

ERRATA

People v. Kelmar

- On page 8, line 22, replace "Principal Lynden Murphy" with "Vice Principal Lynden Murphy."
- On page 8, line 28, replace "Principal Murphy" with "Vice Principal Murphy."
- On page 27, line 20, replace the word "scapula" with the word "clavicle" so that the phrase reads:

2 cm. below the clavicle and 8 cm. from the center of the body.

- On page 29, line 23, replace the word "scared" with the word "scaring" so that the line reads:

I saw Jamie and said that Cory was really scaring me

- See also revised Coroner's Diagram.

PLEASE NOTE: At the time of the shooting incident, the body of the victim was not necessarily in the position shown in the Coroner's Diagram, e.g. the arm may have been in front of the body or held up. The direction of the arrows indicate the approximate paths of the bullets in and/or through the victim's body, not the actual direction from which the bullets were fired.

10/18/94

CALIFORNIA MOCK TRIAL FACT SITUATION

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2
3 Twin Lakes is a town of 40,000 people just outside the larger city of California City.
4 Twin Lakes is a close-knit community where everybody knows each other's business
5 and truth and fiction spread rapidly. Many families have lived in the Twin Lakes region
6 for generations.
7

8 Devon Kelmar's family moved from California City to Twin Lakes in 1992, just before
9 Devon's junior year at Twin Lakes High School. Devon was active in school, and
10 began playing in a local band with a neighbor friend, Jamie Fergusson. During
11 Devon's senior year, Devon experienced trouble in school. Early September 1993,
12 Devon's father died. Devon's mother sought advice from a close friend and family
13 therapist, Dr. Carmen Nichols. Devon went to see Dr. Nichols twice. In January 1994,
14 Devon turned 18 years old and was looking forward to graduation from Twin Lakes
15 High. Kendall Lynch and Cory Jackson were also seniors at Twin Lakes High.
16

17 On Friday, February 25, 1994, Kendall Lynch had a party. Cory, Devon, and Jamie all
18 attended the party. Cory and Devon saw each other and briefly spoke. February 26
19 was the championship basketball game at Twin Lakes High School. Devon went to the
20 game early and parked in a lot across the street from the school. Jamie arrived later
21 and sat with Devon during the game. Cory and Kendall were at the game, as well as
22 Principal Lynden Murphy. After the game, Devon and Jamie stayed to congratulate
23 their friends on the team's victory. They left the gym together. Jamie went to the locker
24 area and Devon went to the parking lot. Devon and Cory met in the parking lot near
25 Devon's car. Shortly thereafter, several shots were fired. Cory sustained three gun
26 shot wounds—one through the left forearm, one to the upper left chest, and a third
27 through the middle of the head. Devon ran from the scene. Jamie heard shots fired.
28 Kendall and Principal Murphy saw the incident.
29

30 Jamie called 911 and several police officers arrived on the scene. Officer Lee Kim
31 checked the body for vital signs and found none. Officer Kim recovered two shell
32 casings but no bullets from the scene. After interviewing the witnesses, Officer Kim
33 and partner Lynn Estrada patrolled the area. Approximately 1/4 mile from Twin Lakes
34 High, they saw a person they thought to be the suspect, Devon Kelmar. The officers
35 stopped Devon who said, "I had to do it. Cory threatened me with a knife." Officer Kim
36 asked Devon some routine questions and then arrested and Mirandized Devon. In a
37 search incident to the arrest, Officer Kim searched Devon's backpack and recovered a
38 .25 caliber, 6-shot, semiautomatic handgun.
39

40 The coroner, Dr. Merrill Roth, determined that Cory had suffered massive
41 hemorrhaging from three gunshot wounds. Dr. Roth measured the path angles of the
42 bullets and the probable distance Cory was from the weapon which fired the shots. Dr.
43 Roth found a small folding pocket knife similar to a swiss army knife in Cory's left rear
44 pant pocket.

1 During the investigation, Officer Kim spoke with Dr. Nichols. Dr. Nichols gave
2 information about therapy sessions with Devon believing it to be a therapist's duty
3 under Tarasoff and the dangerous patient exception to the psychotherapist-patient
4 privilege.
5

6 **CHARGES**

7 The prosecution charges Devon Kelmar with one count:
8

9 Count 1 - Murder, a violation of California Penal Code section 187 - a felony.
10

11 The judge (or jury) will determine whether a first or second degree murder verdict is
12 appropriate. The court may also consider the lesser included offense of voluntary
13 manslaughter, if evidence is offered for voluntary manslaughter.
14

15 Under Cal. Pen. Code § 187, murder is the unlawful killing of a human being, or fetus,
16 with malice aforethought. "Unlawful" means without justification or excuse recognized
17 by law. Malice may be expressed or implied. It is expressed when there is a deliberate
18 intention unlawfully to take away another's life. It is implied, when there is no
19 considerable provocation, or when the circumstances around the killing show an
20 abandoned or malignant heart. When the killing resulted from the intentional doing of
21 an act with expressed or implied malice, no other mental state need be shown for
22 malice aforethought.
23

24 Murder can be either first or second degree. Murder in the first degree is a willful,
25 deliberate, and premeditated killing with express malice aforethought. "Willful" means
26 intentional. "Deliberate" means decided upon after careful thought and weighing of
27 considerations for and against the action. "Premeditated" means thought about
28 beforehand. In other words, if the killing is preceded and accompanied by a clear
29 deliberate intent to kill that was formed upon a pre-existing reflection, and not under
30 sudden heat of passion, it is murder in the first degree. The true test is not the duration
31 of time but rather the extent of reflection. A cold, calculated judgment and decision
32 may be arrived at in a short period of time. A rash impulse, even with the intent to kill,
33 is not deliberate and premeditated.
34

35 Murder in the second degree is the unlawful killing of a human being with malice
36 aforethought, but the evidence is insufficient to establish deliberate and premeditated.
37

38 Under Cal. Pen. Code § 192, manslaughter is the unlawful killing of a human being
39 without malice. Voluntary manslaughter requires an intent to kill. There is no malice if
40 the killing occurred upon a sudden quarrel or heat of passion. The provocation, or
41 stimulus, must be of the kind and degree as naturally would excite such quarrel or
42 passion in the mind of a reasonable person. Also, the assailant must act under the
43 influence of the sudden quarrel or heat of passion. Provocation may occur over a short
44 or long time. If the provocation is insufficient to arouse passion in a reasonable
45 person, or if enough time has passed between provocation and fatal blow for passion

1 to subside and reason to return, and if all elements of murder exist, then slight or
2 remote provocation will not reduce murder to manslaughter.
3

4 **DEFENSES**

5 The defendant may invoke the right to perfect self-defense or imperfect self-defense.
6

7 Perfect self-defense has two requirements: The killing of another person in self-
8 defense is justifiable and not unlawful when the person who kills honestly and
9 reasonably believes (1) that there is imminent danger of death or great bodily injury
10 from an attack or threat by the victim, and (2) it was necessary under the
11 circumstances to kill the other person to prevent death or great bodily injury. Perfect
12 self-defense requires both subjective honesty and objective reasonableness. Perfect
13 self-defense is a complete defense to the charge of murder and thus, the defendant
14 would not be guilty of any crime.
15

16 Imperfect self-defense is where a person kills another person in the honest but
17 unreasonable belief in the necessity to defend against imminent danger to life or great
18 bodily injury. This defense negates the element of malice aforethought necessary for
19 murder and reduces the homicide to manslaughter. This is true even if a reasonable
20 person in the same circumstances seeing and knowing the same facts would not have
21 had the same belief. Imperfect self-defense is not a defense to voluntary
22 manslaughter.
23

24 Imminent danger means the defendant must fear another whom he or she knows, or
25 has reason to believe, is armed with a deadly weapon in order to take the life or inflict
26 great personal injury. Fear of future harm, no matter how great the fear or likelihood of
27 harm, is not enough. Threats alone do not justify taking another's life in self-defense.
28 Evidence that the victim made prior threats against the defendant is admissible if there
29 is evidence that the victim intended to attack the defendant at the time of the killing.
30 Evidence of the reputation of the victim (good or bad) is admissible only if it can be
31 shown that the defendant had knowledge of such reputation.
32

33 The defense is not required to prove self-defense. The burden is on the prosecution to
34 prove beyond a reasonable doubt each of the elements of the crime and that the killing
35 was unlawful and not justifiable.
36

37 **EVIDENCE:** Map of the scene
38 Coroner's diagrams
39 [Prosecution is responsible for bringing the evidence to trial. Only
40 faithful reproductions, no larger than 22x28 inches, are acceptable.]
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42 **Note:** No guns, knives, or facsimiles are allowed in the courthouse at any time.

