

**2012 ARKANSAS HIGH SCHOOL MOCK TRIAL COMPETITION**  
**CASE OVERVIEW: STATE OF ARKANSAS V. TERRI/TERRY HAYES**

On behalf of the Arkansas High School Mock Trial Committee, we welcome your participation in the 2012 Mock Trial competition. In this year's criminal case, the defendant has been charged with murder by poisoning the victim with arsenic. The prosecution alleges that the defendant, a shy, geeky student at an elite high school, took revenge after the defendant was hazed and humiliated publicly by the victim. The defense claims that the defendant is innocent.

***Students*** – Through participation you will experience what it is like to prepare for and present a case before a judge. Working with your team and coaches, you will learn to evaluate information and respond quickly. As you prepare, you will sharpen public speaking and presentation skills. The greatest benefit is the opportunity to learn how the legal system works. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of Arkansas's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and different approaches of individual members in the legal arena.

***Teacher Coach, Attorney Coach, or Judge*** – We strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing for the competition. Your contributions of time and talent are making many experiential educational opportunities available annually to many Arkansas students. Your participation is an essential key element to the success of this program. You can be proud of the impact you have made on the lives of these students.

Good luck and have fun!

Special thanks for the hard work of the Indiana High School Mock Trial Association (authors of the original version of this mock case); the Arkansas Bar Association Mock Trial Committee (Matt Wells, Chair), and the Arkansas Mock Trial Subcommittee (Chair Anthony McMullen, Floyd Healy, Lorrie Payne, Gwendolyn Rucker, and Valerie Kelly).

## CASE BACKGROUND

At Elite Preparatory High School, certain students who are deemed to be among the “popular crowd” are invited to belong to a social club. The club is very exclusive and the members pride themselves on admitting only the elite, the “best of the best.” The school does not officially recognize the club, but the school has not banned it either because students of well-established, wealthy families in the community, and significant contributors to the school, are among its primary members. The club is called *Carpe Diem* (seize the day) to represent their carefree, overflowing life. At the beginning of their meetings, club members chant “*Carpe diem quam minimum credula postero,*” i.e., “Seize the day, trusting as little as possible in the future.” The club follows certain traditions, rituals and ceremonies. At the start of each school year, members of the group scout out the 10<sup>th</sup> graders, usually 15- and 16-year-old students, they feel would fit into their group. They then invite this select group to “rush,” a three-week time period, giving everyone an opportunity to get to know each other at various social gatherings. When rush is completed, there is an elimination of pledges who did not make the “cut.” The senior members of the club identify those pledges who are deemed worthy to be part of the exclusive “pledge class.” The students who accept the invitation to pledge begin an additional six-week period during which they are forced to serve the members of the club and do whatever they are told. *Carpe Diem* prides itself on the severity of its hazing. Every pledge class ends the pledge period with the “Running of the Gauntlet” at Arcane Park.

This year, the senior members of *Carpe Diem* included President Duke Kenilworth and Rush Chair Austin Taylor. As the top of the club’s chain of command, they had the last word on the membership selection process. Terry/Terri Hayes was one of the eight students in the pledge class. Terry/Terri was new to the school. At the Running of the Gauntlet festivities, all was going as planned, starting with the pledges reciting the Club Motto, followed by swatting the pledges with paddles, dousing them with ketchup, mustard, and raw eggs, and having them swallow live goldfish. Humiliating “awards” were given to some of the pledges, including the “Flunky” award, which was given to Terry/Terri. Duke and Austin warned the pledges that this was just the beginning, and that it would only get worse.

Alcohol was also present, and the pledges were ordered to serve the Club officers beer in special beer mugs that were specially engraved with each officer’s name. Shortly after Austin saw Terry/Terri serve Duke his beer, Duke complained of stomach pains, a headache, and dizziness. Duke began vomiting and eventually collapsed. The police and EMTs arrived, but they were unable to revive Duke, and he was pronounced dead at the scene. The police issued citations for underage drinking and called for the students’ parents to take them home. The medical examiner ruled Duke’s death was the result of alcohol poisoning. However, eight months after his death, the police received an anonymous tip suggesting that Duke had been murdered by someone poisoning his drink at the Running of the Gauntlet. Duke’s body was exhumed, and the new (recently elected) coroner determined that Duke had died from arsenic poisoning. Terry/Terri was arrested and charged with murder.

*The Case Background is not to be used as evidence in the case, but rather is provided for background purposes only. This case is a work of fiction. The names and events described herein are intended to be fictional. Any similarity or resemblance of any character to an actual person or entity should be regarded as only fictional for purposes of this mock trial exercise.*

**IN THE CIRCUIT COURT OF MARION COUNTY, ARKANSAS  
CRIMINAL DIVISION**

**STATE OF ARKANSAS**

**V. CASE NO. CR2011-65**

**TERRY/TERRI HAYES**

**CRIMINAL INFORMATION**

I, Prosecuting Attorney, 12th Judicial District, in the name, by the authority, and on behalf of the State of Arkansas, Marion County, charges the defendant, TERRY/TERRI HAYES, with the crime of violating Arkansas Code Annotated § 5-10-101, capital murder, committed as follows, to wit: said defendant, in Marion County, on or about October 26, 2009, unlawfully, feloniously, and with the purpose of causing the death of another person, did cause the death of DUKE KENILWORTH, against the peace and dignity of the State of Arkansas.

I swear, under penalty of perjury, that the foregoing representations are true.

/s/ Prosecuting Attorney

## APPLICABLE LAW

### **Ark. Code Ann. § 5-10-101. Capital Murder**

(a) A person commits capital murder if: . . . (4) With the premeditated and deliberated purpose of causing the death of another person, the person causes the death of any person.

(c)(1) Capital murder is punishable by death or life imprisonment without parole.

### **Ark. Code Ann. § 5-10-102. Murder in the first degree**

(a) A person commits murder in the first degree if: . . . (2) With a purpose of causing the death of another person, the person causes the death of another person.

(c) Murder in the first degree is a Class Y felony.

### **Ark. Code Ann. § 5-10-104. Manslaughter**

(a) A person commits manslaughter if: (a)(1) The person causes the death of another person under circumstances that would be murder, except that he or she causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse.

(c) Manslaughter is a Class C felony.

### **Ark. Code Ann. § 16-89-126. Types of verdicts**

(e)(1) Upon an indictment for an offense consisting of different degrees, the defendant may be found guilty of any degree not higher than that charged in the indictment and may be found guilty of any offense included in that charged in the indictment.

(3) Where there is a reasonable doubt of the degree of the offense which the defendant has committed, he or she shall be convicted only of the lower degree.

(g) When there is a reasonable doubt of the defendant's guilt upon the testimony in the whole case, he or she is entitled to an acquittal.

### **Ark. Code Ann. § 6-5-201. Hazing**

(a) As used in this subchapter, "hazing" means:

(1) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;

(3) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or (4) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term “hazing” as defined in this section:

- (1) Does not include customary athletic events or similar contests or competitions; and
- (2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

#### **Ark. Code Ann. § 6-5-202. Prohibitions**

(a) A student of any school, college, university, or other educational institution in Arkansas shall not engage in hazing or encourage, aid, or assist any other student in hazing.

(b)(1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection (b).

#### **Ark. Code Ann. § 6-5-203. Hazing—Punishment**

(a) The offense of hazing is a Class B misdemeanor.

(b) Upon conviction of any student of the offense of hazing, he or she shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he or she is attending.

#### **Ark. Code Ann. § 3-3-203. Purchase or possession of alcohol by minor**

(a)(1) It is unlawful for any person under twenty-one (21) years of age to purchase or have in his or her possession any intoxicating liquor, wine, or beer.

(2) For the purposes of this section, intoxicating liquor, wine, or beer in the body of a minor is deemed to be in his or her possession.

(c) A person violating this section is guilty of a violation and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

**Ark. Code Ann. § 5-4-201. Imposition of Fines.**

- (a) A defendant convicted of a felony may be sentenced to pay a fine:
- (2) Not exceeding ten thousand dollars (\$10,000) if the conviction is of a Class C felony or Class D felony;
- (b) A defendant convicted of a misdemeanor may be sentenced to pay a fine:
- (2) Not exceeding one thousand dollars (\$1,000) if the conviction is of a Class B misdemeanor;
  - (3) Not exceeding five hundred dollars (\$500) if the conviction is of a Class C misdemeanor;

**Ark. Code Ann. § 5-4-401. Incarceration.**

- (a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:
- (1) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
  - (4) For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;
- (b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:
- (2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;
  - (3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days

**IN THE CIRCUIT COURT OF MARION COUNTY, ARKANSAS  
CRIMINAL DIVISION**

**STATE OF ARKANSAS**

**V.                   CASE NO. CR2011-65**

**TERRY/TERRI HAYES**

**JURY INSTRUCTIONS**

The faithful performance of your duties as jurors is essential to the administration of justice.

It is my duty as judge to inform you of the law applicable to this case by instructions, and it is your duty to accept and follow them as a whole, not singling out one instruction to the exclusion of others. You should not consider any rule of law with which you may be familiar unless it is included in my instructions.

It is your duty to determine the facts from the evidence produced in this trial. You are to apply the law as contained in these instructions to the facts and render your verdict upon the evidence and law. You should not permit sympathy, prejudice, or like or dislike of any party to this action or of any attorney to influence your findings in this case.

In deciding the issues you should consider the testimony of the witnesses and the exhibits received in evidence. The introduction of evidence in court is governed by law. You should accept without question my rulings as to the admissibility or rejection of evidence, drawing no inferences that by these rulings I have in any manner indicated my views on the merits of the case.

Opening statements, remarks during the trial, and closing arguments of the attorneys are not evidence but are made only to help you in understanding the evidence and applicable law. Any argument, statements, or remarks of attorneys having no basis in the evidence should be disregarded by you.

I have not intended by anything I have said or done, or by any questions that I may have asked, to intimate or suggest what you should find to be the facts, or that I believe or disbelieve any witness who testified. If anything that I have done or said has seemed to so indicate, you will disregard it.

In considering the evidence in this case you are not required to set aside your common knowledge, but you have a right to consider all the evidence in the light of your own observations and experiences in the affairs of life.

You are the sole judges of the weight of the evidence and the credibility of the witnesses. In determining the credibility of any witness and the weight to be given his or her testimony, you may take into consideration his or her demeanor while on the witness stand, any prejudice for or

against a party, his or her means of acquiring knowledge concerning any matter to which he or she testified, any interest he or she may have in the outcome of the case, the consistency or inconsistency of his or her testimony, its reasonableness or unreasonableness, and any other fact or circumstance tending to shed light upon the truth or falsity of his or her testimony.

An expert witness is a person who has special knowledge, skill, experience, training, or education on the subject to which his or her testimony relates. An expert witness may give his or her opinion on the questions in controversy. You may consider his or her opinion in the light of his qualifications and credibility, the reasons given for his or her opinion, and the facts and other matters upon which his or her opinion is based. You are not bound to accept an expert opinion as conclusive, but you should give it whatever weight you think it should have. You may disregard any opinion testimony if you find it to be unreasonable.

