href="#">Click Here</a>
sous	su	<a href="#">Click Here</a>
naïveté	nä- ,ēv- 'tā	<a href="#">Click Here</a>
Kuklinski	Kuk-lin-ski	<a href="#">Click Here</a>

IT IS SO ORDERED.

Andrew Pearl  
The Honorable Andrew Pearl

## STATE CRIMINAL LAW STATUTES

### A.R.S. § 13-1101 - Definitions

In this chapter, unless the context otherwise requires:

1. "Premeditation" means that the defendant acts with either the intention or the knowledge that he will kill another human being, when such intention or knowledge precedes the killing by any length of time to permit reflection. Proof of actual reflection is not required, but an act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion.
2. "Homicide" means first degree murder, second degree murder, manslaughter or negligent homicide.
3. "Person" means a human being.
4. "Adequate provocation" means conduct or circumstances sufficient to deprive a reasonable person of self-control.

### A.R.S. 13-1105(A)(1) - First Degree Murder (inapplicable portions omitted)

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 . . . with premeditation . . . .

**IN RE THE MATTER OF:**

**STATE OF ARIZONA**

**v.**

**LANE HILL  
MT-CR2018-470824**

**FINAL JURY  
INSTRUCTIONS**

**NOTE: THESE JURY INSTRUCTIONS ARE NOT TO  
BE READ DURING THE MOCK TRIAL**

**HONORABLE ANDREW PEARL**

## **Duty of Jury**

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

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

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

## **Evidence to be Considered**

You are to determine what the facts in the case are from the evidence produced in court. If the court sustained an objection to a lawyer's question, you must disregard it and any answer given. Any testimony stricken from the court record must not be considered.

## **Direct and Circumstantial Evidence**

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

## **Indictment Is Not Evidence**

The State has charged the defendant with a crime. A charge is not evidence against the defendant. You must not think a defendant is guilty just because of a charge. The defendant has pled "not guilty." This plea of "not guilty" means that the State must prove each element of the charges beyond a reasonable doubt.

## **Lawyers' Comments Are Not Evidence**

In their opening statements, the lawyers talked to you about the law and the evidence. In a few minutes, the lawyers will give their closing arguments and will talk about the law and the evidence. What the lawyers said or say is not evidence, but it may help you to understand the law and the evidence.

## **Stipulations**

The lawyers are permitted to stipulate that certain facts exist. This means that both sides agree those facts do exist and are part of the evidence. You are to treat a stipulation as any other evidence. You are free to accept it or reject it, in whole or in part, just as any other evidence.

## **Credibility of Witnesses**

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

Consider all of the evidence in the light of reason, common sense, and experience.

### **Testimony of Law Enforcement Officers**

The testimony of a law enforcement officer is not entitled to any greater or lesser importance or believability merely because of the fact that the witness is a law enforcement officer. You are to consider the testimony of a police officer just as you would the testimony of any other witness.

### **Expert Witness**

A witness qualified as an expert by education or experience may state opinions on matters in that witness's field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept it or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

### **Voluntariness of Defendant's Statements**

You must not consider any statements made by the defendant to a law enforcement officer unless you determine beyond a reasonable doubt that the defendant made the statements voluntarily.

A defendant's statement was not voluntary if it resulted from the defendant's will being overcome by a law enforcement officer's use of any sort of violence, coercion, or threats, or by any direct or implied promise, however slight.

You must give such weight to the defendant's statement as you feel it deserves under all the circumstances.

## **Defendant's Testimony**

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

## **Jury Not To Consider Penalty**

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

## **Presumption of Innocence**

The law does not require a defendant to prove innocence. Every defendant is presumed by law to be innocent. You must start with the presumption that the defendant is innocent.

## **Burden of Proof**

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

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

## **Defendant Need Not Produce Evidence**

The State must prove guilt beyond a reasonable doubt based on the evidence. The defendant is not required to produce evidence of any kind. The decision on whether to produce any evidence is left to the defendant acting with the advice of an attorney. The defendant's decision not to produce any evidence is not evidence of guilt.

## **The Charged Offense**

I will now tell you about the crime with which the defendant is charged. The defendant is charged with First Degree Murder.

The crime of first-degree premeditated murder requires proof that the defendant:

1. caused the death of another person; and
2. intended or knew that he/she would cause the death of another person; and
3. acted with premeditation.

“Premeditation” means that the defendant intended to kill another human being or knew he/she would kill another human being, and that after forming that intent or knowledge, reflected on the decision before killing. It is this reflection, regardless of the length of time in which it occurs, that distinguishes first-degree murder from second degree murder. An act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion. The time needed for reflection is not necessarily prolonged, and the space of time between the intent or knowledge to kill and the act of killing may be very short.

## **Definitions**

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

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

“Knowingly” means that a defendant acted with awareness of, or belief in, the existence of conduct or circumstances constituting an offense. It does not mean that a defendant must have known the conduct is forbidden by law.

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

## **Motive**

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

## **Flight or Concealment**

In determining whether the State has proved the defendant guilty beyond a reasonable doubt, you may consider any evidence of the defendant’s running away, hiding, or concealing evidence, together with all the other evidence in the case. Running away, hiding, or concealing evidence after a crime has been committed does not by itself prove guilt.

## **Jury Foreperson**

The case will soon be submitted to you for decision. When you go to the jury room you will choose a foreperson.

The role of jury foreperson is important, but please remember

that the foreperson's opinion about the case is not more important than that of the other jurors. The opinions of each juror count equally.

The jury foreperson's responsibilities include the following:

1. Make sure every member of the jury is present during all discussions and deliberations.
2. Make sure that the deliberations are conducted respectfully and that all issues are fully discussed. The discussions should be open and free so that every juror may participate.
3. All jurors should be allowed to state their views about the case and what they think the verdict should be and why.
4. All members must agree unanimously on any verdict. Therefore, the foreperson should count the votes to ensure that every juror has voted.
5. If you reach a verdict, fill out the verdict form and then sign the form on behalf of the jury.
6. If the jury reaches a verdict, the foreperson will inform the bailiff. When the jury returns to the courtroom, the foreperson will bring the signed or unsigned verdict form as well as any question forms that may have been used.
7. When you return to the courtroom, the court will ask the foreperson whether the jury has reached any verdict. The foreperson will respond "yes" or "no." The foreperson is not expected to read any verdict to the court; that will be done by the clerk.

### **Closing Instruction**

All twelve of you must agree on the verdict. You must be unanimous. Once all twelve agree on a verdict, only the Foreperson need sign the verdict form on the line marked "Jury Foreperson."

You will be given one form of verdict. The verdict form reads as follows and there is no significance to the order in which the options of “guilty” and “not guilty” are listed on the verdict form:

**NOTE: This is a sample verdict form – an official verdict form will be given to you by the bailiff in the jury room.**

Verdict – Count 1: First Degree Murder

We, the jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find the Defendant, Lane Hill, on the charge of “First Degree Murder” as follows (check only one):

\_\_\_\_\_ Not Guilty

\_\_\_\_\_ Guilty

Signed: \_\_\_\_\_  
Jury Foreperson (Juror # \_\_\_\_\_)

**WITNESSES  
and  
AFFIDAVITS**

## **WITNESS LISTING**

<b>PROSECUTION</b>	
Jo Tapia	Forensic Accountant
Dee Haiden	Police Investigator
Lou Carboni	Business Owner

<b>DEFENSE</b>	
Lane Hill	Defendant
CJ Morgan	Jailhouse Informant
Davis Young	Criminal Justice Professor

Affidavit of  
**Jo Tapia**

---

1           1.       My name is Jo Tapia. I am 59 years old. I am a certified public accountant  
2 (CPA) in private practice in Phoenix, Arizona. A copy of my curriculum vitae is marked  
3 as Exhibit #1. I graduated summa cum laude from the University of Arizona (UArizona)  
4 in 1981 with a Bachelor of Science in Accounting. I was recognized as the top student in  
5 my class.

6           2.       After graduating from UArizona, I was highly recruited by what were then  
7 considered the Big Eight CPA firms. I went to work for Arthur Andersen in Chicago as  
8 an auditor; which was well before its demise from the Enron and WorldCom debacles.  
9 And in case you missed the headlines back in 2002, Arthur Andersen was convicted for  
10 obstruction of justice for shredding documents relating to its audit of Enron, and the firm  
11 agreed to surrender its licenses. Although the United States Supreme Court  
12 unanimously reversed Arthur Andersen's conviction in 2005, the firm had already lost  
13 nearly all of its clients. I hate to even mention my prior association with Arthur  
14 Andersen. However, when I was at the firm, it had the reputation of supporting the  
15 highest standard in the accounting industry. I was quickly recognized as a star at Arthur  
16 Andersen. I was promoted quickly and assumed the role of manager after only three  
17 years. The usual track for a manager position there was four to five years.

18           3.       I left Arthur Andersen in 1984 and returned to Arizona to establish a firm of  
19 my own, Account-Abilitee, ironic given my Arthur Andersen connection. We are a six-  
20 member firm, offering our clients full-service accounting expertise. In addition to audit  
21 work, I specialize in forensic accounting. Forensic accountants are trained to look

22 beyond the numbers and deal with the business reality of the situation. According to  
23 research conducted by the Association of Certified Fraud Examiners (ACFE), U.S.  
24 organizations lose an estimated seven percent of annual revenue to fraud. Based on  
25 the estimated U.S. Gross Domestic Product for 2016 - \$18.57 trillion – this percentage  
26 indicates a staggering estimate of losses around \$1.29 trillion among organizations,  
27 despite increased emphasis on anti-fraud controls and recent legislation to combat  
28 fraud. My mission as a fraud examiner is to reduce the incidence of fraud and white-  
29 collar crime and to assist the client in detection and deterrence.

30         4.       Lane Hill contacted me on February 26, 2018, to employ my services. I  
31 made a presentation that afternoon at the local Chamber of Commerce entitled  
32 “Realizing Your Full Potential.” The presentation touched on various business and  
33 financial practices to increase profitability, including stronger internal controls to prevent  
34 or deter employee theft. Lane came up to me after the meeting and asked if I would  
35 undertake a financial investigation and make recommendations for increasing  
36 profitability for the business. I learned that Lane Hill and Zoe Caine were partners in  
37 their restaurant, Southberry’s. At the time, there was no suspicion of fraud or  
38 wrongdoing. Lane wanted to know why the business was in the red when customers  
39 were steady, and it seemed business was good. Lane and Zoe had been in the  
40 restaurant business for three years.

41         5.       A study conducted by the University of Central Florida in 2011 concluded  
42 that the highest failure rate in the restaurant industry was during the first year.  
43 Approximately 26 percent of restaurants fail in the first year; 19 percent fail in the  
44 second year; and, 14 percent fail in the third year. While it is not unusual for a

45 restaurant to fail in the first three years, it was a bit surprising to hear Southberry's was  
46 in the red because I was aware of some "good buzz" for them in the community and  
47 positive critic reviews in *The State* newspaper.

48         6.       I toured the restaurant facilities the following day, Tuesday, February 27th,  
49 to get a feel for the day-to-day management and an overview of the financial records  
50 and record keeping of the business. I advised Lane that in order to do a complete  
51 financial review, audit, and forensic investigation, I would need complete access to all  
52 accounting records. I could start the audit on March 6<sup>th</sup> at the restaurant. The audit  
53 would take up to two weeks. I would charge a flat fee of \$6,500. I would work on the  
54 premises, so I could have access to all of the records and Southberry's could continue  
55 business as usual. The arrangement also gave me the opportunity to make  
56 observations of suspicious activity I might not otherwise see. Lane agreed to the  
57 arrangement. I typically start audits on Mondays, but since the restaurant was closed on  
58 Sundays and Mondays, I started Tuesday, March 6<sup>th</sup>. Also because this was a young  
59 restaurant, I required advance payment. Lane paid me out of personal funds.

60         7.       During my brief discussions with Lane, I could tell Lane was accounting  
61 challenged. Lane has great creativity with food preparation, restaurant style, and  
62 service, but more or less left Zoe Caine to handle the financial matters of the business. I  
63 was not present when Lane informed Zoe about me being hired to do the forensic  
64 investigation, so I cannot state what her reaction was. I did not notice anything  
65 particularly suspicious about Zoe's behavior when I was performing my forensic  
66 accounting work for the two-week period. Well, maybe there were two times I recall  
67 when Zoe was back in the office area with me. At the time, I had some cancelled

68 checks, bank statements, and ledger cards on the desk. Zoe accidentally spilled coffee  
69 all over the records, twice. At first, I thought it was an accident. The second time, I  
70 thought Zoe was either especially clumsy or perhaps was doing something more sinister  
71 in obliterating the records. Also, I did overhear a few conversations with Zoe on the  
72 phone – once the first week I was there, and then two or three more times the following  
73 week. Zoe told the person on the phone “I promised you I would get the money, please  
74 give me time.” And “There is no need to use threats. You will get your money.” And  
75 “Yes, I remember what happened last time when the payment was not timely, please  
76 don’t, that won’t be necessary. I will pay you, I promise.” Zoe was upset by the calls but  
77 did not seem scared. Initially, I thought Zoe’s conversations were with a vendor. In the  
78 restaurant business, if you cannot pay your bills, the deliveries stop, and the business  
79 will go belly up. In retrospect after learning about Zoe’s gambling problem and that she  
80 stole from Southberry’s, I think these telephone conversations were probably between  
81 Zoe and Lou Carboni. Lou was probably threatening Zoe if she did not pay her gambling  
82 debts. I never heard who was on the other side of the conversation or what the caller  
83 said. Zoe never spoke about it with me. During the first week I was there, Zoe came into  
84 the restaurant and had a burn mark on her arm. Another time she had bruising around  
85 her neck, like someone had grabbed her neck hard. I did not ask any questions, but I do  
86 notice details others might miss.

87       8.       During the two-week period I was at the restaurant, I frequently saw a  
88 person in the shadows in the alley across the street from the restaurant’s back door. At  
89 the time, I assumed it was a person who worked at the business across the street taking  
90 a smoke break. I now recognize the person lurking in the alley was Lou Carboni.

