

*30th Annual*  
Colorado Bar Association  
**2015 High School  
Mock Trial Program**

The Official Colorado Case Problem and Exhibits  
People of the State of Colorado vs. Taylor Styles, Defendant



*Written by the*  
Colorado Bar Association's Mock Trial Committee  
and the Public Legal Education Department  
1900 Grant St., Ste. 900, Denver



**[coloradohighschoolmocktrial.com](http://coloradohighschoolmocktrial.com)**

## CASE MATERIALS

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## CASE SUMMARY

In the very early morning hours of Sunday, August 24, 2014, the co-ed fraternity house of Chi Pi Gamma (ΧΠΓ), just off of the University of Colorado at Colorado Springs (UCCS) campus, burnt to the ground during the famous 2014 Bid Day party. No one was injured in the blaze, but within hours, **Taylor Styles**, a freshman, was detained by the police, questioned, and charged with First Degree Arson and Attempted Extreme Indifference Murder. S/he had a bad night.

But Taylor has supporters. Within hours the blogosphere went nuts. The party goers, mostly posting anonymously, were unanimous in denying that Taylor was guilty of arson, much less attempted murder. And many asked: "What do you expect from a ΧΠΓ initiation?" Taylor Style's friends universally denied that Taylor was capable of such things. The student community reacted variously, including that the rush to justice was the result of a campus crackdown on drug use, and binge and underage drinking, and that the Colorado Springs police overreached as a result of the City Counsel and campus administration being in a classic "town v. gown" dispute over off-campus student parties.

### The Prosecution

The Colorado Springs police, however, had good grounds for the arrest. Authorities were called to the scene just after midnight. First responders determined the fire was started in the basement of the house. The house was outfitted with sprinklers that went off, but the house was damaged beyond repair. The Colorado Springs Fire Department's arson investigator identified that an accelerant was used to start the fire. A host of partygoers, those too intoxicated to flee, were questioned during the fire and later Sunday morning, and identified 151 Rum as the accelerant. **Brit Timberlake**, a party goer, a senior, and a member of Chi Pi Gamma, testified unequivocally that Taylor, while intoxicated and high, intentionally poured rum and another clear liquid on a table and the floor and ignited the blaze with a cigarette butt. Brit claims to have seen Taylor come to the party with other bottles of an unidentified liquid. Brit admits to playing with fire at the party, including blowing 151 Rum through the flame of a lighter. Brit, however, is a self-taught fire expert, even going as far as becoming a member of the Colorado Springs volunteer fire department during the summers.

**Kris Cardashian**, Taylor Styles' roommate, who was not at the party, was questioned and stated that Taylor learned just before the party that Taylor was not accepted into the Chi Pi Gamma house — the only place Taylor wanted to be. Kris insists that Taylor was obsessed with the "impossibility of being admitted" into Chi Pi Gamma in order to "be cool," a status that didn't exist for Taylor Styles in high school, because Taylor was "more geek than Greek." Kris claims Taylor was "mental" about not being accepted into the Chi Pi Gamma house. Kris also witnessed Taylor buying some "out of character items at Wal-Mart the night before the fire," including grain alcohol, small glass bottles, and rags. Kris was scared by Taylor's reaction to not being accepted into Chi Pi Gamma, even Tweeting the same day as the fire "My roommate is about to go CRAY CRAY #watchout #Caution".

Investigators from the Colorado Springs Fire Department performed the preliminary investigation, but the case was reviewed by Special Agent **Jo Lovato** of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). Lovato concluded the fire was intentionally set by Taylor

because Taylor was seen pouring liquid onto the floor and the burn patterns showed the fire started in the middle of the room but moved quickly and directly to the stairs.

### **The Defense**

Earlier that week **Ash Moore**, a member of Chi Pi Gamma, witnessed Taylor being hazed publicly by members of the upper classes of Chi Pi Gamma, led by Brit. **Ash** attended the party, and claims that the fire was started by Brit, apparently accidentally stating Brit was doing a “famous dog and pony show with fire and Dr. Pepper and lighting fire streamers”.

The Defense arson expert **Van Efron** does not claim that the fire was an accident but that an accidental cause cannot be ruled out, which means that a finding of arson is not justified. Efron believes the prosecution expert Lovato jumped to the conclusion of arson too soon because that’s what Lovato was expecting to find. Efron agrees with Lovato that an accelerant probably contributed to the fire, but Efron thinks it was more likely the alcohol spilled on the floor by the drunk partygoers.

**Taylor Styles** admits being hazed by Brit et al., which s/he submitted to willingly, even though hating it, because of the potential to be admitted to Chi Pi Gamma. Taylor admits to being enraged by the rejection from Chi Pi Gamma after the ruthless and brutal hazing. Taylor admits buying rubbing alcohol before the party, but claims it was to treat injuries sustained during the hazing. Taylor states that s/he was forced to engage in drinking games, got intoxicated as a result, has a hazy memory of the time just before the fire, but did not set the fire.

## **AVAILABLE WITNESSES**

### Prosecution

Brit Timberlake

Kris Cardashian

Jo Lovato

### Defense

Ash Moore

Van Efron

Taylor Styles

## **EXHIBITS**

Exhibit 1	Origin and Cause Report
Exhibit 2	Curriculum Vitae of Jo Lovato
Exhibit 3	Curriculum Vitae Van Efron
Exhibit 4	Twitter Screenshot
Exhibit 5	Party Diagram
Exhibit 6	School Record/Sanction
Exhibit 7	Image of Burned Chi Pi Gamma House
Exhibit 8	Images of Burn Patterns and Stairway
Exhibit 9	Wal-Mart Receipt
Exhibit 10	Chi Pi Gamma Oath



### **STIPULATED FACTS**

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. Chi Pi Gamma (ΧΠΓ) is a co-ed Fraternity.
3. The signatures on the witness statements and all other documents are authentic.
4. Chain of custody for evidence is not in dispute.
5. Stipulations cannot be contradicted or challenged.
6. The Case Summary is of no legal consequence in terms of the trial and is not admissible for impeachment purposes or for any other purpose.
7. All pleadings and exhibits (and their pre-markings) are authentic. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
8. The only entrance and exit to the basement of the Chi Pi Gamma fraternity house is a door located at the top of the staircase.

## **JURY INSTRUCTIONS**

### **INSTRUCTION NO. 1**

Members of the jury, the evidence in this case has been completed. In a moment I will read you the law which you must apply in order to reach your verdict. But first, I want to mention a few things that you need to keep in mind when you are discussing this case in the jury room.

It is my job to decide what rules of law apply to the case. While the lawyers may have commented during the trial on some of these rules, you are to be guided by what I say about them. You must follow all of the rules as I explain them to you. Even if you disagree or don't understand the reasons for some of the rules, you must follow them. No single rule describes all the law which must be applied. Therefore, the rules must be considered together as a whole.

During the course of the trial you received all of the evidence that you may properly consider to decide the case. Your decision must be made by applying the rules of law which I give you to the evidence presented at trial. Neither sympathy nor prejudice should influence your decision.

If you decide that the prosecution has proved beyond a reasonable doubt that the Defendant has committed the crime as charged, it will be my job to decide what the punishment will be. You should not try to guess what the punishment might be. It should not enter into your consideration at any time.

At times during the trial lawyers made objections to questions asked by other lawyers, and to answers by witnesses. Do not draw any conclusions from such objections or from my rulings on the objections. These only related to the legal questions that I had to determine and should not influence your thinking. When I told you not to consider a particular statement, you were told to put that statement out of your mind, and you may not consider any statement in your deliberations which you were instructed to disregard.

Finally, you should consider all the evidence in the light of your observations and experience in life.

### **INSTRUCTION NO. 2**

The Defendant is charged with committing the crimes of Criminal Attempt to Commit Murder in the First Degree – Extreme Indifference and First Degree Arson in El Paso County, Colorado, on or about the 24<sup>th</sup> of August 2014. The Defendant has pleaded not guilty. The charges against the Defendant are not evidence. The Defendant is never compelled to testify, and the fact that he does not cannot be used as an inference of guilt and should not prejudice him in any way.

### INSTRUCTION NO. 3

The charges against the Defendant are not evidence.

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the Defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all of the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

If you find from the evidence that each and every element has been proven beyond a reasonable doubt, you will find the Defendant guilty. If you find from the evidence that the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt you will find the Defendant not guilty.

### INSTRUCTION NO. 4

There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence. The other is circumstantial evidence, that is, the proof of facts from which other facts may reasonably be inferred. The law makes no distinction between direct and circumstantial evidence.

### INSTRUCTION NO. 5

In this case a separate offense is charged against the Defendant. Each count charges a separate and distinct offense and the evidence and the law applicable to each count should be considered separately, uninfluenced by your decision as to any other count. The fact that you may find the Defendant guilty or not guilty of one of the offenses charged, should not control your verdict as to any other offense charged against the Defendant.

The Defendant may be found guilty or not guilty of any one or all of the offenses charged.



#### INSTRUCTION NO. 6

You may have to decide what testimony to believe. You should carefully consider all of the testimony given and the circumstances under which each witness has testified.

Consider each witness' knowledge, motive, state of mind, demeanor, and manner while on the stand. Consider the witness' means of knowledge, ability to observe, and strength of memory. Consider also any relationship each witness may have to either side of the case; the manner in which each witness might be affected by the verdict; and the extent to which, if at all, each witness is either supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence which affects the credibility of the witness' testimony.

You may believe all of the testimony of a witness, or part of it, or none of it.

You have heard witnesses who have testified as experts. You are not bound by the testimony of experts; their testimony is to be weighed as that of any other witness. It is entirely your decision to determine what weight shall be given their testimony.

#### INSTRUCTION NO. 7

The elements of the crime of Attempt to Commit Murder in the First Degree – Extreme Indifference are:

1. That the Defendant
2. in the State of Colorado, at or about the date and place charged
3. knowingly
4. engaged in conduct constituting a substantial step toward the commission of the crime of First Degree Murder – Extreme Indifference.

A substantial step is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of criminal Attempt to Commit Murder in the First Degree – Extreme Indifference.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of criminal attempt to commit Attempt to Commit Murder in the First Degree – Extreme Indifference.

#### INSTRUCTION NO. 8

The elements of the crime of First Degree Murder – Extreme Indifference are:

1. That the Defendant,
2. in the State of Colorado, at or about the date and place charged,
3. under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life generally,
4. knowingly,
5. engaged in conduct that created a grave risk of death to a person or persons other than himself, and
6. thereby caused the death of another.