A fact in dispute may be proved by circumstantial evidence as well as by direct evidence. A fact is established by direct evidence when, for example, it is proved by witnesses who testified to what they saw, heard, or experienced. A fact is established by circumstantial evidence when its existence can reasonably be inferred from other facts proved in the case. However, circumstantial evidence must be consistent with the guilt of the defendant and inconsistent with any other reasonable conclusion.

The State must prove beyond a reasonable doubt each element of the offense charged. On the other hand, the defendant is not required to prove his innocence.

The filing of an information is merely the means by which a person is brought to trial. It is not evidence and is not to be considered by you in determining the guilt or innocence of Terry/Terri Hayes.

There is a presumption of the defendant's innocence in a criminal prosecution. In this case Terry/Terri Hayes is presumed to be innocent. That presumption of innocence attends and protects him throughout the trial and should continue and prevail in your minds until you are convinced of his guilt beyond a reasonable doubt.

Reasonable doubt is not a mere possible or imaginary doubt. It is a doubt that arises from your consideration of the evidence and one that would cause a careful person to pause and hesitate in the graver transactions of life. A juror is satisfied beyond a reasonable doubt if after an impartial consideration of the all the evidence he or she has an abiding conviction of the truth of the charge.

If you find that the defendant is a person of good character, you may take that fact into consideration in determining his or her guilt or innocence, but if you believe from all the evidence in the case beyond a reasonable doubt that the defendant is guilty, you should so find, notwithstanding his or her good character.

Terry/Terri Hayes is charged with capital murder. This charge includes the lesser offenses of murder in the first degree and manslaughter. You may find the defendant guilty of one of these offenses or you may acquit him/her outright. If you have a reasonable doubt as to which offense the defendant may be guilty of, you may find him/her guilty only of the lesser offense. If you have a reasonable doubt as to the defendant's guilt on all offenses, you must find him/her not

guilty.

Terry/Terri Hayes is charged with the offense of capital murder. To sustain this charge, the State must prove beyond a reasonable doubt that Terry/Terri Hayes caused the death of Duke Kenilworth with the premeditated and deliberated purpose of doing so.

In order to find that Terry/Terri Hayes acted with a premeditated and deliberated purpose you must find that he had the conscious object to cause death and that he formed that intention before acting, as a result of a weighing in the mind of the consequences of a course of conduct as distinguished from acting upon sudden impulse without the exercise of reasoning powers. It is not necessary that this state of mind existed for any particular length of time, but it is necessary that it was formed before the homicide act was committed. It is the existence of this state of mind which distinguishes capital murder from murder in the first degree.

If you have a reasonable doubt of the defendant's guilt on the charge of capital murder, you will then consider the charge of murder in the first degree. To sustain this charge, the State must prove beyond a reasonable doubt that Terry/Terri Hayes caused the death of Duke Kenilworth with the purpose of so doing. A person acts purposely with respect to his or her conduct or a result of his or her conduct when it is the person's conscious object to engage in conduct of that nature or to cause the result.

If you have reasonable doubt of the defendant's guilt on the charge of murder in the first degree, you will then consider the charge of manslaughter. To sustain this charge, the State must prove beyond a reasonable doubt that Terry/Terri Hayes caused the death of Duke Kenilworth under circumstances that would be murder, except that he or she causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse. You should determine the reasonableness of the excuse from the viewpoint of a person in Terry/Terri Hayes's situation under the circumstances as he believed them to be.

**IN THE CIRCUIT COURT OF MARION COUNTY, ARKANSAS  
CRIMINAL DIVISION**

**STATE OF ARKANSAS**

**V.                   CASE NO. CR2011-65**

**TERRY/TERRI HAYES**

**PRETRIAL HEARING ORDER**

Trial Setting:

All pretrial issues have been resolved, and this case is ready for trial. This case is hereby set for trial as the first case on the docket for February 25, 2012. If a continuance is necessary, the case is alternatively set on the March 2, 2012 docket. If the parties continue beyond these settings, the case will be tried March 3, 2012.

Stipulations:

The parties stipulate to the following. No witness may contradict knowledge of the facts contained in the stipulations.

1. No jurisdiction or venue issues exist in this case.
2. All exhibits and signatures are authentic and accurate. No party may challenge the authenticity of any exhibit or signature. However, this does not constitute a waiver as to the admissibility of any exhibit.
3. The case is to be tried before a jury on the issue of guilt only. If the defendant is found guilty, sentence will be determined at a separate hearing on another date.
4. Terry/Terri Hayes is being tried as an adult.
5. Following the hazing, none of the members of *Carpe Diem* was either suspended from school or had other disciplinary actions taken against them. The members of *Carpe Diem* were not charged with hazing. Nevertheless, Austin Taylor could be charged with hazing at some later date. There was no discussion with the Prosecutor's Office about immunity.
6. Several members of *Carpe Diem* were charged with possession of alcohol by a minor. The Prosecutor accepted *nolo contendere* pleas for all such members charged, including Austin Taylor, and agreed to a plea bargain with a fine of \$100.
7. All standard forensic procedures were followed in this investigation. There are no objections as to the chain of evidence.
8. Fingerprint analysis shows that Hayes' fingerprints are on the bottle labeled arsenic trioxide that was located in a locked cabinet in the chemistry classroom at Elite Preparatory High School. In addition, Hayes' fingerprints were detected on the key, the lock, and the cabinet containing the arsenic trioxide bottle. No identifiable fingerprints, other than those of Duke Kenilworth and Austin Taylor, were lifted from Duke's beer mug.
9. Duke Kenilworth's engraved beer mug is admitted as evidence; there is no need to physically introduce it in court.

10. The October 30, 2009 toxicology report shows that Duke Kenilworth had a .32% blood alcohol content at the time of his death.
11. Coroner Wright conducted the October 2009 autopsy. The October 31, 2009 autopsy report, prepared by Coroner Wright, shows no underlying physical or medical conditions contributing to the death of Duke Kenilworth.
12. The July 7, 2010 toxicology report of the beer mug shows detection of arsenic in the mug engraved "Duke." The toxicology report indicates that no poisons were detected in the remaining 4 beer mugs belonging to the officers of *Carpe Diem*.
13. The March 30, 2011 toxicology report shows that arsenic levels of 400 mg were detected in the hair follicles and fingernails of Duke Kenilworth after the body was exhumed.
14. The translation of the Latin poem contained in Exhibit C is accurate and was performed by a certified translator.
15. Statistics and studies related to alcohol poisoning or alcohol overdose are admissible.

Witnesses:

The designated witnesses, and only these witnesses, may be called at trial. They may only be called by the party sponsoring their testimony, but they may be called in any order.

Witnesses for the Prosecution:

Austin Taylor  
 Det. Joe/Jo Friday  
 Dee Moore, M.D.

Witnesses for the Defense:

Terry/Terri Hayes  
 Sandy Lowe  
 Gail/Gale Wright, M.D.

Exhibits:

Both parties have collectively identified the following exhibits, which have been pre-marked and which may be offered into evidence by either party:

- Exhibit A:** Arcane Park Diagram
- Exhibit B:** Statement of Austin Taylor
- Exhibit C:** Latin Poem
- Exhibit D:** Incident Report
- Exhibit E:** Supplemental Investigation Report
- Exhibit F:** Dee Moore Curriculum Vitae
- Exhibit G:** Marion County Autopsy Report
- Exhibit H:** Sandy Lowe Curriculum Vitae
- Exhibit I:** Gail/Gale Wright Curriculum Vitae
- Exhibit J:** Marion County Autopsy Report

So ORDERED, this 19<sup>th</sup> day of October, 2011.

/s/ Judge E. Kartmann

## Statement of Austin Taylor

1 My name is Austin Taylor, and I live at 1234 Executive Drive in Lake of the Ozarks,  
2 Arkansas. You probably recognize my family name. My family is a well-known, well-established  
3 family in the Lake of the Ozarks community. You could say we are of “old money.” My family  
4 lives off the income from our inheritance and does not rely upon salaries or business ventures  
5 like families in the mid and lower upper class. As such, I live a privileged life. My family’s  
6 wealth traces back to the mid-1800s. My great-great grandfather, Josef Taylor, amassed one of  
7 the largest private fortunes in the United States (second only to the Rockefellers) in the oil  
8 business during the late 19<sup>th</sup> and early 20<sup>th</sup> century. My grandfather, Edwin Taylor, moved to  
9 Arkansas in the mid 1950s so that his bride, my grandmother, could be near her ailing mother.  
10 We were one of the first families in this community. I make no apologies for my family’s wealth.  
11 The way I see it, in this world, there are the haves and the have-nots. We’re the haves.

12  
13 My family is also very well connected, socially and politically, with the most influential  
14 people in this county and the State. I have opportunities available to me that others do not. Doors  
15 open for me wherever I go. But, the way I see it, our family also does a lot for this community  
16 too. For example, a few years ago, our family was the largest benefactor of our local hospital  
17 when it needed a new cardiac wing. The hospital wing carries our name. So, if ever any member  
18 of my family is in need of medical care, the red carpet is rolled out. I pretty much have full access  
19 to the hospital whenever I want.

20  
21 I am currently attending Yale. I graduated from Elite Preparatory High School in May,  
22 2010. Elite is a private school in Lake of the Ozarks, Arkansas. Primarily children of the wealthy  
23 families in the community attend Elite. The school offers the best in a quality education.  
24 Academics, teachers, resources, extracurricular activities and exchange programs are  
25 unparalleled at Elite. Elite also prides itself on what students accomplish after graduation, such as  
26 admission to top colleges and universities. Elite has a distinguished list of alumni, including one  
27 former presidential candidate, three U.S. senators, and five U.S. Ambassadors. Of course, such  
28 an exclusive education comes at a high price. It’s not a problem for my family, of course, but not  
29 everyone has such an opportunity. For students who are not from wealthy families, Elite also  
30 offers scholarships to candidates who have exceptional academic prowess. I believe Terry/Terri  
31 Hayes received a scholarship to Elite for his/her science achievements. I’m sure Hayes would  
32 never be able to attend Elite otherwise, as the Hayes family is not in the same league financially  
33 as the other families with children attending the school. Talk about a braniac! Hayes is a walking  
34 encyclopaedia when it comes to science, particularly chemistry. No wonder Dr. Lowe had Hayes  
35 working as an assistant under his/her tutelage in the chemistry lab. The kid is a science geek.

36  
37 Duke Kenilworth was one of my best friends at Elite. In the fall of 2009, we were both  
38 seniors at Elite and were the top dogs on campus. Duke was the most popular student at Elite  
39 then. I’ve never fully understood why Duke was more popular than me. After all, Duke’s  
40 family’s wealth was not old money. The Kenilworths came into their millions by winning  
41 Powerball a few years ago. But, I put that all behind me and when we were freshmen at Elite, I  
42 introduced Duke to all of the Elite classmates in our same social class. We were friends ever  
43 since then.