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STIPULATIONS: Prosecution and defense stipulate to the following:

1. Devon Kelmar, the defendant, and Cory Jackson, the victim, are the same gender.
2. Both parties will be present and argue the pretrial motion. It will not be in camera since Dr. Carmen Nichols told Officer Lee Kim all potentially relevant information to this proceeding. (In camera means in the judges chambers or a non-public hearing.)
3. Devon Kelmar was properly Mirandized and no Fifth Amendment argument will be heard at pretrial regarding any statements made by the defendant at the time of the arrest.
4. Devon Kelmar's backpack was properly searched in accordance with the warrant exception of a search incident to an arrest. No Fourth Amendment argument will be heard at pretrial regarding this search.
5. Officer Lee Kim is a fingerprint expert and is qualified to give opinion testimony.
6. Dr. Carmen Nichols and Dr. Denali Moorad are psychotherapists within the meaning of Cal. Evid. Code § 1010 and are medical expert witnesses who are qualified to provide opinion testimony.
7. Devon Kelmar was a patient of Dr. Carmen Nichols within the meaning of Cal. Evid. Code § 1011.
8. Dr. Merrill Roth, the coroner, is a medical expert witness qualified to provide opinion testimony.
9. Any issues over the liability of Dr. Carmen Nichols for violation of the psychotherapist-patient privilege were adjudicated in and settled upon in separate proceedings.
10. The defense will make no argument at pretrial as to admissibility of two portions of Dr. Nichols' testimony. Part I regarding background information and Part IV about lay witness, non-privileged observations can be offered as testimony regardless of the pretrial ruling, subject to the Simplified Rules of Evidence.

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WITNESS STATEMENT - Prosecution Witness: OFFICER LEE KIM

My name is Lee Kim. I am 35 years old and have been a police officer for Twin Lakes Police Department for the last 10 years. Upon entering the force, I spent six months completing training in the Twin Lakes Police Academy. Since then, I have taken follow-up training each year. I have completed specialized training with the Academy in fingerprint lifting and identification and have testified about fingerprint identification in over 75 trials.

My current assignment is patrol. On Saturday, February 26, 1994 I was on duty with my partner Lynn Estrada. Around 11:10 p.m. we received a radio call from dispatch that there had been a shooting across the street from Twin Lakes High School located at 123 Old School Road in Twin Lakes, California. We knew there was a basketball game that night, so we were patrolling the area in case of any problems. We responded to the call.

We arrived on the scene at 11:15 p.m. I observed the body of the victim, later identified as Cory Jackson, in the east side of the parking lot near a red 1966 Ford Mustang, California license plate 3SFS076. The body was lying face-up in a pool of blood. It appeared that the victim suffered from multiple gunshot wounds--one through the arm, one to the upper left part of the chest, and a third to the head. I checked the body for vital signs. There were none. I noticed two shell casings lying on the ground a few feet north of the body. I found no expended bullets.

I interviewed Jamie Fergusson who told us that after the game a friend, Devon Kelmar, headed to the parking lot. Fergusson went to the lockers and heard several shots ring out. Fergusson arrived at Kelmar's car and Kelmar wasn't around, but Jackson was lying on the ground. Fergusson gave us a description of Kelmar. Another witness, Kendall Lynch, claimed to have seen a person named Devon Kelmar fire several shots at the victim, Cory Jackson. Lynch said that Kelmar was wearing a white sweatshirt. I later interviewed the other witnesses at the scene.

A second unit responded to the scene along with the coroner, so my partner and I patrolled the area to find the suspect, Devon Kelmar. About 1/4 mile east of Twin Lakes High, we approached Main and 7th streets. We saw a person in a white sweatshirt walking along the road, matching the description of the suspect. We pulled over to the curb and walked toward the suspect who looked distracted and disoriented. The suspect blurted out, "I had to do it. Cory threatened me with a knife." I asked for identification and positively identified the person as Devon Kelmar. I placed the defendant under arrest for murder and proceeded to read the Miranda warnings. Defendant understood the rights and invoked the right to silence.

We proceeded to complete a search incident to an arrest to locate any possible weapons. Defendant was wearing a blue backpack. I opened the backpack and recovered a small .25 caliber, 6 shot, semi-automatic handgun. Because of my experience and specialized training on the police force, I am very familiar with this type

1 of weapon. It is a small handgun. The barrel is only a few inches long, with a black
2 grip. It can be easily carried in a purse or pocket. Six shot means that the gun holds six
3 rounds, or bullets, when fully loaded. A semi-automatic handgun means the hammer
4 does not have to be cocked between firing rounds. You only have to pull the hammer
5 back once and then can fire off rounds simply by pulling the trigger. Thus, it is possible
6 for the shooter to shoot six consecutive bullets very quickly, just by pulling the trigger
7 quickly. Also, it is a light trigger pull, meaning that it does not take a lot of force to pull
8 the trigger back to fire the weapon. There was one unexpended round jammed into the
9 chamber of the firearm and two live rounds were in the magazine inside the weapon.
10 The magazine is the supply chamber from which the rounds are fed.

11
12 Back at the station, I dusted the weapon for fingerprints. I was able to lift two sets of
13 prints. At the police lab, I compared these fingerprints to the ones I had lifted from
14 defendant Kelmar. I have lifted and compared fingerprints hundreds of times during
15 my police career. In my professional opinion one set lifted from the handgun matched
16 the right fingerprints of the defendant. The other set of prints lifted from the gun could
17 not be identified. I also confirmed that the weapon was registered to defendant's
18 deceased father, Mr. Al Kelmar.

19
20 Two days later, Monday, February 28, I was at the station reviewing some reports. A
21 call came into the station regarding this case. The caller, identified as Dr. Carmen
22 Nichols, told me that Devon Kelmar was a former patient. Dr. Nichols had read the
23 newspaper and heard of Cory Jackson's death. Dr. Nichols was very concerned and
24 asked me to come over. I went to Dr. Nichols' office located at 1999 First Place in
25 California City, California. I knocked on the door and Dr. Nichols let me in. We had a
26 conversation and Dr. Nichols told me about the therapeutic relationship with Devon
27 Kelmar. Dr. Nichols also told me about seeing Devon with a gun a few weeks before
28 the incident.