As used above, “universal malice” does not mean a malicious purpose to take the life of all persons. It is that depravity of the human heart, which determines to take life upon slight or insufficient provocation, without knowing or caring who may be the victim

#### INSTRUCTION NO. 9

The elements of the crime of First Degree Arson are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. set fire to,
5. any building or occupied structure of another,
6. without that person's consent.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of first degree arson.

After considering all the evidence, if you decide the prosecution has failed to prove each of the elements beyond a reasonable doubt, you should find the defendant not guilty of first degree arson.

INSTRUCTION NO. 10

A crime is committed when the Defendant has committed a voluntary act prohibited by law accompanied by a culpable mental state. Voluntary act means an act performed consciously as a result of effort or determination. Culpable mental state means knowingly, as explained in this instruction. Proof of the commission of the act alone is not sufficient to prove that the defendant had the required culpable mental state. The culpable mental state is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

A person acts “knowingly” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts “knowingly” with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

District Court El Paso County, State of Colorado  270 S. Tejon, P.O. Box 2980 Colorado Springs, CO 80901	
<b>THE PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>TAYLOR STYLES</b> Defendant	
Vincent Villarreal District Attorney, 4th Judicial District  105 E. Vermijo Ave. Colorado Springs, CO 80903 Phone Number: 719-520-6000 Attorney Registration #11379	▲ COURT USE ONLY ▲  Case Number <b>2014CR000180</b>  Division: 10 Courtroom:
<b>COMPLAINT AND INFORMATION</b>	

**CHARGES: 2**

**COUNT 1: ATTEMPTED MURDER IN THE FIRST DEGREE - EXTREME INDIFFERENCE, C.R.S. 18-3-102(1)(D), 18-2-101 (F2)**

**COUNT 2: FIRST DEGREE ARSON, 18-4-102(1) (F3)**

Vincent Villarreal, District Attorney for the Fourth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the county of El Paso:

**COUNT 1- CRIMINAL ATTEMPT TO COMMIT MURDER IN THE FIRST DEGREE - EXTREME INDIFFERENCE**

**(F2)**

On or about August 24, 2014, by engaging in conduct constituting a substantial step toward the commission of murder in the first degree, Taylor Styles unlawfully and feloniously, under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life generally, knowingly engaged in conduct which created a grave risk of death to persons other than himself/herself, and thereby attempted to cause the death of VICTIM; in violation of section 18-3-102(1)(d), 18-2-101, C.R.S.

**COUNT 2- FIRST DEGREE ARSON (F3)**

On or about August 24, 2014, Taylor Styles unlawfully, feloniously, and knowingly set fire to, burned, or caused to be burned a building or occupied structure of VICTIM, located at ADDRESS, without the consent of the victim; in violation of section 18-4-102(1), C.R.S.

All offenses against the peace and dignity of the People of the State of Colorado.

Vincent Villarreal, #: 11379

District Attorney

By: *Vincent Villarreal* Date: *September 2, 2014*

Affidavit of Kris Cardashian– Prosecution Witness

My name is Kris Cardashian. I am a freshman at University of Colorado at Colorado Springs. I got pulled into this because of my suitemate, Taylor Styles. Being suitemates with that disaster wasn't even my choice. No way would I want to live with Taylor, but UCCS put us together. Taylor is from my high school and although we knew each other you would have never caught us hanging out together. We weren't friends. We weren't even acquaintances. We were nothing. We just happened to be in the same classes every once in a while. Let me just say that I would have been fine never seeing Taylor ever again, but of course we ended up having to spend my whole first year of college together ... at least I thought we were before Taylor went all crazy.

Even though I would have never let it happen, it was obvious Taylor always wanted to hang out with me and my crowd in high school. Where I come from, if my group was at the top of the food chain I was at the top of the top – well I was a majority of the time. There was a point during sophomore year of high school that wasn't the case. It all started with a stupid rumor spread by a pathetic nerd – yup, Taylor. Taylor asked one of my best friends to homecoming. I was there, saw the whole thing happen, it was hilarious. Taylor asked my friend in front of the entire school in the cafeteria and of course my friend said no. Everyone laughed, including me. What can I say, it was really funny, but Taylor gave me the dirtiest look right before running away. The next week, Taylor went around telling everyone that my friend and I were dealing drugs. My school was having a major drug problem that year. It was on the news and everything, so when word got around to school administration they took it very seriously. It was so stupid. They had no proof that we had anything to do with it so nothing happened to us, but we were pretty much blacklisted by everyone for the rest of the year. Even the rest of our friends wouldn't talk to us for a while. Two things I learned from that experience is, one, Taylor doesn't take rejection very well and, two, Taylor will do anything to get revenge.

Anyways, the Greek freak moved into our suite before I did. When I got to our room I couldn't believe it. I was like, "What the actual heck is going on in here?" Taylor had plastered the room with Chi Pi stuff. I'm talking handmade flags, an "I love Chi Pi Gamma" banner, Chi Pi stickers stuck to everything in sight – you get it. Rush hadn't even started. Taylor said that Chi Pi was the only place Taylor wanted to be and would do anything to get in. Taylor was going to just die if Taylor didn't get to be part of the uber-cool Chi Pi. I was just so stunned that Taylor was even rushing, much more geek than Greek. And totally trying too hard. Trying to lose the high school stink. It was embarrassing how hard Taylor was trying to be somebody different from high school. You can't drop that just 'cause you want to.

Especially not when there were so many people who knew what Taylor did in high school. I mean, even Brit Timberlake knows kids from our high school. No way the Chi Pi Gamma's didn't know about Taylor's geek-factor and spotted history. Stuff hangs over from high school. That's how it works.

During rush week, Taylor was mental. All Taylor could talk about was Chi Pi. Taylor thought it was the ticket to being cool. As if. Taylor got way hazed. Everyone was talking about it. Especially the Ice Bucket Challenge underwear incident – wowsers was that a flashback and a half to what happened sophomore year! I bet none of those losers even donated to ALS Association or even know it's to raise money for amyotrophic lateral sclerosis. It's a serious disease; one of my friend's cousin's ex-stepdad had it. It affects lots of people, not just baseball players. People should have been doing the ice bucket challenge because it was a good cause not because it gave you something interesting to post on Facebook. But that's the only reason Taylor wanted to do it I am sure. Taylor would do anything to get accepted. It was pathetic.

When I heard that Taylor got dropped by Chi Pi, I wasn't surprised. But I also knew that Taylor was going to completely freak out. And I was right. When I got to our dorm room, Taylor was crazy – ripping down the Chi Pi junk, throwing the things out the window. I'm not a druggy kind of person, I'm more a glass of wine person, but Taylor was like on drugs. Then, all of a sudden – in the middle of the meltdown – Taylor stopped and got real calm, then asked me to drive us to Wal-Mart. Now I was a taxi service! Taylor wanted to buy some things before some party that night at the Chi Pi house. I couldn't believe that Taylor would even go. You don't show up to a bid day party if you didn't get a bid. It's just one of those things you just don't do, but I didn't even go there. Taylor was so manic. If the idiot wanted to be completely humiliated by showing up at that party after being rejected, then fine. It might be a little payback for ruining me and my friend's rep in high school. No way those Chi Pi'ers were gonna just let Taylor hang out unscathed at the party.

I was standing right in the checkout lane when Taylor checked out, and Taylor was buying some really strange stuff – rubbing alcohol, glass bottles, a lighter, and rags – like I said, strange. I do recall it was a Nirvana lighter. You know the band from the 90's that never goes away? It was a weird lighter to buy, plus Taylor doesn't smoke, at least not around me or in our room.

When we got back to the suite I changed clothes and then left to go hang. I had to put aside the drama. Taylor was such a buzz kill. Before I left I asked Taylor "are you sure you want to go?" Taylor responded, "Of course, it's going to be a blast. Besides I really know how to bring a house down." Then Taylor started laughing hysterically. That's when I knew Taylor had really gone over the deep end and



that is why I tweeted what I did. Yes, Exhibit 4 shows my tweet. Like I said, Taylor was acting CRAY CRAY. I wasn't at the party, so I don't *know* what happened. But I'm not surprised Taylor started the fire. *You* might call that guessing. I call it insight. Consistent with the whole *cray cray*, right? Taylor was both volatile and creepy calm at any moment.

That junk Taylor said about me? The stuff about me and my BFF in high school? The stuff in high school doesn't matter anymore. I got over it. I eventually worked my way back to the top of the food chain because that is just where I belonged. Sure sophomore year sucked, but I moved on easy enough. As for Taylor, well, Taylor was a reject before spreading the rumor, was a reject after, and will always be a reject. I learned the hard way that Taylor never gets over rejection and so I know Taylor is never going to get over this either. Taylor did not change as much as you might think someone would after high school. Some people are just crazy to the core I guess.

I have carefully reviewed this statement, and it includes everything I know of that could be relevant to the events I discussed. I understand that I can and must update this statement if anything new occurs to me before the trial.

Subscribed and Sworn to on this 1st Day of September, 2014.

*Kris Cardashian*

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Kris Cardashian

Affidavit of Jo Lovato– Prosecution Witness

I am Special Agent Jo Lovato. I am a certified fire investigation instructor with the Arson division of the Bureau, better known as the ATF. I train and certify fire investigators, known as CFIs, for all levels of governments – federal, state, and local. In order to become a CFI, I underwent a 2-year training program that included six weeks of class work, and examination of 100 fire scenes under the mentorship of an experienced CFI.

I have nine years of investigative experience with a concentration in fire cause and origin, death scene, and insurance fraud investigations. Three of those years were spent as a CFI instructor, four years as a CFI field fire inspector, and two years prior as a trainer of ATF explosives detection canines. Prior to joining the ATF, I spent 10 years in fire suppression and emergency medical services as a firefighter and paramedic in Drake, Colorado. I also spent three seasons with the National Park Service fighting fires and performing mop-up throughout the western US. Exhibit 2 is my curriculum vitae.

In order for law enforcement to adequately combat the increasing sophistication of arsonists and terrorists, cooperation among federal, state, and local agencies is essential, with the goal of a seamless, coordinated solution. In response to the problem of more sophisticated criminals, and by virtue of our authority under Title XI of the Organized Crime Control Act of 1970, the ATF initiates investigations and assists in state and local bomb and arson investigations. Our experience in these investigations has shown that a cooperative effort with local officers and the ATF results in more effective investigations.