44  
45 Duke and I belonged to *Carpe Diem*, which, if you know Latin, means “seize the day.”  
46 The club is called *Carpe Diem* (seize the day) to represent our carefree, overflowing life. At the

47 beginning of our meetings, we always chant our motto: “*Carpe diem quam minimum credula*  
48 *postero*,” i.e., “Seize the day, trusting as little as possible in the future.” *Carpe Diem* is a co-ed  
49 social club made up of a very elite group of students at Elite. Prior to the initiation in the fall of  
50 2009, we had 42 members. Duke was elected as President of *Carpe Diem* our senior year. Duke  
51 didn’t appreciate the status that goes along with that position, but I sure did. I suppose I was a  
52 little jealous at the time. I was angry that I was not elected President. A member of my family has  
53 always held that position in their senior year. Duke often bragged in my face about being  
54 President of *Carpe Diem*. A few times I heard him snicker to our friends about how I was the one  
55 Taylor who didn’t make it to the top. Sometimes Duke was cruel that way. Duke could be very  
56 cruel at times. I had been humiliated publicly by Duke on more than one occasion, and I’d get  
57 really steamed up about it, but then time would pass, and I would let by-gones be by-gones. Duke  
58 just thought he was being funny, but he also knew how to push your buttons. Duke honored me  
59 by selecting me as Rush Chair, which is the second most important role in *Carpe Diem*. As the  
60 top of the club’s chain of command, we had the last word on the membership selection process.  
61 As the Rush Chair, I also was responsible for checking up on the pledges.

62

63 Only students in the “popular crowd” are invited to belong to *Carpe Diem*. The club is  
64 very exclusive. We are very picky about who we allow to be a part of *Carpe Diem*. We pride  
65 ourselves on admitting only the “best of the best.” The school does not officially recognize the  
66 club, but the school has not banned it either. Of course, the school wouldn’t dare ban *Carpe*  
67 *Diem* because students of well-established, wealthy families in the community, and significant  
68 contributors to the school, including my own family, are among its primary members. It’s a  
69 privilege and a status symbol to be invited to pledge *Carpe Diem*. The club is well-known for  
70 throwing the wildest parties around, and sometimes alcohol can be found there.

71

72 When school starts each year, we choose our favorite 10<sup>th</sup> graders to participate in our  
73 “Rush.” The Rush is a three-week time period, giving everyone an opportunity to get to know  
74 one another at various social gatherings. We then narrow that group down to those we allow to  
75 pledge. The senior members of the club identify those pledges who are deemed worthy to be part  
76 of the exclusive “pledge class.” The students who did not make the “cut” are eliminated from  
77 further participation and becoming a member of the group for the remainder of their time at Elite.  
78 The students who accept the invitation to pledge begin an additional six-week period during  
79 which they are forced to serve the members of the club and do whatever they are told. If a pledge  
80 endures the six-week pledge season, the student is eligible for consideration of initiation in the  
81 club. The final night for every pledge class is the “Running of the Gauntlet” at Arcane Park.  
82 That’s when we try to give the pledge class the most grief and torment, all in good fun.

83

84 At the beginning of the 2009-10 school year, *Carpe Diem* invited twenty students to rush.  
85 Of those twenty students, five students were eliminated and were not part of the pledge class. Of  
86 the 15 remaining students, about half of the students wimped out for some reason or another  
87 during the pledge season. So, on the night of the Running of the Gauntlet there were eight  
88 pledges remaining.

89

90 Terry/Terri Hayes was invited to rush *Carpe Diem* even though Hayes was not in the  
91 “popular crowd.” Hayes was new to the school and didn’t know very many people. In many  
92 ways, Hayes was an outcast. Hayes is shy and geeky, and certainly below our standard. But, Duke  
93 convinced me that we should invite Hayes to join. I thought, at first, that Duke invited Hayes for  
94 a joke, and so I went along with it. I later learned that Duke, who didn’t always make the grades

95 his parents expected, had hoped to use Hayes to change his grades. Hayes worked in the school's  
96 office and had the opportunity to make grade changes.

97  
98 Being invited to rush in *Carpe Diem* was a good way for Hayes to fit in and be cool for  
99 once. So, Hayes accepted the invitation to rush. Recruiting Hayes turned out to be a really bad  
100 decision. Below that shy, geeky surface, I think there is a dark, sinister side to Hayes. During the  
101 rush period when we were getting to know the students, Hayes talked about how he/she likes  
102 games of strategy and was an avid "Survivor" fan. Hayes told me that he/she admired the  
103 manipulation that the players used to get what they wanted. Hayes said that in those tropical  
104 locations, there are many plants that can make you ill, and if you used that knowledge to your  
105 advantage, you could win the game. During the rush period, if someone made fun of Hayes, I'd  
106 see Hayes with a mischievous grin – almost like he/she was calculating a way to get even. It sort  
107 of creeped me out.

108  
109 After rush, Hayes was invited to join the pledge class. During the next six-week period,  
110 we tested the pledges to their max. I wouldn't call it hazing. It was all in good fun. Every day, we  
111 would do something to see if they had what it takes to stay with the club. We all went through it  
112 when we were sophomores. I don't see anyone with any physical or emotional scars, and the  
113 reward is worth the hardships. We poured ketchup, mustard, and raw eggs all over the pledges.  
114 We also made them swallow live goldfish. Usually, the things we made the pledges do were  
115 pretty simple, but they were created to scare the pledges. For example, we told the pledges to  
116 chew on a piece of glass. Then we put an eggshell in the pledge's mouth. Since the pledge was  
117 blindfolded, there was no way for them to know whether the object was really glass until they  
118 chewed it. We would also mess with them in the hallway at school either stepping on the back of  
119 their shoes to make the shoes come off, or knocking their books on the floor as they were headed  
120 to class. We also made them carry our books to our classes and carry our lunches in the cafeteria.  
121 We even made them buy our lunches, which amounted to nothing for most of the pledges. For  
122 Hayes, it probably meant he/she went without lunch that day because he/she didn't have a lot of  
123 money. All of the things we put them through were all in good fun and harmless.

124  
125 Hayes seemed to always have an attitude and couldn't take a joke. I wanted to eliminate  
126 Hayes from the club then, but Duke said he had plans for Hayes. A couple of weeks after Hayes  
127 was invited to be part of the pledge class, Duke asked Hayes to use his/her position in the school  
128 office to change Duke's test grade in his physics class. Hayes refused. Duke told Hayes that this  
129 was the ultimate test of loyalty to the club members, and that Hayes should remember that the  
130 pledges were to do whatever we asked them to do. Hayes still refused. Then things got ugly, and  
131 there was a shouting match. Duke got angry, and yelled "I will make sure you know the wrath of  
132 my anger." Surprisingly, Hayes didn't back down, and yelled back at Duke "What goes around,  
133 comes around." I was present the entire time during this shouting match.

134  
135 Part of the pledge process involves the seniors belittling, humiliating, and chastising the  
136 pledges publicly. Duke seemed to be harder on Hayes than any other pledge, particularly after the  
137 shouting match. Duke made fun of Hayes for being a geek. Duke would say in the school halls  
138 loud enough for anyone to hear that Hayes didn't get into Elite on the money his/her family could  
139 scrape together. Duke also teased Hayes for having lame jobs working in the office and helping  
140 Dr. Lowe in the chemistry Department. I tried to keep Duke from picking on Hayes because I  
141 thought it was over the top. But, Duke said, "No one tells me what to do." Duke was popular  
142 enough that, if he wanted to blackball anyone, even a friend like me, you could find yourself an

143 outcast real fast, so I left it alone. A few days before the Running of the Gauntlet, Hayes  
144 confronted Duke with a rumor that he/she had heard. Hayes had heard that Duke intended to  
145 blackball Hayes. Duke laughed, and told Hayes, “Yeah, the only reason I allowed you to be a  
146 pledge is so that we’d have a patsy in the group to be our big joke.” I knew Duke was joking, but  
147 I don’t think Hayes knew it. In fact, Hayes appeared angry, and said, “You’ll be sorry if you do.  
148 That’ll be the end of you.” Duke didn’t like being threatened and decided that Hayes would get  
149 the “Flunky Award” at the Running of the Gauntlet night.  
150

151 The Running of the Gauntlet at Arcane Park was held on October 26, 2009, beginning at  
152 10 p.m. As the Rush Chair, I was in charge of the Running of the Gauntlet night. I set up all the  
153 stations, including the beer station, complete with a beer mug for each of the five officers of the  
154 club, engraved with their name. I wanted it to be a night to remember and that we could look  
155 back later and laugh. We started first with everyone saying our motto. Then, we had each of the  
156 pledges run through the gauntlet – two rows of members that would strike the pledge with a  
157 wooden paddle as they proceeded through the gauntlet. We did that about four times throughout  
158 the night. We never hit hard, but I remember when I went through it as a pledge that the repeated  
159 paddles caused some stinging. I happened to notice that Duke was hitting Hayes harder than the  
160 other pledges. I saw Hayes wince. None of the other pledges were hit so hard to make them  
161 wince. I can imagine that, after the fourth time through, Hayes was black and blue.  
162

163 The night included a hog roast. The pledges were forced to cook two hogs and feed them  
164 to the upperclassmen. The pledges were then herded to various “stations,” at the park, with each  
165 “station” in a different location with a different activity. It was intended to create good fun, at  
166 least for the upperclassmen. For example, one station had a long row of troughs containing slimy  
167 mud. The pledges were led barefoot through the troughs and told that they were walking through  
168 the guts of the hogs that they had roasted earlier that evening. As part of the festivities we gave  
169 out awards. Duke called Hayes’ name, and had him/her come to the front of the group. Duke  
170 poured glue all over Hayes, on top of his/her head, and all over his/her body, and then slashed  
171 open a feather pillow and poured the contents over Hayes. Duke then pronounced that Hayes had  
172 been tarred and feathered as this year’s recipient of the “Flunky Award.” Hayes took the  
173 punishment, but his/her facial expression showed that Hayes was seething. I announced that this  
174 was just the beginning and things were going to get worse. My announcement was just to make  
175 the pledges be fearful. We didn’t really have anything horrible planned.  
176

177 We made each of the pledges fetch food and drinks for the club officers. I had assigned  
178 each pledge to fetch the drinks for the five officers. Each of officers had their own personalized  
179 mug with their names engraved. The alcohol was located at a pavilion away from our main  
180 activities to avoid suspicion in case the cops showed up. The diagram attached as Exhibit A  
181 accurately shows the location of the alcohol station, as well as where the main activities were  
182 held for the Running of the Gauntlet. Hayes was probably the sixth pledge that I had assigned to  
183 fetch drinks for everyone. I’m sure Hayes served Duke alcohol. Shortly after Hayes had served  
184 drinks to the officers and I was ready to assign the job to the next pledge, Duke began  
185 complaining of a headache and feeling dizzy. Then he started to vomit, and finally collapsed.  
186

187 I immediately called 911, and started yelling frantically to Duke trying to wake him up. I  
188 think I grabbed Duke’s beer mug at the time and threw it to the side so that I could kneel next to  
189 Duke to wake him up. I don’t know what I said, while I was making efforts to help him regain  
190 consciousness. I was distraught. Plus, I have to admit I was pretty inebriated that night, so I



## Statement of Detective Joe/Jo Friday

1 My name is Joe/Jo Friday. I am a detective with the Lake of the Ozarks Police  
2 Department. I am 48 years old and have worked on the force for 25 years since receiving my  
3 Bachelor's degree in Criminology from Arkansas University. I have been a detective for the last  
4 20 years. I have been assigned to various positions and roles, including detective for burglary,  
5 theft, and crimes involving weapons. I also have been detailed to Homicide and the Marion  
6 County Drug Task Force. In addition, I served an assignment as an undercover Vice/Narcotics  
7 investigator.