1 **WITNESS STATEMENT - Prosecution Witness: KENDALL LYNCH**
2

3 My name is Kendall Lynch. I am 18 years old and a senior at Twin Lakes High School.
4 I live at 456 Highland Drive in Twin Lakes, California. Cory Jackson and I had been
5 friends for as long as I can remember. We met in the first grade. Cory had some family
6 problems so Cory sometimes stayed with me and my family. Cory was not living with
7 me at the time of the killing. People who did not know Cory might think Cory picked on
8 people. Cory talked some "smack" and got into some fights. But when it really came
9 down to it, Cory never meant any real harm. Cory sometimes carried a small pocket
10 knife. Lots of people carry pocket knives for camping, or whatever.
11

12 I know Cory and Devon Kelmar did not get along well. They would argue about silly
13 things. Most of the time they were just fooling. Usually that was the end of it, but every
14 once in a while it would go further and they might get into a fight. Cory liked to be in
15 control, but usually Cory's power was in words, not in actions.
16

17 Cory, Devon and I had English class together during our senior year. I always went to
18 class. Cory missed a lot of classes, but that was common for Cory. Devon began
19 missing classes over the last six months. Devon was playing in a band and getting
20 more into the party scene. I heard from other people that Devon often couldn't make it
21 to class the day after a gig because Devon had been out too late the night before. Cory
22 had nothing to do with Devon missing class. Besides, Cory was hardly ever there.
23

24 Cory was a practical joker. Cory liked to see other people's reactions and see how far
25 other people could be pushed. It was Cory's nature. One day last week, Cory was
26 driving in the parking lot across from school. I was in the car and we saw Devon
27 walking in the driveway toward us. We were only going a few miles an hour, but Cory
28 sped up the car a little. Cory swerved out of the way in plenty of time. Cory was only
29 playing with Devon who was never in any danger of getting hurt.
30

31 The night before the shooting, Friday, February 25, I had a party at my house. My
32 parents were out of town. Both Cory and Devon were there. I remember talking to
33 Devon when Cory came over to us. Then I saw someone I hadn't seen in a long time,
34 so I left Cory and Devon. I was hoping they wouldn't get into a fight that night, so I
35 looked back toward them. I was about 20 feet away. Devon was smiling and laughing.
36 They seemed to be getting along for a change, so I thought there wouldn't be a
37 problem. Obviously, Devon wouldn't be laughing if there was a problem. Since they
38 weren't fighting, I didn't worry about them.
39

40 The night Devon killed Cory, I was at the basketball game at our school. Everyone in
41 town was there. I went to the game by myself, but I did sit with Cory. Cory was late
42 coming to the game. I think Cory may have had a drink (of alcohol) or two before
43 coming to the game. Cory was in a great mood that night. We won the game and
44 everyone went crazy. I hung out with some friends just outside the gym for about 15-
45 20 minutes. I offered to give Cory a ride but Cory refused. I knew that Cory was staying

1 at a friend's house a few blocks away from school, so I figured Cory would walk there. I
2 left Cory outside of the gym.
3
4 I had parked my car where I always do in the lot across from school. Only a couple of
5 cars were left in the parking lot. On the way, I walked passed Devon Kelmar's car, a
6 1966 red Mustang. I thought it was an unusual place for Devon to park, because it was
7 THE spot where Cory liked to park, except Cory didn't drive that night. The spot is
8 shaded by an old oak tree. Cory and I and our friends made lots of memories under
9 that tree. I got in my car which was parked near the end of the second row. I drove
10 toward the Old School Road exit of the lot. I saw two people near the passenger side
11 of Devon's car. It was dark and the lights in the parking lot were burnt out, so I couldn't
12 see very well. The only light came from my headlights. The street lights on Old School
13 Road did not really shine on the parking lot. It was a cool night and the windows in my
14 car were fogged up. My defroster wasn't working and I had to rub my windows with a
15 towel so I could see.
16
17 I drove slowly, less than 5 m.p.h. I was about 50 feet from Devon's car when I saw
18 Cory was one of the people next to the Devon's car. I knew it was Cory because of
19 Cory's bright green sweatshirt. As I got closer within 40 feet, I saw the other person
20 was Devon who was wearing a white sweatshirt. Devon and Cory were facing each
21 other. I could see Cory's front and Devon's back. It looked like they were arguing by
22 the sound of their yelling voices. I couldn't hear what they were saying. I could only
23 see the top half of their bodies, because the car blocked their lower half. When I was
24 about 35 feet, or the width of 4 parking spaces, I saw Devon raise a gun in the right
25 hand and aim and fire off several shots. Two shots were very close together into
26 Cory's heart. Bam, bam, just like that. I couldn't believe it! Cory shot right in front of my
27 eyes! Then Cory fell backwards on the ground. Devon walked over to where Cory lay,
28 knelt down and lifted the gun and bam -- fired a shot through the middle of Cory's
29 head. I could not exactly see this because they were on the other side of the car. I
30 could only see the top of Devon's head while kneeling. I know I heard a third shot after
31 Cory fell to the ground and while Devon was kneeling. I was in such shock I sat there in
32 disbelief. My best friend dead on the ground. Before I knew it, Devon had taken off. I
33 stopped my car which was 20-25 feet away from Devon's parked car. I got out of my
34 car and ran to Cory. Cory was badly bleeding. A few other people gathered and finally
35 the police came.

1 **WITNESS STATEMENT - Prosecution Witness: DR. CARMEN NICHOLS**
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3 PART I: My name is Carmen Nichols. I live at 2555 Lakeview Road in Twin Lakes,
4 California. I am 40 years old and am a family psychologist. My undergraduate degree
5 in psychology is from Stanford and my masters and doctorate in psychology are from
6 the University of Southern California. I have been practicing for eight years and have
7 testified and qualified as an expert in seven trials. My office is located at 1999 First
8 Place in California City, California. My field of expertise is family therapy, focusing on
9 helping families cope with the death of a family member.
10

11 I went to high school with Devon Kelmar's mother, Nora, and have seen Devon grow
12 up. Thus, I know Devon outside of my profession. Devon is a good student and
13 involved in many activities. Devon planned on attending a university. Although Devon
14 has generally been a good kid, Devon was suspended for three days in junior high for
15 smoking marijuana at school. Nora was very upset and told me she hoped that Devon
16 did not have a drug problem. That's the last I heard of any drug-related problems, but I
17 know that recently Nora found Devon drinking alcohol a couple times on the
18 weekends.
19

20 In September of 1993, Devon's father, Al Kelmar, died unexpectedly of a heart attack.
21 Nora came to see me as a patient to discuss how she and Devon were feeling about
22 Al's death. She was quite grief-stricken, so Devon, being an only child, came to see
23 me to help with her depression and to talk about some feelings about death. Since I
24 only saw Devon professionally on two occasions, I did not have enough time to form
25 any firm opinion regarding aspects of Devon's mental condition.
26

27 PART II: Our first session was in late October, 1993. We primarily discussed how
28 Nora was coping and how Devon perceived her problems and troubles. It was my
29 opinion that, at that time, Devon was coping well with Al's death. Near the end of the
30 session, Devon asked what I knew about insanity. Devon said the interest was
31 inspired by a TV movie where a person killed another and claimed the insanity
32 defense. Devon asked if someone could really "get away with murder" by claiming
33 insanity. These questions caught me by surprise, because they had no relation to our
34 discussion. I told Devon that I had no experience with the legal workings of the insanity
35 defense. I explained that insanity is a legal term not a psychiatric one and it involves
36 many possible mental abnormalities. I said I'd had experience with a legal doctrine
37 called "imperfect self-defense." I'd testified as an expert in a trial involving a former
38 patient of mine. The patient suffered from "Battered Wife Syndrome." Devon seemed
39 very interested and said, "This stuff is so cool. I think I want to go to law school
40 someday." I explained a little more about the Battered Wife Syndrome and imperfect
41 self-defense. It's very complicated and, since I'm not a lawyer, I suggested Devon
42 read more and gave Devon the name of a few books. The discussion was brief since I
43 had a patient following Devon. I didn't think a lot about it at the time, but after I found
44 out about Cory Jackson's death, I began thinking more about the conversation. Devon
45 was extremely interested in what I had to say about the Battered Wife Syndrome and
46 imperfect self-defense.