91 Despite the darkness in the alley, there was a light right above the back-door entrance  
92 to the restaurant.

93 9. Restaurants are notorious for losing money due to employee theft. The  
94 most common cash fraud scheme is skimming. Skimming is the process by which cash  
95 is removed from the company before it enters the accounting system. Retail  
96 establishments where cash is used frequently – particularly restaurants – are vulnerable  
97 to this type of scheme. A related type of scheme is to ring up a sale for less than the  
98 actual amount. The fraudster then pockets the difference between the actual sale and  
99 the amount on the register tape. Employees may also ring up a sale and then void the  
100 same sale, thereby pocketing the cash from the register.

101 10. An employee who collects the cash and also makes the bank deposit has  
102 an excellent opportunity to misappropriate company funds. For example, an employee  
103 in the food services industry might receive the daily receipts from the cashier, along with  
104 the cash register tapes. The employee would then mutilate the register tapes, so the  
105 tapes could not be read. With the evidence now destroyed, the employee would pocket  
106 a portion of the day's receipts and deposit the balance. If the daily deposit amounts are  
107 not compared with the cash register tapes, the fraud can go undetected.

108 11. Checks can also be an instrument for fraud. Employees with signature  
109 authority on a company bank account can make checks payable to cash or to  
110 themselves personally. Someone with check signatory authority can simply write a  
111 check to himself or to cash, mark the check void in the company's check register and  
112 then write an inflated amount of another check written in the check registry to offset the  
113 amount of the voided check. When the bank statements are received, the employee

114 merely removes the print out page showing the cancelled checks.

115           12.     In performing my forensic investigation, I reviewed the following financial  
116 and business records: general ledger, journal entries, adjusted journal entries, trial  
117 balances, checking accounts, cancelled checks, deposit slips, cash register tapes, order  
118 tickets, and vendor invoices. I also personally interviewed Lane Hill and Zoe Caine, as  
119 well as a couple of the restaurant employees to understand the flow of money and  
120 internal controls used by the company. Although both Zoe and Lane had authority to  
121 sign checks, Zoe primarily assumed that role. Lane managed the kitchen staff, the  
122 menus, ordering food supplies, scheduling employees, reservations, and keeping the  
123 customers happy. Zoe primarily operated the cash register during business hours,  
124 ordered food and supplies, and managed the financial aspects of the business.

125           13.     During the second week of my investigation, I started to strongly suspect  
126 Zoe Caine had been stealing from the restaurant. I do not believe I mentioned my  
127 suspicions to anyone. I seem to recall both Zoe and Lane asking me how the  
128 investigation was proceeding, but I typically do not make any comments until my  
129 investigation is complete. In my view, it is important to have all your facts and figures  
130 together before any conclusions are announced.

131           14.     After I had completed my two-week forensic investigation, it was evident  
132 Zoe had been taking cash from Southberry's for some time. I found evidence of each of  
133 the typical theft schemes mentioned previously. For example, skimming had occurred.  
134 There were several instances where one of the wait staff had a carbon copy of an order  
135 ticket in their book, but the order was not included on the cash register receipt for the  
136 day. An example of this is shown in Exhibit #2. The check marks on the cash register

137 tapes are my notations for cross-checking the order tickets for that day. I cannot say for  
138 certain the skimming is attributed to Zoe. Someone else could have been managing the  
139 cash register at the time. However, in looking at the events as a whole, there are events  
140 I can directly connect to Zoe. For example, certain daily cash register tapes did not  
141 match to the deposit made. These deposit slips were written in Zoe's handwriting and  
142 were part of her normal job responsibilities, not the responsibility of any other employee.  
143 Thus, as you will see from Exhibit #3, the deposit slip for Friday and Saturday's sales  
144 was in the amount of \$587.93 on Monday, February 12, 2018, even though the cash  
145 register tapes show receipts from Friday, February 9th in the amount of \$2,299.61 and  
146 Saturday, February 10th for \$3,089.57. Finally, I found checks written to cash or to Zoe  
147 that were shown as void in the check register but cleared the bank. In order to balance  
148 the account, another check in the check register and ledger accounts was manipulated  
149 to increase the payment to cover the amount of the "voided" check to Zoe. Exhibit #4 is  
150 an example of this occurrence. There is a check register entry for check #1098 paid to  
151 Supplies Unlimited in the amount of \$3,093.45. However, I found the Supplies Unlimited  
152 invoice paid with check #1098 written in the amount of \$93.45.

153         15. In total, I uncovered 67 instances of theft committed by Zoe Caine totaling  
154 \$273,958 over the past two years. It appears no theft occurred from the restaurant  
155 during the first year in operation. Of the 67 instances of theft, more than half occurred in  
156 the six-month period prior to March 2018. Unfortunately, the theft has left Southberry's  
157 with little to nothing. Southberry's was operating at a net loss of \$164,554 and had a  
158 negative cash flow.

159         16. I broke the news to Lane on Friday, March 16, 2018, about 4pm. I

160 informed Lane that my forensic investigation revealed Southberry's was insolvent due to  
161 numerous occasions of theft by Zoe Caine totaling \$273,958. At first, Lane appeared to  
162 be in shock, repeating several times, "How could this happen?" The more I explained to  
163 Lane the specifics of the theft and giving Lane examples of the skimming, check fraud,  
164 and deposit manipulation, the more I saw pure rage on Lane's face. Lane seemed  
165 consumed by rage saying, "Well, I'll make Zoe pay for this. She won't make a fool out of  
166 me. "You have done your job. You can leave. I will confront Zoe alone."

167         17. On that same day, I left the building when I realized I had left behind my  
168 favorite mechanical pencil on the desk in the office area. When I went back to retrieve  
169 my pencil, I overheard Lane talking to Zoe in strained but controlled hush tones. I could  
170 not hear everything being said clearly because I was standing near the kitchen door to  
171 the hallway by the office and the kitchen employees were making loud noises as they  
172 pulled out pots and pans in preparation for the dinner crowd. But I am pretty sure I  
173 heard Zoe say something about gambling and that Lane and Zoe had to come up with  
174 the money right then. I also recall hearing Lane threaten to kill Zoe. I do not know the  
175 exact wording Lane used because of the background noise. And then I heard Lane say  
176 quite clearly, "You'll get your just desserts."

177         18. While I was reviewing the company records, I had also come across a  
178 buy-sell agreement for the restaurant. The buy-sell agreement states in the event of  
179 death of either partner, the other partner shall be the beneficiary of a \$500,000  
180 insurance policy. A copy of the buy-sell agreement is attached as Exhibit #5. So, upon  
181 Zoe's death, Lane was to receive a \$500,000 payout from the insurance policy. It is not  
182 unusual, however, for partners in a business to have a buy-sell agreement in place,

183 funded by insurance. Actually, it is smart business to plan for contingencies of  
184 someone's death and what happens to a partnership interest in the business. You do  
185 not want the family coming in and trying to manage the business too. You want to be  
186 able to buy them out.

187         19.     Following the horrible death of Zoe Caine, Detective Haiden with the  
188 Scottsdale Police Department interviewed me for further information about the financial  
189 audit. Lane disclosed the audit to Haiden, which is why Haiden came to me.

190         20.     I believe I have an excellent reputation among my peers in both audit work  
191 and forensic accounting. All of my peer review examinations have yielded outstanding  
192 results. I did have one malpractice action filed against me about five years ago relating  
193 to tax preparation work I had performed, specifically with a car dealership's inventory.  
194 My insurance company paid a small nuisance settlement to make it go away, but the  
195 settlement papers specifically state that I deny liability.

**WITNESS ADDENDUM**

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

Signed,

Jo Tapia

Jo Tapia

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020  
High School Mock Trial Competition.

Anthony Roberts

Anthony Roberts, Notary Public  
State of Arizona

My Commission Expires: 10/24/22

Affidavit of  
**DEE HAIDEN**

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1           1.       My name is Dee Haiden. I am 43 years old. I am an investigator with the  
2       Scottsdale Police Department. I am a twenty-year veteran of law enforcement and hold  
3       a bachelor's degree in Criminal Justice from Florida State University. During my career,  
4       I have been involved in every type of criminal investigation at the local, state, and  
5       federal levels. For six years, I served as a member of the Arizona Attorney General's  
6       Task Force on Organized Crime, working in an undercover capacity. I use the  
7       information I learned during my time as an undercover agent to investigate crimes  
8       where there is a suspicion of organized crime involvement. I currently work closely with  
9       the Metro Gang Task Force, the Scottsdale Police Department, and the Arizona FBI  
10      offices. Besides my duties at the Scottsdale Police Department, I am an adjunct  
11      instructor at the AZ Criminal Justice Academy and the Federal Law Enforcement  
12      Training Center (FLETC). I have also been a guest lecturer at the National Advocacy  
13      Center.

14           2.       As an investigator for the Arizona Attorney General's Task Force on  
15      Organized Crime, I made countless arrests and testified against many men and women  
16      connected with organized crime. I have received numerous awards for my work  
17      including the Police Medal of Valor, Meritorious Service Medal, and the AZ Law  
18      Enforcement Officers Association Officer of the Year Award in 2008. My efforts have  
19      also been the focus of a story in Newsweek, ABC Television News Program 20/20, and  
20      Dateline NBC.

21           3.       I get irritated when people bring up the two times I was investigated by the

22 Office of Professional Responsibility (OPR) for possible corruption and connections to  
23 the mob. OPR used to be called internal affairs. I was accused of evidence tampering  
24 and rigging the case involving Lou Carboni and Lou's brother Diamond Joe, so they  
25 could avoid conviction. Nothing could be further from the truth. I swore to myself there  
26 would be another day when I would bring them down. Bringing up the OPR  
27 investigations is an underhanded attempt by defense counsel to discredit me and let a  
28 guilty person go free. It was a long time ago and nothing came of the investigations. I  
29 was never indicted, never suspended, and never reprimanded. Naturally when you have  
30 infiltrated the mob, there is always a blur in the public or outsider's view as to where  
31 your loyalties are. If you are going to play the part of an undercover agent, you have to  
32 be convincing or you do not survive, and I was pretty good at acting. Truth be known, I  
33 wanted nothing more than to nail Lou Carboni for the heinous crimes Carboni  
34 orchestrated. Yes, I developed connections with Lou Carboni, but only to use them  
35 against Carboni and other violent loan sharks.

36 4. On the morning of March 27, 2018, I was called to the scene of a homicide  
37 by the initial responding patrol officer. Co-owner of Southberry's Restaurant, Zoe Caine,  
38 was discovered padlocked in the kitchen's walk-in cooler. The officer on scene correctly  
39 identified it as a homicide. The body was inside the cooler, which only locks from the  
40 outside with a padlock. Upon my arrival, I automatically thought this was a mob hit.

41 5. The restaurant was closed on Sundays and Mondays, which explained the  
42 long exposure in the cooler without earlier discovery. John Crowell, the sous chef,  
43 discovered the back door of the restaurant unlocked at 07:15 on Tuesday, March 27,  
44 2018. Crowell then discovered the body locked in the cooler 15 minutes later and

45 immediately called 911 and then called co-owner, Lane Hill. When Croswell was  
46 interviewed, there was nothing else of value to add. Upon my inspection of the kitchen  
47 and office areas in the restaurant, nothing was out of place or disturbed to indicate a  
48 struggle. Caine's purse with cell phone, wallet, and keys was undisturbed in the bottom  
49 right drawer of her desk. After charging and powering on Ms. Caine's cell phone, it did  
50 not have a passcode and it reflected a missed call at 22:04 on Saturday, March 24,  
51 2018. Upon further interviews of kitchen staff, it was noted a person had been lurking in  
52 the alley across from the kitchen's back door to the restaurant for a couple of weeks. No  
53 further relevant information was discovered.

54         6.       The crime scene techs finished documenting the evidence on hand and  
55 photographed the position of the body and the word "Killer" along with the start of  
56 another letter spelled out in bacon, marked as Exhibit #7. The Coroner's office took  
57 possession of the body and transported it to the morgue. As the Coroner's van was  
58 leaving, I spoke with, Lane Hill. Hill seemed to have been the last person to talk to the  
59 victim at 22:30 on Saturday, March 24, 2018. Caine was going to stay later according to  
60 Hill because she wanted to jot down some additional menu ideas for the following week.  
61 No notes to that effect were found in the investigation; however, Hill's legal team later  
62 turned over the original menu note to the police department while keeping a copy. Also,  
63 I am not in control of the evidence room, so the accusation that I tampered with the  
64 evidence is ridiculous.

65         7.       Hill stated the cooler was unlocked at the time Hill left the restaurant, and  
66 Caine was going to lock up the cooler after checking the inventory for the following  
67 week's menu, shut off the lights, and lock up the restaurant for the night. Further, Hill

68 revealed the results of a forensic audit of Southberry's books and showed me the final  
69 report dated March 16, 2018. Hill had confronted Caine that day about the results of the  
70 audit. Caine admitted to Hill that she had stolen money from the restaurant. Hill told me  
71 the imminent closing of Southberry's would ruin Hill both professionally and personally.  
72 This would be caused by not only the loss of revenue from Southberry's, but also Hill's  
73 personal loans from the startup of the restaurant. After Caine's admission, Hill was  
74 trying to come up with a way to help Caine pay back the loan shark. Hill did not know to  
75 which loan shark the money was owed, but Caine had referenced someone named Lou.  
76 That is when I thought the suspect was local loan shark/mobster, Lou Carboni. Hill also  
77 mentioned having seen a person in the alley across from the restaurant's back door  
78 upon leaving on the evening of March 24<sup>th</sup>. I asked Hill to look at a photo array on my  
79 tablet and attempt to identify the person seen in the alley. From the photo array I set up,  
80 Hill positively identified Lou Carboni.

81           8.       After the interview with Hill, I went to Caine's home. It was apparent she  
82 had not been home since Saturday, March 24. She had not retrieved her mail or  
83 collected her Sunday, Monday or Tuesday newspapers. At Caine's residence, I also  
84 found a printout of a computer spreadsheet showing that Caine owed Lou Carboni over  
85 \$200,000. It was then I knew that even if I did not have Carboni for murder, I was going  
86 to nail Carboni for loan sharking.

87           9.       As noted in the autopsy report, marked as Exhibit #11, Zoe Caine died of  
88 hypothermia due to prolonged exposure to 35-degree temperatures inside the locked  
89 cooler. The Coroner could not tell me exactly when Ms. Caine died from hypothermia,  
90 only that it likely took more than 20 hours before the hypothermia was severe enough to

91 kill her. Based on the actual body temperature at time of discovery, it was likely Caine  
92 had been in the cooler more than 50 hours. In the autopsy report, the Coroner noted  
93 that Caine's weight, height, and age were factors to consider with hypothermia. For  
94 example, a person who is 35 years of age and say 150 pounds in weight would lose 1.5  
95 degrees per hour of core temperature when exposed to a cold environment. The type  
96 and amount of clothing would also impact heat loss as well. In this instance, Caine  
97 weighed significantly less than average and so it is likely that her body temperature loss  
98 per hour would have been increased. When Caine was discovered, she was wearing a  
99 thin spring dress and heels.

