



State of Texas
vs
Jace Crisplee,
Defendant

INTRODUCTION

This year's case covers a familiar concern of the law – how far does responsibility run, especially when action (or inaction) contributes to an injury that is directly caused by others? If someone recognizes, or should recognize, that a catastrophe might occur because of their behavior, is it reasonable to expect them to try to prevent or mitigate the damage?

It's much easier to assign blame with hindsight, but should we as a society punish a defendant for the lack of foresight? And where do we draw the line between "cause in fact" and "proximate cause"? The second term implies a close connection to the resulting damage, so close that this actor should share responsibility for the tragic results. But where is that line?

Some acknowledgments may enhance your discussion of these issues. First, the case is loosely inspired by a manslaughter prosecution in Michigan, the Crumbley case. That matter is also scheduled for trial currently, so it may be resolved during our tournament. It's not hard to find media coverage about the case; for a good starter article, try <https://www.nytimes.com/2021/12/03/us/michigan-prosecutor-crumbley-charges.html>

One of the best articles on the growing problem of swatting is a detailed 2018 description of an incident in Wichita, Kansas that resulted in a police shooting: <https://www.wired.com/story/swatting-deadly-online-gaming-prank/>. Serious stuff, but I'm hopeful that discussion of the issues will give students a better understanding of how the law struggles with these challenging problems.

Good luck, everyone!

Author: Clark County Superior Court Judge Robert A. Lewis, Washington

WITNESS SELECTION

This years cased contains four witness roles per side. Attorney teams must choose which three witnesses to call to the stand that best supports their case. Teams will need to be prepared to cross all four witness roles.

During pre-trial matters, teams will announce which c@^e witnesses they will call to the • c@ å. Teams may not delay or change which witness they will call after this announcement.

Teams may choose to call different witnesses from round to round.

Plaintiff's Witnesses

Raiden Geralt, Friend of Bhramara Thane and Majora Crisplee

Claude Martinville, Texas State Patrol, Forensic Audio Expert

Kodey Lightner, School Psychologist, ESD 252

August "Augie" Gates, Starmist Valley Police Department

Defendant's Witnesses

Jace Crisplee, Defendant

Guthrie Argus, President, Pyramid Focus

Lakota Belmont, Crisplee Family Friend

Tafton Close, Next-Door Neighbor

Exhibit List

Exhibit 1 - Scene Diagram

Exhibit 2 - Transcript – 911 Call

Exhibit 3 - Majora Crisplee Drawings

Exhibit 4 - SWAT Standards

Exhibit 5 - "Safety for All Paradigm" Materials

Exhibit 6 - Text Messages

STIPULATIONS:

All statements of the witnesses were given under oath and certified as being true and accurate to the best of that witness' knowledge and memory.

The listed exhibits have been properly authenticated and will be admitted into evidence.

Bhramara Thane died on July 23, 2022, as the result of multiple gunshot wounds. All injuries were caused by a single rifle fired by an SVPD sniper, whose name has not been disclosed because of an ongoing internal investigation.

Entries in the journal of Majora Crisplee may be described by August Gates, without production of the journal as an exhibit. The parties agree that there are no additional entries that pertain to the case. This stipulation does not preclude objections to the admission of this testimony on other grounds.

The contents of the recorded gaming session between Bhramara Thane and Lakota Belmont may be described by August Gates, without production of the recording as an exhibit. The parties agree that there are no other portions of the recording that pertain to the case. This stipulation does not preclude objections to the admission of this testimony on other grounds.

Pleadings

IN THE DISTRICT COURT OF THE STATE OF TEXAS IN AND
FOR THE COUNTY OF PINE

STATE OF TEXAS,)	
)	
Prosecution)	Case No.
)	
vs.)	INFORMATION
)	
JACE CRISPLEE,)	
)	
Defendant.)	

COMES NOW the Prosecuting Attorney for Pine County, Texas,
and does by this inform the Court that the above-named defendant is guilty of:

COUNT 1 – MANSLAUGHTER IN THE FIRST DEGREE

That Jace Crisplee, in Pine County, Texas, between September 1, 2021,
and July 24, 2022, engaged in reckless conduct that caused the death of
Bhramara Thane, a violation of TPC 9A.32.060(1)(a).

COUNT 2 – MANSLAUGHTER IN THE SECOND DEGREE

That Jace Crisplee, in Pine County, Texas, between September 1, 2021,
and July 24, 2022, engaged in conduct of criminal negligence that caused the
death of Bhramara Thane, a violation of TPC 9A.32.070(1).

DATED OCTOBER 21, 2022.

PINE COUNTY PROSECUTOR

BY: /s/
Deputy Prosecuting Attorney

Jury Instructions

Instruction No. 1

The defendant has entered a plea of not guilty. That plea puts in issue every element of each crime charged. The State has the burden of proving each element of a charged crime beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt exists.

A defendant is presumed innocent. This presumption continues throughout the entire trial unless during your deliberations you find it has been overcome by the evidence beyond a reasonable doubt.

A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly and carefully considering all of the evidence or lack of evidence.

All jurors must agree in order to return a verdict.

Instruction No. 2

Evidence may be direct or circumstantial. Direct evidence refers to something stated by a witness who has directly seen or otherwise perceived something that is at issue. Circumstantial evidence refers to evidence from which, based on your common sense and experience, you may reasonably infer something that is at issue. Both types of evidence are valuable and entitled to be given significant weight.

Instruction No. 3

You are the sole judges of the credibility of each witness and the value or weight to be given to the testimony of each witness. In assessing credibility, you must avoid bias, conscious or unconscious, including bias based on religion, ethnicity, race, sexual orientation, gender or disability.

In considering a witness's testimony, you may consider these things: the opportunity of the witness to know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory; the manner of the witness while testifying; any personal interest that the witness might have in the case; any bias or prejudice shown by the witness; and the reasonableness of the witness's statements, considering all of the other evidence.

Instruction No. 4

A witness who has special training or experience may be allowed to express an opinion in addition to testifying about facts. You are not required to accept his or her opinion. To evaluate opinion evidence, you may consider the education, training, experience, knowledge, and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information.

Instruction No. 5

To convict the defendant of the crime of manslaughter in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That between September 1, 2021, and July 24, 2022, the defendant engaged in reckless conduct;

(2) That Bhramara Thane died as a result of defendant's reckless acts; and

(3) That any of these acts occurred in the State of Texas.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if after weighing all the evidence you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

Instruction No. 6

To convict the defendant of the crime of manslaughter in the second degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That between September 1, 2021, and July 24, 2022, the defendant engaged in conduct of criminal negligence;

(2) That Bhramara Thane died as a result of defendant's negligent acts; and

(3) That any of these acts occurred in the State of Texas.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if after weighing all the evidence you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

Instruction No. 7

A person engages in reckless conduct when he or she knows of and disregards a substantial risk that a wrongful act may occur and this disregard is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Instruction No. 8

A person engages in conduct of criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and this failure constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.

When criminal negligence as to a particular act is required to establish an element of a crime, the element is also established if a person acts recklessly as to that act.

Instruction No. 9

A person knows of a fact when he or she is aware of that fact. It is not necessary that the person know that the fact is unlawful or an element of a crime.

If a person has information that would lead a reasonable person in the same situation to believe that a fact exists, the jury is permitted but not required to find that he or she acted with knowledge of that fact.

Instruction No. 10

To constitute manslaughter, there must be a causal connection between the criminal conduct of the defendant and the death of a human being such that the defendant's act or omission was a proximate cause of the resulting death.

The term "proximate cause" means a cause which, in a direct sequence, unbroken by any new independent cause, produces the death, and without which the death would not have happened.

There may be more than one proximate cause of a death.

Instruction No. 11

If you are satisfied beyond a reasonable doubt that the acts or omissions of the defendant were a proximate cause of the death of Bhramara Thane, it is not a defense that the conduct of the deceased or another person may also have been a proximate cause of the death, except as described below.

If a proximate cause of the death was a new independent intervening act of the deceased or another person which the defendant, in the exercise of ordinary care, should not reasonably have anticipated as likely to happen, the defendant's acts are superseded by the intervening cause and are not a proximate cause of the death. An intervening cause is an action that actively operates to produce harm to another after the defendant's acts or omissions have been committed.

However, if in the exercise of ordinary care, the defendant should reasonably have anticipated the intervening cause, that cause does not supersede defendant's original acts and defendant's acts are a proximate cause. It is not necessary that the sequence of events or the particular injury be foreseeable. It is only necessary that the death fall within the general field of danger which the defendant should have reasonably anticipated.

Witness Statements

1 STATEMENT OF RAIDEN GERALT

2
3 If it wasn't for the subpoena, I wouldn't be here. Two of my best friends are gone
4 and I have no desire to relive any part of that tragedy. Prosecuting Jace Crisplee won't
5 bring Bhramara Thane back or absolve Majora Crisplee or the police of their sins. But I
6 swore to tell the truth when I made this statement and I'll do the same if I'm required to
7 testify at trial.

8
9 I attended public schools with both Majora and Bhramara, and I considered them
10 both good friends, ever since my family moved to this area in 2016. My mother was
11 transferred by her insurance company to head their regional office in Alki City and Dad
12 convinced his company to relocate his position there as well. They found a place for us
13 in Starmist Valley, a suburb just across Lake Ackerman from the city. Our new home
14 was about two blocks from Bhramara's family; her house was just down Grove Street on
15 the northern side of the terminal cul-de-sac. Exhibit 1 accurately depicts this section of
16 the town, although this crude sketch is not to scale.

17
18 Starmist Valley is a pretty quiet place, an older, more open town than the new
19 gated communities sprouting up around us. This area has more of that early 1960s
20 suburbia vibe – grassy road verge strips, with oak and maple trees old enough to push
21 up and crack the adjacent sidewalks. The avenues are wide for on-street parking and
22 they wind into dead end streets lined with ranch style houses. The Thane home was
23 one of the exceptions, a multi-story, gabled place that reflected her family's status as
24 one of the first to settle in the area. Although more folks work from home now because
25 of the pandemic, most of the grown-ups in town still head across The Eldin Bridge to
26 work in downtown Alki City after their kids hop on the school bus.

27
28 For a twelve-year-old, it wasn't a bad place to live, especially when I found
29 friends to hang with after school. But for a young adult with few prospects, it's boring
30 most of the time. Unfortunately, that's my situation now and the predicament of a lot of
31 the people I spend time with. Just removed from high school, we're contemplating
32 whether to seek a college degree and incur a mountain of debt, or to take menial gig
33 work and hope that leads to something better. In the meantime, we spend a fair amount
34 of time just hanging out, following social media and immersing ourselves in the
35 voluptuous virtual worlds created by some extremely imaginative game designers.

36
37 Frankly, I don't know what people did with their time before interactive games
38 were invented. When I'm at a "live meat" gathering with my friends, we stammer and
39 shuffle, finding it very difficult to interact or even to make eye contact. But when I hang
40 with these same friends on-line, to fight vampires or to engage in a quest for some

1 magical amulet, we have so much to talk about, over our headsets or in the chat box.
2 We have hours of meaningful conversations and not just about the game – although
3 there is a lot of competitive smack talk during these sessions.
4

5 Bhramara, Majora and I shared a love of gaming from the get-go and we were on
6 many virtual adventures together. Sometimes each of us would play from our own
7 houses, but we would often use a multiplayer hookup in one of our residences. Usually,
8 these sessions were held at Majora’s house, because he always had the best
9 equipment – newest gaming console, biggest, sharpest screen, crystal clear stereo
10 speakers, that sort of thing. Jace would keep him stocked with whatever he wanted.
11 Majora’s basement was a gamer’s palace.
12

13 Majora’s home was several miles from mine, but I’ve spent many nights there
14 and was always made to feel welcome by Jace. Jace always struck me as kind of edgy
15 strange, even more so after Majora hit his senior year. Jace would alternate between
16 trying to be Majora’s best friend, hanging out in the basement and whooping it up after a
17 good play, and then acting the standoffish, authoritarian parent, trying to convince
18 Majora to “man up”. Very erratic; you never knew where Majora stood with Jace.
19 Personally, I never had any issues with Jace and I never saw Jace hassle any of
20 Majora’s other friends.
21

22 Our favorite game over the last couple years, hands down, was Hero Insects!
23 This battle/quest game has a lot of wry humor built into the narrative and some serious
24 firepower available, especially if you buy the expansion packs. The game protagonists
25 are bugs on an adventure to save the world from the remnants of humanity. These
26 mindless cretins – the people - are bent on polluting and destroying what’s left of earth.
27 On your way to the master control room, where humans have been controlling life for
28 centuries, you face pockets of resistance, natural disasters and many, many challenges
29 that require teamwork and logical problem solving. You also need some luck, because
30 this game is notorious for the seemingly random way it will sometimes dispatch a player
31 with a swat or a spray.
32

33 The coolest part of Hero Insects! is the character customizing section. You are
34 only part insect, usually the head, upper arms and the wings and stinger, if you have
35 them. You choose your bug and design it using a variety of options – human or praying
36 mantis arms, for example, or the vision of a person versus the multi-lensed eyes of an
37 insect. Most players keep some human arms to hold weapons and thick-booted legs for
38 better running and stomping. You can also acquire new powers and weapons along the
39 way, which is handy because the humans get nastier as you near the control room.
40

1 I usually played the game as a commando/scarab beetle hybrid. The hard shell
2 gave me extra defensive strength and the toothed front legs allowed me to dig under
3 obstacles. Majora had several different avatars, although he was usually something with
4 a stinger – yellowjacket, wasp or, after they became fashionable, a “murder” hornet.
5 *Vespula*-based characters are most likely to turn traitor during the game, so you had to
6 watch Majora like a hawk whenever he was on your team. Majora claimed that his
7 occasional betrayals were game-generated, but they were usually directed at
8 Bhramara’s avatar, so I wondered whether he had more control of it than he let on.
9 Most of the time it wasn’t an issue and his creature’s special powers were often a
10 valuable addition to our arsenal.