1 PART III: The second session with Devon was on January 20, 1994. Nora was not
2 making much progress with her depression, so I arranged to see Devon. We primarily
3 talked about how Nora was coping with the depression.
4

5 I brought up the topic of whether Devon's mom seemed to feel anger toward anyone.
6 This topic led to a discussion centering more on Devon than on Nora. Devon said, "I'm
7 tired of others getting the better of me. Next time someone crosses me it'll be their
8 last." I asked what Devon meant. Devon stared back at me and in a serious tone
9 said, "I'm not normally violent, but I'm tired of dealing with this person at school. If this
10 person makes one more threat, it'll be the last. It will be the end for that jerk. I have
11 ways to handle people who cross me one too many times." I remember this vividly,
12 because Devon's tone was so serious and methodical. Devon didn't name the person
13 as Cory Jackson. Since it was a small town and the purpose of our discussions was to
14 help with feelings related to loss of Al Kelmar, I believed it better that I not ask the
15 person's name. Devon said that the person was "crazy" with no reason for disliking
16 Devon. Devon said that the person held a grudge against Devon and did outrageous
17 things. Then Devon said, "I'm just fooling with you Doc. Don't look so scared. Sorry I
18 got off track of what we were talking about." Devon was so serious, calm and collected
19 to be joking. Devon did not use the word "kill," but I thought this was a threat.
20

21 I read in the paper about Cory Jackson's death and Devon Kelmar's arrest. I thought
22 to myself, "Oh my goodness, Devon was talking about Cory Jackson." Devon actually
23 pursued the threat and killed Cory. I thought I should have pursued Devon's threat
24 earlier and find out who that person was, but I didn't. Even though I didn't have a
25 professional duty to find out who the person was, I regretted not finding out more back
26 then. That is why I informed the police.
27

28 PART IV: Two weeks ago, Tuesday, February 15, I saw Devon in downtown Twin
29 Lakes on Main Street. I remember the day, because I had a lunch meeting at 11 a.m.
30 in Twin Lakes. My office is in California City, so I'm not usually in Twin Lakes on a
31 weekday. Devon had missed an appointment with me the day before. I saw Devon
32 hanging out near a park. I was surprised to see Devon at that time of day, but I think
33 Devon was more surprised to see me. I said hello and asked how Devon had been.
34 Devon responded in an annoyed and agitated tone, "Doctor, what are you doing in this
35 part of town? Are you spying on me? Trying to find out why I've missed therapy?" I
36 said that I just was inquiring as a friend. Devon was wearing a blue jacket. When
37 Devon turned to leave, I noticed what looked like the butt, or grip, of a gun sticking out
38 of Devon's lower right jacket pocket. The grip was black. I was very surprised to see
39 Devon with a gun so I said, "Devon, what's that sticking out of your pocket?" Devon
40 said, "None of your business, Doc." Devon quickly walked away, attempting to hide
41 the gun I had seen. Perhaps I should've reported it to the police, but since I'm friends
42 with Devon's mother, I thought it better to discuss it with her face-to-face at her next
43 appointment. Unfortunately, all of this happened before I had a chance to talk to her.

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WITNESS STATEMENT - Prosecution Witness: DR. MERRILL ROTH, CORONER

My name is Merrill Roth. I am 37 years old. I am a medical examiner and have been employed with the California City County Coroner for seven years. Twin Lakes, California is in California City County. I received my undergraduate and medical degrees from the University of California, San Diego. I conducted my residency at the University of California, San Francisco. I have conducted several hundred autopsies during my career. My job is to determine the manner, cause, and circumstances of death for each body I examine. I examined the deceased, identified by next of kin as Cory Jackson, on February 27, 1994. The deceased, an 18 year old from Twin Lakes, died from massive loss of blood resulting from three bullet wounds. The order in which I describe the wounds has no relation to which wound was sustained first. I describe the wounds in order of least to most serious.

One wound was sustained to the left forearm. Entering in the middle of the forearm about 6 cm. above the wrist bone of the back of the hand, the bullet tracked slightly downward and exited about 4 cm. above the wrist bone on the palm side of the arm. This wound was not fatal and Jackson could have fully recovered with proper medical attention. A second wound was sustained to the left upper chest. The entry was at the anterior (front) left, 2 cm. below the scapula and 8 cm. from the center of the body. The track of the bullet went straight through the body and exited on the posterior (back) left side. This bullet partially punctured the aorta, leading directly to hemorrhaging. This wound might not have led to immediate death and Jackson probably could have survived 30-40 minutes without proper medical attention. A third wound was sustained to the head. The entry wound was in the anterior center of the head 1 cm. above the bridge of the nose. The track went slightly upward, front to back, through the midportion of the brain and lodged near the posterior about 2 cm. above the entry. This bullet did not exit the body, but remained in the head. This type of wound leads to massive hemorrhaging and results in almost immediate death within 10-15 seconds.

Measuring the bullet tracking (the path), entrance and exit, size of the hole, and gun powder marks on the body helps to determine the probable distance of Jackson from the firing weapon. These distances represent the distance from Jackson to the end of the barrel of the gun. They do not account for where the assailant was standing. That would depend upon whether the assailant's arm was fully or partially extended when firing. The wound to the arm was fired within 1/3 meter or 1 ft. The wound to the chest was fired at about 1-1/3 meters or 4-1/2 ft. The wound through the head was fired at close range, less than 1/2 meter or 1-1/2 ft. One bullet recovered from the head of the victim was matched with the weapon recovered from the defendant, Devon Kelmar.

There were no other wounds or abrasions on the body. There was no physical evidence of a struggle, such as bruises on the wrists or on other parts of the body. Blood taken from Jackson during the autopsy revealed a blood alcohol level of .10. A standard small folding pocket knife, similar to a swiss army knife, was found in the closed position in the left rear pocket of the deceased, Jackson. It measured a little over 3 inches in the closed position with a blade a little less than 3 inches.

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WITNESS STATEMENT - Defense Witness: DEVON KELMAR, DEFENDANT

My name is Devon Kelmar. I am 18 years old and a senior at Twin Lakes High School. I live with my mother at 451 Lakeside Drive in Twin Lakes, California. We moved to Twin Lakes before my junior year in high school. I didn't know anyone, but I became friends with Jamie Fergusson, my next door neighbor. Jamie is a year younger than I, but was really cool to me. Jamie used to play drums in a band with Cory Jackson who was the singer. It did not work out for them and they broke up the band and fizzled out as friends. I sing and always wanted to be in a band, so Jamie and I began playing together. We played well together and it helped me to meet people. We played at parties and at special occasions around town.

About a year ago, Cory began to pick on me. I never initiated any of the fights. It had gotten worse over the last six months. What I used to walk away from, I couldn't anymore. Cory would corner me or jump me from behind. I'd get bruises. Cory said that I didn't deserve to live because of all of the pain I caused. Cory was wrong. Cory was the one causing all of the pain. Cory was jealous that the band was so successful. Cory constantly accused me of stealing the band and Jamie. Cory didn't like Jamie and me being friends. Jamie and Cory were better friends before I moved here.