As a CFI, my arson scene analysis goes beyond simply applying experience to investigate fires and support local law enforcement – I use scientific and engineering technologies to determine fire origins, paths, and human contributions. In appropriate cases, I have also employed computer analysis with sophisticated mathematical models to determine the chemical and physical behavior of a fire. The computer modeling I use has proven successful in the courtroom. My analysis has been used as an interrogation tool to verify what a witness or suspect has said and as a means to refute the testimony of a defense witness. As a CFI, I am a member of the only class of investigators trained by a federal law enforcement agency to qualify as an expert witness in fire origin and cause determinations. That is what I do. The CFI certification completes a two-year training program that includes fire origin and cause determination, fire dynamics, fire modeling, building construction, electricity and fire causation, health and safety, scene reconstruction and evidence collection. The program relies on rigorous training,

education and experience to provide agents with the knowledge, skills and abilities necessary to obtain credentials to testify as expert witnesses in the field of fire origin and cause.

In this case, other investigators processed the fire scene in concert with local law enforcement and wrote an Origin and Cause Report. I reviewed the Origin and Cause report and the statements of Ash Moore, Brit Timberlake and Taylor Styles. Reports by on scene investigators and witness statements are typically relied upon by CFI's in reaching conclusions as to the source and cause of a fire. I also reviewed Exhibit 5, the diagram of the basement, and Exhibit 7 and 8, the images of the Chi Pi Gamma house on fire. I visited the remains of the Chi Pi Gamma house on August 26, 2014, less than one week after the fire. Because of the passage of time, I did not collect any additional samples, but I was able to closely observe burn patterns at the scene and take a few images. Exhibit 8 includes two of those images. The first shows the burn patterns near the fire origin in the basement, and the second shows the burned stairway leading out of the basement.

I applied all my training and skills to interpreting the physical evidence from the fire at the Chi Pi Gamma fraternity house on August 24, 2014. I elected, however, not to create a computer model regarding the fire. Creating computer models is a highly time intensive activity which involves a much greater use of the Bureau's resources because additional materials samples have to be collected and much more detailed measurements must be taken to create a reliable computer simulation. There are cases when the additional costs and manpower are justified, but when the cause of a fire is obvious, as it was in this case, the time honored, traditional methods of fire investigation are more than sufficient. I certainly could have run a computer simulation, but it would have just confirmed my findings.

In this case, the physical evidence reflected a fire originating in a large, lower-level room of the house – a dining or other gathering room in what appears to have been a converted basement. The structure had a fire suppression system in the form of an overhead sprinkler system. The time required for the fire to have grown and moved the way it did means there was a significant delay before the sprinklers activated. I attribute this to the age and condition of the sprinkler system. A newer, well maintained system would have activated much sooner and would likely have extinguished the fire before it progressed to the upper levels of the structure. Whether the failure to update or maintain the suppression system was a result of an oversight under the local building code or campus property management is not something on which I am prepared to opine.

It did not take long to identify the source and path of the fire at the Chi Pi Gamma house. The patterns of the fire scarring both across the floor and up the walls into the interior of the structure

143 indicated that the fire originated near the center of the room. It proceeded along a clear path toward a  
144 set of wooden stairs. From the origin site on a low wooden table and along the primary axis across low  
145 loft carpeting, the flames reached a higher temperature than they would have if the materials alone had  
146 been burning. This was indicated by the nearly full reduction of the table to ash and the melting of the  
147 carpet and pad down to the subflooring.

148         The rapid pace of the fire, the higher than normal temperatures and the lack of any clear  
149 electrical or other inadvertent ignition source led me to two conclusions: one, an accelerant was used  
150 and, two, the accelerant was intentionally placed in a manner inconsistent with an accidental spill. The  
151 presence of an accelerant was also apparent from the alligatoring on the stairway and burn patterns left  
152 by the flames as they quickly covered the distance from the table to the stairs and the fact that the  
153 flames appear to have climbed the stairs more quickly than the wooden framing burned. The  
154 alligatoring is clearly visible on the top step in the second image in Exhibit 8, although it is present on all  
155 of the stairs. I disagree with Investigators Behar's and White's suggestion that the alligatoring suggests  
156 the fire burned more quickly. This is an arson investigation myth that used to be quite popular but has  
157 been shown to be false. Nevertheless, alligatoring is consistent with more thorough burning which, in  
158 turn, is not inconsistent with the presence of an accelerant.

159         Unfortunately, although the on-scene investigators tested for petroleum residue, they did not  
160 collect samples which would have permitted a direct test to identify the precise accelerant in this case.  
161 Based on my training and experience with many fires like this one, the best I can say is that high proof  
162 grain alcohol or vegetable diesel was likely used. Due to the lack of petroleum residues at the scene, I  
163 ruled out most other common accelerants.

164         Some witnesses reported seeing fellow party attendees blowing fire, as well as flaming cocktails,  
165 and other low volume alcohol pyrotechnics. While some degree of flame or flaring may have been  
166 associated with these activities, the level of accelerant involved in them would most likely have been  
167 insufficient to cause the rapid and defined burn patterns I observed. Additionally, fire produced by  
168 lighting a spray of high proof alcohol has a short duration and will run out of fuel before hitting the  
169 ground. I have investigated fires where alcohol was sprayed onto a vertical surface, which could have  
170 occurred here. However, in those situations, if the alcohol was lit prior to hitting the wall or other  
171 vertical surface, the fire would not have continued to burn long enough to set the wall on fire or the  
172 carpet. One witness, Ash Moore, reported that another individual named Brit Timberlake was  
173 performing a trick immediately before the fire in which a lit glass of high proof alcohol was dropped into

174 a glass of beer. Although this trick sounds monumentally stupid, even if a full shot glass of burning, high  
175 proof alcohol had been dropped onto the floor, the small amount of alcohol in the glass would have  
176 been insufficient to fuel the type of fire revealed by the burn patterns and other evidence I observed at  
177 the scene, nor could it explain why the fire burned in a direct path from the table to the stairway.

178 Since the evidence does not support an accidental introduction of an accelerant, the only other  
179 possibility is that the accelerant was intentionally placed. This is also supported by the flames following  
180 a clear and defined path to the stairway. This suggests that accelerant was placed in the middle of the  
181 room and additional accelerant was also applied from the middle of the room directly to the stairway.  
182 In my experience, it is not unusual for an arsonist to pour additional accelerant as he leaves a structure,  
183 which will result in a clear burn path toward an exit like was seen here. It is also conceivable that the  
184 person who poured the accelerant intentionally targeted the stairway, knowing that it was the only  
185 escape route from the basement.

186 Being as the evidence showed sufficient causality and intentionality, I concluded this was arson.  
187 This was the work of an amateur arsonist, at best, as little was done to cover the use of accelerant and  
188 targeting of the stairs. Lack of sophistication, however, does not lessen the significance of the act. The  
189 relatively small area where accelerant was used indicated one of two possible behaviors by the arsonist:  
190 the arsonist was tentative in applying and igniting the fuel, or something may have interrupted the  
191 arsonist's progress. We may never know though, as much of the basement was inundated with water  
192 and foam from the firefighting efforts.

193 I have carefully reviewed this statement, and it includes everything I know of that could be  
194 relevant to the events I discussed. I understand that I can and must update this statement if anything  
195 new occurs to me before the trial

196 Subscribed and Sworn to on this 1st Day of September, 2014.

197  
198 *Jo Lovato*

199 Jo Lovato

201 My name? For the record? You know my name. Brit Timberlake. At least you've been talking  
 202 to me for two days. So I just talk into this thing right? Then you write it out and I sign it? OK. Here  
 203 goes. I'm Brit Timberlake. I'm a senior here and the chief enforcer of Chi Pi Gamma. And, no, that's not  
 204 "officer." That's enforcer. Officers get the grand poo-bah titles. Enforcers get all the work.  
 205 Somebody's got to maintain standards of the house. You will probably ask for examples, right? OK,  
 206 well, we don't want to pick up any weak pledges during rush. Chi Pi is all about character: every  
 207 member of our house always has each other's back no matter what. It's part of our oath. Yeah, exhibit  
 208 10 is a copy of our oath. Anyway, you have to be the sort that will take on the world for your house, no  
 209 matter what. See, once you're in, you're in. We make it hard to get out. We don't want anybody to get  
 210 out. Once you're in the rest of us are invested. We'll do anything for them. Once you're in it's too late  
 211 to discover that someone is homesick, doesn't party, has no stamina, is a grade grind and wants it quiet.  
 212 See the house is a home, and we don't need substitutes for mommy. Basically we want people that are  
 213 just our types. But don't get me wrong, we're inclusive. It's not a race thing. The campus is 26%  
 214 minority, we're at 38. It's not about money. 27% of us have Pell Grants. We're the kids with zip money,  
 215 nada. Do we care about so-called social status? No, we don't care about your mommy or daddy or  
 216 what they do or where they live. That's the point. It's not about your parents, your Beemer, or buying  
 217 friends and influencing people. It is about you, it's about character. If you're leaning on somebody else,  
 218 except for a brother or sister, you need not apply. Get outta here. And just so you get a clear picture,  
 219 we are not like the movie Old School. No not at all. That is because Chi Pi Gamma is a fraternity, and the  
 220 chapter is coeducational, basically we are co-ed. The idea of coed fraternities is catching on. It's all the  
 221 rage. In fact, administrators at UCCS and several other colleges are considering requiring or encouraging  
 222 fraternity houses to become coeducational. The actions are a response to allegations of sexism and  
 223 discrimination. At UCCS, where all six fraternity buildings are on school property, the trustees  
 224 threatened to reclaim them if the fraternities did not start pledging women.

225 Taylor Styles is a classic doormat. OK, I admit it. I didn't like Taylor from the start. Push and  
 226 Taylor folded. Geek. Momma's little rich kid. Drives a brand new car. I bet mommy did laundry and  
 227 brought Taylor warm chocolate milk before bed! No character, no strength of character, looking to  
 228 borrow some. Waste of time. We don't have time to wait for Taylor Styles to grow up.