11
12 Bhramara was always the same character, so predictable that everyone called
13 her “The Fly” at school. She was a black biting fly in Hero Insects! – complete with
14 wings, huge bulging eyes and the ability to spread disease and to thrive in filthy, death
15 filled conditions (very useful in a post-apocalyptic world). Of course, she kept human
16 arms and legs, to fire weapons and to kick opponents. She loved to lead the team and
17 seemed to have boundless energy and endless lives. I sometimes wondered if she
18 used cheat codes, but I think it was mostly skill and a willingness to spend hours on site,
19 long after the rest of us were ready to log out and take a break. She used to trash talk
20 Majora about her staying power, calling him a Wuss Wasp whenever his character
21 headed back to its paper nest.

22
23 Bhramara’s personality in real life mirrored her character, although she was one
24 of the nicest, most generous people you would ever want to meet. She was defiant and
25 uber-competitive and she loved to brag about her accomplishments and to point out the
26 shortcomings of others. In our circle of friends, she had known Majora the longest, ever
27 since grade school. So they knew how to push each other’s buttons. Until recently,
28 most of us viewed their edgy banter as a sign of their close friendship. But in the last
29 year things between them turned definitely nasty.

30
31 This darker side of their relationship started with their pranks during the game.
32 Just after our senior year began in September 2021, the three of us were on a new
33 Hero Insects! quest. Somehow, Majora entered the game before we logged in and
34 commandeered one of the teleporter pyramids. These gateways are scattered
35 throughout the game and allow you to skip difficult obstacles. What Bhramara and I
36 didn’t realize was that Majora had discovered a way to equip this portal with a
37 DeathFog, the bug spray that randomly kills your character. Majora directed the Fly’s
38 attention to the pyramid and of course she led the way in and was promptly eliminated.
39 Majora had a big laugh over this trick, trash talking Bhramara as the two of us continued

1 on our way. I'm certain I could hear Jace in the background through my headset,
2 snorting and repeatedly saying "Excellent! Way to swat that Fly! Tell her! Yeah!"

3 Bhramara wouldn't talk to Jace for a while after that, but then they seemed to
4 have made up and forgotten their differences. In late November 2021, however, the Fly
5 exacted her virtual revenge. A quest team can stop at taverns and rest stations for
6 refreshments during Hero Insects! although you must win in a MOBA with another team
7 to gain admittance. These Multiplayer Online Battle Arenas are gathering places for on-
8 line fights and one of the exciting parts of the game. We won one of these battles –
9 easily, I might add – and The Fly used her credits to buy each of our characters its
10 favorite beverage. Majora's drink, however, turned out to be a red poison bottle, died
11 green with a cheat code. His wasp was instantly wiped out and Bhramara rubbed that
12 lack of wariness in his face for weeks.

13
14 After that incident, it became almost unbearable to play with Majora and
15 Bhramara, or to be around them in real life. Every game featured their insults, their dark
16 talk of revenge and their juvenile tricks and pranks – down to installing pop-up
17 grimacing faces and annoying flatulence cues whenever the other person did
18 something. The two of them began to join opposing teams or to play as solo rogues.
19 More and more, I started to log out early during sessions where both of them were on
20 site.

21
22 Honestly, I think they could have settled their differences, but Jace Crisplee
23 wouldn't allow Majora to let it go. Jace kept egging Majora on, questioning why he
24 wouldn't "act like an alpha" and gain the upper hand in their dispute. Jace viewed the
25 situation with Bhramara as part of Majora's lack of purpose in general – bad grades, no
26 job, no post-graduation plans. I saw this bullying on several occasions when I was over
27 at their house and I could see the effect. Majora was withdrawn and depressed and he
28 confided in me that his circumstances made him feel powerless and angry. I
29 encouraged Majora to tell Jace about his struggles and to ask Jace to get him some
30 help. Majora tearfully told me that Jace's response was to give him some herbal pills
31 and to tell him to "Suck it up, Wuss".

32
33 The trash talk between Majora and Bhramara spilled over into school, and we
34 rarely saw the old closeness between them. And their pranks started to show up in real
35 life. At first, it was dumb kid stuff. I was over at Majora's house when a dozen pizzas

1 were delivered to his non-existent “gaming convention”. Jace was really upset about
2 that prank and loudly berated Majora about his need to get even. A few weeks later,
3 Bhramara’s yard and car were covered with toilet paper and shaving cream. Majora
4 feigned ignorance, but he and Jace looked at each other knowingly whenever the
5 incident was mentioned in my presence.
6

7 About one month before Bhramara’s death, Majora and I pulled an all-night
8 gaming session. The Fly was on for a little while as a solo rogue, then logged off
9 because she was “tired” – that was not like her at all. The next morning, Majora gave
10 me a ride to my home. As we drove along, there was a distinctive rattling in one of the
11 wheels. We pulled over and removed the hubcap and discovered that two of the lug
12 nuts were off and the other two were very loose. Majora was furious, convinced that
13 Bhramara was behind this dangerous stunt. He drove straight to her house and
14 confronted her. She denied everything, but taunted Majora about his inability to do
15 something as simple as maintain his old beater car. I’d never seen Majora so angry; he
16 and Jace ranted about that episode for weeks.
17

18 The night of the incident, July 23, 2022 we were all playing Hero Insects! I was
19 on a quest team with the Fly and we encountered a group led by Majora as a
20 berserker/bumblebee hybrid. Although I told Bhramara to keep her cool, she
21 immediately started in on the “BumbleBoob” and his inept leadership skills. The game
22 ground to a stop while the two of them verbally went after each other. And then the Fly
23 shot Majora – something that never happens outside a MOBA. Insects just don’t fight
24 each other on quests – we’re after the humans! We were all stunned. Majora’s avatar
25 just turned away from his quest group and headed back toward his nest. Before he
26 logged off he said, clearly and coldly into his headset, “You will pay this time, Fly. Time
27 for a swat.” Through my speakers, I could hear Jace screaming “That’s it! That is it!” It
28 sounded like Jace was in the basement, although you can’t always tell over the
29 soundtrack exactly what’s going on the background.
30

31 I didn’t feel like playing after that, so I said goodbye to the team and logged out. I
32 don’t know if the others kept playing. I thought about going over to talk to Majora but
33 ultimately decided to stay out of it – after all, he was an adult and needed to make his
34 own choices. Several hours later, I noticed red lights flashing outside my window. I
35 opened the door and saw police cars everywhere. I turned the porch lights off and tried

1 to see what was going on. I heard people talking but couldn't make out anything.
2 Suddenly an amplified voice shouted from up in the cul-de-sac "Show your hands!"
3

4 Almost immediately, there were six gunshots in rapid succession. I'm pretty sure
5 there were that at least that many, because those sounds were too close together to be
6 an echo. The shots were within 5-15 seconds of the shout, although of course I wasn't
7 timing it – that's just an estimate. Then the general murmur of voices outside became
8 louder and people all began running toward the Thane house. A passing officer ordered
9 me to get off the porch, so I ducked back inside. It wasn't until the next morning that I
10 learned that Bhramara had been killed by the police.
11

12 I haven't seen Majora since that night, but he called me about three weeks after
13 he disappeared. I begged Majora to turn himself in but all he would say was that he
14 was sorry and that he never intended for his prank to hurt anyone – he "just wanted to
15 give the Fly a good scare." He told me that he had ruined his life and that he wished
16 Jace had helped him, instead of buying him that VoDeceptor 4100 for his birthday.
17 Then Majora started sobbing and hung up and I haven't spoken to him since then.

1 STATEMENT OF CLAUDE MARTINVILLE

2
3 Ever since humans discovered how to preserve sounds on wax cylinders,
4 investigators have tried to use this information to solve crimes. The first director of the
5 agency that would become the FBI, William Burns, believed that sound surveillance
6 technology – the detective dictograph – would be more valuable to his agents than any
7 traditional method of police work. A century later, audio engineers use ever more
8 sophisticated and sensitive methods to analyze recordings for the secrets they can
9 reveal.

10
11 For the last two years, I have been employed by the Texas State Crime
12 Laboratory as a certified forensic analyst. The Moxee City lab is a new facility,
13 constructed in 2020 and devoted to forensic audio and video analysis. Previously, law
14 enforcement agencies in Washington were required to contract with private companies
15 for this analysis, except for a few large jurisdictions that could afford to hire in-house
16 experts. The WSP lab now performs this service as requested, although the demand is
17 so great that some of our work is still performed by outside contractors.

18
19 To qualify for this position, I needed a bachelor’s degree in forensic science and
20 a master’s degree in recording arts. Fortunately, I had obtained both of these degrees
21 from my alma mater, Arroyo College in New Mexico. My bachelor’s degree included a
22 minor emphasis in linguistics. After I was hired, the WSP provided me with additional
23 training and financed my certification as a forensic analyst by the Global Board of
24 Criminal Audio Specialists. As part of my employment, I am required to regularly
25 update my skills and understanding of the latest audio equipment. I am employed full
26 time by the lab and my compensation is not dependent upon the results of any
27 particular analysis. My employment duties include testifying to the results of my analysis
28 in court when required.

29
30 Audio forensics depends on a mix of high-tech software and human judgment.
31 An audio examiner’s job involves three distinct skills. First, he or she is asked to
32 enhance recordings so they’re easier to hear and understand. Later analysis is not
33 possible if the speech in a recording is garbled or incomprehensible. Often, samples
34 have poor sound quality due to environmental factors such as wind or movement.
35 Sometimes the sound degradation is due to technological issues within the recording
36 device. Different solutions for poor comprehensibility are now available through
37 computer programs that allow the technician to filter and eliminate noise. Computer
38 software is also able to convert the speech to spectra and waveforms, which is useful to
39 a forensic phonetician. However, any work of this type should only be done on the
40 recording after a copy of the original is made.

1 The second step is usually a check of the recording medium, to make sure it
2 hasn't been tampered with in any way. To utilize audio recordings in court, a forensic
3 phonetician must authenticate the recording to assure that no tampering has been
4 detected. Authenticity is seldom an issue when the WSP lab is dealing with 911 and
5 dispatch recordings provided by law enforcement agencies, since their evidence
6 retention processes have built-in safeguards against alteration. However, I always do at
7 least a cursory review of these recordings to assure that tampering is not an issue.

8
9 Finally, using various techniques, the forensic audio specialist identifies the
10 various people speaking on a recording and, when it is important to a particular case,
11 pinpoints the source of any background sounds captured by the recording equipment.
12 The most difficult part of the forensic phonetician's job is speaker identification. The
13 audio recordings received for digital forensic enhancement usually have multiple tracks
14 and multiple layers of recorded sound that need to be sifted through and filtered. For
15 example, during 911 calls, you can commonly hear both the person speaking on the
16 phone, sounds associated with the actual crime in progress and distracting noises in the
17 background – music, traffic noise, gunshots and screams, even the hum of appliances
18 or the electric grid.

19
20 The interpretation process might include piecing together a timeline, transcribing
21 the dialog, and identifying unknown or unintelligible sounds. In court, the analyst
22 ultimately serves to explain the facts surrounding the audio evidence, providing an
23 explanation of relevant acoustical and physical principles to explain what is discernible
24 in the recording and what cannot be definitively stated. Testimony can include a detailed
25 explanation of what is happening in a recording and a description of what is missing or
26 inaudible.

27
28 Not all analysts follow exactly the same procedures. The Scientific Working
29 Group on Digital Evidence, led by representatives from the U.S. Secret Service and the
30 FBI, provides peer-reviewed guidelines for audio and video forensics engineers. While
31 these groups have called for minimum standards that all audio forensics labs must
32 meet, these have not been adopted and there are currently variations. While the WSP
33 lab does not follow the Working Group's standards in all particulars, I personally believe
34 our combination of digital technical analysis and a subjective linguistic breakdown of
35 voice recordings is well in keeping with industry standards.

36
37 On September 19, 2022, the WSP lab received a request from the Starmist
38 Valley Police Department for an analysis of a recording of a 911 call that their
39 department had received on July 23, 2022 at 10:37 pm. I was told that this was the
40 third of three calls the department had received that evening from the same number,
41 reporting a death and a hostage situation. The first two calls were not received by the
42 911 call center and were not recorded. I was assigned the tasks of audio enhancement
43 and analysis of the voices and noises on the recording. Authenticity was assumed, but I
44 did my normal pro forma check and didn't see any indication of tampering.

45

1 People who call 911 are usually agitated and yelling, overwhelming any other
2 sounds in the call, so our job is to bring down the volume of the person on the phone.
3 In this case, the speaker was not as loud or frantic, but the voice was distorted as it
4 passed through the originating microphone, either by mechanical or electronic means,
5 or a by combination of both. I used various programs to clear the distortions and
6 restore some normalcy of pitch and tone. The 911 operator's voice was not distorted
7 and could be discerned without difficulty. I have reviewed Exhibit 2 and it is an accurate
8 transcription of the primary conversation on the recording. If this is the transcript that
9 was broadcast to officers on the night of the incident, then the dispatcher should be
10 commended for the accuracy of this real-time record.