Cory's abuse has been really hard to take since my dad's death in September of last year. My mom was very upset over dad's death and got help from Dr. Nichols. Mom and Dr. Nichols have been friends for a long time. Mom was really upset, so I went and saw Dr. Nichols. I only saw Dr. Nichols twice in the last six months. The first time was in October and the second in January. We mostly talked about mom's depression and my view of death. I vaguely remember mentioning to Dr. Nichols that I had seen a T.V. movie in which the person claimed insanity. It wasn't important. I don't really remember anything else significant that we talked about. I haven't seen Dr. Nichols since the visit in January.

Cory harassed me over the phone. I had my own phone line at home and I got numerous hang-ups during the night. Other times the caller whispered obscenities. I lost sleep and was irritable. It was Cory even though Cory never admitted it. Many times over the last six months, I found my school locker jammed or shaving cream sprayed inside of it.

Cory and I had senior English together. Kendall Lynch was also in the class. Cory didn't always go to class, but I always dreaded that class because of Cory. My grades suffered, because I missed classes. I grew very stressed about seeing Cory. A couple months ago, in December, Cory accused me of stealing our English teacher's wallet. Cory confronted me and we got into a fight. We were both sent to the Vice Principal Murphy. Vice Principal Murphy wanted us to talk out our differences. It didn't help. In fact, it made Cory more upset. My car was egged twice within the last month when I parked it in a lot across from school. Cory's friends hung out in that lot. Cory got mad when I parked there. Cory would say, "These are my grounds." It made me mad since I've got a right to park where I want.

1 Last Wednesday the 16th, Cory tried to kill me with a car. I was in the parking lot
2 across from school and I saw a car coming right at me, gaining speed. Cory was
3 driving and had a big smile. Cory aimed for me. I leaped out of the way just in time, or
4 Cory would've run me over. It really shook me up and confirmed my fear that Cory was
5 out to get me.
6
7 Last weekend Jamie and I were working on new material for the band. I was a little sad
8 because I was thinking about my dad. We talked about our feelings about death. I
9 thought I'd write a song for my dad. Also, for a couple weeks we had been thinking
10 about changing the name of the band. Our's was lame. So I asked Jamie about "The
11 Perfect Crime." Then I realized that it was stupid too, so I said to forget it.
12
13 On Friday the 25th, Kendall had a party. Kendall and I were talking when I felt a hard
14 tug on my arm. It was Cory who was drunk. I said I didn't want any trouble. Cory
15 laughed and I noticed that Kendall had walked away. Cory got close to my face and
16 threatened me with a knife held real close to my throat. It was a sharp knife. I could
17 feel it all the way across my neck. I don't know the exact size, but it wasn't a little
18 pocket knife. Cory said:"I'm tired of you gettin' in my way always taking what's mine--
19 stealing my friends and my band. I hope you're not goin' to the game tomorrow,
20 because you're dead. I'm gonna slash you. I'm not kidding this time." I guess I
21 laughed, because I was nervous. Cory shoved me hard and I fell back into some
22 people. Cory laughed again. It shook me up, because I know that Cory's dad was in
23 prison for stabbing someone. I saw Jamie and said that Cory was really scared me
24 and I believed Cory was really out to get me this time. I told Jamie about the threat. I
25 felt like I needed to do something to protect myself.
26
27 The next morning I went to the closet where dad had kept a gun. It was still there, so I
28 took it and put it in my backpack. I had never held the gun before this time. It sort of
29 scared me, but I didn't know how else to protect myself. The abuse had been growing
30 over the last couple months. I knew Cory carried a knife. This was common for Cory to
31 do and everybody knew that. I was scared and afraid that Cory was going to kill me.
32 Also, no one was taking my fears seriously. Whenever I told anyone about the abuse,
33 they thought I was paranoid or over-reacting. That's why I often didn't tell others of the
34 ongoing abuse. But I knew what Cory was thinking and was serious about the threat.
35
36 That night I went to the basketball game at school. I took my backpack to the game
37 because I had some new music in it. Our band was going to play at a party after the
38 game. I got there early to watch the warm-ups. I parked in the lot across from the
39 school, because I knew a lot of people were going to the game and thought it would be
40 easier to leave from that lot after the game. I sat with Jamie during the game. We won
41 the game. Jamie and I talked to some friends on the team, then Jamie went to the
42 lockers and I went to my car. It was very dark because the lights in the parking lot were
43 burnt out. I was at the passenger side of my car when Cory came up from behind. Cory
44 said, "Devon Kelmar, jus' the person I'm lookin' for. I saw you and Jamie at the game.
45 Now it looks like you've entered my grounds." The place I had parked my car was
46 where Cory's friends would often hang out.

1 All I could think about was what Cory had said the previous night. "You're dead," "I'm
2 gonna slash you." I kept replaying this in my mind. I was thinking of all of the abuse--
3 the fights, the phone calls, the car, and how Cory had threatened and hit me the
4 previous night. I knew Cory carried a knife. I was so afraid and really thought that this
5 was it. Cory said something to me but I couldn't hear because of everything replaying
6 in my mind. I can't remember if I said anything. I was scared and sure Cory was going
7 to pull the knife on me. So, I unzipped my backpack and made sure the gun was there.
8 I saw Cory reach into a jacket pocket and then begin to lunge toward me. I saw my life
9 flash and I started firing. I had to save my life. I don't know how many shots were fired.
10 It all happened so fast. I was in shock and in fear for my life. I felt that it was Cory or
11 me. I wanted Cory to stop harassing me. I wanted the pain and fear to end. My gut
12 reaction was to take off. I had to think about what had happened. I started to run. A
13 short way from school, I saw two police officers and I told them that I had to do it
14 because Cory had a knife. They asked my name and I told them. They said I was
15 under arrest for the murder of Cory Jackson. They read me my rights and took me to
16 the station.

1 **WITNESS STATEMENT - Defense Witness: JAMIE FERGUSSON**
2

3 My name is Jamie Fergusson. I am 17 years old and a junior at Twin Lakes High
4 School. I live next door to Devon Kelmar at 453 Lakeside Drive in Twin Lakes,
5 California.
6

7 I have known Cory Jackson since elementary school. We used to be pretty good
8 friends, but we had a falling out when our band broke up. Cory sang and I played
9 drums. It was never anything great. We stopped playing together about six months
10 before Devon moved here. Cory and I haven't been friends since the band broke up.
11 Cory has always wanted to control other people. I think a lot of Cory's problems stem
12 from family problems. Cory told me Cory's dad was in prison for stabbing someone.
13 Also, Cory's mom is an alcoholic and most times I've seen her, she's drunk. It's hard
14 on Cory, so Cory often stayed with friends.
15

16 Devon and I have been good friends for a couple years. Devon moved here two years
17 ago and didn't know anyone. We went to the same high school so I introduced Devon
18 to some friends. Devon was shy at first, but made a lot of friends and was popular.
19 Devon sang, just like Cory, only better. About a year and a half ago, Devon and I
20 began playing in a band. We added a couple other members, but didn't ask Cory. We
21 didn't need two singers. I think Cory was jealous, because our band did very well.
22 Devon and I spent a lot of time together -- naturally we were neighbors and in a band
23 together. Cory never liked Devon. Cory was obnoxious and called Devon names and
24 accused Devon of taking over the band. It wasn't true. Cory and I broke up our band
25 long before Devon came to town. Besides, Devon was a much better singer than Cory.
26 Cory was jealous of the friendship Devon and I had.
27

28 Cory accused Devon of stealing a teacher's wallet. They got into a fight and were sent
29 to Vice Principal Murphy. Since then I think Cory was more hostile. Since then Devon's
30 car was egged and Devon's locker was filled with shaving cream. Devon's a great
31 person and I never understood why Cory didn't like Devon. Lately it seemed that they
32 were fighting more often. It seemed like they got into an argument a couple times a
33 week.
34