8  
9 As part of my ongoing trainings, I have attended numerous seminars and training  
10 sessions, including, to name a few: Advanced Interview and Interrogation School, Investigation  
11 of Cults and Mind Control Groups, Gang Activity, Community Oriented Policing, U.S. Justice  
12 Department DEA Narcotics and Dangerous Drugs School, and Detective School. I am a  
13 member of Fraternal Order of Police. I have received countless awards, the most recent of which  
14 were: Medal of Valor, Meritorious Service Medal, The Arkansas Bar Association's Law  
15 Enforcement Official of the Year 2008, and the Marion County Police Officer of the Year 2009.  
16 I've investigated many cases of alcohol related deaths – mostly from deaths related to drinking  
17 and driving. I had not investigated any cases in the past of alcohol poisoning deaths.

18  
19 I have investigated deaths from poisoning in the past mostly related to drug deals gone  
20 badly. Some drug dealers mix tetramisole with cocaine to make it go further. I've also been  
21 involved in a Task Force to prevent poisoning of law enforcement officers by drug dealers using  
22 Ricin. In 1998, an alert was received in our Department warning of Ricin. The advisory  
23 suggested that drug dealers could use it to bait law enforcement officers. It looks like  
24 methamphetamine, but it is extremely fatal. Just touching it or breathing it can be fatal. I have not  
25 investigated any cases involving arsenic previously.

26  
27 I pride myself on my thorough investigations. As a detective, a critical skill is sorting  
28 through the myriad of information you receive to uncover just the facts. Just the other day, I was  
29 speaking to this woman who had witnessed a drug deal. She started speculating what drugs may  
30 have been exchanged in the transaction, and I reminded her "just the facts, ma'am." She picked  
31 up rather quickly that I'm a no nonsense person. In my investigations, I only want the facts  
32 pertinent to the investigation. I have little tolerance for ramblings of irrelevant information or  
33 speculation that can't be established with the evidence.

34  
35 On the night of October 26, 2009, at 11:23 p.m., I responded to an emergency call at  
36 Arcane Park relating to a teenager who had been drinking and had collapsed. I arrived five  
37 minutes later and found a student, later identified as Duke Kenilworth, unconscious on the  
38 ground. Exhibit A is a diagram of Arcane Park, where the events relating to Duke Kenilworth's  
39 death occurred. I prepared Exhibit A at or about the time of my investigation on or about October  
40 26, 2009. Exhibit A is a true and fair representation of the park as it appeared on that night.  
41 Upon my arrival, I saw the victim sprawled on the ground at the place unconscious in the  
42 location where I have marked the "X" on the diagram. I detected a strong odor of alcohol from  
43 the victim's person. Also, there was a beer mug engraved "Duke" tipped over on the ground  
44 approximately 6 1/2 inches from the right hand of the body. I immediately called for an  
45 ambulance, and called a backup unit. The EMT could not revive Kenilworth, and he was  
46 pronounced dead at 11:38 p.m.

47           Upon arrival of the backup team, I instructed the officers to process the young people  
48 present for underage drinking and arrange for their parents to pick them up, as no one would be  
49 allowed to drive after drinking. I took a statement from Austin Taylor upon learning that Austin  
50 was the Rush Chair and in charge of the Running of the Gauntlet evening's festivities. A true and  
51 accurate copy of Austin's statement is attached hereto as Exhibit B. Austin's statement is a  
52 perfect example of one of those witness interviews that was a complete waste of my time. I just  
53 want the facts, but I got a bunch of nonsense from Austin. He/She was obviously inebriated. I  
54 didn't see any reason to follow-up on anything he/she said, as it was obvious to me, at the time,  
55 that this was a case of young people being reckless and irresponsible about drinking alcohol  
56 without realizing the serious consequences.

57  
58           Did you know that, according to the National Institute on Alcohol Abuse and Alcoholism  
59 (NIAAA), the annual average number of deaths for which alcohol poisoning was listed as an  
60 underlying cause was 317, or 0.11 per 100,000 population? An average of 1,076 additional  
61 deaths included alcohol poisoning as a contributing cause, bringing the total number of deaths  
62 with any mention of alcohol poisoning to 1,393 per year (0.49 per 100,000 population). Alcohol-  
63 poisoning deaths among young people number about one-half dozen or so per year. The number  
64 of alcohol-poisoning deaths has doubled between 1995 and 2005. The number is probably much  
65 higher. A 1992 study concluded that 4000 deaths occur each year from alcohol overdosing:  
66 drinking too much alcohol too fast. This study recognized that death certificates did not always  
67 accurately reflect that the death was due to AOD (alcohol overdose), particularly for younger  
68 persons to ease family pain or for colleges to avoid negative publicity. Teenagers are particularly  
69 vulnerable to AOD. In the study, of the first 8 cases that were examined, half of the cases were  
70 deaths of persons 16 years old or younger. At least half were first-time drinkers and had never  
71 been drunk.

72  
73           Once I handled the immediate issues of attempting to revive the decedent and  
74 coordinating the orderly handling of the youth at the park, I then began my investigation. I  
75 collected and properly stored the beer mugs of the five club officers. Each mug had a different  
76 name on it. I also spoke to several witnesses who told me that the decedent had complained of a  
77 headache and dizziness before vomiting and collapsing into a state of unconsciousness.  
78 According to witnesses interviewed, the decedent had consumed five to six 12-ounce beers over  
79 the span of two hours. I learned that several of the pledges, including Terry/Terri Hayes, were  
80 among the people who filled the club officers' mugs. I learned that each member, including  
81 Duke, had been drinking from his own personal mug that evening.

82  
83           Five days later, I received the autopsy report concluding that alcohol poisoning was the  
84 cause of death. Kenilworth's BAC (blood alcohol content) was .32%. Given the coroner's  
85 conclusions, I closed my file. I did not investigate whether anyone had access to any poisons  
86 because there was no reason to suspect poisoning at the time.

87  
88           On June 30, 2010, I received an anonymous call regarding Kenilworth's death. I did not  
89 recognize the voice of the anonymous caller; it was altered mechanically so that you couldn't  
90 even tell the gender of the caller. The caller stated that I should re-open the case because the  
91 caller thought Kenilworth was murdered by the use of poison added to the alcohol in his beer  
92 mug. The caller indicated that someone in, or connected with, *Carpe Diem* had it in for  
93 Kenilworth.

94

95 Even though I had closed the case previously, I apparently had not released the physical  
96 evidence from the evidence room. So, the beer mugs still happened to be in the evidence room. I  
97 then had each mug tested for poisons. Subsequently, the toxicologist's report confirmed that the  
98 beer mug engraved with Kenilworth's name tested positive for arsenic. The tests for poisons of  
99 the other club officers' mugs were negative.

100  
101 Given these new developments, I retrieved my file from my closed cases, and re-opened  
102 it. On July 15, 2010, I asked the coroner, Gail/Gale Wright, to have Kenilworth's body exhumed  
103 so that it could be tested for arsenic poisoning. Without additional facts to warrant a change in  
104 the cause of death, Dr. Wright was unwilling to explore the possibility that his/her certification of  
105 the cause of death may have been wrong. At that time, Wright was in an intense battle for re-  
106 election as coroner. I think Wright didn't want the negative publicity that could affect his/her  
107 campaign if he/she had come to the wrong conclusion the first time around. Joe Public wouldn't  
108 be too pleased knowing there was a murderer that was walking around the community for the  
109 past nine months. So, Wright refused to have the body exhumed.

110  
111 Because I knew the Taylor family, I contacted Austin and inquired as to further detail of  
112 the events of October 26, 2009. I asked Austin if he/she had any thoughts on who would have  
113 had it in for Kenilworth. Without hesitation, Taylor pointed the finger at Terry/Terri Hayes.  
114 Austin noted that Hayes worked in Elite's Chemistry Department after school and would have  
115 had access to arsenic maintained in the locked cabinets in the Chemistry Department. After  
116 giving Hayes his/her Miranda rights with his/her parents present, I questioned Hayes. Hayes  
117 acted suspicious immediately. Prior to even discussing with Hayes that the Kenilworth case had  
118 been re-opened, Hayes started by saying, "I didn't kill him."

119  
120 I then obtained a search warrant for Hayes' school locker, and the chemistry room, as  
121 well as a search warrant for Hayes' residence. Fingerprint analysis shows that Hayes' fingerprints  
122 were detected on the key, the lock, and the cabinet where the arsenic trioxide bottle was located  
123 in the chemistry classroom at Elite Preparatory High School. Hayes fingerprints were also  
124 detected on the bottle labeled arsenic trioxide that was located in the chemistry lab's locked  
125 cabinet. The bottle labeled arsenic trioxide was empty. I spoke with Dr. Lowe who could not  
126 recall if any chemistry lab experiments or exercises would have required the use of arsenic during  
127 the school year.

128  
129 No identifiable fingerprints, other than those of Kenilworth and Taylor, were lifted from  
130 Kenilworth's beer mug. No traces of arsenic were detected in the search of Hayes' school locker  
131 and residence. No incriminating evidence related to Kenilworth's death was located at Hayes'  
132 residence. A book on Napoleon Bonaparte was located in Hayes' locker. I subsequently learned  
133 that Napoleon suffered and died from arsenic poisoning during his imprisonment. Also, a note  
134 was located in Hayes' locker in the back corner stuck behind a shelf. Hayes' admitted to having  
135 written the note. The note was written in Latin, but a certified translator has interpreted its  
136 meaning. The translation follows each line of the note. A true and accurate copy of the note, with  
137 the translation, is attached as Exhibit C.

138  
139 On August 29, 2010, I approached Coroner Wright with a second request to exhume the  
140 body given the mounting evidence that I had accumulated pointing to the guilt of Terry/Terri  
141 Hayes. Again, Wright denied my exhumation request.