11
12 The next step in my analysis was to attempt to identify the person speaking to
13 the 911 operator in the primary conversation on the recording. Voice identification
14 methods have changed in the last forty years. Previously, analysts would have people
15 recite the phrase that was spoken on a recording in question: "Don't tell anyone, but I'm
16 plotting to kill the president," for example. Then they would use a computer to chart the
17 voices as sounds waves, and compare the graphs visually. Now examiners use
18 software that takes the recording in question, plus any recording of a known person's
19 voice, and compares the two using three tests. The software does a spectrograph
20 analysis, an average pitch analysis, and a statistical analysis involving a database of
21 millions of voices. Usually, the recording in question has to be at least eight seconds
22 long to use this particular software, although I've found ways to get around that in a
23 pinch.

24
25 I run the two samples through the program and it indicates whether the suspect
26 voice can be eliminated as the source of the recorded voice. If the suspect voice
27 cannot be eliminated, then the software generates a statistical probability (from 1 to 100
28 percent) of the likelihood that the two voices are from the same source. Typically, I look
29 for a match of at least 60 percent before I will say that the voice on the questioned
30 recording matches the voice of the suspected person. Finally, I use my own judgment
31 (and my own ears) to compare the accent, syntax and breathing patterns in the
32 recordings, which the program does not analyze. Not all audio forensics experts do this,
33 but my educational background in linguistics gives me the ability to perform this added
34 layer of analysis.

35
36 I used these analytical methods in this case, but I need to preface my testimony
37 by stating that my conclusions come with a couple of caveats. The 911 call in this case
38 was made through a device designed to alter the caller's voice. For purposes of my
39 analysis, I assumed that this device was a VoDECEPTOR 4100, the device that Jace
40 Crisplee purchased for Majora Crisplee a couple of months before the incident. This
41 stand-alone unit can be attached to any computer and is used to make telephone calls
42 that appear to originate from a fake, practically untraceable "local" number. Although
43 that is the device's primary function, and the reason most people purchase it, it has a
44 rudimentary voice distortion system that allows you to use six different filters to produce
45 modulating effects on your voice. Because the device's distortion filters are so

1 simplistic, my analysis program can account for its effects and the statistical analysis is
2 still valid, with an additional uncertainty range of $\pm 3.5\%$.

3
4 Although it's possible that Majora Crisplee used a different voice distortion
5 program – there are hundreds of them on the market, some of them with hundreds of
6 different filters – that is unlikely, in my opinion. I was provided with the computer that
7 was presumptively used to make the call on July 23, 2022 – I understand that Jace
8 Crisplee voluntarily provided the device to the police. I did not find evidence of a more
9 sophisticated distortion program installed on the computer. That's not conclusive, since
10 I was not asked to do a complete review of the database, but there was no visible
11 evidence of another program. In addition, the 911 recording did not display any signs of
12 sophisticated distortion. Simply put, the distortions were a pretty amateurish attempt at
13 concealment and were easily removed.

14
15 For the suspect comparison track, I used a 20-second recording of Majora
16 speaking to a videographer during a cousin's wedding in 2019. The program analysis
17 found that Majora could not be eliminated as the 911 caller and that the likelihood that
18 he was the caller was 86.75%. Even factoring in the use of the distortion program, the
19 likelihood of this match was still 83.7%. My independent linguistic analysis confirmed
20 these conclusions, although I was hampered by the lack of a recording of Majora
21 speaking as an adult in a stressful situation.

22
23 While separating and enhancing the various channels of the 911 recording, I
24 discovered another voice track in the background, with a different pitch, tone and
25 characteristics from the voices in the primary conversation. After cleaning up the
26 recording, I was also able to clearly hear most of what this human voice was saying.
27 This voice was more intermittent than the caller and the voice was farther from the
28 originating microphone, which made an identification judgment more challenging. On
29 the other hand, this voice was not as distorted, because the VoDECEPTOR 4100 only
30 focuses on the primary speaker; unlike other programs, these filters are not designed to
31 distort secondary sounds.

32
33 The second voice spoke only occasionally, saying the words "Great" and "Tell
34 'em" and making snorting sounds of laughter. There were other short words that I could
35 not discern, so I will not speculate on what was said. These sounds were a little more
36 difficult to analyze, but my computer and ears were up to the task. The voice spoke in
37 3-6 second increments and vocal phrases are most useful for analysis if they are at
38 least 8 seconds in length. For purposes of the comparison, I spliced the longest 4
39 segments of the voice together to create a 19-second sample. This process isn't ideal,
40 because one of the things the statistical program looks for is pauses. But in my
41 experience this alteration has only a slight effect on reliability, which is offset by the
42 substantial benefits that length of sample provides. Splicing is standard in my industry
43 when using this particular software.

44
45 I found a recording of Jace Crisplee responding to the judge's questions during a
46 bail hearing and I spliced together 3 of these segments to obtain a sufficiently lengthy

1 suspect recording. Obviously, there was no laughter during the court proceeding, but I
2 didn't consider that absence critical to the computer's analysis. I did take the absence
3 of laughter into account during my linguistic analysis of the recordings, but I still reached
4 the same conclusion as the computer program's comparison. Jace Crisplee could not
5 be eliminated as the source of the second voice on the recording. The likelihood that
6 the voice originated from Jace Crisplee was 62.5%, above the threshold for a
7 determination that the voices matched. I didn't calculate a revised probability based on
8 the effects of a distortion program, because the assumed program here does not distort
9 secondary voices or sounds. After listening to the breathing patterns and syntax of both
10 recordings, I concluded that it was more likely than not the Jace Crisplee was the
11 second voice on the 911 recording.

12
13 There were other noises in the background of the 911 call, including the sound of
14 a heater or fan and some intermittent instrumental music. After some research, I
15 identified the music as a part of the soundtrack of the interactive video game Hero
16 Insects! I don't play the game myself, but audio tracks were available from the game's
17 designer. Through my review of these tracks, I determined that there were human
18 voices for some of the computer-generated game characters. It is unlikely that one of
19 these voices could be the background speaker on the 911 call – my programs are
20 designed to eliminate "machine" voices, which have very distinct pitch and form. A
21 trained linguist like me can identify these voices quickly – for one thing, there is often no
22 discernable breathing pattern.

23
24 Humans speaking during an interactive game through a headset might be heard
25 through computer speakers but they would often be distorted because of the poor
26 quality of most of these sound systems. If an interactive session was recorded by the
27 game company, then I suppose you could confirm what was said at a particular time
28 during the session by listening to the recording. I was not asked to investigate the
29 possibility of a game or non-human voice as the second recorded voice, I assume
30 because these possibilities are so remote and unlikely. Statistically, these alternative
31 scenarios are not material and do not affect my conclusions. In my expert opinion, the
32 second voice on the recording of the 911 call is the voice of the defendant.

1 STATEMENT OF KODEY LIGHTNER

2
3 Have you ever watched thunder clouds gather in the east, growing larger and
4 darker? A dangerous storm is coming and soon it will erupt right over your community.
5 You may feel powerless, knowing that you cannot do a thing to stop the damage and
6 destruction. That’s how Majora Crisplee’s situation felt for me in the spring of 2022, with
7 one big difference. We weren’t powerless to stop this storm – Majora could have
8 received the help he needed, if only Jace Crisplee had taken his pain more seriously.
9

10 I am the chief school psychologist for the educational service district that includes
11 Starmist Valley High School, where Majora Crisplee recently attended high school. I
12 provide direct counseling and therapeutic services, and I also supervise the other three
13 psychologists employed by the district. There are a total of four school districts served
14 by ESD 252, so we are responsible for the developmental and mental health needs of
15 nearly 3,000 students – in other words, one staff psychologist for every 750 children. Is
16 that an adequate level of staffing? Short answer: No.
17

18 My career in the service of children began after I obtained a Bachelor of Arts in
19 Psychology from Smoky Mountain State University, near my hometown of Wears
20 Valley, Tennessee. During my internship, I focused on helping elementary school
21 students – I was probably drawn to this work because of my own struggles through an
22 inadequate rural school system. I dreamed of working in a district that provided the
23 resources necessary to meet the children’s mental health needs (I’m still looking). The
24 next step in my journey was a Master’s degree in School Psychology from Alki Western,
25 with an emphasis on the autism spectrum.
26

27 Once I’d earned an advanced degree, I applied for a license to practice in
28 Texas. School psychologist requirements vary from state to state, so I had to take
29 additional courses and agree to a one-year apprenticeship after my conditional
30 licensure, which I served in the Mount Glacier School district. Finally, I was hired as
31 one of the staff psychologists for ESD 252 in 2015 and I have been here ever since. I
32 was promoted to chief psychologist three years ago.

33 As a school psychologist, you must expect the unexpected and be ready to
34 recalibrate your day as you go. While I mostly deal with struggling students, there are
35 teachers, parents and school counselors who also need my advice on problem
36 situations. A typical week may include working with a special education teacher to
37 develop individualized education plans or to assess student progress on an IEP. I may
38 assist a student with individual testing and counseling or meet with a parent to help
39 them better understand a child’s behavioral issues.
40

41 Although a school psychologist develops a set schedule every week, each of us
42 has to be prepared to deal with an administrator’s urgent request for an emergency
43 threat assessment. An ETA is a violence prevention strategy that involves identifying

1 student threats to commit violent acts, determining the seriousness of the threat, and
2 developing an intervention plan if necessary. Since I never know what will happen
3 when a student or teacher drops by my office for a consultation, flexibility, quick thinking
4 and patience are essential parts of my job.

5 I've worked for the ESD for eight years now, and it can be very rewarding work. I
6 must say that the lack of resources is frustrating, even tragic at times. Identifying an
7 issue with a student doesn't mean that it will be addressed. I can only offer minimal
8 direct assistance and then the rest of my involvement is usually a referral to an
9 appropriate community agency. A parent may not be able to afford these services, or
10 may not be interested in pursuing them. ESD follow-up is often difficult, especially when
11 the family is uninterested or even hostile toward pursuing help. And our involvement
12 ends at graduation. Although there isn't much emotional difference between a senior
13 student and an 18 year-old graduate, the law says that the district's responsibility stops
14 when the "adult" graduate walks out the high school's doors.

15
16 My contacts with the Crisplee family was only through my work at the ESD and I
17 never saw them in the community or interacted with them in their home. I have never
18 observed Majora and Jace Crisplee together, or watched them deal with each other. I
19 know of those interactions only through their statements to me during our meetings,
20 telephone conversations and electronic communications and from viewing journal
21 entries, school assignments and drawings produced by Majora in the spring of 2022.
22 That is not unusual in my work, and the information I received was sufficient to form
23 some of my opinions on a more probable than not basis. However, any formal mental
24 health diagnosis of either Jace or Majora would require more in-depth interviews and
25 psychological testing and I am ethically unable to offer such diagnoses.

26
27 On March 15, 2022, Majora Crisplee stopped by the high school's office during
28 the lunch hour and asked to see "the school shrink". I happened to be at the high
29 school that day for a meeting with several teachers and the school's counselor about
30 the status of several students currently on behavioral IEPs. Majora wasn't one of those
31 students and my review of the high school's records don't disclose any prior mention of
32 behavioral or mental health issues for him. That's unusual for someone with a long-
33 term psychological problem, as these permanent conditions do not suddenly appear
34 absent some telltale warning signs that a trained professional can easily identify.

35
36 Majora was definitely in crisis on March 15 and he made quite a scene in the
37 lobby. He was ranting about "The Fly", how the Fly was supposed to be his friend, but
38 now the Fly tormented and pranked him nonstop, every night at home and every day at
39 school. At first, office staff thought he was delusional, so they asked me to leave the
40 scheduled meetings and talk to him. I intervened with Majora in the office and
41 convinced him to calm down and come to one of the private conference rooms.

42
43 Through active, empathetic listening techniques, I quickly determined from
44 Majora that the Fly was a real person, someone he had known for a long time and that
45 the two of them regularly played video games together. These games were the
46 perceived source of Majora's current distress, because of actions his friend had taken

1 against him in the game and due to a prank at school that had embarrassed him. I
2 realized, however, that these pranks were the tip of the iceberg.

3
4 Majora was suffering from severe situational depression caused by a
5 combination of multiple stressors in his life. These stressors included failing most of his
6 classes, a lack of future prospects after graduation, some unspecified conflicts at home
7 and the recent death of a grandparent, with whom he was very close. These stressors
8 were causing Majora to fixate on a symbol of his traumatic circumstances – the Fly.
9 This is a common, albeit ineffective, coping strategy. The individual identifies a
10 concrete manifestation of his or her problems and believes that the “solution” to these
11 problems is direct action against the selected scapegoat – therapeutic revenge, if you
12 will. In this case, the scapegoat for Majora’s frustrations was his friend, the Fly.

13
14 I counseled Majora as best I could with the limited information I had, explaining
15 why his problems would not be alleviated by negative action and suggesting more
16 positive methods of dealing with his stressors, including therapy and academic
17 counseling. I provided him with some resource referrals outside the school and our
18 session seemed to calm him down. He indicated that he wanted help and I made a
19 mental note to follow up with him in a couple of weeks. We did not set an appointment
20 at that time, and unfortunately, I was unable to schedule a follow-up session because of
21 other, more pressing duties.