100           10. It is ironic for anyone to accuse me of trying to pin this murder on Lane Hill  
101 as a scapegoat to let Carboni go free again. The reason I was called into this case is  
102 because it initially appeared like a mob hit. We had an eyewitness identify Lou Carboni  
103 outside Southberry's on the Saturday evening of March 24, 2018. According to Hill,  
104 Caine admitted threats on her life by Lou and showed evidence of violent physical  
105 "messages," such as cigarette burns on her arms and bruising around her neck from  
106 choking, which happened when Caine had not come up with the last two payments.  
107 Being iced in a cooler is a typical mob hit because it sends a message to others who  
108 owe loan sharks money. Not to mention, being locked in a cooler is an agonizing way to  
109 die over a long period of time. Based on that evidence, I arrested Carboni for loan  
110 sharking and the murder of Zoe Caine. My investigation report documents my findings  
111 and conclusions, marked as Exhibit #6.

112           11. After obtaining counsel and making a deal with the county attorney's  
113 office, Carboni made a statement admitting to tailing Caine for two weeks for money

114 owed. While keeping an eye on Caine, Carboni witnessed Lane Hill pointing a knife at  
115 Caine in what looked like a heated discussion. Lane forced Caine back into the  
116 restaurant at knife point. Carboni witnessed Hill leaving the restaurant around 22:30 and  
117 waited an additional hour for Caine before leaving. Carboni never saw Caine leave the  
118 building.

119       12. My first and foremost responsibility is to uphold the law. I had to maintain  
120 my objectivity throughout my investigation regardless of how much I might have wanted  
121 to implicate Carboni. Once the information began to lead me away from Carboni as a  
122 suspect, I interviewed Jo Tapia, the forensic accountant who investigated Southberry's  
123 financial records. Tapia told me the audit had been completed and clearly showed that  
124 Caine stole \$273,958 from the restaurant. Southberry's was essentially out of cash and  
125 would have to close. Tapia also told me about the buy-sell agreement for a deceased  
126 partner's interest in the business, which named Hill the beneficiary should Caine die.  
127 Finally, Tapia disclosed overhearing an argument between Hill and Caine about the  
128 theft of money, which occurred after releasing the results of the audit to Hill on March  
129 16, 2018.

130       13. After my interview with Jo Tapia, I went to Southberry's to ask Hill some  
131 follow-up questions and to look for additional evidence including the knife referenced by  
132 Lou Carboni. I located a knife that matched the description given by Carboni and took it  
133 into evidence. Hill agreed to go to the police station to provide fingerprints for  
134 comparison with those taken from the cooler, padlock, and knives. Hill's fingerprints  
135 matched those taken from the knife, padlock, and cooler door.

136       14. Two things gnawed at me. First, I would have expected to find some

137 additional physical violence to have occurred prior to Caine's hypothermia. Typically,  
138 mobsters like to rough up the victim before pronouncing the death sentence. A strong  
139 message to other potential deadbeats is paramount. In this case, there were no signs of  
140 struggle with another individual or physical violence. According to the Coroner's report,  
141 there was no physical abuse associated with the cause or timeline of death. Although  
142 there were signs of previous abuse visible, none were recent enough to be associated  
143 with Caine being assaulted or forced into the cooler. She did, however, have bruising on  
144 her hands most likely from banging on the door to signal for help. Second, according to  
145 my interview with Hill, Caine had been making payments to Carboni. So, Caine  
146 continued to be a source of income for Carboni. Loan sharks typically do not cut off a  
147 source of revenue unless it dries up completely or if the loan sharks feel threatened. I  
148 did not see that to be the case for Caine.

149         15. Upon completing my investigation, it became clear to me that Hill, not  
150 Carboni, murdered Zoe Caine. Motive was clear. Tapia informed Hill that Caine was  
151 stealing money from the restaurant. Caine's death was a payback in more ways than  
152 one – not only for vengeance, but also to collect \$500,000 through the buy-sell  
153 agreement. Hill was angry when first learning about the theft and the company's  
154 bankrupt condition. More than one witness heard Hill threaten Caine. Plus, Hill had the  
155 opportunity. Carboni had staked out Southberry's the night of March 24 and overheard  
156 the two arguing outside the restaurant. Carboni also witnessed Hill brandishing a  
157 kitchen knife and forcing Caine back into the restaurant right after a sudden rain shower.

158         16. Unfortunately, there is no accurate way to establish time of death merely  
159 by observing the body since it was chilled to such a low temperature. Thus, as a police

160 detective, I am trained to use other means, such as witnesses, neighbors, unopened  
161 mail, or other testimonial or physical evidence. The last person who was with Caine was  
162 Hill. It is obvious this was no accident. The padlock to the cooler was locked from the  
163 outside. Plus, Caine told us what happened through her own words. She identified her  
164 assailant's name on the cooler floor using bacon strips stored in the cooler. Before she  
165 died, Caine spelled out "Killer" with the start of another letter as seen in the photograph  
166 marked as Exhibit #7. As you can also tell, another piece of bacon was starting to be  
167 laid out. Had Caine not succumbed to the hypothermia, she would have finished  
168 spelling the killer's name.

169         17.     Additionally, it became quite evident this murder was not committed in the  
170 heat of passion, but rather was premeditated. Southberry's had been operating for three  
171 years prior to this incident. Hill purchased a lock for the cooler upon learning Caine was  
172 stealing from the business. Hill contemplated and planned the whole thing out, forcing  
173 Caine into the cooler, locking her in over the weekend, and making it appear the loan  
174 sharks were making a typical mob hit. But Hill was careless. Hill's fingerprints are all  
175 over the lock to the cooler, the cooler door, and the kitchen knife. In addition, Hill did not  
176 realize there was a witness lurking in the dark shadows in the alley facing the back door  
177 of the restaurant. We did not find Carboni's fingerprints anywhere in the restaurant, but  
178 several places around the lock and cooler were smudged. At that point, I had enough  
179 evidence to arrest Lane Hill for the murder of Zoe Caine. After Carboni met with the  
180 prosecutor and provided the statement implicating Hill, all Carboni's charges were  
181 dropped.

182         18.     CJ Morgan might have tried to reach me to tell me about something with

183 this case, but I never spoke with Morgan. Sure, I know a detective generally follows all  
184 leads, but not in this instance. I knew every minute I spoke with Morgan was a minute  
185 wasted of my life I would never get back. After all, Morgan has given false testimony or  
186 a false tip in the past in an attempt to get a lesser sentence. Morgan is a notorious con-  
187 artist, always looking for another angle to play. Morgan was not worth my time.

**WITNESS ADDENDUM**

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

Signed,

Dee Haiden

Dee Haiden

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020  
High School Mock Trial Competition.

William Smith

William Smith, Notary Public  
State of Arizona

My Commission Expires: 12/08/25

Affidavit of  
**LOU CARBONI**

---

1           1.       My name is Lou Carboni. I am 41 years old. I never needed college. I  
2 learned what I needed to know on the streets of New Jersey, where I was born and  
3 raised. I dropped out of high school at the age of 16 to go into the family business. Our  
4 business is all up and down the east coast. I moved to Arizona to take on more  
5 responsibility for the family. I have been in the family business for about 25 years. The  
6 family business is your garden variety regular, ordinary sanitation company. You offer a  
7 service, you get paid for that service just like any other service provider.

8           2.       I occasionally loan money to people. Those loans are interest bearing  
9 loans like a bank loan. I do not see the need for promissory notes. People know they  
10 owe me when I loan them money and I expect them to pay. I do not need a piece of  
11 paper to get them to pay me. That is not how I do business. If someone does not pay  
12 me, I firmly remind them their payment is due and then bada boom, bada bing – they  
13 find a way to come up with the money. Yeah, Zoe Caine needed a reminder or two. I  
14 can be very persuasive. I am not a loan shark – that would be illegal. I am not a  
15 member of the mob or organized crime. All I know about the mob I learned from the  
16 movies. I know nothing about how the mob kills people.

17           3.       I am testifying in this case because the prosecutor made me an offer I  
18 could not refuse. By testifying and telling the truth, the prosecutor agreed to drop the  
19 charges against me for loan sharking because of my “business deal” with Zoe Caine.

20           4.       This is not my first scrape with the law. The cops have had it in for me for  
21 a while – always looking to nail me with something. Now and then they have busted me

22 for some petty crime to flex their muscles. I am not scared. I never did time for more  
23 than a year. My rap sheet started back when I was in juvy. In 1994, I was convicted of  
24 theft of less than \$1,500 and had to do some road crew work. In 1995, I was convicted  
25 of assault in the second degree. I got a suspended sentence and was on probation for a  
26 year. In 2002, I was convicted of extortion. Then, in 2011, I was charged with bribery  
27 and never convicted, which is the case involving Detective Haiden. Haiden was accused  
28 of tampering with evidence, but the case was a sham. In 2012, I was charged with  
29 criminal threat. The state said I threatened this guy I loaned money to. The case got  
30 thrown out because the state's key witness disappeared. In September 2018, I was  
31 charged with assault in the second degree, which is still pending. The state said I  
32 strangled some guy. Can you believe it? I am not worried about that charge either.  
33 These things have a way of going away.

34 5. The state also tried to pin Zoe Caine's murder on me. No way. I may not  
35 be squeaky clean, but I am not a murderer. You can ask anybody. Why would I kill Zoe?  
36 She was making good on what she owed me. Sure, I was keeping tabs on her.  
37 Sometimes folks who owe me some dough think about skipping town. If Zoe left town it  
38 would be to look for a big score. She always wanted to get in on some action. Mostly  
39 she would go to goulash joints looking for a live game. A goulash joint is a restaurant or  
40 bar running a regular card game hidden in a back room. A live game is a game with lots  
41 of betting action. She was often playing the rush – she enjoyed a short run of good luck  
42 by winning a very large pot of money in one hand. Before Zoe started the business, she  
43 would, at times, gamble for six days straight in a week, eight hours a day for several  
44 weeks, losing thousands of dollars. Recently, Zoe had become a desperate gambler

45 looking for a big score to erase her many personal and business debts. She frequently  
46 was tapping out – you know, losing her entire gambling bankroll and then having to stop  
47 playing. But she was not a pigeon, you know, an unsophisticated gambler. I would have  
48 stopped her if I thought she was dead money. Dead money is an inexperienced player  
49 who has virtually no chance at winning. I believed she still had a few aces up her  
50 sleeve. It is not smart business if I invest in losers, now, is it?

51           6.       At the time of her untimely death, Zoe owed me over \$200,000 due to her  
52 gambling losses, but she had made good on nearly \$300,000 of gambling losses before  
53 then. I never concerned myself much with where Zoe got her money. It is not my  
54 problem where the money comes from as long as I get my money. Time was running  
55 out on the balance Zoe owed, so I started keeping closer tabs on her. I wanted to make  
56 sure payments were coming. I have been accused of burning and choking Zoe, but that  
57 never happened. Zoe was a smoker. She could have burned herself accidentally. I did  
58 not threaten her. Sure, I asked her about when she was going to pay me, but that was  
59 the extent of our conversation.

60           7.       I tailed Zoe for the two weeks before she died. On the night of March 24<sup>th</sup>,  
61 I staked out Southberry's across the alley from the back door to the restaurant sitting in  
62 my black Caddy starting around 9:00 p.m. You can see the alley I was parked in on the  
63 diagram marked as Exhibit #12. Zoe was outside in the alley smoking a cigarette. The  
64 restaurant closed at 10:00 p.m., so it was after hours and I thought everyone else had  
65 left. To my surprise, Lane Hill, who I later identified, came storming out of the  
66 restaurant's back door and started arguing with Zoe. Hill was in a fit of rage. I did not  
67 hear the entire conversation because my cell phone vibrated and distracted me, but I

68 heard almost all of it. Hill said Caine had ruined the business, the restaurant was going  
69 to be bankrupt, and was going to have to close, yadda-yadda-yadda, all because of her  
70 gambling debts. It was then that I realized the money paid to me most likely was coming  
71 from Southberry's all along. Then I saw Hill brandish a kitchen knife and point it at Zoe  
72 forcing her back into the restaurant. I could see everything pretty clearly – that is until  
73 the very end as they were going back in the restaurant when we had a quick rain  
74 shower. The alley is only 15 feet wide. And there is a security light that beams directly  
75 over the restaurant's back door to the restaurant. I know it was a knife I saw because it  
76 glimmered when the overhead security light shone on it when it was at an angle. The  
77 knife blade was about ten inches long. I was parked in the shadows, so I am sure Hill  
78 did not see me. At the time of my release from jail, I identified Hill in a line up at the  
79 Scottsdale Police Department as the person I saw arguing with Zoe that night and  
80 forcing her back into the restaurant at knife point. I did not do anything or say anything  
81 at the time because, as you can tell from my rap sheet, me and the cops do not always  
82 get along so great. I later saw Hill leave alone that same night around 10:30 p.m. I  
83 waited for another hour and then left, but I never saw Zoe leave the restaurant. I later  
84 told the same thing to Haiden.

85         8. I was charged initially with killing Zoe and loan sharking. Like I said before,  
86 I did not do it. Haiden was hoping it was me. I still did not say anything about what I saw  
87 because I did not know at the time how Zoe died or where she was located. So, I did not  
88 realize how relevant my observations might be. Plus, until I had my attorney with me to  
89 make a deal on the loan sharking charge, I was not about to say anything about tailing  
90 Zoe because she owed me money.

91           9.       While in jail, I shared a cell with CJ Morgan. Whatever Morgan is saying I  
92 said while we were in jail together is a flat out lie. It has to be Morgan's way of getting  
93 some deal. Morgan is a con artist. Morgan probably thought I would be willing to pay  
94 some hush money. Morgan got stuck in the lie when the charges against me were  
95 dropped. Why would I confide in Morgan? That makes no sense.

**WITNESS ADDENDUM**

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

Signed,

Lou Carboni

Lou Carboni

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020  
High School Mock Trial Competition.