## Statement of Dee Moore

1 My name is Dion Moore, but I use the nickname Dee. I am the current Coroner for  
2 Marion County. I was elected on November 4, 2010, and I took office on January 1, 2011.  
3 Exhibit F is a true and accurate copy of my Curriculum Vitae. The position for the Coroner's  
4 office was a hotly contested election, and came down to a small margin of votes, with me as the  
5 victor. In 2008, I made the decision to throw my hat in the ring after prompting from several  
6 influential and affluent members in the county who promised to support my campaign for  
7 Coroner. The Taylor family was one of several families that provided the financial support for  
8 my election. Edwin Taylor II was the Campaign Finance Chair. Edwin is well connected with the  
9 local Republican Party. Taylor's connections with the medical community were extremely  
10 helpful as a Coroner. With Edwin's help, I gained the support of nearly all of the medical  
11 community. If the medical community is behind you, the voters have more confidence in your  
12 skills for the position. The Coroner position had been held by a Democrat for the past decade and  
13 the group believed that, if a highly qualified candidate were on the Republican ticket, we could  
14 win that spot. It was one of the most heavily financed offices during the 2010 election.  
15

16 I occasionally attend social functions where some of my campaign supporters are present,  
17 but I do not have any close contacts with them. I exercise my judgment and decisions as Coroner  
18 independent of any past social connections or political affiliations. Forensic pathology is a matter  
19 of science. Science speaks the truth.  
20

21 As you can see from my Curriculum Vitae, I have a military background and run the  
22 Coroner's office like a tight ship. One of the campaign platforms that I ran on was that the  
23 Coroner is expected to have a well-managed organization. I believe former Coroner Wright lost  
24 the election because he/she did not meet this fundamental principle. The public lost confidence in  
25 his/her ability to properly perform his/her duties. I demand that the deputy coroners and  
26 pathologists do good work, and do the work thoroughly and efficiently so that we can provide the  
27 public with accurate and speedy results.  
28

29 I was not Coroner at the time of the death of Duke Kenilworth and played no role in the  
30 initial autopsy in which it was determined that Kenilworth died as a result of alcohol poisoning.  
31 Former Coroner Gail/Gale Wright reviewed the toxicology report of the blood alcohol content at  
32 the time and determined the case was an alcohol overdose, and did not do any further testing. In  
33 my opinion, based upon my education, training, and experience as a forensic pathologist, and my  
34 review of the toxicology report, autopsy report, and police report, I believe there was inadequate  
35 evidence at that time to rule the case an alcohol overdose. The toxicology report indicated that  
36 the blood alcohol content was .32%. While a .32% BAC is 4 times the legal limit, it is not  
37 typically a fatal level, unless there is an underlying factor in the subject's health, such as a  
38 medical condition. .40% is the accepted median lethal dose, that is the dose that is lethal for 50%  
39 of adult humans. .35%-.40 % represents potentially fatal alcohol poisoning. Severe impairment  
40 occurs at .30-.39%. At .30% a person would be in a stupor. They have little comprehension for  
41 where they are and they may pass out suddenly and be difficult to awaken. At .35%, the level of  
42 surgical anesthesia, a coma is possible. Wright's autopsy report does not identify any underlying  
43 medical issues or observations that would confirm the conclusion of alcohol poisoning. Given  
44 that the .32% was not at a level that would typically cause a fatality or even a coma, I would have  
45 expected to see contributing factors or further investigation of other possible causes for the death.  
46 Wright's autopsy report showed no contributing factors. I agree that testing for poisons, such as

47 arsenic, are not standard forensic pathology protocol; however, in this instance the tests should  
48 have been ordered when the BAC was returned at .32% with no further contributing factors. In  
49 my professional view, Coroner Wright's procedures were substandard and his/her conclusions  
50 were incorrect.

51  
52 It is my understanding that Wright is standing behind his/her conclusions. Wright has told  
53 me that he/she intends to run for Coroner in the 2014 election, given that the 2010 election was a  
54 close one. It will be a blow to Wright's public image if Wright were to admit that mistakes were  
55 made and a murderer was allowed to walk the streets free for the past two years. That would be  
56 political suicide. Certainly, it would be difficult to find financial backers with a dark spot on your  
57 record like that. Wright is attempting to salvage his/her reputation by insisting that he/she didn't  
58 miss this one. I've had occasion to be in social circumstances recently where Wright has been  
59 present, and just from Wright's demeanor and facial expressions, I can tell he/she is still  
60 steaming from the election loss.

61  
62 I became involved in this case on or about January 15, 2011 when Detective Friday  
63 brought to my attention the results of his/her investigation, including a copy of his/her initial  
64 investigation report, supplemental investigation report, fingerprint analyses, and toxicology  
65 reports from the beer mug that the victim used on the night of his death. I then reviewed Wright's  
66 original autopsy report. Given the additional evidence uncovered by Detective Friday, and my  
67 conclusion that Wright's autopsy was inadequate without further testing, I signed papers to  
68 exhume the body of Duke Kenilworth. I contacted the Kenilworth family and obtained their  
69 consent as well. At that time, I learned that the Kenilworth family had given Duke a natural  
70 burial. Duke was interned at Flanner and Buchanan's Washington Park North Cemetery in Kesler  
71 Woods in Lake of the Ozarks. The family preferred the natural burial because Duke was  
72 committed to making a greener environment for future generations.

73  
74 The goal of the natural burial is to return the body to the earth in a manner that does not  
75 inhibit decomposition and allows the body to recycle naturally. It is intended as an  
76 environmentally sustainable alternative to existing funeral practices. In a natural burial, the body  
77 is prepared without chemical preservatives or disinfectants such as formaldehyde-based  
78 embalming fluid that can destroy the microbial decomposers necessary to break the body down.  
79 The body is also buried in a biodegradable coffin. In the case of Duke's burial, he was buried in a  
80 wicker coffin. The grave does not use a burial vault and is dug to a depth shallow enough to  
81 allow the same aerobic activity found in composting. The decomposition occurs rather rapidly in  
82 a natural burial.

83  
84 Decomposition begins at the moment of death. At this stage it is caused by two factors:  
85 autolysis, the breaking down of tissues by the body's own internal chemicals and enzymes; and  
86 putrefaction, the breakdown of tissues by bacteria. The rate and the manner in which a human or  
87 animal body decomposes are strongly affected by a number of factors. In a roughly descending  
88 degree of importance, those factors include temperature, access by insects and rodents, burial,  
89 and depth of burial, trauma to the body, humidity or dryness, rainfall, body size and weight, prior  
90 embalming, clothing, and the surface on which the body rests. Where the body has been buried,  
91 skeletonization generally occurs around 6-8 months. Where skeletonization occurs the internal  
92 organs have been lost through autolysis or insect activity, and there is decomposition or  
93 mummification of the outer tissues covering less than one half of the skeleton. Hair follicles and  
94 nails have not been destroyed even with decomposition of the body.

95 Ordinarily, if we were to look for poison initially we would examine the blood, urine,  
96 organs, and tissue of the decedent, as well as the hair follicles and nails. Tests are available to  
97 diagnose poisoning by measuring arsenic in blood, urine, hair, and fingernails. The urine test is  
98 the most reliable test for arsenic exposure. However, hair follicles and nails are very useful  
99 samples for detecting poisons. Drugs, chemicals, and biological substances accumulate and are  
100 stored in hair and nails where they can be detected and measured. Tests on hair and fingernails  
101 can measure exposure to high levels of arsenic over the past 6-18 months.  
102

103 Because Duke Kenilworth had a natural burial, most of these tests were unavailable to  
104 me. Instead, I only had the hair follicles and nails to examine for toxins or poisons. The hair  
105 follicles and nails of Duke Kenilworth were then collected by me and sent to toxicology for  
106 testing of poisons. On March 26, 2011, the toxicology report was completed. It showed a  
107 presence of 400 mg of arsenic trioxide poisoning. With such a significant concentration of  
108 arsenic detected, it is unlikely that the presence of arsenic is attributable to leaching from the soil  
109 or groundwater.  
110

111 When dealing with poisons, we often speak of their fatal dose and fatal period. A fatal  
112 dose of a poison is the average dose, which is enough to kill an adult human, while fatal period is  
113 the average period taken by the poison to kill. Arsenic trioxide is approximately 500 times more  
114 toxic than pure arsenic. 70-200 mg of arsenic trioxide is a fatal dose and symptoms such as  
115 difficulty speaking, mild headaches, lightheadedness, nausea, vomiting, and abdominal pains will  
116 appear within 15-30 minutes, followed by circulatory collapse and renal failure after several  
117 hours or days. However, with the combined effect of the high level of blood alcohol content, the  
118 fatal period was significantly reduced, and thus it would not be unusual for circulatory and/or  
119 renal failure to occur in 30 minutes to an hour.  
120

121 When a large dose of a poison is given in one go, killing the victim within minutes, it is  
122 called acute poisoning. When small doses of a poison are given over a long period of time,  
123 typically over years, it is called chronic poisoning.  
124

125 The history of crime is replete with cases of homicidal poisonings by arsenic. Prior to the  
126 mid 1800s it was impossible to detect poisons in the body organs. In 1836, a successful test was  
127 developed for arsenic, and now it can be detected in a dead body, virtually years after the body  
128 has been buried. Thus, the killer leaves a permanent record of the deed in the dead body.  
129 Arsenic is an ideal homicidal poison because it is colorless, odorless, tasteless, freely soluble in  
130 liquids, and it mimics natural symptoms. Acute arsenic poisoning resembles gastro-enteritis.  
131 However, it is not an ideal poison from the standpoint that it does not disappear from the body  
132 after doing its job, and its presence in the body cannot be explained by putrefaction. Putrefaction  
133 is the destruction of the body with the onset of time. Some poisons are products of putrefaction,  
134 but arsenic is not.  
135

136 Based upon the toxicology report, as well as Detective Friday's thorough investigation, I  
137 concluded that Duke Kenilworth's death was not accidental, as Wright had erroneously  
138 concluded, but rather was a homicide by an acute lethal dose of arsenic trioxide poisoning.  
139 Exhibit G is a true and accurate copy of my March 30, 2011 autopsy report for Duke Kenilworth.  
140 The report was prepared by me, based upon my personal knowledge, and was prepared at or  
141 about the time of the events stated therein. The autopsy report is kept in the course of regularly  
142 conducted business of the Marion County Coroner's Office, and it is the regular practice to make

143 such records.

***I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.***

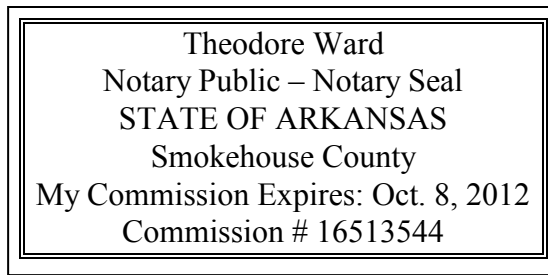
/s/ Dee Moore

STATE OF ARKANSAS	)	
	)	SS.
COUNTY OF MARION	)	

On this date before me personally appeared Dee Moore, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

/s/ Ted Ward  
Notary Public



## Statement of Terry/Terri Hayes

1 My name is Terry/Terri Hayes. I live at 2532 Oleander Drive, Apt. 3B, Lake of the  
2 Ozarks, Arkansas. I am a junior at Elite Preparatory High School. I have the privilege of  
3 attending the school because of a Gail/Galerous scholarship funded by one of Elite's wealthy  
4 donors. I don't know if my arrest for the alleged murder of Duke Kenilworth or this trial will  
5 cause the scholarship to be withdrawn. That's the least of my worries now. I can't believe I've  
6 been charged with this crime. I am innocent!