35 Last weekend Devon and I were out in the shed behind my house talking about new
36 material for the band. We might have had a beer or two. We got into a discussion
37 about death. Devon asked if I'd ever thought about death about the worst way to die.
38 Devon must have been thinking about Devon's dad who had died. Devon was writing a
39 song for him. Then Devon said something kindof weird. Devon said, "Have you ever
40 thought about the perfect crime?" I said, "What!?" Devon said, "Oh never mind, forget
41 it." I thought maybe Devon had too many beers and wasn't thinking straight and we
42 resumed talking about some new songs.
43

44 Friday night, February 25, I went to Kendall Lynch's party. Around 11 p.m., Devon
45 came up to me and said that Cory had made a threat. Devon said something like "Cory
46 said I should stay away from you, and if I didn't, I'd be slashed, just like Cory's dad

1 slashed." Devon seemed mad and upset at the same time. Devon said that Cory
2 pulled a knife and held it to Devon's throat. I'd heard other people at school talk about
3 seeing Cory with a knife, like a switch blade, but I'd never seen one. Cory did have a
4 reputation of bullying people around. I also knew that Cory didn't like Devon, but I
5 hoped Cory would never do something as drastic. I asked what Devon was going to do
6 and Devon said, "I don't know but I need some protection." Devon was shaken up and
7 left the party.

8
9 The next night, Saturday the 26 I met Devon at our school gym for the championship
10 basketball game. Devon seemed fine. We didn't talk about Cory or what had
11 happened the previous night. I did see Cory sitting with Kendall during the game. Cory
12 was drinking something from a paper sack. I don't know what it was, but Cory does
13 have a reputation for often getting drunk. I figured it was probably a beer in the sack.

14
15 It was a great game and we won by a point at the buzzer. Everyone was going crazy.
16 After the game we stayed and talked to some friends on the team. We planned to meet
17 them at a party our band was playing at. Devon and I left the gym. I went to my locker
18 and yelled to Devon to meet at the party. While at the locker I distinctly remember
19 hearing two gun shots ring out. I also heard a scream. The shots came from the
20 parking lot. I thought about Devon and ran to the parking lot. I didn't see Devon or
21 Devon's car, so I ran across the street and saw Devon's red Mustang and a couple
22 people gathered. When I got closer I saw Cory laying there in a pool of blood. Devon
23 wasn't around. A couple of other people gathered including Kendall Lynch and the
24 Vice Principal.

25
26 I called 911 and told them that there was a shooting and that someone was badly hurt.
27 I stayed with Cory until the police came. They asked me a few questions about what
28 had happened and I told them what I knew.

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WITNESS STATEMENT - Defense Witness: DR. DENALI MOORAD

My name is Denali Moorad. I am 39 years old. I am a psychiatrist and Associate Director of the Psychiatric Institute located in California City. I received my undergraduate degree in psychobiology and medical degree specializing in psychiatry from the University of California, Los Angeles. I have worked at Psychiatric Institute for about 10 years and have been the Associate Director for the last two years.

Before I was the Associate Director, I regularly saw patients. My specialty has always been children and young adults. I still see patients but I currently spend more time researching and writing. I am quite familiar with the Battered Person Syndrome as well as Battered Wife Syndrome and the Battered Child Syndrome. I have studied syndromes related to juveniles and young adults over the last five years and have helped to develop the research in this field. I have diagnosed and treated many patients with these syndromes. I have written several books and articles on the subject. I also speak at conferences. I have testified in about 40 trials over the last four years. I usually charge a fee around \$2,400 to testify at trial. This includes preliminary interviews and testing. I am being paid for my testimony today.

Battered Person Syndrome (BPS) is not a mental illness and is not listed in the third edition of the Diagnostic and Statistical Manual of Mental Disorders (manual). This manual is an extensive diagnostic classification system for psychological disorders. BPS may be classified as a type of Post-traumatic Stress Disorder (PTSD). PTSD is listed in the manual. In PTSD a number of symptoms arise after a traumatic event, or stressor. The stressor is generally one that is outside the normal range of human experiences. The stressor may be caused by many things such as military combat, natural disasters, as well as man-made disasters, like torture, abuse, or rape.

The diagnostic criteria for Post-traumatic Stress Disorder include:

- (1) A distinct stressor that would cause significant distress in almost anyone;
- (2) Disturbing and vivid recall of the stressful event or recurrent dreams of the event;
- (3) Numbing of responsiveness, feeling of detachment from others, or reduced involvement in important activities;
- (4) At least two of the following: sleep disturbance, trouble concentrating, increased arousal, hypersensitive nerves, avoidance of activities causing a recollection or resembling the traumatic event.

Battered Person Syndrome is similar to the more recognized Battered Wife Syndrome. A battered person is one, who has been on several occasions, the victim of physical, sexual, or serious psychological abuse by another person over a period of time. There is usually a pattern of abuse or a cycle of violence for which the battered person assumes responsibility. Several symptoms arise from the syndrome. One is a greater sensitivity to danger. The battered person very honestly perceives the danger faster than someone who hasn't been battered. This may make the battered person

1 more edgy and more emotional and responsive than someone who has not been
2 battered. The battered person does not misperceive the danger, but the battered
3 person accurately senses that an abusive episode is not over. Other symptoms
4 include a numbing of feelings and re-experiencing the traumatic abusive episodes.
5

6 A battered person's thought processes and reactions are different from those of
7 someone who is not abused. A battered person puts up with the abusive environment
8 because he or she may experience a loss of self-esteem and "learned helplessness,"
9 which is a kind of "psychological paralysis." The battered person views the violence as
10 random and thus, believes that there is no way to prevent the abuse. The resulting
11 feeling is helplessness. The person may have difficulty concentrating or have memory
12 loss, which results in poor school or work performance. Children may be aggressive or
13 irritable.
14

15 I have conducted three 1-hour sessions with Devon Kelmar since the arrest. I have
16 also reviewed the police reports and have briefly interviewed Devon's mother. Based
17 on my psychological evaluation, it is my opinion that Devon Kelmar suffered from
18 Battered Person Syndrome. My opinion is based on the exhibited symptoms
19 associated with BPS. There has been a history and a pattern of physical and
20 psychological abuse of Devon by Cory Jackson. Over the last year and heightened
21 during the last six months Devon experienced lengthy periods of verbal, physical, and
22 emotional abuse. This was evidenced by the fact that Devon sustained bruises on
23 several occasions. Also, Cory psychologically tormented Devon on a very frequent
24 basis. Devon became more agitated, would miss classes at school and Devon's
25 grades dropped significantly. Devon had trouble sleeping and concentrating at school.
26 Devon didn't often tell others about the abuse because Devon's was beginning to feel
27 detached from others since they were not sensitive to the abuse. Also, Devon
28 exhibited a loss of self-esteem. Devon felt threatened and experienced a feeling of not
29 being able to escape the situation.
30

31 Just the night before the incident, Cory openly threatened Devon with a knife to the
32 throat. Along with the verbal threats and physical abuse, Devon was in a heightened
33 state of fear. When Devon saw Cory the following evening it would be normal for a
34 battered person to recall the pattern of abuse and the recent threat. This recall is very
35 vivid. Devon re-lived the moment of Cory's threat and the fear that Devon had felt.
36 Devon was also aware that Cory always carried a knife. When Cory reached for a
37 jacket pocket, Devon thought Cory was reaching for a knife. With this knowledge
38 combined with the threat, it would be reasonable for Devon to react. All of these
39 symptoms fall within the classic symptoms for PTSD, within which Battered Person
40 Syndrome falls.
41

42 Based on my experience and BPS theory, it is my opinion that Devon's particular
43 experiences as a battered person affected the perception of danger, its imminence,
44 and the necessary actions to protect from danger. It is also my opinion that Devon
45 genuinely perceived danger and the need to kill Cory.