229 You probably want me to talk about bullying? Well, Taylor was a waste of time except as an  
 230 example. There is always exhibit A. This time Taylor was it. Taylor was such a wimp it was funny. But

231 was Taylor bullied? Nope, not ever, not once. Sure Taylor was given character tests. Continuous as  
232 long as Taylor wanted to hang around. Taylor was the great example of what not to do. *What not to be.*

233 So what did we do to Taylor you might ask? Nothing we didn't do to everyone else. Make 'em  
234 all get wet, cold, tired, dirty, and hungry, and see if they can still laugh. Embarrass them. See if they  
235 make us laugh. Pledges are supposed to have fun. Taylor Styles was just pathetic. Didn't make the cut,  
236 we knew Taylor didn't make it. Taylor knew. Everybody knew. Taylor was a joke, but Taylor kept coming  
237 back. Irritating. Idiot.

238 And we did not participate in drinking games. Nope. None. Zip. Nada. Zero. Some of the  
239 pledges got a little toasted, but they did that on their own most likely before they arrived. Besides,  
240 that's their problem. There's no drinking in the house. At least for a year because of the whole sanction  
241 thing. I never saw any drinking.

242 Last year there was an "incident". I'm not afraid to admit to it either. Besides there is record of it  
243 all with the school. Yeah, that's it right there, Exhibit 6. Basically we had a big party and campus police  
244 busted a bunch of minors drinking. To this day I stand by that we had no idea about the booze let alone  
245 the minors! Long story short our charter got suspended and we had no parties for a year. And it's not  
246 just us. All the houses have the same problem. You should see the freshman dorms! And it's going to  
247 get worse with the on-campus residence requirement. Putting all these kids, on their first time away  
248 from home, all in the same place is asking for it. And they think we're bad?

249 What do I know about the fire and the party? There was a certain amount of drinking, but it  
250 wasn't sanctioned. Guests brought the beer, not the house. And they brought the rum, yeah. They  
251 sneaked it into the house, we didn't let it in. And things did not get out of control. Except for the fire.  
252 That was out of control and that was all Taylor Styles. Taylor acted weird from the beginning, looked a  
253 bit wasted on arrival. Didn't talk to anyone and just stood around like a loner.

254 I went outside to take a call. I came back and I saw Taylor grab a bottle of 151, pretend to take a  
255 drink, and then pretend to spill it all over the table and floor. I also saw Taylor with bottles of clear  
256 liquid when Taylor arrived, but I didn't put two and two together. The weirdest thing is, I saw Taylor  
257 pour that other stuff in the exact same spot as the rum. Like Taylor was afraid the rum dried up or  
258 something. Then Taylor pops out a lighter. You know the old kind that you click open? Not a disposable  
259 one. Anyway, it was metal and I clearly saw the word "Nirvana" on the side. Taylor touched the lighter  
260 to the floor and this blue flame goes shooting across the carpet. Next thing I knew, everybody's running  
261 for the stairs. Well, there was more to it than that. I thought the butt was out, and I'm thinking "here's



262 this kid trying to kill us with a dead cigarette.” Pathetic. Hilarious. I turned away for a second and then  
263 saw a blue flame on the floor. Joke’s on us, the butt wasn’t out. Next thing I know, everybody’s running  
264 for the stairs.

265 And I want to talk about what Ash Moore is saying about me. Look, I’m very safety conscious  
266 when I do my fire tricks. For community service, I’m a volunteer fire fighter. After Waldo and then last  
267 year, Black Forest, that’s gotten real popular, but I started as a freshmen. I worked those fires. That was  
268 right after school the last two summers. I saw homes burn, and people lost everything. I don’t risk that.

269 Yeah we horsed around a bit. I blew a short cloud of 151 through a lighter and entranced the  
270 crowd. I think I even did a Flaming Dr. Pepper – also one of my specialties. I have been doing those tricks  
271 for years. I have mastered it! I would like to think I am a bit of a fire expert. I did those tricks in the  
272 kitchen where there was nothing flammable like in the basement or living room, just tile, and there was  
273 plenty of water in case anything did go wrong. Nothing ever goes wrong with a pro like me. I know  
274 what I’m doing. I’ve done it before and never had a problem. I didn’t start the fire, Taylor Styles did.  
275 When I was fooling around I wasn’t even in the same room as the fire.

276 I have carefully reviewed this statement, and it includes everything I know of that could be  
277 relevant to the events I discussed. I understand that I can and must update this statement if anything  
278 new occurs to me before the trial.

279

280 Subscribed and Sworn to on this 1st Day of September, 2014.

281 *Brit Timberlake*

282 Brit Timberlake

Affidavit of Ash Moore– Defense Witness

My name is Ash Moore and I am a student at UCCS. I am a member of Chi Pi Gamma and I was present when the house burned down in August; well, I mean I was at the party. I was a sophomore at the time and enjoying being out of the dreaded pledge year. Chi Pi is a great organization; it's got alumni connections and social options that I would not have access to at any other house or if I were not a member of a Greek house. It will look great on future job applications.

But there are a few drawbacks. For instance, the pledge year was pretty rough. I was hazed, there's no other way to describe it. The older Chi Pi members want us to call it "bonding" or "earning your rights in the house". But it's really just initiation. The upper classmen make the freshmen do demeaning and awful things, some of the tasks are even a danger to health and safety. I had to stand facing a wall and got my head bashed against the wall if I or any of the other pledges moved. The upper classmen hit my head against the wall so hard that I got a slight concussion from it. Now I will never be able to fulfill my dream of being an intramural soccer champion because I must rest from contact sports in case I should get another concussion.

Is being a Chi Pi worth it? I don't know yet. Yes, belonging to a Greek house gives me an instant group of people to hang out with, which is cool. But the real reason I wanted to be a Chi Pi was to help with my future. The alumni connections of Chi Pi are extensive and I'm hoping that networking at Greek events will get me a job without having to go through a million interviews. And like I said, it looks great on my resume.

I participate in Chi Pi, but I'm not a leader. I make it a point to know all the members, since my main goal for joining was the networking aspect. I was at the bid day party on August 24, 2014 and saw both Brit Timberlake and Taylor Styles that night. Bid day parties always get pretty wild because the pledges are relieved to have made it through and are finally part of the house, the upper classmen are trying to impress the pledges and the parties are open to all students.

I said hello to Taylor when I got to the party, because Taylor was in one of the front rooms and I knew Taylor had a hard time during pledge week. I saw Brit giving Taylor a particularly hard time last week. Brit and other upper classmen made the pledges walk around campus wearing t-shirts saying "Chi Pi is cool, but I am yet to be determined". When I noticed them, Brit was making Taylor and a few others do the Ice Bucket Challenge in the lodge. It was a big spectacle and a crowd had gathered. When the ice water got dumped on the pledges' heads, they also pulled down Taylor's pants. Just Taylor's.

313 Taylor was wearing some kind of goofy, shamrock underwear. I don't know if I've ever seen somebody  
314 quite as humiliated.

315 When I saw Taylor at the party, Taylor told me about not getting a bid to join Chi Pi. I told Taylor  
316 that I was sorry about that, but that it could be a good thing in the long run. I'm still undecided about  
317 whether Greek life is going to be a good thing in my life, so I would think Taylor would be just fine. I told  
318 Taylor this, but Taylor seemed pretty upset. I can understand – after going through all of that  
319 humiliating stuff, to be rejected must be terrible.

320 When I saw Brit at the party, who is a senior and was heavily involved in the pledge activities,  
321 Brit had already had a lot to drink. Brit was getting ready to do Brit's famous dog and pony show with  
322 fire and Dr. Pepper and lighting fire streamers down in the basement. I've heard this drink called a  
323 Flaming Dr. Pepper, but Brit seems to think that it's a Brit Timberlake invention. Really, it's just  
324 Amaretto topped with 151 Rum, lit on fire and then dropped into a beer glass. The Brit twist is that Brit  
325 lights the shot glass by blowing a mouthful of 151 Rum through a lighter at the shot glass. I think it's  
326 dangerous, and I have told Brit many times "you're going to burn the house down doing that."

327 Brit has one of those personalities that make Brit want all the attention focused on Brit. Brit's  
328 always got to be center of the stage, which is why I think Brit treated the pledges so badly and made  
329 them go through so much hazing. As long as the pledges thought Brit was the person who could get  
330 them into Chi Pi, they paid attention and Brit just basked in it. At the party, it was the end of the road  
331 for Brit because now the pledges would be focused on their assigned tasks and teams within Chi Pi and  
332 Brit would not be as important. I think Brit was really showing off and got overzealous with the fire  
333 trick. Like I said, Brit was a senior – and this was Brit's last big show.

334 As Brit was getting ready to light the glass on fire and perform the trick, I noticed my friend Bea  
335 in the next room, and I went over to say hello. As I was talking to Bea I heard a loud "whoosh" behind  
336 me and all of a sudden, people started yelling about a fire and getting out of there. I didn't see the fire  
337 start, but since I clearly saw the lighter in Brit's hand, Brit must have dropped something or got the trick  
338 wrong and started the house on fire.

339 I did not see Taylor at that point, but there were a lot of people. It was pure chaos. People  
340 screaming. There was smoke everywhere. I had no idea how everyone would get out of the basement in  
341 time. I was already coughing from all the smoke and it was hard to see. Everyone was piling up the  
342 stairs. Once upstairs, I helped direct some people out the side door so we didn't all have to squeeze out  
343 the front door. It was one of the scariest moments of my life. I left the house and went straight to my

344 apartment. I was in shock. In retrospect, maybe I should have stayed, but I was scared to death. I just  
345 wanted out of there. I never saw Taylor or Brit again that night.

346 Exhibit 5 is a diagram of the basement in the Chi Pi Gamma house and that's the way it was set  
347 up on the night of the party. Exhibit 7 is a picture of the house right after the fire department arrived.  
348 That's exactly how it looked, but I don't know who took that picture.

349 I have carefully reviewed this statement, and it includes everything I know of that could be  
350 relevant to the events I discussed. I understand that I can and must update this statement if anything  
351 new occurs to me before the trial.

352

353 Subscribed and Sworn to on this 1st Day of September, 2014.

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355

356

Ash Moore  
Ash Moore

Affidavit of Taylor Styles– Defense Witness

I am a freshman at UCCS. I just left home and am glad to get a new start. I didn't have the best social experience in high school because I was so focused on my AP classes and mock trial team. I graduated at the top of my class but I had a little trouble making friends. People may describe me as shy and awkward. So what if I was president of the geology club and I love identifying rocks.

Now that I'm in college I just want to have some fun and meet new people. I thought maybe going Greek would help with that. I looked into other fraternities and some were fun, but Chi Pi Gamma had the best social functions. Plus, my grandfather rushed Chi Pi Gamma so I was a shoe-in. Legacy pledges tend to have an advantage over random walk-in pledges.