7  
8 I received a full-ride scholarship from Elite commencing with the 2007-08 school year. I  
9 would never have been able to afford attending such a prestigious school on my parents' modest  
10 income. My parents were pleased when I was accepted to attend. They were going to try to  
11 borrow money and take on extra jobs so that I could go. Then, I was awarded the scholarship, and  
12 they were especially proud. Still, it wasn't without sacrifice for them. Elite is located in Lake of  
13 the Ozarks, which is clear across town. My mother has to get up an extra hour early every  
14 morning and drive me to school just so that we miss traffic and she can get to her job on time.  
15 It's a hassle for her I know.

16  
17 My parents also worry about making sure that I fit in at school. They have good reason to  
18 worry. It's tough being the new kid at school. It's also hard to get to know people when you don't  
19 live in the same community. And, I don't exactly blend in with the crowd. I like to talk about  
20 science, especially chemistry. I find it difficult to carry on superficial conversations and things  
21 that most teens want to talk about. So, I withdraw into myself. I find it hard to relate to people, so  
22 I often walk through school with a book in front of my face. I've bumped into several people as a  
23 result. I always say I'm sorry, but I'm sure it hasn't won me any friends. Because I have difficulty  
24 relating to other students my age, I often find myself talking out loud to myself about a particular  
25 chemistry problem or phenomenon. I like to talk out loud because it helps me work through the  
26 problem. I suppose that's one of the reasons that the students at Elite call me a science geek, a  
27 nerd, brainiac, or bookworm. Sometimes the name-calling is hurtful, but my parents have  
28 emphasized that people just don't understand me.

29  
30 The school offered me a couple of jobs for after school with a small stipend in addition to  
31 my scholarship. I was happy to be offered these opportunities because I wanted to fit in with the  
32 right clothes and have money to join clubs or go with the kids after school to a movie or  
33 something. Also, since my mother didn't get off of work until an hour after school ends, it helps  
34 occupy my time while I'm waiting for her to pick me up from school. I am a chemistry lab  
35 assistant for Dr. Lowe, and when he/she does not need me, then I report to the front office of the  
36 school to help them with their needs. Both jobs are well suited for me. I'm pretty good with  
37 computers, so I feel like I'm really helping them in the front office. They have me design  
38 PowerPoint presentations and Excel spreadsheets with complex formulas. I have also been asked  
39 to enter some of the grades in the computer as some of the teachers have trouble with navigating  
40 through the program for reporting grades. The school assigned me a special password to access  
41 that program, which I keep in my chemistry lab notebook.

42  
43 My job as a Lab Assistant is rewarding. It's hard to believe I'm getting paid to do it. I  
44 love chemistry, and working with Dr. Lowe has been great. Many times Dr. Lowe stays in the lab  
45 while I'm doing my work and we talk about careers in science or other science stuff. Sometimes  
46 Dr. Lowe has other commitments and leaves me in charge to do whatever is necessary on my

47 own.

48

49 I have full access to everything in the lab. I usually help set up labs for the next day,  
50 prepping everything by getting out any equipment, supplies, or chemicals needed for each of the  
51 labels. I also take care of cleaning up anything after a lab has been conducted for the day, as well  
52 as organizing the chemicals. I am somewhat obsessive compulsive. I am constantly straightening  
53 out each of the bottles containing the chemicals to make sure they are properly aligned. I also like  
54 organizing the chemicals by their order on the Periodic Table of Elements. Dr. Lowe is not a  
55 highly organized person, so I think my organizational skills are a big help to him/her. Dr. Lowe  
56 gave me a duplicate key to the locked cabinet containing dangerous or expensive chemicals. I  
57 straighten and organize those chemicals all the time too, and frequently, the lab experiment will  
58 call for one of the chemicals in the locked cabinet.

59

60 I lied to Detective Friday about not knowing whether there was arsenic in the cabinet. I  
61 have nearly all of the types of chemicals in the Lab memorized. I shouldn't have lied to the  
62 Detective, but I was afraid that someone might think that I took the arsenic and used it to kill  
63 Duke. I can't say how much arsenic was in the bottle in 2009 before Duke's death. I don't pay  
64 attention to how much inventory was in the lab for every chemical. I am not responsible for  
65 doing an inventory or re-ordering. Dr. Lowe performs those tasks at the end of school year. I also  
66 fudged a little on saying I didn't know the potent properties of arsenic. I think most people know  
67 that, and again, it was stupid to lie about something when I have nothing to hide.

68

69 I have to say I was surprised when I was asked to rush for *Carpe Diem*, being so new,  
70 shy, and a science geek. I really wanted to feel like I belonged at the school, and the club was the  
71 most popular students at Elite. I jumped on the opportunity to fit in. That's how I met Duke and  
72 Austin. Duke was President of the Club, and Austin was the Rush Chair. Austin became the Club  
73 President after Duke's death, but the Club then had a stigma attached to it because of Duke's  
74 death. I made it through the first phase, and then I was invited to join the pledge class.  
75 Unfortunately, a few weeks later, Duke asked me to access the grade program on the school's  
76 front office computer and change one of his grades. He tried to pressure me that I was obligated  
77 to do anything he asked if I wanted to be in the club. I refused and Duke got mad, yelling and  
78 screaming at me, "I would feel his wrath." There was another incident where Duke was  
79 humiliating me in front of a bunch of students, having me carry a pacifier and wear a sort of  
80 diaper over my clothes. I may have said, "What goes around comes around" at the time. What I  
81 meant was that you build certain karma, good or bad, and life has a way of evening things up. I  
82 certainly wasn't meaning it as a threat or some warning to Duke.

83

84 Pledging was difficult to say the least, and much more arduous than I expected. I was  
85 called a lot of names and made fun of because of my aptitude for chemistry and poor financial  
86 status. It was humiliating. Perhaps it was my imagination, but I could have sworn I was treated  
87 much worse than the other pledges. I certainly didn't take it personally, and I figured it was worth  
88 the price of initiation into the club and finally belonging to an inner circle of the popular  
89 students. The pledging period was almost over, and the Running of the Gauntlet was within my  
90 reach, when I heard a rumor that I was going to be blackballed. I confronted Duke about the  
91 rumor and he said, "Yeah, we just invited you so that we would have a patsy. You'll be our big  
92 joke." I felt like someone punched me in the gut as hard as they could. I was angry, and blurted  
93 out, "You'll be sorry if you do. That'll be the end of you." Austin Taylor was standing right  
94 there. I thought if I could make Duke fear that I would report the hazing, then Duke might be

95 worried that he would be charged with hazing, the Club would be shut down, or that he would be  
96 removed as President. I figured at this point, I didn't have much to lose. If it was a joke on me all  
97 along, I wouldn't lose friends I didn't have by snitching on them about the hazing. It wasn't a  
98 well-conceived plan, because it seemed to make Duke only angrier and crueler to me. With only  
99 a few days to the finale of the Running of the Gauntlet, I thought I'd just stick it out. Maybe in  
100 my naïve way of thinking, I thought I could gain the respect of the upperclassmen by showing  
101 them that I was not a wimp and that I had toughed it out.  
102

103 The Running of the Gauntlet was on Friday night, October 26, 2009. The upperclassmen  
104 put us through all sorts of humiliating experiences. The pledges, including myself, were fearful  
105 of what was coming next every step of the way. Duke continued to single me out for torture.  
106 When we ran through the Running of the Gauntlet, where they had two rows set up of the  
107 upperclassmen and they hit the pledges with wooden paddles, it seemed that Duke took great  
108 pleasure in hitting me hard. I think we ran through the Gauntlet 4 times. I was grimacing out of  
109 pain, not anger, from that experience. They also set up stations, and told us that we were walking  
110 through hog entrails and blindfolded us. I could handle the physical abuse, but the mental abuse  
111 was almost more than I could bear. At one point Duke called me up to the center stage of the  
112 Pavilion as depicted on Exhibit A, which is a fair representation of Arcane Park as it appeared on  
113 the night of October 26, 2009. In front of the whole crowd, Duke said what a loser I was - - I was  
114 a poor, geeky nerd that never should have been invited to join *Carpe Diem*. And because I had  
115 failed to obey every command of the officers of the club, and failed to show them respect at all  
116 times, I was being awarded the "Flunky Award." He then proceeded to pour glue all over me, my  
117 clothes, my hair, and then slashed a feather pillow and poured it over my head. He declared that I  
118 was "tarred and feathered" - - an outcast of society. I was angry at the time, but then I started  
119 thinking that this was probably just one more of those humiliating tests, and that the "Flunky  
120 Award" didn't mean that I wasn't going to get in the club, but rather that I had failed in some  
121 respects to uphold the pledge promise to do whatever we were told. Austin then said, "This was  
122 just the beginning and things were going to get worse." I almost turned around and went home. I  
123 certainly had not thought of revenge. But I decided I could endure whatever came my way. I had  
124 come this far.  
125

126 Then it was my turn to serve the five officers of *Carpe Diem* with their beers. Austin kept  
127 yelling at the pledges that it was our responsibility to keep the officers' beer mugs full at all  
128 times. Each of the beer mugs had the name of the respective officer engraved on it. I don't recall  
129 which mugs I filled that night. I did go back to the beer station to fill a few mugs, but I'm sure it  
130 wasn't for Duke. Duke had been drinking a lot of beer that night. I'd say at least 20 beers over  
131 the course of one hour. By the time I was the designated pledge to serve the beer (I think I was  
132 the 6<sup>th</sup> out of 8), Duke was becoming pretty intoxicated, and had slowed down his drinking  
133 almost completely. Shortly thereafter, Duke started complaining of a headache, abdominal pains,  
134 and nausea. Duke began vomiting and it seemed that he started choking on his own vomit.  
135 Within minutes, Duke collapsed to the ground and appeared unconscious. I was not responsible  
136 for whatever caused Duke to collapse. I did not add arsenic or any other drug or toxin to Duke's  
137 beer. I did not murder Duke Kenilworth.  
138

139 Austin Taylor called 911 almost immediately. Austin was attempting to wake up Duke  
140 and kept saying over and over again, "I'm sorry. I didn't mean for this to happen." The EMTs  
141 arrived, but couldn't revive Duke, and pronounced him dead at the scene. It was a nightmare in  
142 my life that I will never forget. I've never seen a person die in front of me before, and I never



## Statement of Sandy Lowe

1 My name is Sandy Lowe. Although I'm required by the school administration to use a  
2 more formal title at Elite Preparatory High School, I prefer to be called Sandy. The students and  
3 other faculty and staff call me Dr. Lowe. I'm not particularly into it, but I just go with the flow.  
4 No reason to make waves over my name. Exhibit H is a true and accurate copy of my Curriculum  
5 Vitae. The things that are most important to me are buried in between the lines. For example, my  
6 time with Greenpeace and the Peace Corps were incredibly enriching. It afforded me the  
7 opportunity to reach within my soul and connect with our planet and people in need. Although I  
8 had opportunities to become a full-time professor at some of the most prestigious colleges and  
9 universities, I find myself drawn to a simpler life where the pressure of finding grant money,  
10 research, writing and publishing articles or books doesn't weigh me down. I settled in Arkansas  
11 because the people here are homegrown. Real. I can connect with them. Elite Preparatory High  
12 School is a little stuffy for my taste. I feel like I've joined a country club at times teaching there.  
13 But, sometimes it is the affluent people that need the most direction in life. Certainly the job pays  
14 well, and gives me the opportunity to travel every summer to New Mexico for a body, mind, and  
15 spiritual cleansing in a sweat lodge. It is a great Native American tradition.