1 **WITNESS STATEMENT - Defense Witness: LINDEN MURPHY**
2

3 My name is Linden Murphy. I am 38 years old and live at 1000 Lakeview Road. I
4 received an undergraduate degrees in history and education and masters in education
5 from the University of California, Santa Barbara. I also have a teaching credential. I
6 began teaching history at Twin Lakes High about 11 years ago. I have been the Vice
7 Principal also known as the Dean of Students at Twin Lakes High School for almost 5
8 years.
9

10 As Dean of Students I make sure students receive a good education in a positive
11 learning environment. It is a close-knit community and we want our students to be
12 successful, productive members of society. If a student needs help, I want to be there.
13 I try to get to know as many students as possible. I also meet with students who've
14 been referred to me by teachers or administrators. Students are referred to me for
15 many reasons, such as violent or disruptive behavior to the learning environment. I
16 also counsel students who exhibit warning signals, such as major mood swings,
17 significant weight loss, significant decrease in school grades. Recently we have had a
18 problem with underage drinking in our community. We are trying to educate students
19 about the dangers of drugs and alcohol.
20

21 I knew Cory Jackson. I think Cory had a difficult life at home. I think Cory did not live
22 with family members. Cory's father had some troubles with the law. I felt that if Cory
23 received more support from family members, Cory could have been a good student.
24 Cory had been referred to me many times and seemed constantly in my office. Cory
25 tended to have a violent disposition. Cory often skipped class and fought with the
26 other students. Cory was sometimes referred to me for drinking or being drunk in
27 class. I even heard rumors that Cory sometimes carried a switchblade, but I never saw
28 one or Cory would've been immediately suspended. Cory also had problems with
29 another student Devon Kelmar.
30

31 Although I did not have many occasions to speak with Devon Kelmar, I had heard lots
32 of positive information about Devon. I know Devon was popular with the teachers and
33 many students. Devon was an exemplary student, earning good grades and was
34 college bound. Devon participated in many school activities. Devon was rarely ever in
35 trouble. I was keeping my eye on Devon, because I'd been told that Devon had missed
36 several classes, especially English class. Also, Devon's grades were falling. This
37 concerned me because this was not typical for a student like Devon and these can be
38 warning signs of trouble.
39

40 Devon was referred to me only once after an incident with Cory. In December, they got
41 into an argument which escalated into a fight. A teacher's wallet had been stolen from
42 her purse and Cory accused Devon of stealing it. We found no evidence that Devon
43 stole the wallet. Devon told me about problems with Cory. Devon said that Cory was
44 always harassing and trying to set up Devon for things Devon did not do. I suggested
45 that Devon and Cory try to work out their differences. I cautioned them that, if I saw
46 them in my office again, they could be subject to suspension. I directed this threat at

1 Cory, because I viewed Cory as a "hot head" with a temper. I wanted them to work out
2 problems without resorting to violence.
3

4 On February 26, 1994, I went to the school's championship basketball game. It was a
5 big event and many people attended. I stayed after the game to lock up the gym. Also,
6 I wanted to see that the students cleared the campus and the parking lot. About 20-25
7 minutes after the game, there were still a few people lingering around, reveling in the
8 victory. I walked away from the gym toward the parking lot. Most of the cars were
9 gone. There were a few in the lot across the street. Students like to "hang out" in that
10 parking lot, because it is off campus. Also, the school parking lot gets very crowded
11 and it's easier to get a parking spot in the lot across the street. I heard some arguing
12 coming from the lot across the street. I was concerned it might be someone upset
13 about the game, so I headed across the street.
14

15 At first, I couldn't make out what was going on or who was arguing. I headed towards
16 the argument and was about 60 feet away when I heard someone yell, "I should jus'
17 rid' you of you're misery. You're 'street sludge' who doesn't deserve to live." I wasn't
18 sure who said this. One person facing me had a white sweatshirt on. I could only see
19 the back of the other person who was wearing a green jacket. It was dark and all the
20 lights were burnt out in that area. I could not clearly see who either person was. The
21 person in green blocked my clear view of the person in white.
22

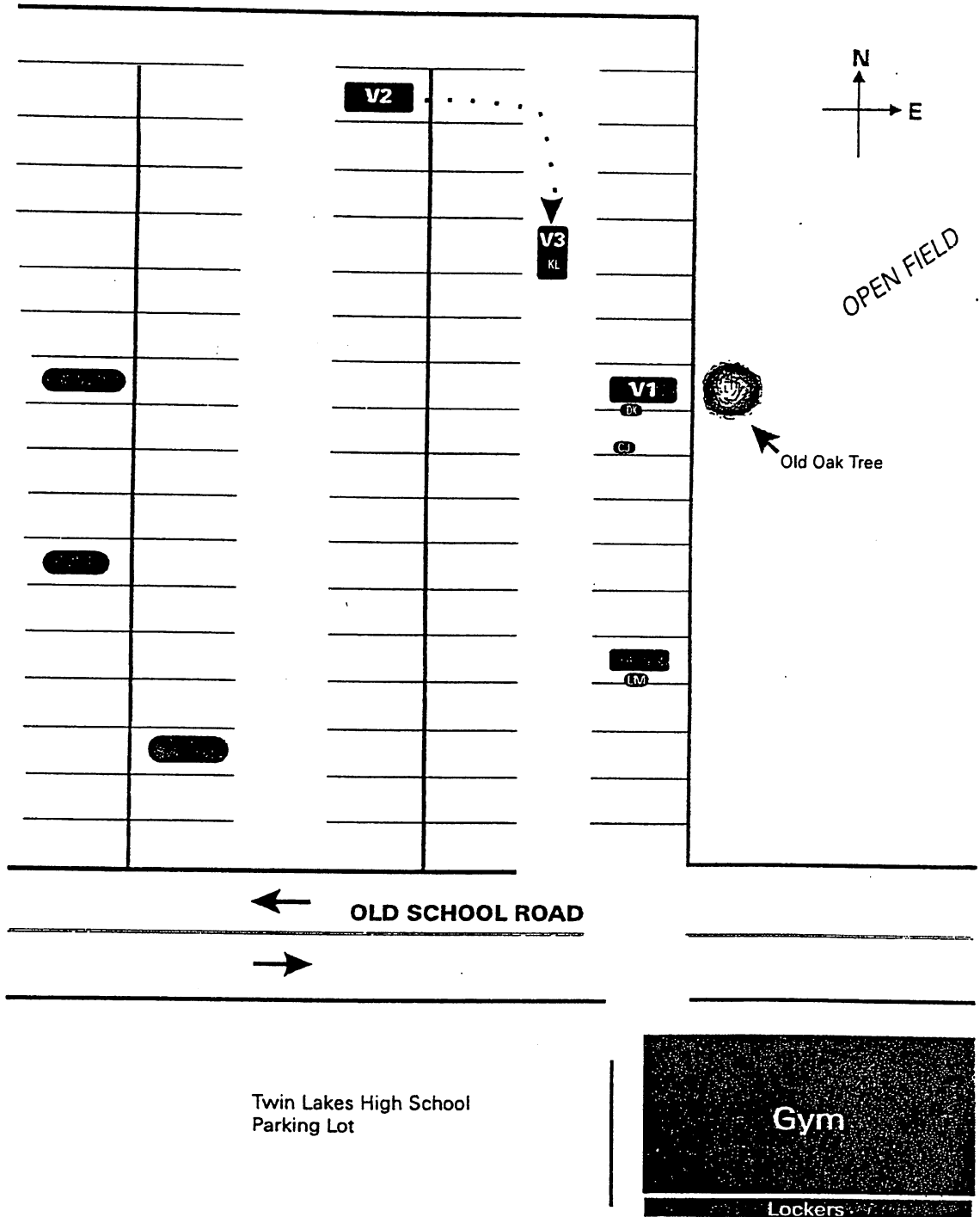
23 I walked closer and I think the person in white said something like, "I know you've got a
24 knife, but I've got strap." Strap is a common slang kids use for gun. I was about 50 feet
25 (or the width of six parking spaces) away. There was a parked car right in front of me
26 and five empty parking spaces, then the two people and another car. A car was
27 coming toward me and the headlights were partially in my eyes. I had to squint. I was
28 about to say something when the person in green reached for the right jacket pocket
29 and make a quick sharp movement and lunge toward the other person. Then I heard a
30 shot fired and I yelled out. I crouched down beside the car in front of me, because I
31 didn't want to get hit by any stray bullets. I peered over the top of the trunk. Then I saw
32 the person in green stagger toward the other person. I heard one more shot and the
33 person in green fell backwards onto the ground. The two shots were close together,
34 only a few seconds apart. There was nothing I could do. I waited a few seconds and
35 then I looked around the side of the car. Then I saw the person in white kneel down
36 and touch the other person's neck and then run off into the open field.
37