I started rushing with the fraternity the week before the party. When they advertised "Hell Week," I thought they were kidding. They weren't. It was awful. One day, I had to clean all the bathrooms in the house with a toothbrush and my arms tied behind my back. Have you ever seen bathrooms in a frat house? These bathrooms hadn't been cleaned for at least six months. Yuck! The next day, I ran up and down the street in a Santa suit holding a sign that said "Ho Ho Ho." I thought I was going to die from heat stroke. Not only was it was like a thousand degrees in that suit but I couldn't see and face planted in the street scraping up my knees badly. Hurt like you wouldn't believe! Another day, I was forced to get up at 3 a.m. in the morning and make breakfast for the whole house – custom made omelets with sides of bacon and sausage. And of course then clean up the kitchen. Oh, did I mention I'm a vegetarian? That chore took so long that I missed some of my classes. Not a good way to start off the school year. Little did I know the worst was yet to come? Later that day, in the lodge (the dining hall on campus), I was challenged to do the Ice Bucket Challenge or the ALS Ice Bucket Challenge. It wasn't just me either there were two other pledges aka victims! Basically, Brit had us all three line up in front of the whole lodge. Then members of the frat stood behind us with huge buckets of ice water ready to toss on our heads. I really thought it was no big deal but then the second after the cold ice was tossed on our heads they pulled down my pants! It wouldn't have been that bad but I had green and white St. Patrick's Day briefs on. A present from my mom. Everyone took pictures and within moments pictures of me and my clover undies are across campus and who-knows-where else. Let me just say those clovers brought me no luck. No reward is worth this – is all I was thinking.

It's like Brit and Brit's friends made sure to put me in any and every uncomfortable situation they could possibly think of. They were so mean to me. Everyone would make fun of my clothes and my haircut. Brit made me feel so degraded. The whole point of going Greek was to meet people and

388 make friends. Instead, it was like I was back in high school but worse! I would get back to my dorm  
389 room every night and cry. Only at the end do you realize the power of the dark side. My roommate  
390 could not care less too.

391 At the end of the week, the house had a bid party. The pledges who made it through “hell”  
392 would know if they were selected to join because they would get a bid. If you received a bid, you were  
393 in – one of the cool kids in the most elite house. No bid, you went through hell for nothing. Well, guess  
394 what?!? No bid for me. I was fuming. I did everything they asked me to do and I never complained.  
395 Not once. It’s so unfair. I deserved a bid for everything Brit and the gang put me through. I was super  
396 mad, but not mad enough to set the house on fire!

397 The night before the fire I did some shopping. I bought some regular stuff – and some stuff to  
398 deal with the huge wounds on my knees! I know I know it sounds weird, I did buy alcohol, but it was  
399 rubbing alcohol for my knees. I didn’t buy a lighter – as my so called roomy claims. In fact, Exhibit 9 is  
400 the receipt from that night. That’s exactly what I bought that night.

401 I remember the day of the party pretty well. I started out by getting some studying done for my  
402 classes. I didn’t want to get behind. I was so wrapped up in this chapter about sedimentary rocks that I  
403 lost track of time. I was a little late getting to the party and I had forgotten to eat that day.

404 I know everyone is wondering why I even went to the party at all ... well all the pledges were  
405 invited. I didn’t want Brit Timberlake to think I’d been beaten. My ego was in charge that night. There  
406 was no way those frat freaks were going to know that not receiving a bid bothered me. Besides I might  
407 pledge next semester. I was going to bring alcohol just like they asked. The plan was to make an  
408 appearance and then leave. All the pledges were asked to bring alcohol for the punch. I gave mine to  
409 Brit because Brit had asked me to get something special. I personally had never had any alcohol to  
410 drink. I was underage and didn’t need to get drunk to be fun. I’ve never even smoked marijuana.

411 I had no idea that they would force alcohol down my throat all night. I didn’t even want to go to  
412 the party after being rejected and all but like I said the plan was to take my alcohol and make my brief  
413 appearance. The party was mostly in the basement. Exhibit 5 looks pretty much the way I remember  
414 the basement being set up. At the party, every time someone said “Chi Pi Gamma” the pledges had to  
415 do a shot. I refused, but they kept heckling me until I would swallow it. It burned going down. I have no  
416 idea what I was drinking, but one time I heard someone say it was rum. It was disgusting. One other  
417 shot they made me take was actually on fire. After a few of those, I started feeling sick and things get  
418 fuzzy.

419 Brit was having a good time. Everyone was laughing at Brit's jokes and crowding around the bar.  
420 I don't get what people see in Brit.

421 I know we had to do some weird games and some of them involved us trying to balance cups  
422 filled with alcohol. After the flaming shot, I couldn't walk very straight. Maybe one of my cups spilled  
423 when we were doing that race. I wish I could remember . . . it's all such a blur.

424 I never would have intentionally set that house on fire. Even though Brit and friends are awful  
425 human beings, I wouldn't have put all those people in jeopardy. I wish I could remember more about  
426 what happened, but all that alcohol makes it really hard.

427 I have carefully reviewed this statement, and it includes everything I know of that could be  
428 relevant to the events I discussed. I understand that I can and must update this statement if anything  
429 new occurs to me before the trial.

430

431 Subscribed and Sworn to on this 1st Day of September, 2014.

432

*Taylor Styles*

433

Taylor Styles

434



**Affidavit of Van Efron– Defense Witness**

My name is Van Efron. I am a forensic consultant, and my work focuses exclusively on criminal and civil cases involving unexplained fires and explosions. I was retained in this case by the attorneys for Taylor Styles. I have reviewed the Origin and Cause Report, the statement by ATF Special Agent Jo Lovato, and the witness statements of Taylor Styles, Kris Cardashian, Brit Timberlake and Ash Moore. I also visited the Chi Pi Gamma house, however, demolition efforts had already begun and I was not able to observe the relevant burn patterns, or collect any samples.

It is my expert opinion the fire at the Chi Pi Gamma house cannot be ruled arson and must be attributed to accidental causes.

Although I now live in Los Angeles, I have ties to Colorado Springs. I grew up near the Broadmoor and I began my firefighting career for the Colorado Springs Fire Department. I attended CSFD's 18-week Training Academy and received my Firefighter certification in 1997. In 2000, I applied for and was assigned to the CSFD Fire Investigation Unit. As part of that assignment, I received additional training in fire investigation at the Training Academy. The CSFD Fire Investigation Unit consisted of myself and a senior investigator. A few years later, in 2003, I applied to and was accepted by the Bureau of Alcohol, Tobacco and Firearms. I completed the Criminal Investigators Training Program in Glynnco, Georgia, followed by the Special Agent Basic Training program, which covered a variety of subjects, including explosives and fire investigation. While at the ATF, I received additional training on Advanced Explosives Disposal Techniques, Post Blast Investigative Techniques, and Advanced Origin and Cause Investigation Techniques. It is a little ironic, given his role in this case, but those classes were actually taught by Jo Lovato. Special Agent Lovato has a reputation as one of the best instructors at the ATF.

I became disillusioned with the law enforcement approach to fire investigation while I was at the ATF. The problem I had was that people tend to find what they look for. Although many arson investigators argue they keep an open mind during an investigation, I have found over the years they are too quick to jump to a determination of arson. I quickly realized there was a need for independent fire investigators who would be more neutral and objective than those in law enforcement. In 2007, I left the ATF, moved to LA, and started my own company: Independent Fire Investigation. I consult on cases across the United States, and I routinely testify as an expert witness in state and federal courts. My work in civil cases is almost evenly split. I have been retained by plaintiffs just over 40% of the time and by defendants just under 60% of the time in civil actions. It is, however, true that a substantial portion

466 of my work is in criminal cases and I am always hired by the defense in those cases. I would be willing to  
467 work for the prosecution, but prosecutors always use government fire investigators. I can't complain  
468 too much about that, though, because private consulting work pays far more than government work.  
469 The current base salary for a Special Agent in the ATF is \$33,000 to \$43,000 per year. As an independent  
470 forensic consultant, I earned well over \$300,000 last year alone. I charge \$150 per hour for my time  
471 spent investigating, reviewing materials and writing reports. I charge \$300 per hour for my time  
472 testifying at trials or depositions. I don't charge for my opinions – they aren't for sale. I charge for my  
473 time.

474 It is a fundamental rule of fire investigation that no finding of arson can be made unless all  
475 possible accidental causes can be ruled out. I have great respect for Special Agent Lovato, and I know  
476 Special Agent Lovato used to teach his students that rule, but this case seems to be a circumstance of  
477 not practicing what you teach. I am also bothered because despite the fact that Special Agent Lovato  
478 acknowledges that the on-scene CFI's Baher and White based their conclusions on disproven theories  
479 (such as alligatoring) he still relies on their findings. Ultimately, I agree that there was a likely  
480 accelerant, in the form of grain alcohol, but Baher and White's reliance on a disproven theory should  
481 have been a red flag for Special Agent Lovato. As to the accelerant, the burn patterns visible in Exhibit 8  
482 and the intensity of burning on the stairway are consistent with an accelerant playing a part in the fire,  
483 but the conclusion by CFI's Baher and White, adopted by Special Agent Lovato, that an accelerant was  
484 intentionally placed is just speculation and it is not supported by any physical evidence. Based upon the  
485 lack of petroleum residues, Agent Lovato concludes high proof grain alcohol was likely an accelerant in  
486 this case. This is hardly surprising. Taylor Styles says that pledges were required to drink and Ash  
487 Moore confirms that there was alcohol being consumed. Drunk college students are more inclined to  
488 spill drinks to begin with, and making them try to balance cups full of alcohol is a recipe for copious  
489 spilling. In my experience in other fire investigations involving fraternity and sorority houses, grain  
490 alcohol is popular at pledge functions; it is inexpensive and gets kids drunk very quickly. Further, the  
491 witness statements reveal rum was used to make flaming drinks and as part of a shockingly dangerous  
492 stunt performed by Brit Timberlake. In order to burn properly, rums with exceptionally high alcohol  
493 content, such as a product called 151 Rum which is more than 75% pure alcohol, are typically used in  
494 those situations. As you might guess, 151 Rum is extremely flammable. Agent Lovato's supposition  
495 notwithstanding, large amounts of grain alcohol and 151 Rum on the floor and in the carpet would burn  
496 exactly the same whether they were intentionally poured or accidentally spilled. Accordingly, there is

497 no basis for Agent Lovato's conclusion that the physical evidence is dispositive an accelerant was  
498 intentionally placed.