16  
17 I am very familiar with the defendant Terry/Terri Hayes. I actually knew of Terry/Terri  
18 prior to his/her attending Elite. I was on the faculty committee that considered Terry/Terri for a  
19 scholarship to attend Elite. In the 7<sup>th</sup> grade, Terry/Terri took the ACT for science and tested  
20 higher than most juniors seeking college admission. Terry/Terri tested again in his/her freshman  
21 year at his/her prior school and scored off the charts. I met with Terry/Terri to further assess  
22 his/her talents in science and to see if Terry/Terri would be a good fit for the school. Elite takes a  
23 lot of pride in having some of the brightest students in the country attending here. The school  
24 pours a ton of money into hiring the best faculty and state-of-the art equipment and resources.  
25 The students and faculty want for nothing when it comes to the education provided at Elite. I was  
26 extremely impressed with Terry/Terri. He/she had a particular acumen for chemistry. We hit it  
27 off right from the start, even though Terry/Terri is a bit shy and awkward. Sometimes that just  
28 goes with being a teen and finding your voice. Terry/Terri certainly was into science and  
29 particularly chemistry. I suppose you could call him/her a science geek. But why does that have  
30 to carry a negative connotation? Terry/Terri is brilliant. In any event, in part due to my  
31 recommendation, Elite gave Terry/Terri a full scholarship, worth well over \$300,000. Still, I was  
32 aware that Terry/Terri, in order to "fit in" with the affluent masses of the student body, would  
33 need spending money for clothes, food, and activities. I offered Terry/Terri a job as a chemistry  
34 lab assistant, which would entail setting up any equipment or chemicals needed for a particular  
35 lab for the classes, as well as cleaning up and returning all chemicals to their proper storage.  
36 Actually, the job wasn't such an altruistic move on my part. I recognize my limitations - - and  
37 one of those limitations is attending to the minutiae of prepping, cleaning up, and organizing for  
38 the chemistry labs. Terry/Terri was always diligent about taking care of the any tasks required of  
39 him/her as my assistant. No other students or persons worked as a lab assistant in the chemistry  
40 Department. Terry/Terri continued to work in the chemistry lab after Duke's death, and in the  
41 2010-11 school year.

42  
43 Terry/Terri also worked after school in the school office on days that I didn't need  
44 him/her. Terry/Terri is a wiz on the computer, and is an asset to the front office at Elite.  
45 Terry/Terri was also a student in my advanced chemistry class during the 2009-10 school year.  
46 Terry/Terri was the only sophomore in the class, primarily made up of juniors and seniors, but

47 Terry/Terri stood out as the superstar in the class. Terry/Terri is currently in my AP chemistry  
48 class, and is exceeding all expectations.

49  
50 Terry/Terri was, and continues to be, a class act. He/she never boasts about his/her  
51 incredible talents and aptitude. He/she is pretty humble. I like that in a person. Working side by  
52 side in the chemistry lab, I've come to know Terry/Terri pretty well. I felt a sort of kinship with  
53 Terry/Terri. Terry/Terri reminded me of myself in my youth – only he/she is brighter and more  
54 socially awkward. You couldn't meet a better kid. I find it hard to believe that Terry/Terri is  
55 capable of harming anyone. Terry/Terri also has a lot of integrity. I overheard a conversation in  
56 the school hallway one day during the fall semester of 2009 in which Duke Kenilworth tried to  
57 get Terry/Terri to change a poor grade for Kenilworth. Terry/Terri refused, even when Duke  
58 threatened him/her. I heard Duke yell at Terry/Terri about the "wrath of his anger." But  
59 Terry/Terri still didn't waiver in holding to his/her principles.

60  
61 Terry/Terri and I talked a lot about chemistry and science when we were together. I tried  
62 to help him/her in discussing career path options and opportunities. I want to help Terry/Terri in  
63 every way possible. I offered to take Terry/Terri to meet some of the chemistry Department  
64 Heads one-on-one with the most prominent colleges and universities. Occasionally, we talked  
65 about my experiences with Greenpeace or the Peace Corps, which I was really cool with that. We  
66 never had a conversation about arsenic that I can recall.

67  
68 I wasn't in the chemistry Lab 100% of the time, or even half of the time when Terry/Terri  
69 was helping after school. I trusted Terry/Terri, and didn't have any reason to watch him/her with  
70 a close eye. I gave Terry/Terri full access to the chemicals in the lab, including the chemicals that  
71 were locked in a cabinet due to their dangerous qualities or their significant value. Terry/Terri  
72 even had a duplicate key to the cabinet, which I gave him/her until the end of each school year. I  
73 do recall on one occasion seeing Austin Taylor in the chemistry lab after school, which I thought  
74 was quite curious. I had left the room to go to the faculty lounge for some home-baked goodies,  
75 and when I came back, Austin was in the room rummaging around. I thought it was suspicious  
76 and I could tell from Austin's facial expressions that I had caught him/her off-guard too. He/She  
77 looked like the cat that ate the canary.

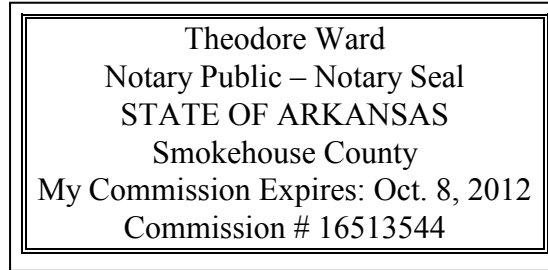
78  
79 I never witnessed Terry/Terri taking any of the arsenic trioxide from my chemistry lab. I  
80 will never believe that Terry/Terri took any arsenic trioxide from my lab. Terry/Terri is too  
81 ethical to steal something. I know when the police came with the search warrant for the chemistry  
82 lab, they took the bottle of arsenic trioxide from my locked cabinet in the lab where I kept it  
83 stored. I saw that the bottle was empty when they confiscated it. I don't recall when the arsenic  
84 trioxide would have been used in one of my labs. I tend to be forgetful, especially about those  
85 kinds of details, and I'm not very good at paperwork. I don't keep an ongoing inventory list of  
86 the chemicals in my lab. Generally, I wait until the end of the year and replenish anything that  
87 has been used during the school year. When the police confiscated the arsenic trioxide bottle  
88 from my lab, it had been 8 months since Duke's death. Who's to say when the arsenic was last  
89 used? I wish I could find my paperwork from my order for chemicals to be replenished at the end  
90 of the 2009-10 school year to see if it was empty then. Logically, the empty bottle means nothing  
91 more than in the 2010-11 school year the substance was used in the lab.

92  
93 I'm aware that the police department also has confirmed that Terry/Terri's fingerprints  
94 were on the bottle of the arsenic trioxide, on the key to the locked cabinet where the arsenic is



In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

/s/ Ted Ward  
Notary Public



## Statement of Gail/Gale Wright

1 My name is Gail/Gale Wright. I am presently employed as a senior forensic pathologist  
2 investigator for NSC Investigations. Not only do I conduct the forensic pathology investigations,  
3 but also I am available as an expert witness in forensic pathology. Prior to my employment with  
4 NCS, I was coroner for one term in Marion County, Arkansas. I held that position from January  
5 1, 2007 to December 31, 2010. Exhibit I is a true and accurate copy of my Curriculum Vitae.  
6

7 I was not elected in the November 2010 election, but it was a very close race. I plan to run  
8 again in 2014. I don't have any need to testify to restore public confidence in my abilities. I have  
9 made sound decisions and processed thousands and thousands of cases efficiently and properly in  
10 my 4 years as Coroner of Marion County. There may have been a few incidents of some lab  
11 errors, but none of them were made public. Furthermore, the minor lab errors that occurred didn't  
12 affect any major cases or convictions, and the errors were subsequently corrected.  
13

14 The real reason that I lost the election was that Coroner Moore had 10 times the campaign  
15 funds than my campaign. Moore was backed by a lot of rich folks, especially in the Lake of the  
16 Ozarks community. During my campaign for 2014, I plan to show the voters that Moore is  
17 beholden to only the rich folks that supported his/her campaign. Take this case for example, there  
18 is clear evidence of alcohol poisoning, but Moore wants to sweep that under the rug because  
19 Austin Taylor was responsible for providing the alcohol at the Running of the Gauntlet on  
20 October 26, 2009. Austin Taylor was also responsible for making sure that Kenilworth's mug  
21 was constantly filled. Austin Taylor organized the whole hazing episode. Taylor is complicit in  
22 this whole affair. Something is rotten in Denmark when there is clear evidence of hazing and no  
23 charges have been made. Some may say I'm bitter about losing the election. Yeah, maybe that's  
24 true. I resent that money bought the election for Moore. But that's not why I'm testifying against  
25 Moore. The plain and simple fact is that I stand behind my autopsy report and its conclusions  
26 because I am right. The exhumation of Kenilworth and subsequent toxicology report proved  
27 nothing.  
28

29 Exhibit J is a true and accurate copy of my October 31, 2009 autopsy report for Duke  
30 Kenilworth. The report was prepared by me, based upon my personal knowledge, and was  
31 prepared at or about the time of the events stated therein. The autopsy report is kept in the course  
32 of regularly conducted business of the Marion County Coroner's Office, and it is the regular  
33 practice to make such records. As is noted on my report, and has not been refuted by Moore, the  
34 BAC level was .32%. Detective Friday's report states that witnesses reported that Kenilworth had  
35 consumed eight to ten 12-ounce beers in a period of one hour. Twelve beers in one hour would  
36 calculate to the fatal range of a BAC of .37-.40% based upon Duke's weight. However, it is  
37 important to note that the BAC levels are based upon median lethal dose. So, for half of the  
38 population that level is fatal. Then there are the outliers. A BAC of less than a .37% may be fatal  
39 for some humans. Moore seems to ignore this reality because that simple fact is an inconvenient  
40 truth.  
41

42 Heavy consumption of alcohol is approximately 5 standard drinks (12-ounce beer) for  
43 males. The faster someone drinks, the higher the BAC is, and the more dangerous drinking  
44 becomes. One of the main reasons why alcohol has the capacity to poison the human body is  
45 because it gets absorbed very quickly and gets eliminated very slowly. Alcohol poisoning quickly  
46 affects bodily functions that sustain life. Alcohol depresses nerves that control involuntary

47 actions of the human body. As a depressant, alcohol affects breathing, heart rate and blood  
48 pressure. When people drink too much in a short time, the areas of the brain that control these  
49 functions can be sedated--literally put to sleep. If that happens, people can die because breathing  
50 mechanisms shut down or people choke on their own vomit because the gag reflex has been  
51 inhibited by the ingestion of alcohol. A fatal dose of alcohol will eventually stop these functions.  
52 After the victim stops drinking, the heart keeps beating, and alcohol in the stomach continues to  
53 enter the bloodstream and circulate throughout the body. Alcohol poisoning takes place when an  
54 individual consumes significantly more alcohol than his or her body can process. Usually, cases  
55 of alcohol poisoning take place at parties where young adults tend to drink a lot in a very short  
56 period of time. The danger in such a situation is that the body cannot adjust to such high amounts  
57 of alcohol so quickly. The body can sometimes absorb alcohol so quickly that it enters the blood  
58 even before the person gets sick. A sign of alcohol poisoning is when a person passes out and  
59 does not respond to attempts to wake them. Unfortunately, alcohol poisoning can be fatal, as in  
60 the death of Duke Kenilworth. As noted in my autopsy report vomit was located in the posterior  
61 oral cavity, which shows that the alcohol had depressed the decedent's gagging reflexes.