38 I walked cautiously toward the person on the ground. I realized it was Cory Jackson. A
39 few other students gathered. I told someone to call 911 and I stayed there until the
40 police arrived.

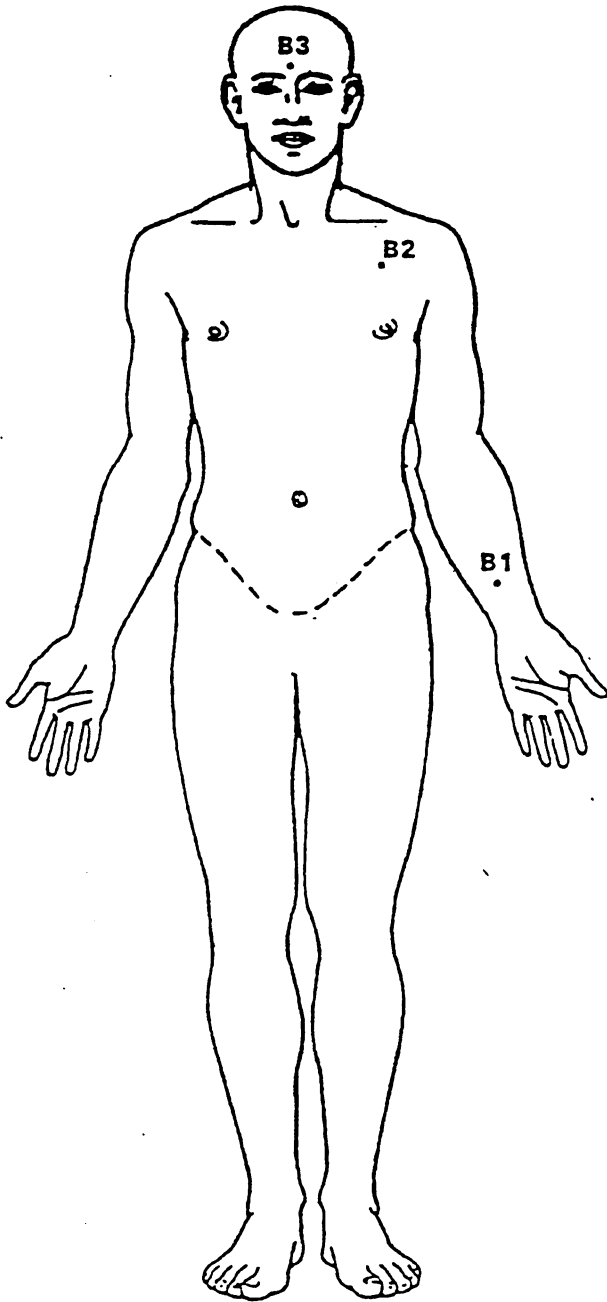
OFFICIAL DIAGRAM
Map of Scene

V1 - Devon Kelmar's car (parked)
V2 - Kendall Lynch's car (parked)
V3 - Kendall Lynch's car
(approx. position after incident)

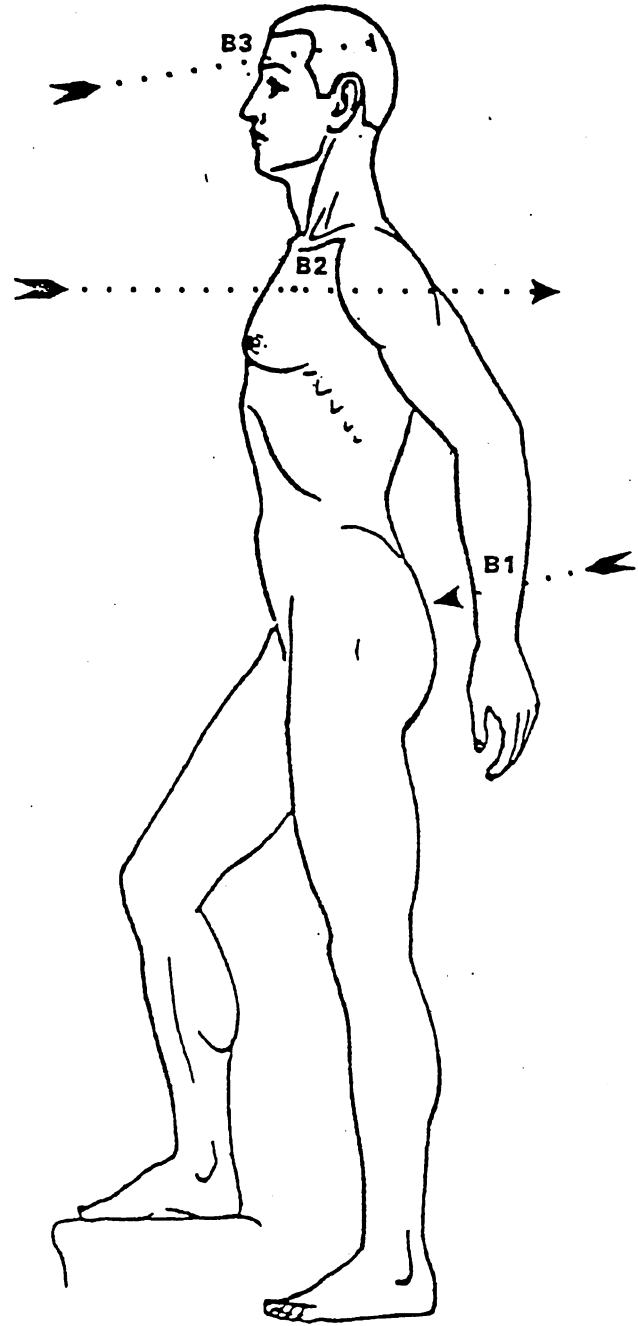
DK - Devon Kelmar
CJ - Cory Jackson
LM - Linden Murphy
KL - Kendall Lynch



Coroner's Diagrams



Front



Left

Diagram courtesy of the Los Angeles County Department of Coroner