499 Agent Lovato also places great significance on the fact that the fire moved along a clear path  
500 toward the wooden stairs. Admittedly, this is odd and there is nothing specific in the witness  
501 statements which would explain why more alcohol was spilled on a path to the stairway. Nevertheless,  
502 the stairs were the only way out of the room where the fire started, and it is certainly possible that  
503 partygoers spilled alcohol as they ran toward the stairs trying to get away from the fire. There are, of  
504 course, other possible explanations for how a greater concentration of alcohol was spilled near the  
505 stairs, and the fact that there are other possibilities is precisely the point. In order to conclude arson, it  
506 is not enough to show that a burn pattern could be the result of an intentional act, or even that it is  
507 likely the result of such an act. Instead, all innocent explanations have to be disproven, which has not  
508 happened here. Besides, the idea that Taylor Styles was walking around a crowded party pouring large  
509 amounts of alcohol on the floor in the center of the room and pouring a trail of alcohol across the room  
510 and up the stairs without anyone noticing seems ludicrous at best.

511 Agent Lovato also bases his conclusions on the purported lack of any clear electrical or other  
512 inadvertent ignition source. This statement completely disregards Brit Timberlake's "famous dog and  
513 pony show with fire and Dr. Pepper and lighting fire streamers." There are contradicting statements as  
514 to whether Brit Timberlake performed that stunt in the kitchen or in the basement, however, and if it  
515 was done in the kitchen it could not be the cause of the fire. Even if the stunt was not performed in the  
516 basement, drunk guests and pledges were reportedly being served flaming shots and some of the  
517 partygoers appear to have been smoking. Any one of these incidents could have easily caused a carpet  
518 saturated with high proof alcohol to ignite.

519 I should note that, although I agree with Agent Lovato that an accelerant, in this case grain  
520 alcohol, including high alcohol content rum, was a likely a contributor to the fire, the evidence and  
521 causality in this case is not conclusive. In fact, the phenomenon of "flash-over" can also lead to the same  
522 kind of scaling and scarring seen the photographs. A "flash-over" occurs when a small fire in a confined  
523 space suddenly receives an influx of oxygen, and violently flares or "flashes" up. A smolder under a table  
524 or couch, started by a dropped cigarette or loose wire, could have led to a flash-over event at the Chi Pi  
525 house. Special Agent Lovato's report does not address, let alone discount, that possibility.

526 Although I could not collect useful evidence from the Chi Pi Gamma house due to the demolition  
527 process, it was clear from what remained that the house was very old. Old houses, particularly ones

that have not been well maintained, can be virtual tinderboxes. Frankly, in this case it would not be the least bit surprising if the fire moved very quickly as believed by Special Agent Lovato. I do have to admit, however, that the age of the house could not explain the higher temperatures at the point of origin or some of the burn patterns shown in the photographs. Nevertheless, since a low table was found at the point of origin, it is plausible that containers of grain alcohol or 151 Rum could have been set there. There is nothing in the Origin and Cause Report about what was on the table, but I would not expect anything different. Although the table itself would remain, firefighting efforts would easily displace items like bottles or cups.

Considering all of the evidence, although arson cannot be ruled out, neither can an accidental cause. Unless and until all accidental causes have been eliminated, a valid finding of arson cannot be made. Although I have tremendous respect for Agent Lovato, I absolutely disagree with Agent Lovato's conclusion. Having been an ATF CFI myself, I have no doubt Agent Lovato found arson because that's what Agent Lovato was trained to find. The ATF is all about catching arsonists and terrorists, and its agents are conditioned to look for signs of foul play. In this case, it is clear Agent Lovato ignored the primary rule of fire investigation and jumped to the conclusion of arson when that conclusion is, at best, only a possible explanation.

I have carefully reviewed this statement, and it includes everything I know of that could be relevant to the events I discussed. I understand that I can and must update this statement if anything new occurs to me before the trial.

Subscribed and Sworn to on this 1st Day of September, 2014.

*Van Efron*

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Van Efron

## **Exhibit 1**

### **COLORADO SPRINGS FIRE DEPARTMENT**

#### **ORIGIN AND CAUSE REPORT**

##### SUMMARY OF EVENT:

Certified Fire Investigator (CFI) origin and cause determination.

##### NARRATIVE:

1. On, Sunday, August 24, 2014, during the early morning hours, a fire occurred at a Coed Fraternity located just off the University of Colorado-Colorado Springs campus. The Colorado Springs Fire Department performed the fire scene examination. The loss was total. The fire was classified as arson.

##### PARTICIPATING FIRE INVESTIGATORS:

2. The following investigator participated in the scene examination:

Simon ("Smoky") Behar, CSFD Certified Fire Investigator.....(970) 479-7629

Carrietta ("Carrie") White, CSFD Certified Fire Investigator.....(970) 479-7630

##### SECURITY:

3. The integrity of the scene was maintained by the Colorado Springs Fire Department throughout the scene examination.

##### OWNER:

4. The property was owned by Chi Pi Gamma Coed Fraternity.

##### FIRE DISCOVERY: – 1:30 a.m. – Sunday, August 24, 2014

5. The fire occurred during a party at the house and all occupants were able to escape before anyone was injured. Several unidentified parties called 911 at the approximate same time.

##### FIRE SUPPRESSION: Colorado Springs Fire Department, CSFD Incident # 2014-150.

6. The first arriving engine was Truck 35. Captain Matthew Severide was the Captain assigned to Truck 35 on the morning of the incident. His contact telephone number is 970-838-6600. Captain Severide's statement was taken at the scene by CFI Behar.

7. Captain Severide stated that when he arrived, there was a raging fire that quickly consumed the interior of the building. Severide said that entry was not made due to the intensity of the fire

and that access to the premises was only possible after the structure was irrigated to extinguish all hot spots. Fire investigation was conducted by CFIs Simon “Smokey” Behar and Carrietta “Carrie” White.

#### BUILDING CONSTRUCTION & CONDITION:

8. The affected building was a two story house with a basement. The address of the house was 4301 Conejo Drive. The south side of the house was adjacent to the Colorado Springs Campus of the University of Colorado.

9. The house was built on a concrete encased finished basement that acted as the foundation. The floor of the basement was covered in low loft carpeting. The walls were made of ordinary wood frame construction with gypsum board. In the upper floors, the interior of the walls were covered with gypsum board and the exterior was covered with brick veneer. The gable roof of the residence was covered with asphalt tiles. The house was built in 1904 and contained approximately 9600 square feet, inclusive of top two floors and finished basement.

#### ELECTRICAL AND NATURAL GAS SERVICE:

10. A service lateral supplied the residence with electricity. The electrical meter and the main circuit breaker panel were located on the exterior of the north wall of the house. At the time of the scene examination the meter head had been disconnected from the main power source. The natural gas service and the electrical service were disconnected after the arrival of the firefighters but were not involved in the fire.

#### FIRE PROTECTION SYSTEMS:

11. The residence was equipped with a fire suppression system consisting of water fed sprinklers. It was not evident whether the system was activated during the fire.

#### LEGAL CONSIDERATIONS:

12. The fire scene investigation was conducted under the authority of the Colorado Springs Fire Department.

#### SCENE PROCESSING:

13. CFIs Behar and White arrived at the fire scene at approximately 7:40 a.m. (Monday August 25, 2014) and contacted Police Officer in charge of scene security. Preliminary information was provided regarding interviews the first responders conducted of the occupants, cell phone pictures obtained and samples of remaining accelerants.

14. A systematic approach was used; examination progressed from outside to inside and from areas suspected of having the least damage to areas of greater damage with emphasis on recognition, identification, and analysis of fire and heat patterns.

#### EXTERIOR EXAMINATION:

15. The exterior examination was initiated from the perimeter of the structure which was not completely consumed. However, the exterior walls had lost their integrity and were determined to be not salvageable. Other than piles of beer cans, no significant evidence was found in the exterior of the structure.

#### INTERIOR EXAMINATION:

16. The upper floors of the structure were systematically burned with no significant evidentiary signs. Fire and smoke damage was all-consuming and the heat intensity caused the structure to be totaled and only fit for demolition.

17. The basement was examined after the upper structure was secured. There was foam and water from the firefighting efforts. Once the foam and water were cleared, the source and path of the fire were determined by the patterns of the fire scarring on both the floor and up the walls into the interior of the structure. Based upon the burn patterns indicating a higher temperature of the flames, the origin of the fire was determined to be a low wooden table in the secondary room. From the table, the fire's path was clearly visible toward a set of wooden stairs across low loft carpeting.

18. "Alligatoring" was present on all of the burnt stairs on the basement stairway. The burn patterns and the alligatoring indicate that they burned at an accelerated rate, suggesting an accelerant was used and that the accelerant was intentionally placed. The wave patterns were left by the flames as they quickly covered the distance from the table to the stairs. It appeared that the flames climbed the stairs faster than their wooden framing burned.

19. The entire structure was deemed unsalvageable and demolition was arranged.

#### TESTING

20. All collected samples were negative for petroleum residue.

#### EVIDENCE:

21. Evidence from the basement was collected, including partial remains of a burned table, carpet and tile remnants, pictures of the floor, walls and stairs. Hundreds of beverage containers, including beer cans, bottles, wine boxes and liquor bottles were collected and tested for chemical residue. Additionally, guitars, amplifiers, and karaoke equipment were burned almost past recognition.

#### FIRE PROGRESSION TO OTHER STRUCTURES:

22. The fire did not extend to any other structure.

NUMBER OF FATALITIES AND/OR INJURIES:

23. There were no reported fatalities or injuries.

CONCLUSION:

24. Based upon the fire scene examination, physical evidence, firefighter and witness statements, and the knowledge of fire development, the fire originated in the basement.

25. The area of fire origin was a low table in the middle of the floor of the basement leading across the room to the stairs leading from the basement to the main floor of the building.

26. Ignition was the result of fire set to accelerant spilled on the table and across the floor to the stairs. The specific accelerant is unknown but was non-petroleum based, possibly alcohol.

27. The fire was classified as deliberately set arson.

ESTIMATED VALUE OF LOSS:

26. The total fire damage was estimated to be in excess of \$500,000.

DISPOSITION:

Referral to the District Attorney's Office.