C.H. Gallant

C.H. Gallant, Notary Public

State of Arizona

My Commission Expires: 12/5/26

Affidavit of  
**LANE HILL**

---

1           1.       My name is Lane Hill. I am 29 years old. I grew up on a farm in rural  
2 Arizona where life was pretty simple. We were self-sufficient and made a lot of our own  
3 food on the farm including butter, cheese, sausage, and ice cream. I suppose making  
4 food from home is what got me interested in the culinary arts. After high school, I made  
5 the giant leap and moved to New York to attend the Culinary Institute of America (CIA).  
6 Moving to a big city from a rural community was an eye-opener. I was pretty naïve, and  
7 I probably still am today. At the CIA, I trained with world-renowned, classically trained  
8 chefs. It was the time of my life. After 38 months in the program, I received my  
9 bachelor's degree. It was my dream to one day open my own restaurant, but I was only  
10 21 and I needed to gain more experience and raise some funds. I moved back to  
11 Arizona to be closer to my family yet be in a city that could offer me a decent wage and  
12 experience. I was thrilled when I landed a position at Boley's, one of Scottsdale's top-  
13 rated restaurants. I worked there for four years and developed my skills in a variety of  
14 areas. I initially started as a pantry chef, making salads and cold appetizers such as  
15 elaborate fruit plates. I also worked as a poissonier, or fish chef, and as a pastry chef,  
16 which was my passion. After those first two years, I was asked to step in as a saucier,  
17 the person who is responsible for sautéing and making all of the sauces for the  
18 restaurant. The next year, I became sous chef, which is the second in command. If I  
19 took any time off, I used it only to further my skills. I enjoyed entering culinary ice  
20 sculpting competitions. I worked long and hard during those years – six days a week,  
21 usually ten-hour days. But the sacrifices were worth it, especially if it would help me

22 reach my goal of owning my own restaurant one day.

23           2.       I met Zoe Caine at a conference of the Southwestern Culinary  
24 Association. The conference was about owning your own restaurant. Zoe was one of  
25 the speakers. She seemed very knowledgeable about the management and finances of  
26 owning a restaurant business. She graduated magna cum laude from Johnson and  
27 Wales University with a double major in Food Service Management and Accounting in  
28 2010. She was extremely bright and energetic with an air of sophistication. She came  
29 from money and was well connected. You could tell she had already started to make  
30 her mark on the culinary world. After the conference, I made a point of meeting her. She  
31 was looking to open a fine dining restaurant in Scottsdale. She needed a co-partner  
32 who could focus on the food preparation aspects of the business. This was the perfect  
33 opportunity to further my dream of owning a restaurant. She convinced me North  
34 Scottsdale, near Cave Creek, was the best place to start. She knew what she was  
35 doing. If we started somewhere in a busier part of the state, we would be one of a  
36 thousand places and the rent would be high. Instead, we would have a niche in North  
37 Scottsdale and started a fine dining restaurant.

38           3.       We found a great place in Southberry Square and Southberry's was born.  
39 We planned everything for the restaurant from theme, layout, menus, staffing, ordering,  
40 keeping the books, etc. We agreed we wanted to be closed on Sundays and Mondays  
41 since those were the two slowest days for restaurants. When it came to funding the  
42 restaurant and the profits, we agreed to a 50-50 split on everything. We each were  
43 bringing our respective talents to the table, excuse the pun. We agreed we would both  
44 contribute the same working capital. She already had a substantial bankroll of cash to

45 contribute for the start-up. It was like nothing for her to come up with the \$100,000. I  
46 suppose to be perfectly honest, in a way I resented her for already having so much  
47 money on hand for the start-up. I have never been in a position where cash was so  
48 readily available to me. I grew up modestly and had been skimping and saving while  
49 working at Boley's. I emptied my savings of \$40,000 and had to take out personal loans  
50 for the other \$60,000 of my share of startup funds. As a result, everything I owned in my  
51 entire life and for some time into the future would be invested in this restaurant. I had  
52 invested sweat equity, too. Of course, I knew it was a risk. With the start of a new  
53 business, especially a restaurant, there is always the risk of failure. And if it failed, I  
54 would probably have to file bankruptcy for not only the business, but personally as well.

55         4.       Zoe took care of all the financial aspects of the business. In hindsight, I  
56 should have paid more attention to what she was doing, but I trusted Zoe and we each  
57 had our own area of expertise. I handled all aspects of the food preparation and  
58 presentation, including menu selection, working with vendors to order food products,  
59 and preparing the food or directing the food preparation. While Zoe was fully in charge  
60 of finances and management, she also had creative ideas for food presentation or  
61 preparation. Every now and then she would jot her menu suggestions for the following  
62 week on a piece of paper and leave it for me or John Croswell, our sous chef. On the  
63 other hand, I have never understood financial statements or accounting, which Zoe took  
64 care of for us. When we were starting up the restaurant back in June of 2015, it was her  
65 suggestion to put in place a buy-sell agreement funded by insurance. Initially, I did not  
66 understand its purpose, but I agreed to sign because she said it was good for both of  
67 our protection. The buy-sell agreement was in place in the event one of us died, paying

68 out \$500,000 to the surviving partner. She said the income flow from the restaurant  
69 would pay for the policy. Now, I am thankful she had the buy-sell agreement in place  
70 because it will save the business and me personally. I think of it as her way of making  
71 things right after stealing from the business. I plan on re-opening after I am cleared.

72 5. When we opened in June 2015, Southberry's took off right from the start,  
73 soon becoming the talk of the town. We had rave reviews from food critics in *The State*  
74 paper, *The Scottsdale Journal* and *AZ Today*. We were even featured in *The*  
75 *ScottsdAlien*, a local magazine. The restaurant continued to grow over the next three  
76 years. We had a steady flow of customers – some loyal customers from the beginning  
77 and new customers every day. Often it was difficult for our customers to get a  
78 reservation for a Friday or Saturday evening unless they called weeks in advance. Zoe  
79 and I were contemplating opening a new dining experience near the Thurmond Theater  
80 in downtown Scottsdale where we would serve desserts exclusively for the after-theater  
81 crowd. Zoe had already worked up the business plan and we decided to call it “Just  
82 Desserts.”

83 6. I was surprised when Zoe told me we were running in the red, because  
84 business was going so well. My initial thoughts were perhaps our prices were not  
85 covering our expenses sufficiently. So, when I saw the Chamber of Commerce  
86 presenting a seminar on February 26, 2018, on the topic “Realizing Your Full Potential”  
87 talking about making your business more profitable, I thought I could sharpen my  
88 business sense. The timing was perfect for me to attend the seminar. Zoe had told me  
89 about our financial woes the week prior, and the seminar was on a Monday when the  
90 restaurant was closed. I attended the presentation and spoke with Jo Tapia, an

91 accountant, immediately after the presentation. Tapia was one of the speakers at the  
92 seminar. A copy of Tapia's curriculum vitae, marked as Exhibit #1, was included in the  
93 presentation materials. I hired Tapia to do an audit of the business to see where we  
94 could improve – perhaps negotiate with vendors more or change our pricing. I also  
95 learned during the seminar that restaurants and retail business have a lot of opportunity  
96 for employee theft. I wondered if our food inventory was “walking off” with some of the  
97 employees in the evenings. So, the following day I purchased a key and padlock to  
98 secure the food inventory in our cooler. Exhibit #8 is a copy of the padlock receipt. The  
99 only ones who had a key to the padlock were Zoe, John, and me. Zoe told me she  
100 thought it was a good idea to use the padlock to protect our inventory in case the  
101 employees were helping themselves.

102           7.       Jo Tapia came out Tuesday, February 27<sup>th</sup> and did an overview of the  
103 restaurant and the financials. I agreed to hire Tapia for the two-week audit starting  
104 Tuesday, March 6<sup>th</sup>. Tapia required payment in advance. I paid the fee of \$6,500 out of  
105 my personal funds since the restaurant did not have the cash on hand. When I told Zoe  
106 about doing the audit, she did not seem nervous or act suspicious. In retrospect, she  
107 always was cool as a cucumber regardless of the situation. I suppose having a poker  
108 face was a practiced skill from her gambling experiences. Or maybe she thought she  
109 had hidden her tracks well enough that I would not find out she had stolen so much  
110 money from the business. I had seen her gambling in action on a dinner cruise once.  
111 Later, Zoe played it off as family money lost and it was no big deal. Family money or  
112 not, it was hard watching Zoe being urged on by a “friend” known as Morgan, who was  
113 causing her to lose more money.

114           8.       Business went on as usual those next two weeks during the audit. Zoe  
115 came in regularly to do her work as she had in the past. Tapia continued to do the audit.  
116 When I would ask how it was going, Tapia would say, "It is a work in progress." Then on  
117 Friday, March 16th, I got the shock of my life. Tapia informed me the audit was  
118 complete and Zoe had been stealing from the business – nearly \$300,000! I was  
119 stunned. I could not imagine why she would steal from me – from us.

120           9.       I asked Tapia for some examples to show me how the theft took place.  
121 Tapia indicated Zoe was stealing from Southberry's in a variety of ways. The first way  
122 was skimming. There were several instances where one of the wait staff had a carbon  
123 copy of a ticket order in their book, but the order was not included on the cash register  
124 tape for the day. Tapia showed me an example of this, which is marked as Exhibit #2.  
125 Tapia showed me check marks on the January 13, 2018 cash register tape showing the  
126 ticket orders. Tapia found a ticket order for that day not entered. Tapia was not sure for  
127 certain if the skimming was attributed to Zoe because someone else could have been  
128 managing the cash register at the time. However, when Tapia looked at all of the  
129 stealing events as a whole, there were events Tapia could directly connect to Zoe. For  
130 example, certain daily cash register tapes did not match to the deposit made. These  
131 deposit slips were written in Zoe's handwriting, and were part of her normal job  
132 responsibilities rather than the responsibility of any other employee at Southberry's.  
133 Tapia showed me a deposit slip, marked as Exhibit #3, in the amount of \$587.93 on  
134 Monday, February 12, 2018. The problem was that the deposit slip did not add up to the  
135 cash register tapes from Friday, February 9th in the amount of \$2,299.61 and on  
136 Saturday, February 10th for \$3,089.57. Lastly, Tapia found checks written to cash or to

137 Zoe that were shown as void in the check register but cleared the bank. In order to  
138 balance the account, another check in the check register was manipulated to increase  
139 the payment to cover the amount of the “voided” check made out to Zoe, which is what  
140 Tapia showed me in Exhibit #4. The Supplies Unlimited entry was for \$3,093.45 when it  
141 should have been entered as \$93.45 according to the invoice. I could not figure how  
142 Zoe learned to do this.

143 10. Sure, I was angry at the time when Tapia first told me the news. Who  
144 would not be angry? I probably even said some things in haste, but I was not angry  
145 enough to kill her. It did not even cross my mind! Sure, I said, I was going to make Zoe  
146 pay for this – but I meant financially. Zoe would have to find the money to make it right.  
147 She had lots of rich relatives to help come up with the money.

148 11. I confronted Zoe about the thefts after Tapia left the restaurant. I was  
149 angry but controlled. I asked Zoe where the money had gone. She admitted to me she  
150 was a gambler and was in a temporary slump the past six months. She said she was in  
151 serious debt to a loan shark she called “Lou.” She never mentioned a last name for Lou.  
152 Zoe told me she owed Lou over \$200,000 and she had already paid over \$300,000,  
153 most of which came from the restaurant. She also had borrowed money from her rich  
154 folks to pay off some of her other gambling debts, but her parents told her that it was the  
155 last time they were going to bail her out. Zoe explained to me she had become  
156 desperate because Lou had threatened to kill her if she did not come up with the  
157 money. Zoe described instances where Lou had choked her or put a lit cigarette to her  
158 arm. I saw the burn marks on her arm and the bruises on her neck. I do not know how I  
159 did not notice them before. This was a whole new world that was foreign to me.

160           12.    Yes, I felt betrayed by Zoe, but at the same time, I felt scared and sad for  
161 her. She was in serious trouble. Her addiction to gambling ruined a promising career in  
162 the restaurant business. Zoe said she could string Lou along a little longer. And in  
163 response I said, “No, you need to come up with the money right now, or you could get  
164 killed.” Maybe my naïveté was still working overtime, but I thought there might be a way  
165 to help her and get the business back on track. I told her I would loan her the money to  
166 pay off the debt, and in exchange she had to agree to seek professional help for her  
167 gambling addiction. Zoe agreed. I said I would also get her “Just Desserts” partnership  
168 interest. Honestly, I was not thinking everything through at the moment because all of  
169 this took me off guard. I do not even know how I was going to come up with the  
170 \$200,000 to help Zoe out of her jam. I was broke. I had put everything into the business  
171 and according to Tapia, we were going to have to file for bankruptcy.

172           13.    You can only imagine how worried I was the week following my  
173 conversation with Zoe on the 16<sup>th</sup>. I kept trying to come up with solutions. I did not sleep  
174 a wink after that. I was trying to brainstorm ways to get money for Zoe to get her out of  
175 this nightmare. I thought maybe Zoe’s best way to get out of this mess was to turn Lou  
176 over to the police for loan sharking. I went on the internet and Googled “loan sharking”  
177 and found out her contract with Lou was void under the law. I thought she could go to  
178 Lou and say if the loan was not voided according to the law, she would have no choice  
179 but to turn Lou into the police department.

180           14.    On Saturday, March 24<sup>th</sup>, after the dinner crowd and the kitchen staff had  
181 gone for the evening around 10:00 p.m., I decided to tell Zoe my solution to her  
182 problems. Zoe stepped out of the kitchen door to smoke a cigarette and ignored her cell

183 phone ringing as we walked outside together. I told her I could not think of a way to pay  
184 Lou because she had taken so much money out of the restaurant. Southberry's was  
185 bankrupt and would have to be closed. I explained the idea of Zoe telling Lou to void the  
186 contract or be turned over to the police. Zoe did not think Lou would be receptive to the  
187 idea and we argued over it. Finally, Zoe came to her senses and agreed. I did not see  
188 anyone in the alley when we were talking. Besides, we had a quick downpour of rain  
189 and were soaked before we got back inside. I never reported this conversation to the  
190 police after Zoe was murdered because I was afraid if I said anything, Lou would come  
191 after me to collect on Zoe's loan.