22
23 As we ended that first session, I suggested that Majora talk to his parents about
24 his feelings and seek their help in arranging counseling sessions. This proposal
25 prompted an act of severe verbal violence from Majora that went on for several minutes.
26 He laughed at the idea that his parent, who he referred to as Jace, would assist him.
27 Majora indicated that the two of them had repeatedly discussed these issues and that
28 Jace’s response, was to mock him and to belittle his mental health struggles. "I actually
29 asked Jace to take me to the doctor yesterday but instead I was just given some calm-
30 down pills and told to 'Suck it up, Wuss!'" I wasn’t able to determine what was in the
31 “calm-down” pills, so I don’t know if it was an appropriate medication. Jace’s reported
32 response was very concerning to me, although there wasn’t enough information to
33 contact child protection authorities.

34
35 My next contact with Majora was in early April when I was asked to perform an
36 ETA. The request was from Majora’s third period teacher and one of the administrators.
37 The source of their concerns were some violent drawings on the back of an assignment
38 that Majora turned in during the teacher’s class. The drawings, which are depicted in
39 Exhibit 3, showed a firm intent to do harm. Given my prior conversation with Majora, his
40 drawings of harm to an insect that resembled a fly were particularly concerning.

41
42 When the teacher approached Majora to speak to him about the drawings, which
43 were not in any way connected with the assignment (this was a math class) she noticed
44 that he was heavily engaged with his smartphone, flipping through sites that showed
45 pictures of both assault rifles and medieval weapons, like maces and blunderbusses. At

1 that point, she backed away from Majora without speaking to him and contacted the
2 administrator.

3
4 I was very concerned about the situation and arranged for Majora to meet with
5 me that afternoon. His attitude was markedly different from our first meeting – very
6 disengaged, with a flat affect that was very intense. He stared directly at me for most of
7 our session, with minimal blinking or emotional response. Majora was very guarded in
8 his answers, with long pauses between my question and his response. I suspected that
9 Majora was responding to internal stimuli – in effect, hearing voices -- and that he was
10 suffering from paranoid schizophrenia, although I would need to do a full evaluation to
11 make that diagnosis.

12
13 Majora dismissed the drawings as “doodling” and said they weren’t directed at
14 anyone in particular. He claimed he was thinking of becoming a cartoonist and that the
15 drawings were sketch ideas for a graphic novel. He also told me that the sites he was
16 visiting on his phone were for accessory packs for a game called Bug Invasion, or
17 something like that, and that they were not real weapons. Given his eerie demeanor, I
18 didn’t believe his explanations. When I told him that I was going to discuss the situation
19 with his parent, Majora shrugged and said “Whatever” then got up and left the
20 conference room.

21
22 It took two weeks of “phone tag”, but I was finally able to meet with Jace Crisplee
23 on April 26 regarding my concerns about Majora. Jace was defensive from the outset of
24 our meeting and dismissed any need to seek professional help for Majora, claiming at
25 one point that “my insurance won’t cover that nonsense.” When I told Jace about
26 Majora’s specific fixation on the Fly, Jace just laughed and said that the two of them
27 were old friends who knew how to push each other’s buttons. Then Jace made one
28 comment I thought was very odd: “Sometimes Bhramara takes the game too far and
29 then she gets what she deserves”.

30
31 Jace assured me that there were no weapons in the Crisplee home and that
32 Majora “wouldn’t have the ambition to learn how to use them if there were.” The
33 drawings in Exhibit 3 did trouble Jace when I presented them, because Majora had not
34 mentioned to Jace that he was interested in graphic novels or cartooning. Finally, I
35 convinced Jace to talk to Majora about therapy and to encourage Majora to seek help
36 with his fixation on the Fly. Based on everything that’s happened, I don’t believe that
37 Jace actually took any action to get Majora the help he needed.

38
39 I received several additional reports about Majora’s behavior during the
40 remainder of the school year. There was some surly behavior toward staff and one
41 incident where he was crying in the corner of a classroom for no apparent reason.
42 Several of the reports described loud arguments between Majora and a female student
43 in the middle of the hallway during lunch. None of the incidents were sufficient by our
44 standards to require any additional intervention, so I didn’t speak to Majora about them.
45 Because of our limited resources, we have to prioritize our emergency interventions to
46 acute threat situations. I did try to follow up with Jace after several of the reports, to see

1 if Jace was trying to get help for Majora's problems. I left multiple messages but Jace
2 ignored them and never contacted me again.

3
4 Majora Crisplee did just enough make-up work in a couple of classes to
5 graduate, based on my review of his official transcript. I saw him during the high
6 school's graduation ceremony on June 17, 2022, although I didn't see Jace anywhere.
7 Afterward, Majora said "Hi" to me and thanked me for listening to him vent in March. He
8 seemed to be in a better state of mind, although schizophrenia can be episodic in
9 nature.

10
11 When I learned that I would be a witness in this case, I reviewed the statements
12 of other witnesses and the materials that came to light after Jace was charged. It
13 appears to me that Majora's fixation on the Fly did not waver. Again, I cannot make any
14 specific diagnosis, especially since I had no contact with Majora after June 17, 2022.
15 But it didn't take a trained professional to see that Majora was very troubled and
16 desperately needed help. Any caring parent could have seen that.

1 STATEMENT OF AUGUST "AUGIE" GATES

2
3 Sure, it's easy to criticize the police for their actions in a calm, well-lit courtroom,
4 long after the fact. Officers, however, don't have that luxury; we must make our
5 decisions quickly in dark, stressful situations with multiples lives, including our own, on
6 the line. The Starmist Valley SWAT unit acted appropriately on July 23, 2022, although
7 all of us regret the tragic loss of Bhramara Thane's life. That death, however, was not
8 caused by any mistakes on the part of the police. Instead, our investigation revealed
9 that this homicide was the direct result of the deliberate actions of fugitive Majora
10 Crisplee and the irresponsible actions and inaction of the defendant, Jace Crisplee.
11

12 I'm proud to have worn the uniform of the Starmist Valley Police Department for
13 more than 18 years. SVPD was my first full-time job as a professional police officer,
14 after serving as a cadet and reserve deputy for three years with the Pine County
15 Sheriff's Office. Prior to commencing my duties with the agency, I attended the
16 Texas State basic law enforcement academy, which encompasses 720 full hours
17 of instruction and covers all aspects of police work. I'm also required to attend several
18 trainings a year to maintain my certification to work in this important field.
19

20 Like everyone else at SVPD, I started as a patrol officer, then moved to the
21 detective unit after three years. While investigating major property crimes as part of that
22 unit, I was recruited for a position on the newly formed Special Weapons and Tactics
23 (SWAT) team. The previous SWAT unit was a collaborative effort between SVPD,
24 ACPD, PCSO and several other municipal jurisdictions. In 2014, after some
25 controversy about who would take the lead in several hostage situations, our
26 department decided to get a federal grant and form our own unit, so that we could more
27 effectively control our crisis operations.
28

29 Our SWAT team consists of eight officers with varying assignments, which we
30 rotate on a three-year basis. Fortunately for our city, we don't have to respond to a lot
31 of SWAT calls, so only the unit commander is assigned full time to the team. The
32 remaining unit members have other continuing assignments, such as patrol, property
33 crimes and major felonies. These assignments are also rotated, and I am currently in
34 the major crimes division, my second time in that assignment, only this time at the rank
35 of detective sergeant.
36

37 When I joined SWAT in 2015, my initial assignment was to the breach unit, which
38 is responsible for initial contact with and entry into a crime scene. I later did a stint as a
39 sniper and I was then promoted to the unit's on-scene commander position. I held that
40 position for the eighteen months prior to the Thane incident. My initial appointment to

1 the team included five months of intensive training at the Special Tactics Academy in
2 Omaha, Nebraska. each transfer to a new position required additional specialized
3 training and on-the job mentoring. No one is thrown to wolves on this team; all of us are
4 fully advised of the best practices in the field and know how to respond in the high
5 stress situations we face.

6
7 Managing the use of force is one of the most difficult challenges facing a law
8 enforcement agency. The responsibility of a SWAT officer is to enforce the law, protect
9 the public, and guard their own safety and the safety of others, including suspects.
10 Challenging interactions with uncooperative, physically resistant individuals, often
11 potentially armed with deadly weapons, can present situations that quickly escalate.
12 While our team always hopes to gain cooperation through verbal persuasion and the
13 use of de-escalation tactics, physical force may be necessary. This application of force
14 must be objectively reasonable and proportional to the threat posed. But it also must be
15 completely effective in disabling the subject, to protect the officer and bystanders. And
16 at times, it must be deadly.

17
18 Our department follows the standards outlined by the U.S. Tactical Professionals
19 Guild, a national organization that provides SWAT units with training and support.
20 Portions of these standards are included in Exhibit 4. These statements are not
21 inflexible rules, or checklists to be marked off during a crisis situation. Each scenario is
22 different and the standards recognize the need for judgment calls by on-scene
23 personnel. It is my opinion, based on my experience and training, that we met these
24 standards on July 23, 2022 and that we also had the safety priorities described by
25 Guthrie Argus fully in mind at the time that we acted.

26
27 On July 23, 2022 at 2237 hours, all SVPD units received a priority alert from the
28 911 dispatch center. The call concerned a hostage situation with one reported death.
29 The caller allegedly was the perpetrator and he or she claimed to be holding two
30 relatives hostage in a single-family residence. The call was originally received by
31 someone working late at our department's administrative office in City Hall, and that
32 employee transferred the caller to emergency dispatch, although technical problems
33 caused the call to be dropped during the first two attempts. But the caller kept calling
34 back, even though the employee mentioned that the caller should try to call 911 directly
35 if the transfer was not successful.

36
37 These repeated calls to a non-emergency number should have been a red flag
38 for a possible swatting incident – it's one of the methods these cranks use to mask their
39 number and location. Swatting is the action or practice of making a prank call to
40 emergency services in an attempt to bring about the dispatch of a large number of

1 armed police officers to a particular address. The usual motive for this activity is
2 boredom or revenge, but there is nothing funny about this particular type of practical
3 joke. As far as I'm concerned, it's another illegal form of assault.
4

5 Another warning sign in the July 23 contact was the number connected with the
6 call. Although the first three digits were a local area code, the prefix was a fake, albeit
7 only one number off from an authentic community prefix. These issues were not
8 reported to the dispatcher when the call was transferred, probably because they weren't
9 noticed. So responding units didn't have that information at the time of the incident.
10

11 Usually, a dispatcher summarizes the call details and directs specific units to
12 respond. The software does have a feature that allows the operator to transcribe the
13 conversation in real time, with computer assistance, and to send that raw information
14 directly to the units. That's only done in situations that call for an enhanced response,
15 so everyone on scene has the same intel. Here, dispatch felt this situation called for
16 this approach, so all of us received the transcript of the call reproduced in Exhibit 2 as
17 we approached the scene. I compared the transcription received to the call recording
18 and it is accurate in all respects.
19

20 Along with the transcription, the dispatcher provided all units with a standard
21 record search for the given address, which listed the name of the owner and the
22 character of the premises as a private residence. No previous calls for police service
23 were listed, although that would not affect our decision-making in a response like this.
24 Serious family situations often occur between relatives with no prior history of trouble.
25 We cannot discount a report of this type on the basis that we don't have any
26 information on the individuals involved.
27

28 I acknowledged the information received and directed all available units to
29 immediately respond to the residence. The units were required to approach without
30 contacting the residence – a perimeter needed to be established until the full SWAT
31 team could respond. Units were not supposed to use lights or siren, although two cars
32 several blocks back used emergency lights to close the street. I approached without
33 activated emergency equipment to a position approximately 75 feet from the target
34 residence on the opposite side of the cul-de-sac.
35

36 In this type of high-priority call, all members of the SWAT team, both on and off
37 duty, would be ordered to respond. Unlike a fire crew, however, team members are
38 not hanging out down at the SWAT station playing cards. After receiving an alert, unit
39 participants have to drop whatever they are doing, get into uniform and retrieve any
40 necessary equipment, and either deploy to the scene in a private vehicle or, if this is

1 part of their particular assignment, retrieve one of our specially designed equipment
2 vans. All of that takes time; full mobilization on any call usually requires 30-45
3 minutes.

4
5 SWAT standards require an adequate number of personnel before a response
6 is initiated. During a hostage situation, the standards would actually call for more
7 officers than are assigned to our team. SVPD relies on regular units to perform some of
8 the containment and backup functions for the SWAT unit, which is proper procedure.
9 As I mentioned, the standards are guidelines and smaller departments have to adapt to
10 their own individual circumstances and budgetary considerations.

11
12 As I waited for units to arrive, I positioned myself on the porch of the adjacent
13 residence with one of the snipers. This allowed me to fill in as an observer and continue
14 to act as on-scene commander, pulling double duty if you will. The view was pretty
15 good, although the lower portion of the front door of the target residence was partially
16 obscured by a hedge. I politely directed the resident to remain inside while the sniper
17 set up the tripod and rifle. I will not disclose the sniper's name or rank because the
18 standard internal investigation is ongoing.

19
20 Several other units arrived on the scene, and I directed them to position
21 themselves in various locations in the cul-de-sac. Two members of the breach team
22 were present and I advised them to take a forward position near some shrubs, about 20
23 feet from the front door. They hunkered down there and waited for the rest of the
24 breach and containment officers to arrive and deploy.

25
26 During this time period, I didn't receive any further information concerning the
27 original call. I saw some shadows on the window blinds in the front room on the ground
28 floor, but no other movement. I wasn't waiting for a hostage negotiation team, because
29 we don't have one. Once all units were in place, I planned to contact the house through
30 a loudspeaker, since 911 had been unable to raise anyone at the caller's number. I am
31 fully trained in negotiation and de-escalation techniques, so I felt confident that we could
32 resolve the situation safely.