## Exhibit 2

Curriculum Vitae of  
**Jo Lovato**  
**Bureau of Alcohol, Tobacco, Firearms and Explosives**  
**Arson Division**  
**100 N. Main Street, Suite 160**  
Denver, CO 80302  
**Main Line: (303) 555-4435**

### EDUCATION

University of Denver, Denver, CO <b>Bachelor of Science Criminal Justice</b>	<b>2004</b>
University of Colorado at Denver Masters of Legal Studies Forensic Investigation and International Law	<b>2006</b>

### CERTIFICATIONS

ATF Certified Fire Investigator/ISO/IEC 17025	<b>2007</b>
General Requirements for the Competence of Testing and Calibration Laboratories	
Certified Fire Investigator (CFI) - Colorado Conference of Arson Investigators	2010
Hazardous Materials First Responder - ATF Specialized Training Institute	2007
P.C. 832 - Powers of Arrest - P.O.S.T. Level III – El Paso County Sheriff-Coroner Dept.	2005
Guard Card & Firearms Permit - Colorado Bureau of Security and Investigative Services	2005
Fire Prevention Officer I - Colorado Fire Service Training and Education System	2005
Public Education Officer I - Colorado Fire Service Training and Education System	2003
Fire Apparatus Driver/Operator - Colorado Fire Service Training and Education System	2002
Firefighter II - Colorado Fire Service Training and Education System	2002
Firefighter I - Colorado Fire Service Training and Education System	2001
Colorado Emergency Medical Technician – Paramedic	1995
Colorado Class B Commercial Driver's License	Current
Master Scuba / Rescue Diver - Professional Association of Dive Instructors	1994
Kenpo Karate Martial Artist - Pearl of Wisdom Kenpo Karate	1990

### PROFESSIONAL EXPERIENCE

Bureau of Alcohol, Tobacco, Firearms and Explosives Arson Division	2005 – Present
- Certified Fire/Arson Investigator Training Instructor	2011-Present
- Certified Fire/Arson Investigator, field service	2007-2011
- Explosives Detection Canine Trainer	2005-2007
Drake, Colorado Fire Department	1995 - 2005
- Acting Fire Captain	2003 – 2005
- Fire Engineer / Paramedic	2000 – 2005
- Relief Firefighter Paramedic	1995 – 2000
United States Department of the Interior, National Parks Service	1992-1995
- Seasonal firefighter	
United States Marine Corps (Training Injury - Honorable Medical Discharge)	1987-1993
- Firefighter, Camp Pendleton, CA	

Buena Vista Fire Department - Fire Explorer Scout

1980 – 1986

**INVESTIGATIVE EXPERIENCE**

As primary investigator and/or assisted with investigations in two hundred seventy six (276) fire/arson cases.

**Structure Fires**

Number of Cases: 214

Accidental: 81

Incendiary: 98

Natural: 0

Undetermined: 35

**Vehicle Fires**

Number of Cases: 42

Accidental: 20

Incendiary: 17

Natural: 0

Undetermined: 5

**Incendiary/Destructive Devices**

Number of Cases: 20

**Fire Code Enforcement**

Number of Cases: 43

**VOCATIONAL COURSEWORK:**

Along with the formal education and vocational certificates above, the following vocational courses comprise approximately three thousand hours of education in the subject matters listed.

Advanced Explosives Recognition - Poudre Valley Arson Investigators 2013 - 8 Hours

Fire Investigation Report Writing - East Bay Arson Team 2012 - 8 Hours

Arson/Homicide - 2008 Chantilly's Christmas Eve Case Review - Colorado Forensic Science Institute 2012 - 8 Hours

Physical Evidence at the Fire Scene - International Association of Arson Investigators 2012 - 4 Hours

Introduction to Evidence - International Association of Arson Investigators 2012 - 4 Hours

Vehicle Fire Investigations - ATF Conference of Arson Investigators 2012 - 20 Hours

Advanced Firearms & Tactics - Tactical Firearms Training Team 2012 - 20 Hours

Fire Investigator Scene Safety - International Association of Arson Investigators 2012 - 3 Hours

The Scientific Method of Fire & Explosion Investigation – Int'l Association of Arson Investigators 2012 - 3 Hours

Understanding Fire Through the Candle Experiments – Int'l Association of Arson Investigators 2012 - 4 Hours

Post Flashover Fires - International Association of Arson Investigators 2011 - 4 Hours

Fire/Arson Origin & Cause - Homeland Security-National Fire Academy 2011 - 80 Hours

Advanced Fire/Arson Investigation - Colorado Conference Arson Investigators 2009 - 20 Hours

Domestic Terrorism-Environmental Groups - Colorado Conference of Arson Investigators 2009 - 4 Hours

Ethics and the Fire Investigator - International Association of Arson Investigators 2009 - 3 Hours

Investigating Motor Vehicle Fires - International Association of Arson Investigators 2009 - 4 Hours

Insurance and Fire Investigation - International Association of Arson Investigators 2009 - 4 Hours

Fire Investigation Report Writing - Center for Arson Research 2009 - 3 Hours

Forensic Fire Death Investigation – Corvallis County Sheriff / Coroner 2009 - 40 Hours

Officer Safety and Field Tactics - California Office of Emergency Service's 2009 - 40 Hours

Advanced Interview & Interrogation - Eastern Virginia University 2009 - 40 Hours

Advanced Firearms & Tactics - Tactical Firearms Training Team 2009 - 20 Hours

Kinesic Interview & Interrogation - I & II - Stan Walters & Associates 2008 - 35 Hours

NFPA 921-Fire Cause Investigation - Public Agency Training Council 2008 - 24 Hours

Fire / Arson Investigation - Colorado Conference of Arson Investigators 2008 - 20 Hours

Fire / Arson Investigation - Colorado Conference of Arson Investigators 2007 - 20 Hours

Forensic Fire Death Investigation - Corvallis County Sheriff 2008 - 16 Hours

Arson Scene Search - Public Agency Training Council 2008 - 16 Hours

Electrical Fire Investigation - Public Agency Training Council 2008 - 20 Hours

Fire / Arson Investigation - Colorado Conference of Arson Investigators 2008 - 40 Hours

Arson Investigator Advanced Firearms and Tactics "Tactical Firearms Training Team 2008 - 20 Hours

Arson Case Management - Public Agency Training Council - 24 Hours

Advanced Firearms and Tactics Course - Tactical Firearms Training Team 2007 - 40 Hours  
Wild Land Fire Behavior - Colorado Fire Service Training System 2006 - 32 Hours  
Fire / Arson Investigation - Colorado Conference of Arson Investigators 2006 - 20 Hours  
Fire / Arson Investigation - Colorado Conference of Arson Investigators 2005 - 20 Hours  
VIP / Dignitary Protection Course - Tactical Firearms Training Team 2004 - 30 Hours  
Serial Arson Analysis - California Conference of Arson Investigators 2002 - 40 Hours  
Combustion Explosions - UC Davis 2002 - 24 Hours  
Officer Safety and Field Tactics - Office of Emergency Service's 2001 - 40 Hours  
Investigative Report Writing - Thor Publications 2001 - 16 Hours  
Fire / Arson Investigation - Colorado Conference of Arson Investigators 2001 - 22 Hours  
Hearsay Evidence Testimony - L.A. County Sheriff's Department 2000  
Public Safety Background Investigation - Systems for Public Safety 2000 - 16 Hours  
Fire / Arson Investigation - Colorado Conference of Arson Investigators 2000 - 24 Hours  
Officer Safety and Field Tactics - Office of Emergency Service's 1999 - 40 Hours  
Arson Case Studies – University of Colorado, Colo Sprgs 1998 - 40 Hours  
Arson Information Reporting System - Colorado State Fire Marshal 1998 - 4 Hours  
Officer Safety and Field Tactics - Office of Emergency Service's 1998 - 40 Hours  
Interview / Interrogation Techniques - F.I.R.S.T. 1997 - 24 Hours  
Fire Inspection Practices - Colorado College 1996 - 40 Hours  
Code Enforcement - Colorado College 1996 - 40 Hours  
Flammable Liquids and Gases – Front Range Community College 1996 - 40 Hours  
Fire Origin and Cause Determination - Front Range Community College 1996 - 40 Hours  
Fire Investigation Techniques - Front Range Community College 1996 - 40 Hours  
Legal and Criminal Procedures - Front Range Community College 1996 - 40 Hours  
Criminal Justice - Front Range Community College 1993 - 45 Hours  
Building Construction for Fire Protection - Front Range Community College 1988 - 45 Hours  
Fire Prevention Equipment and Systems - Front Range Community College 1985 - 45 Hours  
Fundamentals of Fire Prevention - Front Range Community College 1984 - 45 Hours  
Fire Control III - Colorado Fire Service Training and Education System 1982 - 4 Hours  
Basic Firefighting Academy – Chaffee County Fire Department 1982 - 240 Hours

**PROFESSIONAL AFFILIATIONS**

Forensic Expert Witness Association  
United States Fire Administration  
International Association of Arson Investigators  
National Association of Fire Investigators  
National Fire Protection Association  
National Institute of Standards and Technology

## VAN EFRON

214 Malibuwood Boulevard, Los Angeles, CA 90201 | 785-291-6034 | vanefron@fireinvestigator.net

### EDUCATION

University of Colorado – Colorado Springs  
**B.S. in Horticulture** 1996  
 Minor in Architectural Structure  
 Honors Project: “Effect of Fire on Suburban Structures & Surrounding Landscapes”

### TRAINING

**Basic Fire Training Academy** 1997  
 Colorado Springs Fire Department – Colorado Springs, CO

**Fire Investigation Unit Training – Fire Academy** 2000  
 Colorado Springs Fire Investigation Unit – Colorado Springs, CO

**Criminal Investigators Training Program** 2003  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Special Agent Basic Training Program** 2003  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Advanced Explosives Disposal Techniques** 2004  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Advanced Interrogation of Suspects** 2004  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Post Blast Investigative Techniques** 2005  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Interdiction Training: Identifying Illegal Drug Residue in Fire Investigations** 2005  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

**Advanced Origin & Cause Investigation Techniques** 2006  
 Bureau of Alcohol, Tobacco, & Firearms – Glynco, Georgia

### PROFESSIONAL EXPERIENCE

Owner & Consultant  
**Independent Fire Investigation** 2007-present  
 Consult on fire litigation, review law enforcement investigations, provide independent investigation, issue opinion on fire cause, and testify in court.