192           15.     Early April, Detective Haiden asked to meet me at Southberry's to ask me  
193 some follow-up questions and to see the place again. Haiden confronted me with Lou  
194 Carboni's statement. Carboni is lying about me threatening Zoe and "brandishing a  
195 knife" – that is ridiculous! Carboni obviously does not want to be nailed for Zoe's  
196 murder. Of course my fingerprints would show up on the kitchen knife, the padlock, and  
197 the cooler door. Southberry's is my restaurant. My fingerprints are all over the  
198 restaurant. I worked in the kitchen and would touch all of those things numerous times  
199 throughout the day. The kitchen knife would have been washed that evening and run  
200 through our sanitizer. I do not know if washing the knife would have eliminated my  
201 fingerprints, but I might have picked up the knife after it was washed for food  
202 preparation. I do not remember now. If I were going to murder Zoe, why would I do it at  
203 the restaurant where we work and leave my fingerprints on a knife? I also never  
204 hesitated when Detective Haiden asked me to go down to the station to give my  
205 fingerprints. Does willingness to help sound like someone who is guilty? I was arrested

206 on April 5, 2018 for Zoe's murder.

207           16.     The last time I saw Zoe was about 10:30 p.m. on the night of March 24,  
208 2018. I was ready to lock up for the evening, but Zoe was going to stay later and jot  
209 down some ideas for next week's menu. Days after Zoe's death I found the note she  
210 wrote marked as Exhibit #9, which had slipped behind one of the kitchen work stations.  
211 The note had her menu ideas for the following week. Back to that night – I started to  
212 lock up the cooler, but Zoe told me she would do it because she had to check and see if  
213 we had the necessary ingredients for next week's menu. She said she would lock up the  
214 cooler and the back door when she left. As I was leaving through the kitchen back door,  
215 I saw a person in the shadows in the alley about 50 feet away next to a black Cadillac.  
216 The next Tuesday, I returned to the restaurant after a frantic call from Crowell that Zoe  
217 had been found dead in the cooler. I provided the investigator on the scene, Detective  
218 Haiden, a diagram of Southberry's, marked as Exhibit #12, which is an accurate  
219 representation of the restaurant's layout, as well as the street and alley. When Zoe was  
220 found murdered, I told Detective Haiden about the person I saw. As a result, Haiden  
221 showed me some pictures on a tablet, which is when I was able to identify the person I  
222 saw as Lou Carboni.

223           17.     My legal team was smart to keep a copy of Zoe's note before turning over  
224 the original to the police, which was lost in the evidence room and now Exhibit #9 is the  
225 copy and not the original note. Given Detective Haiden's prior history of evidence  
226 tampering, which had been all over the news, I know now why Zoe's original note,  
227 Exhibit #9 disappeared. The folks at the police department probably could have done  
228 scientific testing to figure out when Zoe wrote the note on the night of her death or

229 gotten her fingerprints. Who knows? Either way, the original note could have provided  
230 evidence pointing to my innocence. I am certain Lou Carboni is responsible for Zoe's  
231 murder. I would not and did not kill Zoe. We made amends and were going to figure out  
232 a solution together.

233 18. I know the insurance policy for the buy-sell agreement is \$500,000, as  
234 noted in Exhibit #5. The insurance money has not been issued yet because there is a  
235 clause in the buy-sell agreement if a beneficiary under the policy intentionally caused  
236 the insured's death. I did not kill Zoe and that money should be mine. The restaurant  
237 never re-opened after Zoe's death and I am in the hole for substantially more money  
238 than ever before. I should have never been arrested for Zoe's murder. I am the "fall guy"  
239 for a mob hit carried out by Lou Carboni and covered up by the corrupt investigator Dee  
240 Haiden.

**WITNESS ADDENDUM**

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

Signed,

Lane Hill

Lane Hill

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020  
High School Mock Trial Competition.

Michala Watson

Michala Watson, Notary Public  
State of Arizona

My Commission Expires: 4/3/20

Affidavit of  
**CJ MORGAN**

---

1           1.       My name is CJ Morgan. I am 27. I grew up in Hartford, Connecticut. I had  
2 a rough home life, so I ran away when I was 17. I have moved around a lot since then –  
3 mostly down south – and used my charming personality to make ends meet. I am not  
4 going to lie to you. I have definitely had my run-ins with the law. In 2011, I was  
5 convicted of credit card fraud. I also served time for check fraud in North Carolina in  
6 2012 and again in 2014. In 2015, I was charged with insurance fraud, but the charges  
7 were later dropped. About a year or so ago, I left North Carolina because it was getting  
8 a little hot for me with the law and some people thought I had scammed them. I  
9 swapped one hot place for another and came to Arizona. I came to Scottsdale looking  
10 for a new life. I thought I could put the past behind me and start over. I am shooting  
11 straight here – I stole someone’s identification information and got busted for it on  
12 March 19<sup>th</sup>.

13           2.       I am serving my time in the county jail because the identity theft charges  
14 were not serious enough to land me in the AZ Department of Corrections (AZDC).  
15 When you do time in the local jails, there are always people coming and going for  
16 various reasons. My last cell mate got convicted of a third DUI and got transported over  
17 to AZDC to do some serious time, which left me with an empty bed. Lou Carboni got  
18 arrested for loan sharking and murder of Zoe Caine. My cell was open, which is where  
19 Carboni landed. We had run into each other several times before at some of the clubs. I  
20 was looking for an easy target and Carboni was shaking someone down for some  
21 money owed. You see, Carboni had a reputation around town as a loan shark –

22 someone who lends money at an excessive rate of interest. I stayed out of Carboni's  
23 way. I could be trusted because I never turned Carboni in.

24         3.         Sometime after Carboni was put in my cell, we are chatting you know, like  
25 "what are you doing time for" and yadda yadda yadda. Carboni mentions being in for the  
26 murder of Zoe Caine. I knew Zoe from some gambling trips to Vegas where we had  
27 been at the same tables, but did not know she had been killed. Zoe had one foot in two  
28 different worlds, the business world and the gambling world, and she walked a fine line  
29 between the two. I met Zoe a while back when she started talking to me in the bar at  
30 one of the casinos around here. I can't remember which one. She was distraught about  
31 some of her losses and had noticed how I was working some of the tables over the  
32 evening. One thing led to another and I was telling her about the different ways to scam  
33 money from people and businesses without them even knowing. She lit up when I  
34 explained how easy it was to skim cash from a business, especially if you knew or  
35 controlled who did the bookkeeping. We must have talked for three or four hours that  
36 night about various ways to get rich without working – or at least how to pay off your  
37 bookie without a lot of hassle.

38         4.         I had watched Zoe. She was a maniac. In poker, maniac means a player  
39 who plays very loose and aggressive, often raising with almost anything. In the jail cell,  
40 Carboni called her a "fish," a poor player. Carboni said, "I should have had Zoe  
41 swimming with the fish a long time ago." Zoe was on a "tilt," according to Carboni. A "tilt"  
42 is a poker term for a player who has played too long, lost too much money, and no  
43 longer has any sense of judgment. Carboni said, "Once you are on a tilt, you are making  
44 bad decisions and putting yourself in bad situations." Well, from my experience with

45 Zoe, she was on a tilt every time I was at a table she played. She had no sense of self-  
46 preservation or knowing when to walk away from a losing table. Lady luck never stays  
47 long at a table, so you have to know when the house is going to take you for everything.

48         5.       Another time I ran into Zoe in a casino south of Phoenix. Zoe and Lane  
49 Hill were staying at the attached resort for a hospitality and restaurant conference. I kept  
50 my distance during the dinner. It looked like they were having a good time. After dinner,  
51 I sidled up to Zoe at a Texas Hold'em table. I do not know where Hill was at the time.  
52 Zoe was on a tilt as usual. I might have been cheering her on that each new hand was  
53 going to be her winner. Hill must have walked back up while I was not looking.  
54 Suddenly, Hill spun me around and started yelling at me to stop and Zoe had lost  
55 enough money. I said, "Hey back off," and then Hill threw a drink in my face. How rude.

56         6.       Sometime later, I made a stop in at Southberry's. I was hungry and  
57 thought maybe I could get a free meal. Zoe recognized me, looking around like she was  
58 worried for a second. When she saw her business partner was not in sight, she gave  
59 me a hug and seated me in a back-corner table. I asked how business was. Zoe sighed  
60 and said business was good, but not good enough to keep up with her "little problem." I  
61 assumed she meant the money owed to her bookie. Zoe may have been dramatic, but  
62 she told me she was out of options and thought Carboni was going to kill her for the  
63 money. I could tell she was scared and physically shaken. Her statements made me  
64 think Carboni was going to kill her. Turns out I was right to think that. I did get an  
65 amazing steak dinner out of it. Zoe wondered if going to the police would help in order  
66 to get out from under Carboni. I told her going to the police was a bad idea and if she  
67 did, Carboni would be even more angry with her than if she simply had trouble making

68 payments. From where I was sitting, I could see into the kitchen area, including the  
69 cooler where she later died – what an awful way to go. The restaurant is laid out like the  
70 diagram marked as Exhibit #12. When I was heading out of Southberry's and back up  
71 Southberry Square, I know I saw Lou Carboni's car parked at the edge of the alleyway  
72 overlooking the back of Southberry's. Carboni's car was a black Cadillac clearly  
73 identifiable with custom wheels and racing exhaust. Carboni was never subtle. Carboni  
74 always had a habit of staying around where the people who owed money could easily  
75 see Carboni was watching over them.

76         7.       So anyway, in the jail cell, Carboni starts telling me the whole story about  
77 how Zoe was into Carboni for some big money. Carboni mentioned recently learning  
78 that Zoe had "bled her business dry and was worthless." Zoe could not even make  
79 payments for the "juice" – the interest on Carboni's loan. Apparently Carboni overheard  
80 Zoe say she was going to threaten Carboni with going to the cops if Carboni did not  
81 walk away from her debt. Going to the cops would have been a stupid thing to do. Like  
82 some loan shark is going to say, "I'm scared. Please don't turn me in, and I won't make  
83 you pay me the money you owe me." Carboni says to me, with no emotion or nothing,  
84 like it was another day in the park, "So, I had Zoe iced." And when Carboni said "iced," it  
85 did not mean go to the refrigerator to cool down, if you know what I mean. Carboni  
86 stated that the idea was to make Zoe suffer too, because it was no longer about money  
87 since Zoe was thinking about turning Carboni in to the cops. So, Carboni described  
88 forcing Zoe into a cooler for a slow and cold death.

89         8.       Carboni also talked about doing a good job of "cleaning" referring to  
90 covering up any tracks left behind to make sure it did not lead back to Carboni. Carboni

91 further described to me how gloves were worn so there would be no fingerprints found.  
92 Carboni was not worried at all. Carboni dropped a hint about “having a connection on  
93 the inside.” Carboni never said who it was, and I knew better than to ask.

94 9. Carboni did mention that Haiden was the detective investigating Zoe’s  
95 murder. Haiden had been my arresting officer on some previous charges, so I knew  
96 who Carboni was talking about. Anyway, I never turned Carboni in for loan sharking in  
97 the past, but murder is something else. I tried calling Detective Haiden twice to report  
98 what Carboni told me, but Haiden never took my calls. Haiden probably did not return  
99 my calls because one time I ratted on someone else in jail and I might have gotten  
100 some facts mixed up.

101 10. Eventually, after the charges against Carboni were dropped and Zoe’s  
102 business partner was arrested, I saw some newspaper articles about the upcoming trial  
103 and who the attorneys were for Lane Hill. I reached out to Hill’s attorneys who came to  
104 meet me in jail to hear what I had to say. The better side of me came out. I thought I  
105 should help an innocent person. Hill was going to take the rap for this, which I could not  
106 let happen when I knew the truth.

107 11. You know, I have no reason to lie. What do I get out of this? It is not like I  
108 am testifying for the prosecution and getting a reduced sentence. And it is not like Hill  
109 has some dough to pay for my testimony. There is no reason for me to make this stuff  
110 up. Plus, how would I know so many details? And this lame story about me having to  
111 stick with a story once I started down this road is crazy. I am in enough trouble as it is –  
112 I do not need perjury on my rap sheet, too.

113 12. I know you have to wonder why Carboni would blabber all of this to a low-

114 life like me. I am a nobody. I think I was a pawn for Carboni. Carboni probably wanted to  
115 get the word out on the street that Carboni meant business to instill fear so people  
116 would pay their debts and not go to the cops. When you are in the racket, the thing you  
117 have going for yourself is the fear factor. I realize now why Carboni was not worried  
118 about saying anything to me about killing Zoe. Turns out Carboni was right to be  
119 confident about "connections on the inside."

**WITNESS ADDENDUM**

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

Signed,

CJ Morgan

CJ Morgan

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020  
High School Mock Trial Competition.

Miriam Wrenn

Miriam Wrenn, Notary Public  
State of Arizona

My Commission Expires: 12/08/22

Affidavit of  
**DAVIS YOUNG**

---

1           1.       My name is Davis Young and I am 54 years old. I am a criminal justice  
2 professor at Arizona State University. I have been back at my alma mater for more than  
3 a decade now. After graduating from ASU in 1986, I went on to earn my master's  
4 degree in Sociology at the University of Pennsylvania, as well as my Ph.D. in Criminal  
5 Justice. I am also a licensed private investigator in Arizona and New Mexico. A copy of  
6 the abbreviated version of my curriculum vitae is marked as Exhibit #10. Of course, I  
7 have had many more publications, such as journal articles, chapters written for books,  
8 book reviews, and a host of seminar presentations and lectures. I presume the  
9 abbreviated version of my curriculum vitae will demonstrate I am well-recognized as an  
10 expert in the study of organized crime.

11           2.       Reliable information about organized crime is not always easy to obtain.  
12 However, I have devoted my research and teachings to organized crime, including the  
13 historical background, theories and research, specific crime groups and their  
14 operations, and law enforcement strategies to counter organized crime. I am currently a  
15 co-director of the International Association for the Study of Organized Crime (IASOC),  
16 which is a professional association of criminologists, researchers, teachers and  
17 students. Founded in 1984, IASOC holds meetings in conjunction with the American  
18 Society of Criminology. IASOC works to promote greater understanding and research  
19 about organized crime in all of its manifestations.