33
34 Suddenly, the front door opened and an adult figure stepped out onto the porch.
35 Standard procedure is to light that person up, so that we can see what we are dealing
36 with, and my team followed this procedure. Several spotlights from the ground were
37 trained on the subject, along with a light from the helicopter that had just arrived. The
38 suspect responded by raising hands to face, exactly the reaction we hope for. A
39 forward car provided commands through a loudspeaker and initially the subject seemed
40 to comply. Then suddenly the arms came down and the subject began to move both

1 hands as if reaching for or manipulating an object. Although I could not see the lower
2 half of the suspect, it appeared to me that this individual was reaching for a gun.

3
4 I had to respond instantly, because I had part of my unit within 25 feet of death. I
5 ordered the sniper to take the shot, since we had a clear view of the upper torso within
6 range. Three shots were taken and the subject dropped to the porch floor and out of my
7 sight. Units converged on the scene and we confirmed the kill of a young female even
8 before EMTs made the call at 2337. The young woman, later identified as a house
9 resident, Bhramara Thane, was holding a smartphone in her hand at the time of her
10 death.

11
12 The remaining occupants of the house were ordered outside and searched and
13 we cleared all rooms in the residence. Everyone was obviously distraught over the
14 situation and the subject's death. There was no sign of foul play of any kind and no
15 body or sign of a weapon or struggle in the building. After we cleared at 0432 on July
16 24, 2022, I wrote my report and asked the duty sergeant to assign me to the follow up
17 investigation of the initial call.

18
19 Interviews with the Thane family revealed that Bhramara had been having an
20 ongoing dispute over the last few months with Majora Crisplee and that she had been
21 quite upset about these disputes. Majora was developed as the prime suspect in the
22 swatting incident after we interviewed Raiden Gerault and other individuals who knew
23 both the deceased and the suspect. I was one of two detectives assigned to interview
24 Majora at his residence several days after the shooting. Upon our arrival, we
25 discovered that Majora was missing and that Jace Crisplee, the only other occupant of
26 the residence, didn't know where Majora was located.

27
28 At least, Jace claimed a lack of knowledge of Majora's whereabouts. I've never
29 seen a parent so unconcerned about what might have happened to their child, or so
30 unwilling to divulge any information that might lead to his location. During the interview,
31 we advised Jace that we were concerned that Majora might be distraught over the
32 incident and that we were concerned for his safety. In response, Jace shrugged and
33 told us that Majora had taken a "wad of cash" and wouldn't do anything rash until he
34 had spent it all.

35
36 Several of the friends we interviewed told us that Majora had been depressed
37 and angry for several months and that they were concerned about his mental state.
38 Jace snorted at us and said derisively "Is this that nosey school shrink again?" Jace
39 assured us that Majora had been fine and there was no reason to be concerned that he

1 would harm himself or others. Then he said “He’s too much of a wuss to do anything
2 like that.”

3
4 I began to suspect that Jace knew more about the incident than was apparent
5 from our conversation. Jace did allow us to take Majora’s gaming console, computer
6 and a voice distorter and to search for other evidentiary items in the basement without a
7 warrant. Included in these items was a notebook with what appeared to be journal
8 entries. Jace confirmed that the writing was Majora’s, although Jace denied having
9 seen the contents of the journal. Included in the journal were the following entries that
10 relate to this case:

11
12 [March 16]: Talked to shrink and it helped. Finally getting somewhere. Hope
13 Kodey gets through to Jace.

14
15 [Sometime in May]: Fly Fly Fly Fly Fly Wuss Wuss Wuss Wuss Wuss

16
17 [Sometime in May]: Can’t take anymore of this from anyone. Feel so worthless!
18 Asked Jace to take me to doc and got the usual - Man up Wuss

19
20 [June 30]: I got the VoD now, so I am set to Swat Fly hard! Told Jace I was
21 ready to man up - said just be careful

22
23 [July 7]: 18 now! Jace says stand on own 2 feet Gonna try Back OFF Fly

24
25 There were also multiple drawings of various creatures and insects in the journal,
26 including cartoon-like panels of these characters interacting. Some of the illustrations
27 were quite elaborate and told fragments of a story, which usually ended with something
28 meeting its violent end. None of the materials directly referenced anyone involved here,
29 so they are not included in this declaration.

30
31 Next, I applied for a search warrant to obtain the records from the online platform
32 that supports the game known as Hero Insects! This company records on-line gaming
33 sessions and the chat and banter of participants, although they only keep the recordings
34 for 7 days. Due to the timing, we barely obtained the transcript of the last portion of the
35 game Bhramara Thane was playing on the night of the incident. It did not contain her
36 interactions with Majora, but it did contain the following comments by Bhramara Thane
37 and Lakota Belmont, just before Bhramara’s Fly character logged out:

1 [BT]: Gotta go. Time to show them I'm not afraid.
2 [LB]: Huh? Okay, I guess.
3 [BT]: Tell Jace you're a man now, Wuss. Probably listening too.
4 [LB]: Who are you talking to?
5 [BT logs off]
6 [LB]: See you later.
7

8 Our department was able to document that the numbers generated during the
9 last use of Majora's VoDECEPTOR on July 23, 2022, coincided with the calls to our
10 administrative office. These numbers were shown to have been produced at the same
11 time as the three calls to that unit came in. The gaming equipment and computer were
12 turned over to the WSP's forensic audio lab for analysis, along with the master
13 recordings of the 911 call and the on-line gaming session recording. Claude Martinville
14 can testify as to the results of that analysis.
15

16 Because Majora Crisplee was a recent graduate of the local high school, we
17 obtained his educational and counseling records and interviewed Kodey Lightner and
18 other school personnel. The drawings Majora made on a school assignment were
19 placed into evidence and are depicted in Exhibit 3. I also checked local medical offices
20 where Majora was a patient and the local pharmacies. There was no record at any of
21 these locations that Majora Crisplee had been prescribed any medications or "calm
22 down" pills. Jace Crisplee, however, had recently been prescribed some heavy-duty
23 pain killers after Jace sought medical attention for lower back problems. Those muscle
24 relaxants have some stern warnings about the mind-altering effects they can have if
25 improperly administered.
26

27 When I requested the opportunity to interview Jace Crisplee in more detail, and
28 to make a copy of the contents of Jace's smartphone, the defendant predictably decided
29 to lawyer up. I had to obtain a warrant to get the phone. I was actually expecting to find
30 post-incident contacts between Jace and Majora and planned to use that information to
31 locate the kid. But there was nothing like that on the phone, unless the two of them were
32 using fake identifiers. However, I did find some interesting text communications
33 between Jace and Majora, which occurred before the swatting incident. These texts are
34 shown in Exhibit 6 and I think they speak for themselves. They support the prosecutor's
35 theory that Jace was a lousy parent who pushed Majora into the incident that ultimately
36 led to Bhramara Thane's death.

1 STATEMENT OF JACE CRISPLEE

2
3 Like any parent, all I ever wanted was what was best for my son. I tried to teach
4 him right from wrong, to stand up for himself and to prepare for life in the real world. I
5 did my best and I'm sure I made mistakes along the way. But I can't be blamed for his
6 choices in life and I certainly won't be the scapegoat for the rash actions of the Starmist
7 Valley Police Department.
8

9 My approach to parenting was based on my own experiences as a child. I was
10 the seventh of nine children, spread out over a period of 16 years. My parents both
11 worked full time in the mills near our home in Michigan. They had precious little time to
12 spend hovering over their children. Although it was clear that they loved us and were
13 interested in what we became in life, we were expected to be responsible for ourselves
14 and our younger siblings, until they could tend to themselves. You could be what you
15 wanted and make your own choices, so long as you didn't expect charity and were
16 willing to pay for your mistakes.
17

18 I think this philosophy served us well – we all went on to become successful in
19 various businesses and pursuits of our own choosing. My first successes were athletic
20 and I was helped along by a soccer coach who really pushed the team to do well,
21 without excuses. You did not want to get on Coach Boone's bad side, believe me – he
22 was famous for his tirades and for exhorting Wusses to suck it up and work harder.
23 They don't make coaches like that anymore, unfortunately.
24

25 After high school, I started a successful career in the building rental industry,
26 eventually managing offices in seven cities with responsibility for over \$60 million in
27 assets. It was hard work with long hours, but I built the company into something
28 worthwhile. Along the way, I married and that 10-year union produced my only son,
29 Majora. Unfortunately, my spouse and I had different goals and approaches to life and
30 our differences often spilled over into screaming matches when I came home after a
31 long day at work. I'm sure that Majora witnessed or heard some of these arguments,
32 although I assure you there was no physical violence involved.
33

34 Finally, when Majora was 9, my spouse abandoned the marriage and the two of
35 us. We got a divorce and Majora and I moved to Starmist Valley, where I assumed the
36 sole responsibility for his care. The first years were hard on both of us, as I tried to
37 balance long hours at work and some semblance of normal life for Majora, who
38 struggled to fit in at his new school. Fortunately, I found excellent after-school care for
39 him and I was able to take some time off from my job so we could spend time together.

1 I spent a lot more time with Majora during those years than my parents ever spent with
2 me!

3
4 After Majora settled into middle school, it was clear that he could rely on himself
5 more consistently, just as I had as a child. I concentrated on building my business
6 again, while always making sure I was keeping up with his activities and friends. Majora
7 has always been interested in the latest technology and computers and I have tried to
8 encourage this interest. He's been to coding camps and other STEM programs and we
9 attend conventions showing off the latest gadgetry whenever these hit town.

10
11 A lot of the electronic stuff involved gaming, which is natural for teenagers these
12 days. There were times that I worried that he was spending too much time with a
13 screen and not getting enough human contact. But he always seemed busy with school
14 activities and friends so I didn't harp on it too much. I was spending a lot of time with a
15 screen at work myself.

16
17 One of the last things I bought for him was the VoDECEPTOR 4100. He turned
18 18 on July 7, 2022, but I purchased it a couple of weeks before that, as a surprise early
19 present. Majora showed me how you could create various voice effects on the phone or
20 computer with its filter programs. Sure, I knew that the device could generate fake
21 phone numbers – references to that feature were plastered all over the box – but that
22 wasn't why Majora said he wanted it. When I caught Majora and Lakota making crank
23 phone calls with it, I told them to knock it off.

24
25 Over the years, Majora went through his phases, just like any teenager. He
26 could be sullen or angry one minute, then happy and excited the next. During the last
27 year before he disappeared, the focus of his highs and lows always seemed to be that
28 insect game he and his friends played. He spent most of his senior year down in the
29 basement playing that thing, barely finishing one quest before starting out on another.
30 Sometimes he had friends over, like Bhramara Thane, Lakota Belmont and Raiden
31 Geralt. Occasionally, I would head downstairs and watch the action, trying to let Majora
32 know that I was interested in his life. But often he was down there alone and I only
33 knew how things were going through his whoops of joy or shouts of frustration.

34
35 Eventually, I did become concerned that the game was taking up more of his
36 time and that his grades and involvement in other activities was suffering. After all, he
37 was approaching the end of his senior year and I wasn't planning on having him live in
38 my house forever. At times, his hygiene suffered and he seemed to be experiencing
39 more periods of moodiness and isolation. Frankly, his choice of friends didn't help.
40 Ever since we moved here, I thought that Bhramara Thane was a bad influence, always

1 quick to bully and belittle him. I tried to discourage him from hanging out with her, but
2 he was a very loyal kid and defended her whenever I tried to point out her many faults.
3 Even when he was mad at her, the idea that Majora would try to hurt Bhramara never
4 crossed my mind.
5

6 As graduation approached, I started to push Majora to take responsibility for his
7 future, to stand up for himself. We had our arguments, like all parents have with their
8 teenage kids, and I might have made statements like sucking it up and not being a
9 wuss. Those are things Coach Boone said to motivate me and I turned out all right.
10 Just like those text messages – that was my way of shaking Majora into action. I know
11 that people like the school psychologist think the only way to talk to kids is to hug them
12 and sing Kumbaya with them. But not everyone thinks that’s the best way to parent;
13 sometimes, you have to engage in a little tough love. Just because I think that way
14 doesn’t make me a killer.
15

16 In June 2022, Majora came home one day and told me about the dangerous
17 prank Bhramara pulled, loosening the lug nuts on his car. He was furious and so was I
18 – he could have been killed or badly injured by that stunt! I knew they had been playing
19 practical jokes on each other – I was there when the pizzas were delivered, and Majora
20 told me about his toilet paper revenge – but this was going too far. I told Majora that he
21 needed to stand up for himself and let her know that this kind of baloney would not be
22 tolerated. But I didn’t suggest that he do something dangerous in return. My comments
23 were directed at the idea that their friendship should end, that this was it for them and
24 their relationship.
25

26 On July 23, 2022, I worked until about 5:30 pm in Alki City, then stopped to buy
27 some takeout food for dinner. When I arrived home about 6:15 pm, Majora was already
28 downstairs with his headset on, playing Hero Insects! I stuck my head in and noticed
29 that there was no one else in the room with him. I told him that I had dinner upstairs,
30 but he waved me off and continued to play. He was pretty engaged and didn’t seem
31 particularly high or low at that point, just intense about the game. I figured his part of
32 dinner would reheat, so I let it go.
33

34 Around 8:00 pm, I heard him shouting at someone over the headset. Whoever
35 he was arguing with was shouting back, loud enough that I could hear the voice through
36 the headset speakers, even though I was upstairs. You could hear them over the
37 soundtrack of the game, which is usually pretty loud. Then I heard a blast that sounded
38 like one of the game’s assault rifles (Majora has played this game so often that I can
39 distinguish the sound of some of the weapons). Then everything was quiet, although I

1 heard Majora distinctly say the words “fly” and “swat” calmly, like he was engaged in a
2 conversation with someone sitting next to him.