Agent, Special Agent, Regional Agent in Charge  
**Bureau of Alcohol, Tobacco, & Firearms** 2003-2007  
 Investigated suspicious fires, interviewed witnesses, wrote reports, collected evidence, served search warrants, made arrests & testified in court.

Firefighter, Fire Investigator  
**Colorado Springs Fire Department** 1997-2003  
 Responded to fire calls, fought building fires, investigated fires as part of the Fire Investigation Unit.

### PUBLICATIONS AND PAPERS

*“Fire Investigation Techniques: Starting from the Spark”*  
 Guest Speaker at National Association of Insurance Commissioners 2013

*“Why the ATF Finds Arson Everywhere They Look”*  
 Editorial in the Los Angeles Times 2008

## COURT EXPERIENCE

Testified as an expert witness in the following state district courts:

Colorado, Wyoming, New Mexico, Texas, Illinois, Pennsylvania, New Jersey, Florida, Alabama, Utah, Washington, Oregon, and California.

Testified as an expert witness in the following federal district courts:

Colorado, Arizona, Georgia, New York, and California.

Qualified as an expert witness in the following areas:

Fire Investigation, Arson Investigation, Burn Pattern Recognition, Use of Fire Accelerants, Fire Residue Collection & Investigation, Fire Origination & Cause, Fire Patterns in Residential Homes, and Fire Explosions.

## MEMBERSHIPS

National Association of Independent Consultants

Forensic Expert Witness Association

United States Fire Administration

International Association of Arson Investigators

Los Angeles Volunteer Fire Support Group

National Association of Fire Investigators

National Institute of Standards and Technology

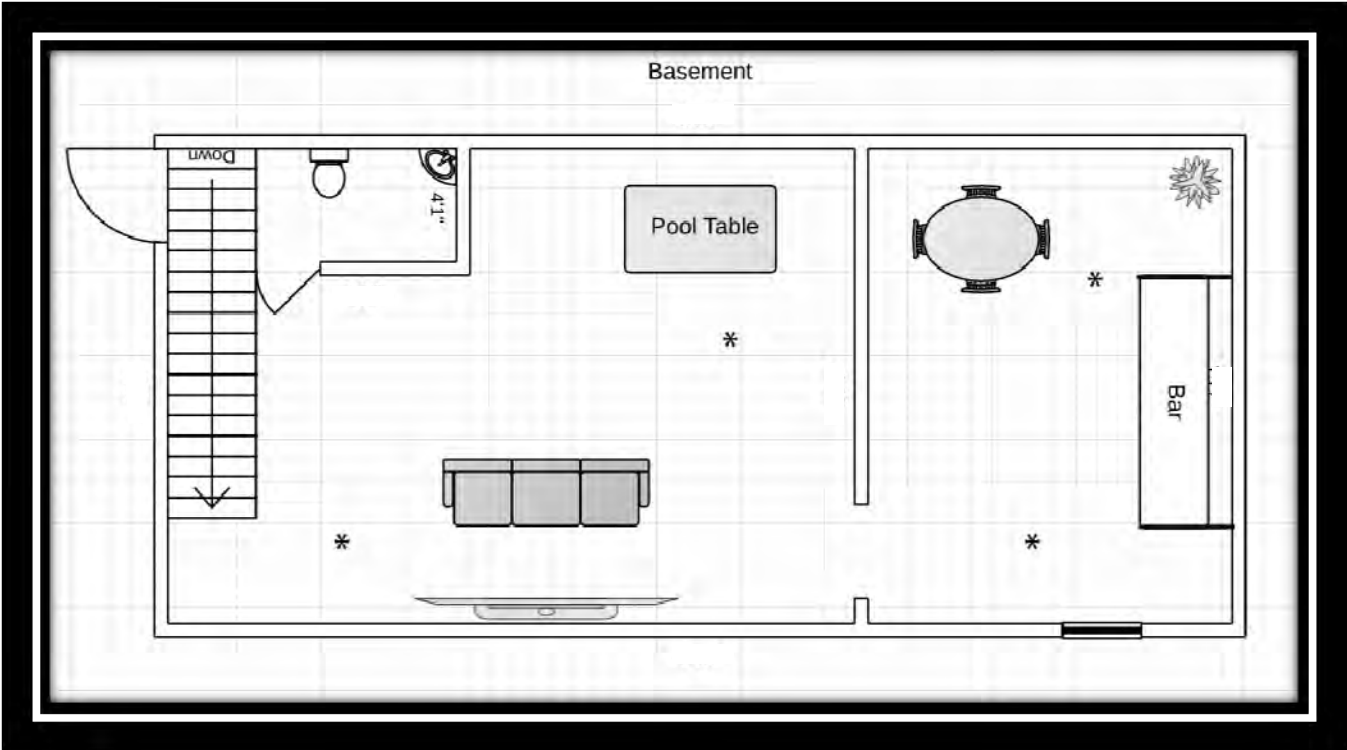
## Exhibit 4

### Screenshot of Kris Cardashian's Twitter Account



Exhibit 5

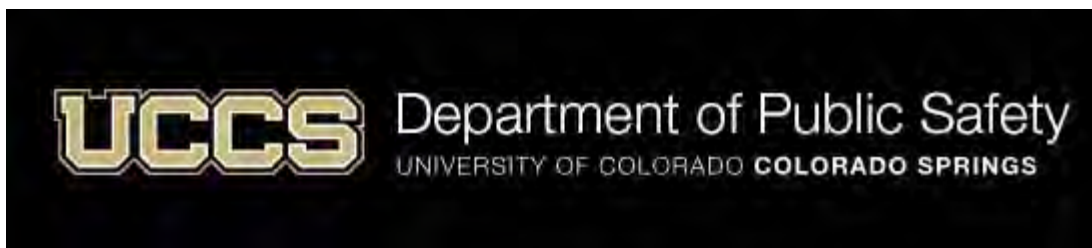
Diagram of Party



**Key:**

\* = Sprinkler

— = Window



November 4, 2013

Chi Pi Gamma  
4301 Conejo Drive  
Colorado Springs, CO

Re: Violation of Campus Alcohol and Drug Policy

Chapter President:

This letter shall serve as notice to the Chi Pi Gamma Fraternity that on October 31, 2013, the Fraternity violated the University of Colorado, Colorado Springs Campus Alcohol and Drug Policy.

The specific infractions are detailed below.

- Multiple students and non-students under the age of 21 were being served alcohol by the Fraternity bartender
- At least two clearly intoxicated minors were witnessed drinking from a keg
- Multiple underage non-students were observed with alcohol in red cups on the front lawn of the Fraternity residence
- Flyers advertising the "2013 Halloween Bash" indicated the \$10 cost of admission included two drinks

Due to the aforementioned violations, UCCS is formally sanctioning the local chapter of the Chi Pi Gamma Fraternity. The National Chi Pi Gamma organization will receive a copy of this notice of violations. As punishment, the local Chi Pi Gamma chapter will be prohibited from coordinating or sponsoring any social activities at the Fraternity residence for the remainder of the 2013-2014 academic year.

The Campus Alcohol and Drug Policy is attached as a reference.

*Steve Linhart*  
Steve Linhart  
Dean of Students





The University is responsible for creating the best possible community for learning and working. One aspect of this responsibility is the establishment of a clear alcohol and drug policy.

The State of Colorado has a vital interest in maintaining a safe, healthful and efficient working environment for its employees, clients, and the public. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks, not only to themselves, but to others.

Therefore, to ensure a safe working environment, it is the policy of the State of Colorado that use of alcohol, other drugs, or controlled substances that result in job impairment is prohibited. Likewise, it is the policy of the State of Colorado that illegal possession, manufacture, use, sale, or transfer of controlled substances on state property or during work hours by its employees is prohibited.

Violations of this policy will be just cause for management/supervisor intervention that may result in referral to mandatory treatment and/or in corrective or disciplinary actions up to and including termination. The University also cooperates with local, state, and federal authorities in the detection and prosecution of drug offenses.

### **Alcohol**

Our approaches to problems are, and should be, positive and educational. Because of this, it is expected that members of the campus community will comply voluntarily. The community should be aware, however, that the University will take action when its policies on the use, possession, distribution, and sale of alcohol have been violated as detailed in these policies. The University will also cooperate with local, state, and federal authorities in the detection and prosecution of alcohol related offenses.

Alcohol policies apply to the UCCS campus and University sponsored activities at off-campus locations. Administrators, alumni, faculty, guests, staff, and students must adhere to all applicable state and local laws and University regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

- The sale of alcoholic beverages is prohibited, except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.
- Persons under 21 years of age cannot legally possess or consume any alcoholic beverage, which includes malt (6 percent beer), fermented malt liquor (3.2 percent beer), or vinous or spirituous liquor. The furnishing of alcoholic beverages to underage persons is prohibited.
- No person under legal drinking age or any obviously intoxicated person shall be furnished, served, or given an alcohol beverage.
- Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area.
- The cost of admission to an event may not include alcoholic beverages. Alcoholic beverages must be purchased separately.







## Exhibit 9



MANAGER IRENE BROWN

ST#	2037	OP#	00003048	TE#	18	TR#	QTY
6PK	IBC	RTBR	060538818716	F		5.69	1
DRTH	YADR	HELMT	060538818716	F		34.99	1
RUB	ALCOHOL		007874212222	F		0.76	4
4PK	DISH	RAGS	007874235205	F		4.99	1
GV	2	RF	MLK 007874235187	F		3.08	1
RAMEN-BEEF	12		004178900232	F		1.82	1
SUBTOTAL						53.61	
TOTAL						53.61	
SHOPPING CARD TEND						53.61	
CASH TEND						0.00	
CHANGE DUE						0.00	

ACCOUNT 605214515600  
APPR. CODE = 037453  
REF #0571931  
Beg Bal Tran Amt End Bal  
53.61 53.61 0.00

**# ITEMS SOLD 9**

TC# 5803 0268 1908 2233 6122



THANK YOU FOR SHOPPING WITH US

**Exhibit 10**



**OATH OF INITIATION**

I, of my own free will and accord, pledge myself to Chi Pi Gamma.  
I vow to exemplify the principles and that the views of this organization match my  
own views entirely.  
I solemnly promise that as a member of the fraternity I will give unselfishly of my time  
and energy to my fellow brothers and sisters.  
Above all else, I swear to remain more loyal to my brothers and sisters than to any  
other truth.  
Here and now, I vow to hold Fraternity over self, loyalty over truth and Chi Pi  
Gamma over life.