20           3.       A significant portion of my research and study has been on the type of  
21 crimes – particularly murder – committed by people within organized crime. The

22 underlying crimes in organized crime are the typical selection of preferred mob rackets  
23 and methods: loan sharking, sports betting, extortion, income tax evasion, income tax  
24 fraud, narcotics, and human trafficking. Intimidation, violence, murder, and obstruction  
25 of justice are used to further the goals of people in organized crime. The wise guy life is  
26 a sharp and cocky, cash-driven subculture. Sure, they can come across as good fellas,  
27 and some are not complete strangers to doing some good, but ultimately gangsters do  
28 their deeds through deception, intimidation, violence, and murder.

29         4.       Men and women within organized crime have a particular signature when  
30 committing crimes, which takes one of two avenues: either committing the crime in such  
31 a heinous fashion so as to send a message to other would be wrong-doers against the  
32 mob/mafia or skilled use of hiding the crime or their connection to it. An example of the  
33 former is with a public warning, such as the public hit on a sidewalk of Paul Castellano  
34 allowing John Gotti to become head of the Gambino family.

35         5.       Organized crime's use of hiding the crimes or their connection to the crime  
36 definitely has its own signature. Each mob group has their own preferred style, but often  
37 word spreads of another group's style and sometimes there are copycats among the  
38 mob. And, compared to a non-career criminal, it is far more sophisticated and skilled.  
39 We have probably all heard of "swimming with the fishes" in which the mob would tie the  
40 victim to a cement block and throw them in a body of water. Another popular "signature"  
41 method of the mob is to hide a corpse in a false bottom of a casket of another person.  
42 Other disposal methods include dismemberment, burial, or placing the body in the trunk  
43 of a car and having it crushed in a junkyard.

44         6.       One of the more notorious mob men is Richard Kuklinski, who earned the

45 nickname "Iceman" following his experiments with disguising the time of death of his  
46 victims by freezing their corpses in an industrial freezer. The condition of the body is  
47 sometimes the only means available for the coroner to estimate the time of death.  
48 Generally, body temperature is used as an indicator of the post-mortem interval during  
49 the first 12 to 24 hours of death. Kuklinski himself claims he used a Mister Softee ice  
50 cream truck for this purpose. Later on, he said he got the idea from a hitman named  
51 Mister Softee, who drove a Mister Softee truck to appear inconspicuous. Kuklinski's  
52 method was uncovered by the authorities when Kuklinski once failed to let one of his  
53 victims properly thaw before disposing of the body on a warm summer's night, and the  
54 coroner found chunks of ice in the corpse's heart. This methodology gained some  
55 popularity among those involved in organized crime in the late 1990's and into the 21<sup>st</sup>  
56 century. It is still fairly common today to find mob victims frozen in industrial freezers.

57         7. I have reviewed Detective Haiden's Investigation Report, marked as  
58 Exhibit #6. I have also reviewed the autopsy report marked as Exhibit #11 and the  
59 diagram of Southberry's marked as Exhibit #12. In addition, I have seen the receipt for  
60 the padlock marked as Exhibit #8 and a copy of the menu notes left behind by Zoe  
61 marked as Exhibit #9. It is my understanding that due to the gruesome nature of the  
62 photographs of the decedent, these photographs are not part of the evidence of this  
63 case with the exception of the photograph of the victim's dying message to identify her  
64 killer, which is marked as Exhibit #7. I did not go to the crime scene, nor have I  
65 undertaken any independent physical examinations of the victim or fingerprint analysis. I  
66 have, however, been to Southberry's prior to Zoe Caine's murder. While I agree that  
67 Zoe Caine stole funds from Southberry's, I am not convinced it is the only reason

68 Southberry's is in such financial trouble. On the night I was there, I saw some guests in  
69 my own dinner party experiencing problems with their meals. To my surprise, Lane Hill,  
70 one of the owners, came over to our table and comped the entire table and not just the  
71 ones having a problem. Comping entire tables can create large revenue losses and  
72 shows a lack of business sense. If Hill handled issues like ours every time something  
73 minor happened with a meal, Southberry's would be out of business quickly.

74 8. Based upon my review of the foregoing, and my extensive knowledge and  
75 expertise in studying criminal behavior in organized crime, it is my opinion Zoe Caine  
76 was murdered by a person involved in organized crime. The spreadsheet found by  
77 police at the home of Zoe Caine showed payments made to Lou Carboni. Injuries on  
78 Zoe Caine's body reinforce having received previous "warnings" to pay. Late payments  
79 were punished in typical fashion by the mob with cigarette burns and strangulation, both  
80 known signatures of Lou Carboni. Lou Carboni somehow must have found out that  
81 Caine's restaurant was going bankrupt. Caine became a liability for Carboni, rather than  
82 a source of revenue, and even more so if Carboni thought Caine would turn Carboni in  
83 to the cops.

84 9. I am familiar with Lou Carboni, who denies being a part of organized crime  
85 even though this is clearly not the case. While Carboni is a money collector and/or  
86 minor enforcer, Carboni is not important enough to order a hit or to follow through on a  
87 hit. Killing someone would come from further up in the organization. In addition,  
88 organized crime tends to keep money collectors far separated from those who carry out  
89 the hits.

90 10. The methodology used in this crime is also consistent with a mob hit. The

91 use of an industrial freezer or cooler to hide the victim's time of death and the "cleaning"  
92 of the crime scene is indicative of a sophisticated skill level of crime inherent in  
93 organized crime. This method is completely inconsistent with the method and mode of a  
94 person committing a crime in the heat of passion. Had Hill murdered Caine in rage over,  
95 say, theft of funds from the business, a quick death would be more likely at the sharp  
96 end of a knife. This is what happens when a person snaps in the moment – picking up  
97 the closest available weapon and killing another person. In the case of a restaurant,  
98 knives are both plentiful and available. The average person committing a crime of  
99 passion or in the heat of the moment would not lock someone in a cooler, because said  
100 person would then have ample time to cool off (no pun intended), calm down, and let  
101 the victim back out of the cooler before death became imminent. With most people, "in  
102 the heat of the moment" is just that, not rational thought but rather done on murderous  
103 impulse. Once the impulse is gone, regret and anguish take over. Had Hill locked Caine  
104 in the cooler in rage over the theft of funds from the business, Hill would have had a  
105 clear cool down period in which to reevaluate the situation and let Caine out of the  
106 cooler prior to her death. In addition to that, a heat of the moment argument would only  
107 be valid for March 16<sup>th</sup> when Hill first confronted Caine about the theft of funds. A full  
108 week later, the impulse to kill would not remain, and especially not in such a slow and  
109 agonizing way. This is the type of killing meant to send a message to others, and the  
110 message is pay up or suffer horrifically.

111         11. I am also extremely critical of the police investigation in this matter. I have  
112 done a significant amount of research in the study of corruption in law enforcement.  
113 One reason the mafia and mobs have survived and thrived for so many years is, in part,

114 because of a few corrupt police officers, who have lost or tampered with evidence, or  
115 tipped off the mob. Detective Haiden should never have been assigned to investigate  
116 this case. Detective Haiden was previously accused of tampering with evidence  
117 involving a bribe from Lou Carboni, which on its face value makes Haiden suspect in my  
118 mind for any case in which Carboni and Haiden could intersect. I am unconvinced  
119 Haiden exerted independence when first arresting Carboni. The charges were later  
120 dropped and, I believe, it could have easily been a ruse to throw us off. This entire  
121 murder investigation was compromised due to Haiden's involvement.

122           12. I have been paid \$3,000 to render an expert opinion in this case. I came  
123 into the case with no preconceived notions, and strictly looked at the facts as presented.  
124 I have spent a total of four hours reviewing evidence, and then I have additional time  
125 incurred in providing this statement as well as my testimony in court. I have testified in  
126 numerous cases in which organized crime may be a factor. I have testified both for the  
127 prosecution and the defense. Normally, my rate is \$5,000 to render an expert opinion,  
128 but because I went to school with one of the attorneys for the defense, I have  
129 discounted my rate as a professional courtesy.

**WITNESS ADDENDUM**

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

Signed,

Davis Young

Davis Young

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2020 High School Mock Trial Competition.

A.G. Molli

A.G. Molli, Notary Public  
State of Arizona

My Commission Expires: 12/15/25

# **EXHIBITS**

## **EXHIBITS AVAILABLE TO BOTH PARTIES**

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

<b>#</b>	<b>EXHIBIT DESCRIPTION</b>
1	Tapia's Curriculum Vitae
2	Ticket Order and Cash Register Tape
3	Deposit Slip and Cash Register Tapes
4	Check and Check Register
5	Buy-Sell Agreement
6	Investigation Report
7	Photo Inside Southberry's Cooler
8	Padlock Receipt
9	Menu Notes
10	Young's Curriculum Vitae
11	Autopsy Report for Zoe Caine
12	Diagram of Southberry's

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

## **EXHIBIT #1: Tapia's Curriculum Vitae**

### **JO TAPIA, CPA, CFE**

7513 East Main Street, Scottsdale, Arizona

#### **EDUCATION**

University of Arizona

B.S. in Accounting – May 1981

Beta Alpha Psi - Accounting Major Honorary, Treasurer

Beta Gamma Sigma – Business Honorary

Cum Laude, 3.75

Top Accounting Student

Luca Pacioli Award

#### **CERTIFICATIONS**

Certified Public Accountant

Certified Fraud Examiner

June 1981 to present

June 2003 to present

#### **EMPLOYMENT**

Account-Abilitee, CPAs (owner)

7513 East Main Street, Scottsdale, Arizona

Full service accounting firm, providing a variety of accounting services to our clients including, bookkeeping, general accounting, audit, tax management and preparation, personal financial planning, and business valuation. Specialization in forensic accounting, conducting forensic investigations, utilizing my accounting, auditing, and investigative skills. Instrumental to numerous investigations detecting accounting fraud.

June 1984 – present

Arthur Andersen CPA

33 W. Monroe, Chicago, Illinois

Manager. Consumer and Business Products Auditing Division. Audited financial statements of clients and responsible for management of audit team. Promoted rapidly.

May 1981- May 1984

#### **MEMBERSHIPS**

Association of Certified Fraud Examiners (ACFE)

American Institute of Certified Public Accountants (AICPA)

SC Association of Certified Public Accountants (SCACPA)

#### **CONTINUING EDUCATION**

E-Fraud: Preventing and Detecting Technology-Based Crimes (ACFE; July 2010) Co-presenter

Money Laundering: Tracing Illicit Funds (ACFE; July 2010)

Advance Fraud Examination Techniques (ACFE; July 2006)

Computers in Fraud (ACFE; July 2006)

Contract & Procurement Fraud (ACFE; July 2005)

Auditing for Internal Fraud (ACFE; July 2005)

Fraud Prevention (ACFE; July 2004)

Investigating by Computer (ACFE; July 2004)

Conducting Internal Investigations (ACFE; July 2003)

Auditing for Internal Fraud (ACFE; July 2003)

Principles of Fraud Examination (ACFE; July 2002)

Building Your Fraud Examination Practice (ACFE; July 2002)

**EXHIBIT #2: Ticket Order and Cash Register Tape**

Southberry's		
1/13/18		
1	Tuna Tartar	\$8.95
1	Bruschetta	\$4.95
1	Lettuce Wedge Salad	\$4.45
1	Lettuce Wedge Salad	\$4.45
1	Pork Medallions	\$19.95
1	Chilean Sea Bass	\$21.95
1	Roasted Asparagus	\$5.95
1	Glass House Merlot	\$6.95
1	Glass House Chardonnay	\$5.95
1	Mini Baked Alaska	\$5.95
1	Chocolate Cake	\$5.95
	Sub-Total	\$95.45
	SC Tax	5.73
	Total	101.18
	Tip	_____
	Total	_____

01-13-18	
✓	96.34
✓	83.24
✓	164.32
✓	54.80
✓	97.66
✓	123.76
✓	114.93
✓	82.54
✓	66.44
✓	79.91
✓	85.56
✓	99.33
✓	58.75
✓	93.99
✓	65.00
✓	74.45
✓	92.34
✓	123.98
✓	78.78
✓	116.43
✓	224.56
✓	95.87
✓	183.24
✓	48.56
✓	64.34
✓	114.56
✓	2583.68

**EXHIBIT #3: Deposit Slip and Cash Register Tapes**

<b>DEPOSIT</b>		
<b>Southberry's</b> <b>Acct# 34533245</b>	Coins	<i>43.00</i>
	Cash	<i>325.00</i>
	Checks	<i>219.93</i>
	Sub-Total	<i>587.93</i>
<b>Date:</b>	Less Cash Received	<i>0</i>
<i>Feb. 12, 2018</i>	Total	<i>587.93</i>

*Fast West Bank, Scottsdale, AZ*

Friday, 02-09-18	
✓	39.65
✓	92.34
✓	99.00
✓	114.32
✓	178.67
✓	154.36
✓	86.45
✓	119.60
✓	45.54
✓	92.34
✓	136.45
✓	78.84
✓	91.70
✓	85.16
✓	123.55
✓	48.56
✓	78.84
✓	93.25
✓	44.21
✓	116.87
✓	46.78
✓	90.91
✓	143.22
✓	99.00
2299.61	

Saturday, 02-10-18	
✓	36.54
✓	46.78
✓	86.98
✓	99.00
✓	78.84
✓	83.45
✓	92.34
✓	77.44
✓	154.36
✓	178.67
✓	183.77
✓	92.34
✓	144.68
✓	114.32
✓	86.45
✓	48.56
✓	93.25
✓	87.36
✓	136.45
✓	119.60
✓	98.46
✓	85.16
✓	48.56
✓	92.34
✓	178.67
✓	123.98
✓	91.70
✓	67.18
✓	93.25
✓	45.54
✓	123.55
3089.57	

**EXHIBIT #4: Check and Check Register**

Southberry's 38 Southberry Square, Scottsdale, AZ 85262	#1099
Date <u>02/27/18</u>	
Pay to the	
Order of: <u>Zoe Caine</u>	\$ 3,000.00
<u>Three thousand and 00/100</u> Dollars	
Memo <u>Zoe Caine</u>	
⋅548200⋅ 648752⋅ 01099	

<b>CHECK REGISTER</b>						
Number	Date	Transaction Description	Payment Fee/Withdrawal	✓	Deposit, Credit	BALANCE
						11,345.22
1094	02/21/18	Let Us Produce	165.00			11,180.22
1095	02/21/18	Meat Market	465.00			10,715.22
1096	02/22/18	Vineyard Wines	455.85			10,259.37
	02/22/18	Deposit			825.36	11,084.73
	02/23/18	Deposit			923.45	12,008.18
1097	02/23/18	Laundry Time	122.35			11,885.83
	02/24/18	Deposit			654.92	12,540.75
1098	02/27/18	Supplies Unlimited	3,093.45			9,447.30
1099	02/27/18	** Void **				9,447.30
1100	02/28/18	Let Us Produce	128.00			9,319.30

**EXHIBIT #5: Buy-Sell Agreement**

**PARTNERSHIP CROSS-PURCHASE WITH BUY-SELL AGREEMENT**

This Agreement is made June 14, 2015, by and between Lane Hill and Zoe Caine.