3
4 Things were quiet for a while, although I could still hear the game soundtrack at
5 times. Majora didn’t come up and I don’t recall going down for any reason. Around
6 9:20 pm, I heard a buzzing sound and a distorted voice that I did not recognize. The
7 voice was talking about shooting someone and holding hostages. Slowly, it dawned on
8 me that Majora was on his computer, using the voice filters in that distortion device to
9 call someone. Like everyone else, I’ve heard about swatting incidents on the news,
10 where people call in fake reports of violence as a way of scaring people who have
11 wronged them. The VoDECEPTOR’s box specifically said it could be used to “SWAT
12 YOUR FRIENDS!” By the time I put things together and realized that was happening,
13 Majora had ended the call and turned off his game console.

14
15 I went down to the basement and asked Majora what he had done, whether he
16 had swatted someone. He just looked at me with a blank expression and told me that he
17 was tired and that he was going to bed. I pushed him for more information and asked
18 him directly if he had pulled a prank on Bhramara, who I knew was the Fly whenever
19 they played their game. Majora told me to leave him alone and ducked around me as
20 he trudged up the stairs to his room.

21
22 Even though I believed that Majora had called in a false report, I had no proof of
23 that. I didn’t know who he had specifically called or who was actually his target. He
24 plays that game with a lot of his friends and he’s been angry at every one of them at
25 some point. I didn’t want to accuse him of something or get him in trouble unless I knew
26 for sure. Honestly, I don’t know if I would have stopped him from making the call even if
27 I had been down there (I wasn’t downstairs during the call, no matter what Claude
28 Martinville thinks). I know that I pay the phone bill, but Majora was an adult at that point
29 and I’m not responsible for monitoring everything he says and does. I’ve heard that
30 swatting is viewed by gamers as a sort of frontier justice in their world, a way to remind
31 people that their online behavior can have consequences. It’s not something I would
32 recommend, but who am I to judge?

33
34 When I got up the next morning, Majora was gone. I discovered that he had
35 taken my debit card and removed several thousand dollars from my bank account, by
36 visiting most of the ATMs in Starmist Valley. Foolishly, I had taped the pin number to
37 the card so I wouldn’t forget it during a transaction. I didn’t call in a missing person
38 report because it was obvious that he left on his own volition and he’s eighteen years
39 old.

1 That night on the local news, I heard that that the police department had gone on
2 a rampage and shot poor Bhramara. When Augie Gates came to see Majora about a
3 week later, I told them all that I knew about what happened. I let them take Majora's
4 gaming console, computer and voice distorter. I didn't have anything to hide, because I
5 hadn't done anything wrong. When Gates started asking for my phone, however, I
6 suspected that the police were trying to frame me and I sought legal counsel.

7

8 Although I haven't heard from Majora since he left, I hope he will contact me
9 soon and let me know how he is doing. If he does, I'll encourage him to turn himself in
10 and to answer for his own actions – false reporting. But I don't believe he should have
11 to answer for the conduct of the SWAT team, or that he caused Bhramara's death. I
12 feel terrible for the Thane family, but their loss has only one cause – the inept, untrained
13 officers of the SVPD.

1 STATEMENT OF GUTHRIE ARGUS

2
3 As guardians of their communities, law enforcement officers are supposed to be
4 there to protect us, to help when we need assistance. Their presence shouldn't make
5 things worse – for example, what good comes from the police stopping a purse
6 snatcher, if the preceding chase leaves a trail of injury and damage? My job is to help
7 agencies reset the mindset of their officers, so their top priority in every situation
8 becomes the safety of all concerned, even if that means letting rigid regulation of the
9 scene and enforcement of the law momentarily slide.

10
11 Retooling of anyone's brain is not an easy task. For decades, the primary focus
12 of academy training in most states has been control, control, control. Officers must
13 control the situation from the outset, by establishing dominance over any scene they
14 encounter and every person they contact. This approach to policing is often taken to
15 extremes, especially in high-stress situations. Even simple actions that a citizen might
16 naturally perform during a police encounter, like reaching for identification or exiting a
17 vehicle, are perceived as a threat, unless the actions are done at the explicit direction of
18 an officer. Otherwise, don't move!

19
20 This case illustrates why that approach can lead to devastating results. Let's be
21 clear on one point: Police agencies do not intentionally create situations where civilians
22 are injured or lose their lives. When that loss does occur, I am often called in by the
23 agencies themselves, to analyze their actions and to make suggestions to correct what
24 went wrong. The Starmist Valley Police Department did not seek an outside review of
25 their actions on July 23, 2022. That is why I am here testifying at the request of the
26 defendant.

27
28 My qualifications to act as a law enforcement consultant, specializing in the use
29 of force and its alternatives, include a Bachelor of Arts in Criminal Justice from Northern
30 Pacific University and a Master's degree in The Philosophy of Criminology and
31 Penology at Sage State College. During the next six years after graduation from SSC, I
32 was employed as an assistant instructor at law enforcement academies in Wyoming
33 and Alabama. Unlike most of the teachers at these programs, my previous experience
34 did not include work as a commissioned law enforcement officer. The lack of personal
35 "war stories" actually helped me focus on the big picture in my classes and my students
36 were not indoctrinated into the "control" culture through my seminars.

37
38 My employers received numerous requests from other schools and police
39 agencies, asking for my services as a visiting instructor on use-of-force alternatives. I
40 decided that the demand for my expertise was too great to allow me to be tied to just

1 one law enforcement academic program. So I formed a limited liability company,
2 Pyramid Focus, based in the growing Alki City metropolitan area. For the last five years
3 I have travelled throughout the country, providing classes and seminars to thousands of
4 police officers and cadets every year.

5
6 In addition to providing general instruction and special courses through Pyramid
7 Focus, I am also asked to perform post-event analysis of force incidents that involved
8 police agencies or sheriff's departments. Unfortunately, my services are usually
9 requested because these events resulted in death or injury and the review is usually
10 motivated by the sincere desire of the affected jurisdictions to learn from their mistakes.
11 These consultations are agency initiated about 75% of the time. Increasingly, however,
12 my reviews are requested by victims of police error, as part of litigation, or in
13 conjunction with a privately funded, independent review.

14
15 The defendant in this case employed me to analyze the response of the Starmist
16 Valley Police Department to the swatting call they received on July 23, 2022.
17 Specifically, I was asked to address the question of whether that response, and the
18 failure to use or consider less lethal alternatives, was foreseeable, given the information
19 available to the police department, the training their officers received and the standards
20 that police agencies and SWAT units are supposed to follow in these situations.

21
22 I reviewed the police reports filed by all officers involved, including eyewitness
23 interviews with civilians at the scene. I listened to recordings of 911 and dispatch
24 communications leading up to, during and after the incident. Finally, I reviewed
25 diagrams of the scene and went to the area of the incident, standing in the various
26 locations where the officers stood (I went on an early spring afternoon, so I recognize
27 that lighting, foliage and other conditions were not comparable).

28
29 This detailed review consumed 17.5 hours, and I charged \$175 for each hour of
30 this work. I will receive the same rate for preparing for my testimony and for testifying
31 during trial. This rate is the same hourly stipend my company receives when I consult
32 directly with a law enforcement agency and I used exactly the same review methods.
33 The payment of my fee was not dependent upon the conclusions that I reached.

34
35 Let me be very clear from the outset that I am not here to comment on the
36 actions of the defendant, Jace Crisplee, or the actions of Jace's son, Majora. An
37 assessment of their culpability is beyond my expertise and my opinions about their
38 character (or lack of it) is not relevant to my assessment. My opinions are based upon
39 what a reasonable person would foresee concerning the SVPD response, not what
40 either of the Crisplees actually foresaw. Based upon my review, it is my conclusion that

1 the actions of the Starmist Valley SWAT unit were not foreseeable in several respects
2 and that their divergent actions likely contributed to the death of Bhramara Thane.

3
4 The SVPD has its own SWAT team, which is separately funded and staffed by
5 designated and specially trained officers. As such, this unit is expected to follow
6 nationally recognized SWAT standards, which are summarized in Exhibit 4. A
7 reasonable person would expect the unit to act according to those standards and not fall
8 well short of them in dealing with a hostage situation. Although these standards are not
9 the primary focus of my expertise, my opinion is that the SVPD breached those
10 standards on July 23, 2022 in several major respects.

11
12 First, SWAT teams are supposed to have sufficient trained personnel available to
13 rapidly deploy to a scene and to effectively cover all portions of the area. That is an
14 expensive proposition, and the reason why so many agencies form joint units and
15 combined task forces – because they do not have the resources to maintain such a unit
16 alone. Here, SVPD chose to have a separate unit, so it is that department's duty to
17 have their people ready to respond to situations that by their nature do not allow for
18 substantial preparation time.

19
20 The SWAT unit in this instance was almost designed to fail. The team was
21 understaffed and had to wait a prolonged period of time for members with specialized
22 vehicles and equipment to respond to the Thane residence. The result was a delay in
23 contacting that residence, and a delay in developing a response plan, including early
24 attempts at negotiation. This lack of devoted resources also led to the second failing
25 that contributed to an improper response to this incident.

26
27 Insufficient SWAT resources and personnel directly caused the second violation
28 of the SWAT standards: separate, clear assignments for unit members. The most
29 serious breach here was the On-Scene Commander, August Gates, also serving as a
30 sniper observer and as the chief negotiator. This should never happen. The triple
31 assignment distracted the commander from planning and decision-making and forced
32 the command post to stay back from the front line. A sniper's post is often a substantial
33 distance from the primary action and the neighbor's porch was also not the ideal
34 position for the release negotiator. That decision had real consequences in this
35 instance, when Gates's vision was obscured and decisions had to be made quickly.

36
37 The third breach of the standards was the failure to employ a specialized hostage
38 negotiator. I was astounded to discover that this unit did not have such an individual
39 available. By failing to have a separate negotiator, you are practically guaranteeing that
40 the SWAT team will be required to use force as its primary tactic. I know that

1 Commander Gates planned to conduct negotiations and that this officer had received
2 specialized instruction in this field. But Gates was distracted by other duties and clearly
3 considered negotiation a minor, secondary responsibility.
4

5 The failure to employ someone whose primary assignment was to emphasize de-
6 escalation and non-lethal alternatives produced the major deficiency of this SVPD unit
7 in its response on July 23, 2022 – the failure to adopt tactics consistent with the “Safety
8 for All” paradigm. This paradigm is the central focus of my training seminars and should
9 be considered the guiding principle of every police department and sheriff’s office in this
10 country. The increased number of incidents involving police use of lethal force in recent
11 years is the reason so many enforcement organizations are reorienting their programs
12 and retraining personnel. “Safety for All” is the standard approach for force decisions
13 now and a reasonable person would expect SVPD to adopt and apply these precepts.
14 I’m not aware of any member of the SWAT unit attending my courses, but these
15 principles are taught in some form in most academies.
16

17 The “Safety for All” paradigm reverses the traditional assumption that control and
18 dominance are the primary goals to be achieved by police in their interactions with
19 others. Two documents that summarize the main points of this model are included in
20 Exhibit 5, including the Pyramid of Values I use in my courses. As you can see from
21 this chart, law enforcement control of the scene is ranked at the bottom of the values.
22 Safety is the top priority, with bystander safety the paramount objective. Four layers of
23 safety considerations are ranked at the highest levels, before any non-safety values are
24 even considered.
25

26 This focus on safety inverts the previous presumptions concerning the use of
27 force, as demonstrated in the second document in Exhibit 5. Force is only considered
28 when necessary and deadly force is an option only in very limited circumstances. A law
29 enforcement officer must consider non-force alternatives first and must have those
30 alternatives readily available when contact with a stressful situation arises. Force is the
31 secondary choice, not the primary alternative and is only utilized when objective
32 evidence makes it reasonable. Significantly, force is not employed based on a lack of
33 evidence in any situation.
34

35 I’m sure Commander Gates would point out that there wasn’t time to negotiate in
36 this situation and that the actions of Bhramara Thane mandated quick action. I don’t
37 fault Gates for making the tough call of taking the shot on a suspect who was ignoring
38 commands and reaching for what might have been a weapon. My point is that this
39 tough call would not have been necessary if adequate resources were in place, if Gates
40 was at a forward command post and if contact with the house through a trained

1 negotiator was underway before this unsuspecting young woman ever stepped out onto
2 her front porch. The sniper's shot was required only because less lethal alternatives
3 were not made available or considered.

4

5 Can I say with certainty that Bhramara Thane would be alive today if SVPD had
6 followed the dictates of the "Safety for All" paradigm? No, but in my opinion her death
7 would have been unlikely to occur if a properly trained team of officers had followed
8 accepted standards. It was unforeseeable that this SWAT unit would totally disregard
9 these normal practices and this disregard allowed the situation here to spiral out of
10 control to its tragic end.