**WHEREAS**, the above-named individuals are partners doing business under the incorporated name of Southberry's, LLP at 38 Southberry Square, Scottsdale, AZ 85262, the respective partnership interests of the partners being divided equally; and

**WHEREAS**, the partners desire to ensure the continuity of harmonious management of the partnership by providing for the purchase of a partnership interest by the other partner in the event a partner dies;

**NOW THEREFORE**, in consideration of the premises and mutual covenants contained herein, it is agreed by and between the parties as follows:

**FIRST:** Upon the death of a partner, the surviving partner shall purchase and the legal representative of the estate of the deceased partner shall sell to such surviving partner, the partnership interest owned by the deceased partner for the price established in accordance with the provisions of the SECOND and FOURTH Article.

**SECOND:** Unless and until a new value is established as herein provided, the value of the respective partnership interest of the partners for purposes of this agreement is \$100,000 each. At the end of each fiscal year, the partners shall agree upon the value of their respective shares. If the partners have not made such determination within two years of the death of a partner, an independent certified public accountant shall determine the value of the deceased partner's interest.

**THIRD:** In order to assure the availability of funds for the purchase of the partnership interest of a deceased partner by the surviving partner, the partnership has purchased insurance on the lives of each partner. The value of insurance on each of the partners shall be set initially at \$500,000. Payment of these policies shall be made from the LLC corporate accounts. The partners may purchase additional insurance as deemed necessary.

**FOURTH:** Upon the death of a partner, the other partner may immediately collect the proceeds of the policy on the life of the deceased partner. If the proceeds of all the policies on the life of the deceased partner are not sufficient to purchase the deceased partner's interest, the surviving partner shall be obligated to pay the remaining balance to the deceased partner's estate. If the proceeds of all the policies on the life of the deceased partner are in excess of the purchase price of the deceased partner's interest, the surviving partner shall be entitled to any excess funds.

**FIFTH:** Should the death of one partner occur at the hand of the other partner, then the surviving partner shall be excluded from any benefits laid out herein.

**UPON PAYMENT** of the purchase price of the partnership interest of the deceased partner the legal representative of the estate of the deceased partner shall execute and deliver to the surviving partner such instruments as shall be necessary to transfer complete title to the surviving partner.

**IN WITNESS WHEREOF**, the partners have executed this agreement the day and year first herein above written.

Zoe Caine 6/14/15

Lane Hill 6/14/15

**EXHIBIT #6: Investigation Report (Page 1 of 4)**

<b>AGENCY ID</b> AZ04719	<b>SCOTTSDALE POLICE DEPARTMENT</b> Scottsdale, Arizona (480) 555-1234	<b>INCIDENT #</b> 47-108290911				
<b>INCIDENT REPORT</b> PRINT OR TYPE ALL INFORMATION						
<b>EVENT</b>	<b>INCIDENT TYPE</b>	<b>COMPLETED</b>	<b>FORCED ENTRY</b>	<b>PREMISE TYPE</b>	<b>UNITS ENTERED</b>	<b>TYPE VICTIM</b>
	Homicide - Body located in locked cooler	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Bus.	1	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Other
	<b>INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)</b> 38 Southberry Square - Southberry's Restaurant		<b>ZIP CODE</b> 29469		<b>WEAPON TYPE</b> N/A	
	<b>INCIDENT DATE</b> 03/27/18	<b>24 HOUR CLOCK</b> 07:30	<b>TO</b>	<b>DATE</b> 03/27/18	<b>24 HOUR CLOCK</b> 12:45	
	<b>VICTIM'S NAME (LAST, FIRST, MIDDLE)</b> Caine, Zoe (deceased)		<b>DATE OF BIRTH</b> 05/13/82	<b>HEIGHT</b> 5'3"	<b>WEIGHT</b> 115 lbs.	
	<b>ADDRESS</b> 7169 West King Charles Road		<b>CITY</b> Scottsdale	<b>STATE</b> AZ	<b>ZIP CODE</b> 85262	
<b>SUBJECT NO.1</b>	<b>NAME (LAST, FIRST, MIDDLE)</b>		<b>AKA</b>			
	<b>FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULARITIES, ETC.</b>					
	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>		
	<b>SUBJECT (NO.1) USING:</b> ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DRUGS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		<b>ARRESTED NEAR OFFENSE SCENE</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>DATE / TIME OF OFFENSE</b>		<b>DATE / TIME OF ARREST</b>
<b>NARRATIVE</b>	3/27/18 - 08:00 - Called to the scene by Scottsdale PD's patrol office because of suspected homicide. Victim's body discovered lying on floor of restaurant's cooler by restaurant cook, John Croswell.					
	03/27/18 - 08:30 - Arrived on scene. Controlled and assessed scene. Diagram of restaurant is a separate document.					
	Body does not appear to have been moved or compromised. Victim appears to have died from hypothermia; the body is pale and waxy. There appears to be no recent outward signs of physical trauma to victim or evidence of physical disturbance in cooler or restaurant. Will wait for conclusions of autopsy. Body lying on floor of restaurant cooler next to bacon spelling					
<b>PROPERTY</b>	<b>TYPE (GROUP)</b>				<b>TOTAL VALUE</b>	
	STOLEN					
	DAMAGED					
	BURNED					
	RECOVERED					
<b>ADMINISTRATIVE</b>	<b>SUBJECT IDENTIFIED</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>SUBJECT LOCATED</b> NO		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	
					<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	
					<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
	<b>REASON FOR EXCEPTIONAL CLEARANCE:</b> 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRACTION DENIED 4. <input type="checkbox"/> VICTIM DECLINES OPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY					
	<b>REPORTING OFFICER</b> Inv. D. Haiden	<b>DATE</b> 04/05/18	<b>24 HR CLOCK</b> 17:23	<b>APPROVING OFFICER</b> Lt. Solomon	<b>DATE</b> 04/05/18	<b>UNIT NUMBER</b> 4618
<b>FOLLOW-UP INVESTIGATION REQUIRED</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

**EXHIBIT #6: Investigation Report (Page 2 of 4)**

<b>AGENCY ID</b> AZ04719	<b>SCOTTSDALE POLICE DEPARTMENT</b> Scottsdale, Arizona (480) 555-1234	<b>INCIDENT #</b> 47-108290911
<b>SUPPLEMENTAL INVESTIGATION REPORT</b> PRINT OR TYPE ALL INFORMATION)		
<b>DATE</b>	03/27/18	
SUPPLEMENTAL NARRATIVE	"Killer" and the start of another letter. Victim holding an additional slice of bacon in hand next to bottom of last letter –	
	appears to attempt to spell another letter. Victim shows signs of non-recent physical trauma – ¼" round burn marks on inside	
	of right arm; bruising on neck consistent with someone grabbing her at neck. Victim also shows bruised hands from	
	attempting escape from the locked cooler. No evidence of break-in at restaurant. Inspected the premises and nothing was	
	out of order. Purse, keys, wallet, and cell phone of the victim were in her desk drawer. Nature of death, use of cooler, is	
	consistent with mob hit.	
	03/27/18 – 09:20 – Interviewed Croswell and other kitchen staff. Victim was co-owner of restaurant. Witnesses state	
	victim's body had not been moved prior to my arrival. Croswell arrived at restaurant through an unlocked kitchen back door at	
	07:15. No sign of disturbance noted by witness. Approximately 15 minutes later, Croswell unlocked padlocked door to	
	cooler and discovered body and called 911 and Lane Hill. Only Croswell and restaurant owners, Zoe Caine and Lane Hill,	
	have keys to lock doors to restaurant and cooler. Padlock is new to cooler and staff. Some inconsistency in remembering to	
	lock cooler at the end of the day. Croswell and kitchen staff do not know who would want to harm Caine. Kitchen staff	
	observed someone lurking in alley across the street frequently, and most recently on Saturday, March 24 <sup>th</sup> . Victim was seen	
	and heard from last on the evening of Saturday, March 24 <sup>th</sup> at Southberry's up until closing time. Several witnesses	
	observed (now identified) Carboni in alley across from back of restaurant door for a couple of weeks.	
	03/27/18 – 10:00 – Interviewed Lane Hill, co-owner of Southberry's. Hill was last to see Caine at 22:30 on March	
	24 <sup>th</sup> at Southberry's. According to Hill, on Saturday, Caine stayed behind to make notes for the following week's menu.	
	No such note was located. Caine was going to look at inventory in cooler and then intended to padlock cooler door when	
leaving. Hill states the cooler door was not locked before leaving. Hill had recently purchased a padlock for the cooler, due		
to concerns of employee theft. Keys for the restaurant and cooler padlock were distributed only to Croswell, Caine, and		
Hill. As Hill was leaving the restaurant March 24 <sup>th</sup> , Hill noticed a person standing in the shadows in the alley across the		
street next to a black Caddy. After being shown a photo array on the investigator's tablet, Hill identified the person as Lou		
Carboni. Hill stated about recently hiring a forensic accountant, Jo Walker, to determine cause for company's		
financial struggles despite steady business. Walker's investigation revealed Caine had been skimming from the business. Hill		
questioned Caine about thefts on Friday, March 16 <sup>th</sup> . Caine explained to Hill she liked to gamble, but had been unlucky		
lately, and thus, had borrowed money from a loan shark, Carboni. Caine owed Carboni over \$200,000. According		
to Hill, Caine had been physically accosted with cigarette burns on the arm, and had been choked by Carboni to come		
up with past due payments. So, Caine took money from the business. According to Hill, Caine said she had become		
<b>REPORTING OFFICER</b>	<b>DATE</b>	<b>24 HOUR CLOCK</b>
Inv. D. Haiden	04/05/18	17:23
		<b>SUPERVISING OFFICER</b>
		Lt. Solomon

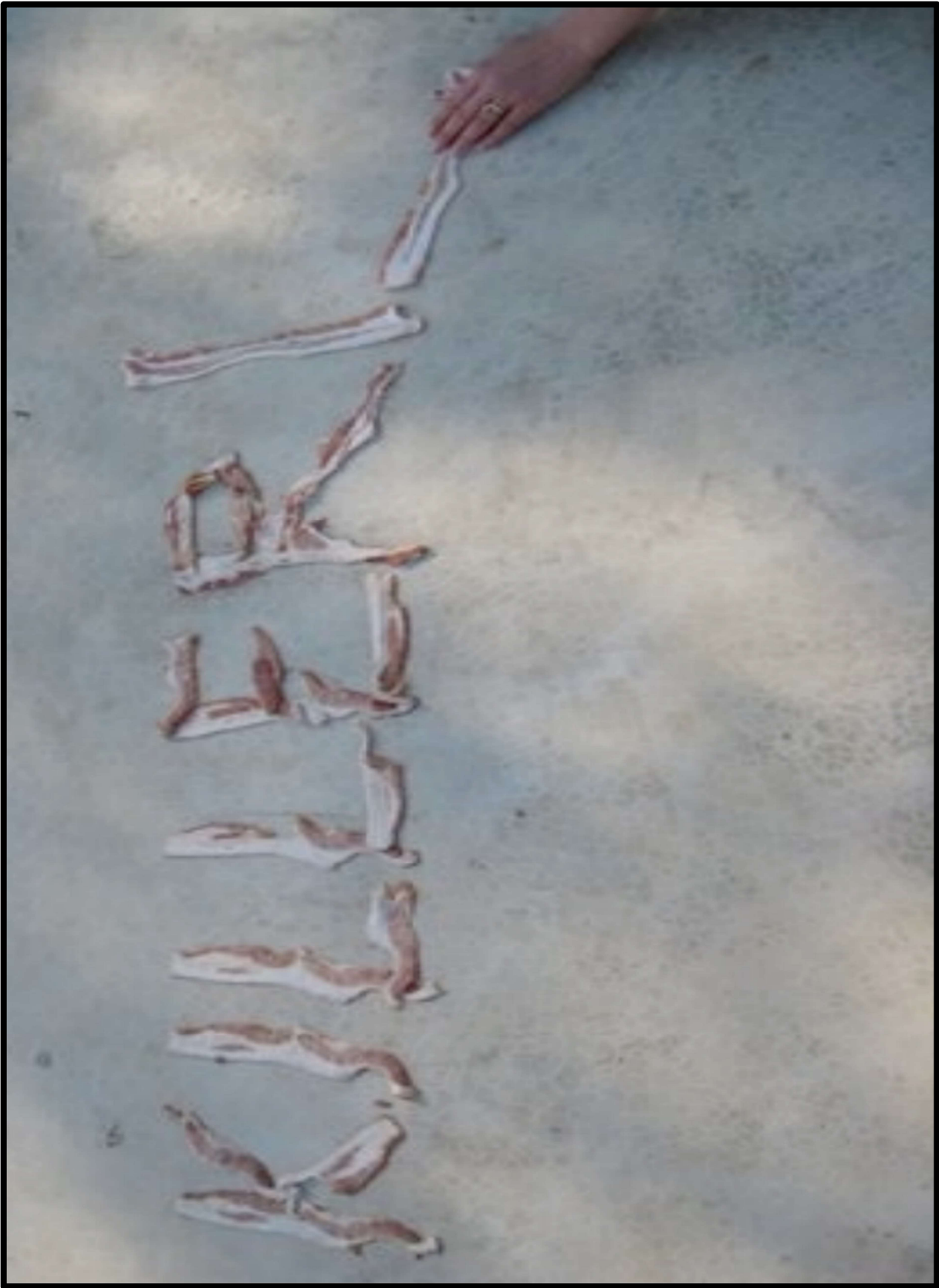
**EXHIBIT #6: Investigation Report (Page 3 of 4)**