1 STATEMENT OF LAKOTA BELMONT

2
3 The idea that the Crisplee family was a bunch of dysfunctional reality-show
4 rejects is nonsense. I probably spent more time with them than anyone else involved in
5 this trial. They were my adopted family and I'm glad to set the record straight about the
6 kind of people they were. Neither Majora or Jace Crisplee would ever intentionally hurt
7 anyone, especially Bhramara Thane.

8
9 When my family moved here from Colorado six years ago, I was just starting
10 middle school. It was nerve racking, as usual. My dad was in the military and we moved
11 around a lot – four times in seven years. I had to make new friends at school almost
12 every year and it's difficult to constantly fit into new groups and activities. I was hoping
13 things would go better when we moved here, because Dad had just retired from the
14 service and started to work for an airplane manufacturer based in Alki City.

15
16 My adjustment to the new school was great, better than I could ever have hoped
17 for. A big part of that smooth transition was meeting Majora Crisplee. We lived only 5
18 blocks from each other in the Barry Heights neighborhood. Our class schedules were
19 almost identical, so we saw each other all the time. And we discovered that we shared
20 a lot of the same interests outside of school.

21
22 Majora was outgoing and friendly and he quickly drew me into the large group of
23 friends that were attracted to him. The prosecution's portrait of Majora as a brooding,
24 angst-filled loner couldn't be further from the truth. He was a very outgoing, charismatic
25 person who got along well with almost everyone. His main interest was gaming and his
26 enthusiasm for whatever game he was currently into usually made it a hit with our
27 crowd. I guess you could say Majora was an influencer before his time.

28
29 Although I personally think I became Majora's closest friend, he was also very
30 tight with Bhramara Thane. The two of them had known each other for quite a while, I
31 think ever since grade school. She was also great to be around and they sort of co-led
32 our little clique of gamers. Sure, Bhramara and Majora had minor arguments once in a
33 while. But mostly, they were friendly competitors who were always trying to best one
34 another in whatever they were doing. But after the contest was over, they would
35 acknowledge the other's win (or loss) and put it behind them until the next thing that
36 brought them together.

37
38 Raiden Geralt was also part of our circle, although I think Raiden fit the definition
39 of outsider better than Majora ever did. When I was down gaming in the Crisplee
40 basement – which was a lot – Raiden was rarely there with Majora, Bhramara and I.

1 Even during larger gaming parties, when 10 or 15 people would fill the house, Raiden
2 was usually not there in person – don't ask me why. When we formed online groups to
3 go on quests, Raiden was usually on another team we would meet while on site, or out
4 in the field as a rogue. Beats me why Raiden is now claiming to have such intimate
5 knowledge of what was going on with Majora and Bhramara – maybe Raiden is just
6 trying to feel important.

7 Unfortunately, a settled life for my family did not make it more stable. Mom and
8 Dad fought a lot and the place they could afford was too small for the seven of us.
9 Increasingly, I would drift over to the Crisplee place for the evening, because Jace and
10 Majora had lots of room. I liked Jace Crisplee and so did Majora – I seldom saw the two
11 of them in any disagreement. Mostly, Jace left Majora and I alone to do whatever we
12 wanted. Jace didn't hassle us to do homework, go to bed on a school night or clean up
13 after ourselves. Sometimes Jace would come down in the basement and watch our
14 gaming sessions, laughing and whooping it up with us when we cleared another level or
15 defeated an opponent. Jace would always say "Excellent! Way to do-whatever-we-
16 were-doing! Yeah!" Over and over again.

17
18 Their gaming equipment was state-of-the-art, because Jace would buy Majora
19 anything he wanted. When Majora mentioned purchasing the VoDECEPTOR 4100, it
20 was on the kitchen table two days later, an early birthday present. Majora and I had a
21 lot of fun with that thing, using all of its filters and modulators to produce cool voice
22 effects. Majora learned how to use every feature –he was big into electronics.

23
24 One day, we fiddled around with the fake phone number feature and I'll admit we
25 did use it to make some crank calls – asking people in weird voices if their refrigerators
26 were running, that sort of thing. Jace caught us in the middle of one of these calls. We
27 had just convinced a local ambulance company to come to a neighbor's house because
28 they were having a heart attack. We watched the EMTs try to convince the guy that
29 they should let them check him out – it was hilarious. Jace told us to knock it off, like
30 parents are supposed to do when they catch a kid doing these things. But Jace was
31 chuckling and added "Well, anyway, at least don't get caught". We laughed and made
32 another crank call right after Jace left the room.

33
34 Our senior year in high school was not some depression festival for Majora – we
35 had a lot of fun and were excited to get started on the next phase of our lives. All of us
36 were really into Hero Insects! which was one of the most intense games I have ever

1 played. The competition between insect teams could be fierce, especially when Majora
2 and Bhramara were leading groups on the same quest. They did bruise each other's
3 feelings once in a while, especially in the MOBAs, but it was never anything serious.
4

5 Majora was planning to study game design and computer programming after we
6 graduated and spent a lot of time sketching ideas for characters and scenarios. The
7 illustrations on Exhibit 3 look like some of those drawings, although I don't know why he
8 would put them on the back of an assignment. Majora carried around a notebook to
9 doodle those things into – you should see some of the intensely scary stuff he was
10 dreaming up! He must have taken the notebook with him when he left home, because I
11 didn't see it in the Crisplee place after that.
12

13 I was not at the Crisplee home on July 23, 2022, because my folks were out
14 doing something and I was supposedly watching my younger siblings. They didn't really
15 need much watching, so I logged into Hero Insects! and joined a quest team Bhramara
16 had started the day before. I was a spider, as usual – I know they aren't really an insect
17 but the game counts them as an option. The team had been questing for a couple
18 hours and we were nearing one of the middle MOBAs when we encountered the team
19 led by Majora. He had customized a bumblebee into his character this time, which was
20 an unusual choice because the common bumblebee has the fewest power advantages
21 of all the bees. It's almost like you have a death wish if you choose that avatar in this
22 game.
23

24 Bhramara started ribbing Majora about his character choice and the two of them
25 did get into a more heated argument than usual. Then the Fly – that's always Bhramara
26 – shot toward the other team and winged Majora, literally. She was probably shooting
27 at a human skulking in the bushes near the team, but flies are notoriously bad shots
28 when they are using their multi-lensed eyes. Majora wasn't too happy about the
29 shooting, because he had to head back to his paper nest to regenerate his injured wing.
30 He said something about a fly needing a swat as he flew away and Bhramara said that
31 she would like to see him try.
32

33 A little later Majora logged out of the game, but The Fly must have figured he
34 was still watching the quest. She kept saying things like "What's the delay?" "You know
35 where I live Bumbleboob". She posted grimacing faces and flatulence sounds that were
36 not consistent with the context of our quest. I don't recall her saying anything about

1 Jace Crisplee but she may have mentioned Jace in passing, if that's what the gaming
2 company's recordings showed. If Majora was watching, he didn't log back in or
3 respond.

4

5 A couple of the other players quit about the same time Majora did, but most of
6 us regrouped under the Fly's leadership and headed to the MOBA. About 90 minutes
7 later, we were slogging through a Swamp Wasteland when I heard background motor
8 noises, like a helicopter low to the ground. At first, I thought there was a human
9 offensive beginning in the game, but then I realized that the sounds were coming
10 through someone's headset.

11

12 Bhramara told us that she was going to leave the game and that we would have
13 to select a new leader. She said that she needed to go show them that she wasn't
14 afraid. Before I could ask her what she meant by that, she logged out. I took over the
15 team and we played for most of the rest of the night, but I never saw Bhramara or
16 Majora log back into the action.

17

18 I slept most of the next day and I didn't learn until July 25 that Bhramara had
19 been shot by the police. Naturally, I headed straight over to the Crisplee house,
20 because I knew that Majora would be upset. When I arrived, Jace told me that Majora
21 was out and that Jace didn't know when he'd be back. Jace didn't invite me to come
22 inside and wait, which I thought was unusual at the time. When I called later in the
23 week, Jace said that Majora was gone and that the police were there so Jace couldn't
24 talk.

25

26 I've talked to Majora a several times since he disappeared and I receive texts
27 from him occasionally. So I know he's still out there on the run. When I asked Majora
28 why he won't come in from the cold and stop acting like he's guilty, he told me that he
29 doesn't want to take the fall for the police. Given what the prosecution is trying to do to
30 Jace, I can't honestly say that I blame him.

1 STATEMENT OF TAFTON CLOSE

2 When our family moved into Starmist Valley years ago, I never could have
3 imagined that the events of July 23, 2022 would happen here. The quiet streets and
4 lack of crime were the main attractions of this place, after the noise and nightly sirens in
5 the neighborhood we lived in near downtown Alki City. Having a safe place to raise our
6 kids made the long commute and the traffic on the Eldin Bridge worthwhile. Oh, well,
7 times and places change and there really is no place to hide.

8
9 Our home is located right next to the Thane residence and the relative positions
10 of the buildings are accurately depicted on Exhibit 1. We live in a 3-bedroom ranch
11 style home that fronts on the Grove Street cul-de-sac. The house is offset at a slight
12 angle, which I assume was meant to reduce street noise in the main bedrooms and to
13 increase the view of the landscaped areas in our yard. Since it's a cul-de-sac, there
14 initially wasn't a lot of street noise to muffle. Now, a couple of punks have decided that
15 it's a good place to start a short drag race. That's happened 5 or 6 times in the last year
16 and every time I call SVPD to report the problem, officers take so long to respond that
17 everyone is gone by the time they get there. The last time, officers didn't even show up
18 - they said patrol was short-staffed and wanted to take my report over the telephone.
19 My tax dollars at work!

20
21 The Thanes have a much nicer place than our cookie cutter house. The
22 Victorian-style residence isn't exactly a mansion, but it looks pretty roomy. The home
23 has a detached garage and sits on an oversized lot, with a gazebo tucked onto one
24 side. There's a short front hedge along the property line that separates our yards. The
25 hedge is replaced by a board privacy fence about 40 feet from the street, to shield the
26 view of our back yards. The hedge is Korean boxwood, so these shrubs seldom get
27 more than four feet high. The hedge does get a little overgrown in the fall, when neither
28 of us has much interest in getting out to trim it.

29
30 Don't get me wrong, this area is still a nice place to live and the Thanes have
31 been good neighbors – friendly when you see them outside, but not too noisy or nose-y.
32 I even liked their oldest daughter, Bhramara, although she was the wildest card in that
33 pack. She was a cute little girl, but she turned kinda surly almost immediately upon
34 reaching the age of 14. When you would encounter her outside, Bhramara would
35 usually greet you with a grunt, if she bothered to greet you at all.

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When their family was outside doing yard work or entertaining guests near the gazebo, I would often hear Bhramara involved in disputes with her parents, refusing their requests that she help out or come over and visit. I wasn't prying when I heard these things – it was difficult not to hear them. The discussions invariably deteriorated into shouting matches, with Bhramara loudly proclaiming that she wasn't going to allow her folks to control her and that they were ruining her life. During these disputes, she would use what seemed to be her signature gesture of defiance. She would rub her hands together like a fly, then pull her cell phone from her back pocket, point it at her parents like a pistol and pretend to pull its imaginary trigger. She would even jerk her hands back in a fake recoil movement, just to heighten the insolent effect.

Teenagers attract other teenagers and Bhramara had her share of friends and acquaintances over to the house. One kid in particular used to hang out over there a lot and I would often see the two of them in the yard or by the street. Again, I wasn't prying into what was going on – it would be hard not to hear this group as they laughed, shouted, revved up the engines on their cars and generally did the things that rowdy adolescents do. Police officers showed me a picture of Majora Crisplee and I recognized that he was the young man I saw over there regularly. I also recognized Raiden Gerault from a photograph the officers presented after Bhramara's death.

Sometime in the spring of 2022, I heard someone drive up to the Thane place pretty late in the evening. When I looked out the window, there was an older model car that looked a lot like the vehicle Majora was driving when I would see him at the Thane place. I couldn't say for sure that it was him, however, because our street isn't that well lit at night. Two people got out of the car and walked up on the Thane's lawn and I lost sight of them after that. The next day, the gazebo and the yard were covered with toilet paper and shaving cream. I thought that was peculiar because it was way past Halloween. I mentioned what I had observed to the Thanes when they were out cleaning up the mess.

Later that spring, I was out working in my flower beds when that same car came roaring up and Majora stomped up the driveway and pounded on the Thane's front door. Bhramara answered and the two of them screamed at each other for 10 or 15 minutes. I couldn't make out most of what was said, but I did hear him holler about nearly being killed. As he left, she yelled "That's right! Do whatever Jace says, Wuss!"

1 I guess that was a reference to the defendant. I should say that I don't know Jace
2 Crisplee and to the best of my knowledge I've never seen Jace Crisplee at or near the
3 Thane place.
4

5 I was home all day on July 23, 2022. I was going to take advantage of the good
6 weather to get some yard work done, but it was just too darn hot. I spent most of the
7 afternoon sitting on my front porch, which is the shadiest part of the outside at that time
8 of the day. Bhramara screeched into her driveway around 4:00 pm, barely allowing the
9 garage door to go up before she jerked her car forward into the third bay. Things were
10 cooler after dinner, so I went outside and weeded the front beds until the bugs came out
11 at sunset. Then I went inside, poured some lemonade and turned on the Mariners-
12 Astros game, with the sound off so as not to disturb the rest of the family.
13

14 Around 10:30 pm, I heard the sound of multiple cars outside and figured the
15 street punks must be back for more of their shenanigans. I started to call the police,
16 then realized that the cars were the police, pulled up in multiple locations in the street.
17 Some of them had their lights flashing when they pulled in, but quickly turned them off
18 as they came to a stop.
19

20 I started out onto my porch to find out what was happening. To my surprise,
21 there were two officers on the porch and they barked at me to go back inside and stay
22 away from the window. Startled, I complied but I couldn't resist the urge to try to figure
23 out what was happening. I crept down the hall to the bedroom nearest the Thane place,
24 which has a front facing window. I kept the light off and peered through the blind slats,
25 which were open to let the outside air inside through the screen.
26

27 The two officers on the porch picked a lousy place to stand if they were trying to
28 see the Thane place, which seemed to be the focus of everyone's attention. The hedge
29 partially obscured the view of the front door, which wouldn't have been the case if the
30 officers had positioned themselves behind a car in the cul-de-sac, or in front of the
31 Malone house. Of course, that location would have been about 100 feet further away
32 and I don't know if the cars in the street would have blocked the line of sight. I could
33 only see the upper half of the front door of the Thane place where I was, and the porch
34 doesn't have a better view.
35

1 The officers seemed to be standing around muttering to each other, like they
2 were waiting for something to happen or someone else to arrive. Maybe some of them
3 were moving to different positions – the street lights were already on but it was dark
4 unless you were standing near one. I'm going to guess about 15-20 minutes went by
5 and nobody seemed to be doing much of anything.

6
7 I was just about to go about my business when the Thane porch light came on.
8 The front door opened and Bhramara stepped outside. She seemed to be staring down
9 the street at the flashing lights. She closed the door behind her, I suppose to keep out
10 the moths that were starting to swarm near the light. Just as she did, several of the
11 police cars turned spotlights in her direction and the whole front porch was brightly lit up
12 – the poor girl had to put her hand up over her face to shield her eyes.

13
14 Everything happened pretty quickly after that. Someone yelled over a
15 loudspeaker from one of the police cars "Put your hands up where we can see them!"
16 Bhramara's hands were already up near her face and anyone could see that she didn't
17 have anything in them. But that positioning didn't seem to satisfy the officer, because
18 she yelled again "I said put your hands UP! Now!"

19
20 I noticed there was someone, an officer, moving by the shrubs in their yard, less
21 than 15 feet from Bhramara. Why doesn't that officer just go up and grab her? I
22 thought. Then Bhramara lowered her hands near her chest and did that fly-rubbing
23 thing. Her face looked scared but oddly defiant to me – I don't know how to describe
24 what I mean. She lowered her hands and I couldn't see them after that. I know they
25 never came back up – there wasn't time for her to say or do anything else. Shots rang
26 out from my porch and scared me half to death, they were so loud. I think there were
27 three shots, but I really couldn't tell because I instinctively hit the floor and screamed.
28 When I stopped, the murmuring outside had become a rush of noise. I stood up and
29 saw everyone running to the Thane's yard. I couldn't see Bhramara anymore, but I felt
30 in my being that she was dead. I became nauseous and rushed to the bathroom.

31
32 When I came out of the bathroom, I noticed that the two police officers were still
33 standing on my porch. I opened the door and tears were streaming down my face. I
34 asked them how they could have acted so rashly, why they were so quick to shoot that
35 poor girl. The officer with the rifle didn't say anything, just hung his head and looked

1 guilty. The other officer, who I recognize now was Augie Gates, told me not to interfere
2 with the ongoing situation and that investigators would be by later to take my statement.

3

4 Bhramara had her issues, but she didn't need to die like that. When I heard that
5 the whole thing was caused by a crank phone call, I couldn't believe it – how tragic! In
6 my opinion, she'd be alive today if the police had just rushed up to grab her off the
7 porch, rather than shoot at her the way they did.

Exhibits

EXHIBIT 1

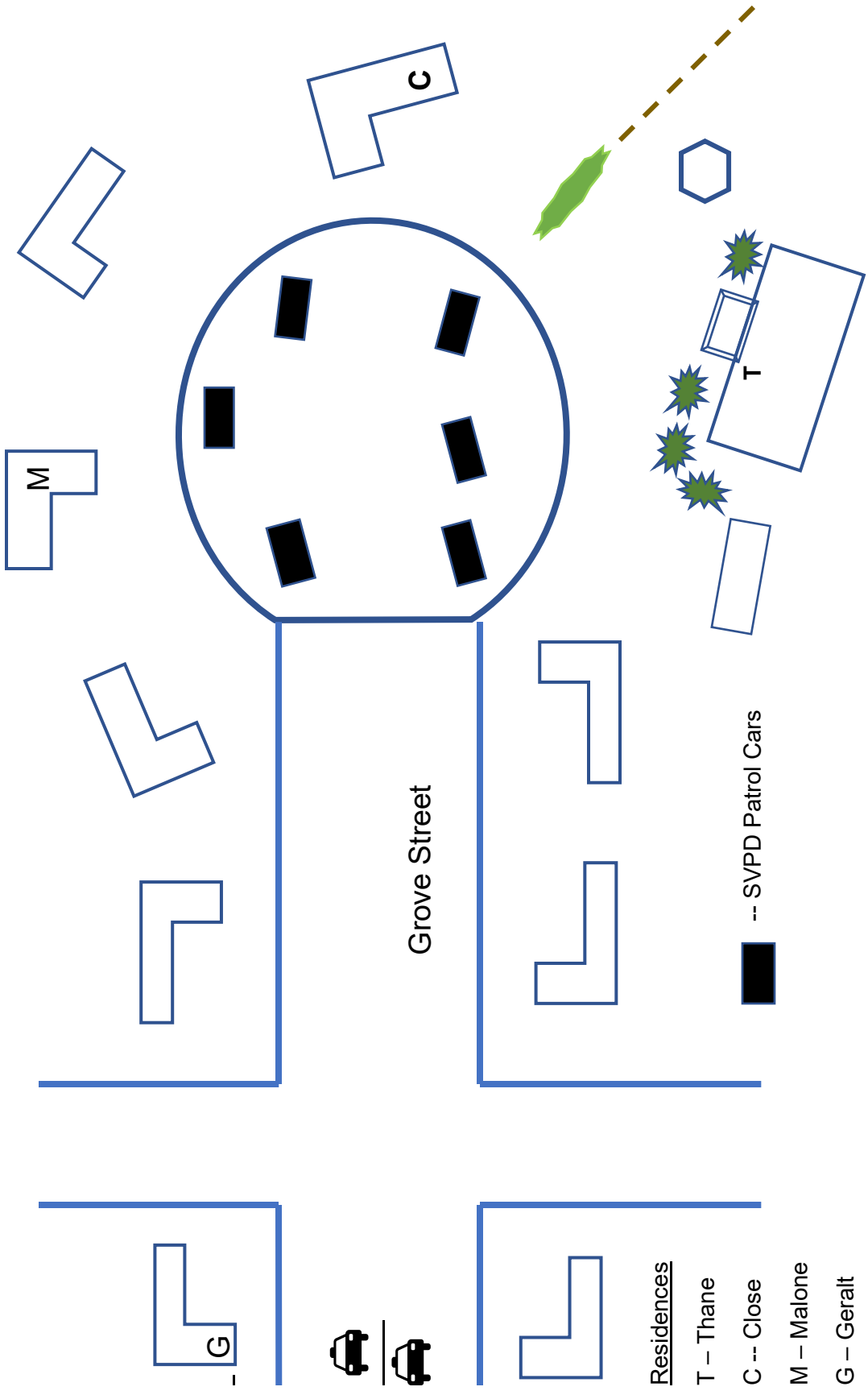


EXHIBIT 2

Transcription of call received by SVPD 911 Call/Dispatch Center

[July 23, 2022 at 2237 (10:37 PM)]

Dispatcher (D): 911, what is your name and your address or location, please?

Caller (C): Um, I'm at one, zero, thirty-three Grove Street. I just shot my mom. Um, 'cause she was arguing with my dad, and it was getting way out of control."

(D): Is that a house? Caller? Is that a house?

(C): Yeah, it's a house. My dad and my brother are really mad right now, so I'm just pointing the gun at them and holding them in the back room right now.

(D): And what's your name? [Pause] What is your name, caller?"

(C): [Shouting] Shut up in there! I don't want to have to shoot you too! Shut up!

(D): Try to calm down, okay? What is your name?

(C): [Groans] I didn't mean to kill her. Oh, I'm dead now! I'm gonna light this place on fire and finish this, finish this for all of us!

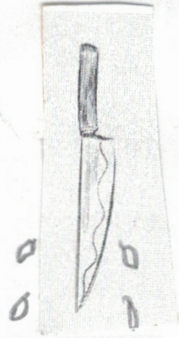
[Call ends abruptly]

EXHIBIT 3

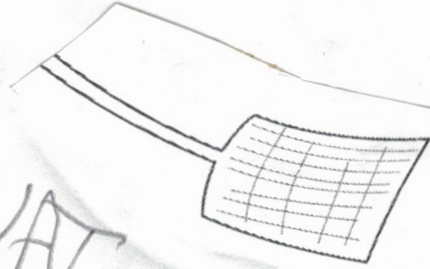
MAJORA CRISPLEE DRAWINGS



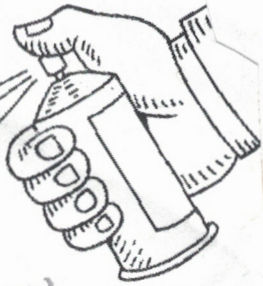
SKOMP!



SLWAT



DEATH



FOL



EXHIBIT 4

SWAT STANDARDS

Because of the need to protect the public and ensure the safe delivery of services, a SWAT team must be mission capable in all areas, including hostage rescue, barricaded gunman, high-risk warrant service and apprehension, and other incidents that exceed the capability of an agency's patrol and investigative units. The most resource-intensive mission is clearly planned, deliberate hostage rescue operations. Agencies which do not have the resources to form an adequate SWAT team alone should partner with other organizations, or should not assert that they are SWAT-capable.

Sufficient personnel should be deployed to rapidly and effectively dominate a target structure and to deal with a failed or premature breach. For example, a hostage recovery team at a common residential structure, should include an On-site Commander, a Tactical Operations Leader to run a command post, two Sniper/Observer Teams positioned to cover all sides of the structure, Containment Operators, an adequately staffed Immediate Reaction Team and a comparable squad with time to plan and rehearse a deliberate rescue. Although ideal staffing would allow each function to be separately staffed, the containment and immediate reaction teams can be shared responsibilities. The size of each unit should be determined by the character of the structure and the information available to the On-site Commander.

Once a perimeter is set, law enforcement units should establish an Immediate Action Team in case the situation suddenly changes. When able, this team should continuously assess the situation with the On-site Commander. However, rapidly escalating incidents, such as a situation with reported deaths may require immediate intervention as directed by the On-Site Commander. In extreme situations, a single officer if necessary may be directed to stop the threat before the suspect kills or injures others.

Timely deployment of specialized units can greatly increase safe, successful resolution of hostage situations. Trained negotiators or negotiation teams should be deployed and active as soon as a perimeter is established. Even if initially unsuccessful, attempted negotiation may slow suspect actions and allow other resources time to arrive.

Every action taken, especially the use of deadly force, should be reasonable and necessary. Such decisions should be based on an objective assessment of all circumstances and with paramount safety priorities in mind. However, it is recognized that extreme provocations may lead to the need for a properly trained and positioned officer to intervene to stop an on-going threat.

These standards, although evidence-based and highly recommended, are not mandates or all-inclusive. Decisions to act consistent with these standards must be left to the On-Site Commander, who is knowledgeable concerning the training, equipment and capabilities of the unit and who is aware of the circumstances that they face.

EXHIBIT 5

PYRAMID OF VALUES – SAFETY FOR ALL PARADIGM



EXHIBIT 5

Permissible uses of force in the “Safety for All” paradigm

(1) PHYSICAL FORCE. A peace officer may use physical force against a person to the extent necessary to:

(a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;

(b) Effect an arrest;

(c) Prevent an escape;

(d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance; or

(e) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(2) DEADLY FORCE. A peace officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

(3) REASONABLE CARE. A peace officer shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, a peace officer shall:

(a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;

(b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances.

(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for his or her use.

Exhibit 6

[Texts appear as they were sent]

[February 16 2022]

Majora [to Jace]: Can you get home now? There's someone in the house I think

Majora: My door just slammed

Majora: Maybe it's just my paranoia Im goin crazy

Majora: But when are you going to get home?

Jace: I told you before, I don't have time for this

[March 1 2022]

Majora [to Jace]: Ok the house is now haunted

Majora: Weird stuff just happens and now Im scared

Majora: I got some videos and a picture of the demon

Majora: It is throwing THINGS. IT LOOKS LIKE A FLY. Im not joking

Majora: Can you at least text back HELP ME

Jace: All I know is you need to eat, go to school and work hard, stop complaining and you can get your act together

Jace: Did you take the pills I gave you?

Majora: They don't help

Jace: Man up Wuss

[April 26, 2022]

Jace [to Majora]: Seriously?? Looking up weapons in school?"

Majora: What?

Jace: Oh yeah. I already went to the office for that.

Majora: It was on my phone. Just game stuff. Teachers just have no privacy

Jace: lol I'm not mad. you have to learn not to get caught

Majora: IK lol

[July 2 2022]

Majora to Jace: VoD is great. Untraceable!!!

Majora: Fly wont know what hit her

Jace: Glad you like it. Just be careful and don't go too far. Or get caught!

Majora: No problem. Thanks again