<b>AGENCY ID</b> AZ04719	<b>SCOTTSDALE POLICE DEPARTMENT</b> Scottsdale, Arizona (480) 555-1234	<b>INCIDENT #</b> 47-108290911	
<b>SUPPLEMENTAL INVESTIGATION REPORT</b> PRINT OR TYPE ALL INFORMATION)			
<b>DATE</b>	03/27/18		
SUPPLEMENTAL NARRATIVE	desperate to pay off the debt because her life had been threatened by Carboni. Hill offered to give Caine a personal loan to pay off the debt if Caine sought help for her gambling addiction.		
	03/27/18 – 11:30 – Interviewed remaining restaurant staff. Consistent statements as offered by kitchen staff. No one had seen Caine since Saturday evening, since the restaurant was closed on Sunday and Monday.		
	03/27/18 – 12:45 – Went to victim’s residence. No disturbances to residence. Unopened mail from Saturday, March 24 <sup>th</sup> and newspapers from Sunday, Monday, and Tuesday were lying on front steps undisturbed. Voicemail messages unretrieved on cell phone and home phone from Saturday thru present. No unusual calls or mail. Saw printout of computer spreadsheet of debt owed specifically to Lou Carboni showed balance of \$208,500.		
	03/30/18 – Autopsy results show death caused by hypothermia. Bruising to hands noted. Likely from banging on cooler door. No other physical trauma relating death noted. Exact time of death cannot be determined through physical examination of the body since it was not frozen. Autopsy dates cigarette burns to have occurred two weeks prior to death and strangulation of neck, non-life threatening, to have occurred less than one week prior to death.		
	03/30/18 – 13:30 – Carboni was read Miranda rights. Carboni refuses to make statement, and requests to have lawyer present. Carboni was arrested for loan sharking and murder.		
	03/30/18 – 17:20 – There were some smudged and clear fingerprints found. Carboni’s fingerprints were not found on padlock to cooler, cooler door, or doors to restaurant, per fingerprint analysis.		
	03/31/18 – 11:00 – Carboni, in presence of counsel, provided statement. Caine owed Carboni over \$200,000 due to gambling losses. Carboni says Caine was making payments and had been tailing Caine to make sure she did not skip town. Carboni was present the night of March 24 <sup>th</sup> in alley across the street from Southberry’s back door to restaurant starting from about 21:00 until approximately 23:30. Carboni observed Hill arguing with Caine and telling her she ruined the business, and Southberry’s was bankrupt and would not be able to continue to operate. Then Carboni saw Hill brandish a kitchen knife and point it at Caine making her go back into the restaurant. Carboni later saw Hill leave alone at 22:30. Carboni waited for another hour and left. Caine never left while Carboni was there.		
	<b>REPORTING OFFICER</b>	<b>DATE</b>	<b>24 HOUR CLOCK</b>
	Inv. D. Haiden	04/05/18	17:23
			<b>SUPERVISING OFFICER</b>
			Lt. Solomon

**EXHIBIT #6: Investigation Report (Page 4 of 4)**

<b>AGENCY ID</b> AZ04719	<b>SCOTTSDALE POLICE DEPARTMENT</b> Scottsdale, Arizona (480) 555-1234	<b>INCIDENT #</b> 47-108290911	
<b>SUPPLEMENTAL INVESTIGATION REPORT</b> PRINT OR TYPE ALL INFORMATION)			
<b>DATE</b>	04/02/18		
SUPPLEMENTAL NARRATIVE	04/02/18 - 10:15 - Interviewed Jo Tapia. Confirmed had undertaken forensic accounting investigation at the request of Hill due to financial struggles in the restaurant business. Tapia stated the audit began on March 6, 2018 and completed the work on March 16th. Tapia discovered Caine had been skimming from Southberry's. Total sum stolen by Caine was \$273,958. Tapia stated Hill appeared enraged when learning of the theft and Hill said "Caine would pay for this." Tapia overheard Hill confronting Caine later on the 16th and Caine would get her "just desserts." Tapia also overheard parts of a phone conversation between Caine and unknown person making promises for payments and threats being made." Tapia was questioned further about financial aspects of Southberry's. The restaurant is insolvent. Tapia advised Hill the business would need to be closed. Tapia stated that Hill is the beneficiary of a \$500,000 insurance policy for a buy-sell agreement for a deceased partner's interest in the business.		
	04/02//18 - 14:30 - Met Hill at Southberry's for additional questioning. Confronted with Carboni's statement. Hill was adamant it was all lies, and it was Carboni's way of escaping murder. Several paring knives and one 10" knife were located in the kitchen. Knives were collected and sent to the lab for fingerprint analysis. Hill consented to go to the station to provide fingerprints on the same day.		
	04/04/18 - Additional fingerprint analysis results received. Fingerprint analysis shows Hill's fingerprints are on padlock to cooler, cooler door, and the kitchen knife with a ten inch blade.		
	04/05/18 - 16:00 - Carboni released. Hill arrested.		
<b>REPORTING OFFICER</b>	<b>DATE</b>	<b>24 HOUR CLOCK</b>	<b>SUPERVISING OFFICER</b>
Inv. D. Haiden	04/05/18	16:50	Lt. Solomon

**EXHIBIT #7: Photo Inside Southberry's Cooler**



**EXHIBIT #8: Padlock Receipt**

Winston Lock & Key  
8531 E. Dynamite Blvd.  
Scottsdale, AZ 85262

02/27/18	12:33 pm
1 Lg. Padlock w/ Key	\$ 19.49
2 Extra Keys	\$ 1.98
Subtotal	\$ 21.47
Tax (7%)	\$ 1.50
Total	\$ 22.97
Cash Paid	\$ 23.00
Change	\$ .03

Thank you for letting  
us serve you.  
Come again.

**EXHIBIT #9: Menu Notes**

*Stuffed eggplant with house Pomodoro sauce*

*Jumbo lump crab cakes and marinated  
portobello mushroom stacks*

*Beef tenderloin medallions tartar drizzled with  
balsamic cream sauce and blue cheese crumbles*

*Parmesan crusted sea scallops with  
with a garlic butter and white wine reduction  
sauce*

*Zoe*

## **EXHIBIT #10: Young's Curriculum Vitae**

### **DAVIS YOUNG, PH.D. CURRICULUM VITAE**

#### **Education**

University of Pennsylvania  
Ph.D. in Criminal Justice 1990  
M.A. in Sociology, 1988

Arizona State University  
B.A. in Sociology, magna cum laude 1986

#### **Present Positions**

Criminal Justice Professor, Arizona State University  
Arizona State University, 2006 – present, Department Chair, 2016 – present

Co-Director International Association for the Study of Organized Crime  
New York, New York 2007 – present

#### **Prior Academic Appointments**

Professor, Department of Criminal Justice  
University of Pennsylvania, Pennsylvania 1995 – 2006

Assistant and Associate Professor, Department of Criminal Justice  
Temple University, Pennsylvania, 1990 – 1995

#### **Memberships and Positions:**

International Association for the Study of Organized Crime (IASOC), 2007 – present  
Consultant, National Criminal Justice Commission, 2012 – 2014  
American Society of Criminology, President 2009 – 2012  
Task Force on Law and Enforcement, President's Commission on Organized Crime, 2004 – 2012

#### **Honors and Awards**

Distinguished Leader in Criminal Justice, Academy of Criminal Justice Sciences  
American Society of Criminal Justice, Fellow 2006 – present  
Fulbright Research Fellowship, 2000 - 2001  
Special Dissertation Research Grant, University of Pennsylvania 1990  
Graduate School Fellowship, University of Pennsylvania 1988 - 1990

#### **Publications**

*No Law and Order: Organized Crime New York:* John Wiley, 2016  
*Wiseguys Finish First New York:* John Wiley, 2011  
*Kuklinski: The Iceman Cometh New York:* Harper & Row, 2008  
*Organized Crime: A Study in Methodology of Crimes* Simon and Schuster, 2006  
*Bent Cops and Tampered Evidence* Indiana University Press, 1990

**EXHIBIT #11: Autopsy Report for Zoe Caine**

**STATE OF ARIZONA - MARICOPA COUNTY  
OFFICE OF THE MEDICAL EXAMINER - RECORD OF AUTOPSY**

<b>Name of Deceased</b>		Zoe Caine		<b>County</b>		Maricopa	
<b>Age</b>	35	<b>Height</b>	63"	<b>Weight</b>	115 lbs.	<b>Date of Birth</b>	05/13/82
<b>Time of Death</b>		Undetermined				<b>Date of Death</b>	03/25/18

**MANNER OF DEATH**

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

**PURPOSE OF REPORT**

( **X** ) Autopsy    ( ) Limited Dissection    ( ) External Exam    ( ) History Review

**PERFORMED BY** Chandler Covington, M.D.    **Date** 03/28/18    **Hour** 12:05pm

**APPROVED** Stephan Bonner, M.D.    **Date** 03/29/18

**CAUSE OF DEATH**

**Initial Examination:** The body is that of a female adult, approximately 63" in height, and weighing 115 lbs., consistent with the stated age of 35 years.

**Autopsy Findings:** In careful review of the body, there were no signs of struggle with another individual or physical violence. The body did appear pale and waxy. Upon collection of the body, the body temperature was at 35 degrees Fahrenheit. Based on the temperature of the body and location of where the body was found in a restaurant cooler, it is determined that Ms. Caine died as a result of hypothermia. Hypothermia is the reduced body temperature that happens when a body dissipates more heat than it absorbs. In humans, it is defined as a body core temperature below 95 degrees Fahrenheit. For Ms. Caine's weight, it most likely took more than 20 hours before the hypothermia was severe enough to kill Ms. Caine. And, based upon the actual body temperature at time of discovery, it was likely Ms. Caine had been in the cooler more than 50 hours.

**Additional Notes:** Previous injuries were noted to include cigarette burns on inside right arm in the healing process occurring approximately two weeks prior to death along with fading bruises from what appears to be forced choking around the base of the neck occurring approximately a week prior to death. Neither the cigarette burns, nor the choking occurred in relation to her death. She did; however, have bruising on her hands, which were most likely from banging against a blunt object such as the door to the cooler in which she was found.

**Cardiovascular:** The heart is normal size and weight for patient's age and appears structurally normal.

**Respiratory:** The lungs appear to be normal size/weight. Tissue is abnormal due to smoking.

**Hepatobiliary:** The liver appears to be normal.

**Gastrointestinal:** The typically formed tongue, esophagus, gastroesophageal junction, serosal stomach and gastric mucosa are without note. The stomach, large bowels, and small bowels appear normal.

**Toxicology:** Nothing abnormal found in blood system.

**Other Procedures:**

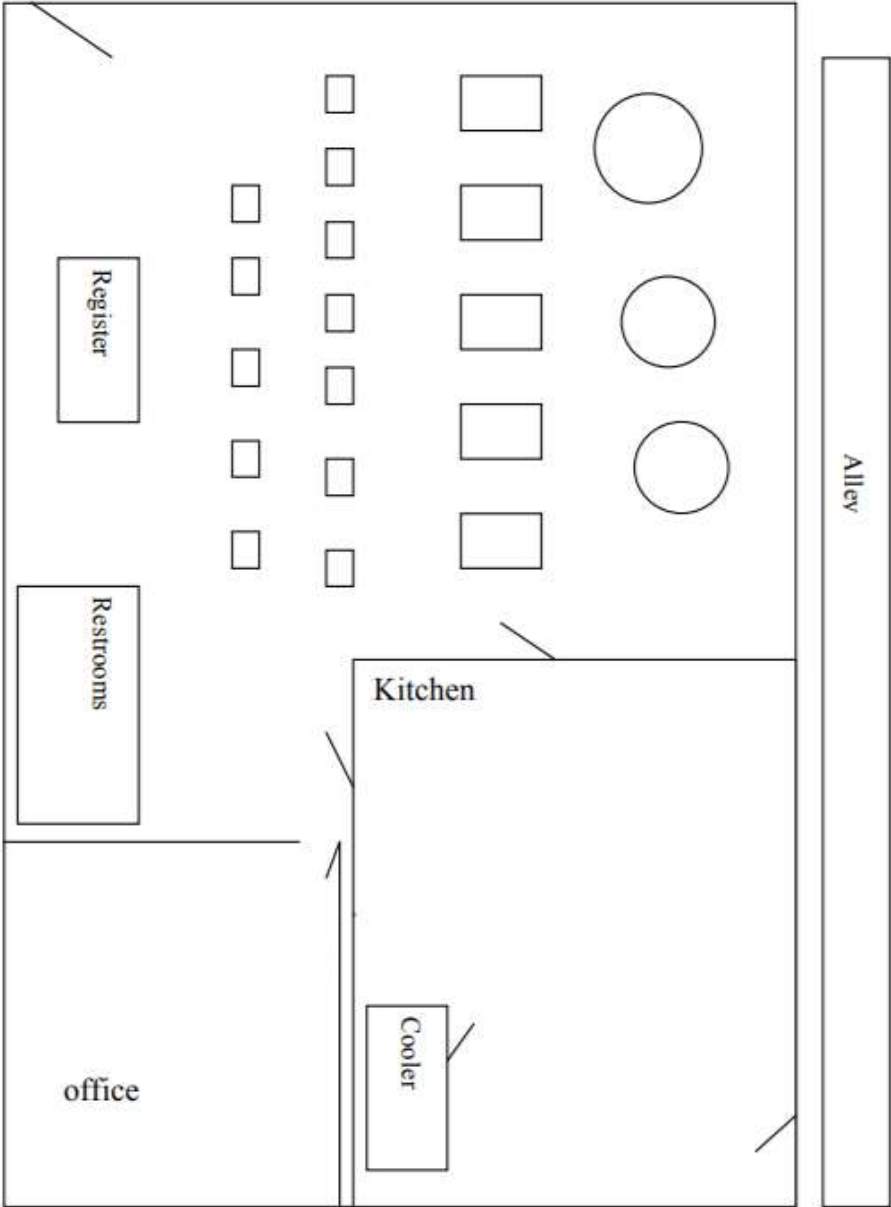
1. Documentary photographs obtained.
2. Blood, urine, bile, and vitreous are submitted for toxicological analysis.
3. Head and body hair is submitted.
4. Clothing is submitted for volatile determination.

**Autopsy Findings:** At the time of death, this was an otherwise healthy 35-year-old except for smoking.

**Cause of Death:** Hypothermia

**EXHIBIT #12: Diagram of Southberry's**

38 Southberry Square



Key:

— denotes door

Not to Scale