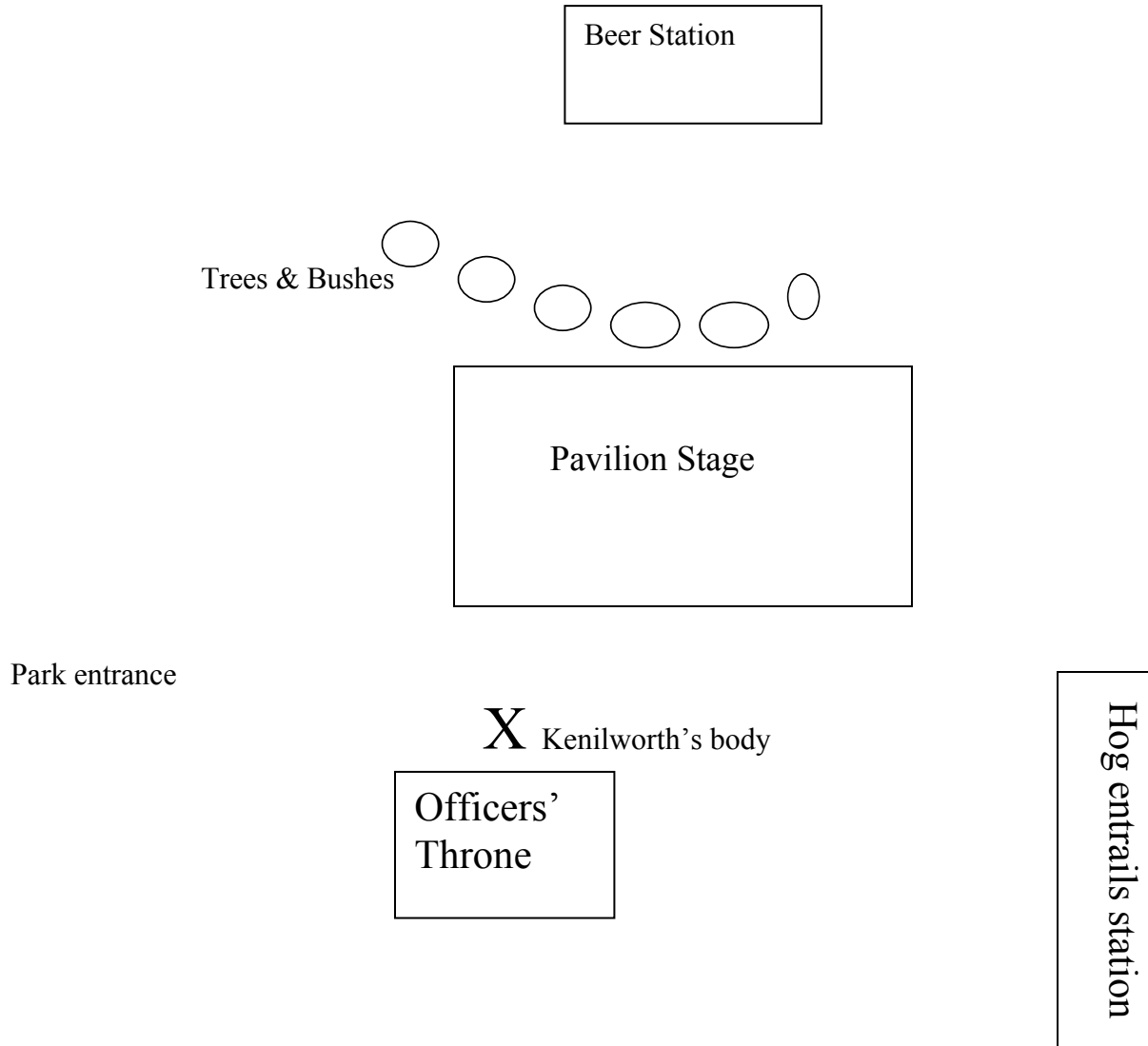
62  
63 At the time of my autopsy report, and I submit the same is true now, there were no  
64 indications that warranted ordering toxicology testing for poisons. Finding toxins in the human  
65 body isn't as clear-cut as it might seem. There are literally hundreds of agents that can make a  
66 person ill, debilitated, incapacitated or worse. You can't test for everything. Instead, a coroner  
67 tries to focus on the most likely candidates given the totality of the evidence. The screens that are  
68 part of the standard forensic protocol typically test for alcohol, narcotics, sedatives, marijuana,  
69 cocaine, amphetamines, and aspirin. Toxicology testing follows a two-tiered approach. Screening  
70 tests, which are easier, faster, and cheaper, are used to identify common classes of drugs. The  
71 screening test tells the medical examiner and toxicologist that some type of narcotic is present,  
72 but not which one. Determining which one requires more sophisticated, time-consuming and  
73 expensive Confirmatory Testing. The confirmatory testing will determine exactly which member  
74 of the class is present and in what amount. And if the screening tests are normal, no further  
75 testing is warranted and the medical examiner would not spend the time and money to go further  
76 down that road. If a person wanted to kill someone they could use a poison that would not be  
77 found in a typical screen. Things such as arsenic, selenium, and most plants (oleander, deadly  
78 nightshade, etc.) do not show up on the typical tox screen. It is common practice that if a tox  
79 screen comes back negative, then the medical examiner doesn't usually go any further with the  
80 testing, unless a poison is suspected.

81  
82 Based upon Detective Friday's report at the time of my autopsy, there were no indications  
83 to order further testing. Even now, there is very little to go on, but once I had learned that there  
84 was a suspicion of arsenic poisoning, I likely would have ordered the exhumation also. Detective  
85 Friday claims that he/she requested exhumation twice during mid-2010. I have no recollection  
86 such requests were made. It is something I would expect to remember had it occurred, especially  
87 a repeated request. There's nothing in writing to confirm the requests were made, other than  
88 Friday's self-serving investigation report, which wasn't completed until January 2011. I would  
89 have expected, if it was that important to Friday, that he/she would have submitted the request  
90 formally to go on record of any disagreement with my judgment on the matter.

91  
92 The flaw in Moore's reliance on the toxicology report showing arsenic trioxide is that  
93 he/she failed to rule out the possibility of arsenic trioxide leaching from the soil or ground water.  
94 The possibility of contamination from the site is particularly critical in this case because the



**EXHIBIT A**  
**ARCANE PARK DIAGRAM**  
(not drawn to scale)



**EXHIBIT B**  
**STATEMENT OF AUSTIN TAYLOR**

Date: October 27, 2009

Time: 12:14 a.m.

So, did you get your jollies interviewing everyone? Yeah, I'm Austin Taylor. I'm the pledge chair here. You're really starting to get on my nerves with this Inspector Clouseau routine. Hey, I've got a great idea. I hear Dunkin' Donuts is having a 2-for-1 special. Why don't you head on over there before your buddies get all the fresh ones?

I don't know why you're getting in everyone's face over here, bothering us all, interviewing everyone. Do you know who my parents are?

No, there wasn't any hazing. We know that would be against the law. We're not that stupid.

I think it was Terry/Terri Hayes who served Duke's last drink. Hayes is one of those introverted little nerds. What did he/she tell you? Probably lied through his/her teeth, the little snitch.

And Duke was way too cocky. Somebody needed to bring Duke down a notch.

I certainly didn't mean for all this to happen.

You know, I don't think I like your questions. My dad will have your badge. I don't know why I'm talking to you anyway. This is getting way too intense. I just hope Duke's all right.

[Interview terminated.]

## EXHIBIT C

*Tu ne quaesieris, scire nefas, quem mihi,  
quem tibi finem di dederint,  
ut Sandius, quidquid erit, pati.  
Sapias, vina liques  
dum loquimur, fugerit invida aetas  
Carpe diem quam minimum credula postero.  
Memento mori*

Don't ask (it's forbidden to know) what final fate the gods have,  
what end the gods will give me or you.  
It is better to endure whatever will be.  
Be smart, drink your wine.  
While we speak, envious time will have {already} fled  
Seize the day and place no trust in tomorrow.  
Remember you will die.

**EXHIBIT D**

<b><i>Incident Information</i></b>			
Case # 091023-14			Detective Friday
Date of Investigation 10/26/09	Time 11:28 pm	Date Report Prepared: 10/31/09	
Location of Incident/Street Address Arcane Park	City Lake of the Ozarks	County Marion	
Type of Incident/Crime/Description of events Death – possibly alcohol related			
Persons Involved (full and complete name known) Duke Kenilworth (deceased)			
Vehicle Information N/A	Make/Model/Year/Color/Style/etc. N/A	License # N/A	State N/A
<b>Investigation Report</b> 10/26/09 23:23 - Called to the scene after 911 call reporting high school student collapsed, and possibly unconscious 10/26/09 23:28 – Arrived on scene. Controlled and assessed scene. Witnesses identified unconscious student as Duke Kenilworth. Body does not appear to have been moved or compromised. I detected a strong odor of alcohol from the victim's person. Witnesses described that Kenilworth had complained of a headache and dizziness before vomiting and collapsing. Victim appears to have collapsed due to AOD; classic signs. There appears to be no recent outward signs of physical trauma to victim or evidence of physical disturbance in the vicinity. Will wait conclusions of autopsy. Body lying on ground near pavilion area of park. No obstacles nearby to cause fall. Noted a beer mug engraved "Duke" tipped over on the ground approximately 6 1/2 inches from the right hand of the body. Called for EMTs and back-up officers. Attempted CPR on Kenilworth. Unresponsive. 10/26/09 23:35 EMTs and Back-up officers arrive. EMTs unsuccessfully try to revive Kenilworth. In the meantime, I instructed officers to process the young people present for underage drinking, and arrange for their parents to pick them up. All students present were fingerprinted. 10/26/09 23:38 Kenilworth pronounced dead by EMTs. Body transported to morgue. 10/26/09 23:45 Interview witnesses regarding activities surrounding the incident. Appears to be hazing of underclassmen by upper classmen at Elite Preparatory High School. Noted trough filled with mud. Also noted one student covered in feathers. Beer kegs noted in back of pavilion. Interviewed witnesses regarding victim's consumption of alcohol. Various reports, but ranged from eight to ten 12-ounce beers in the course of an hour. Hazing chair of social club, <i>Carpe Diem</i> , identified as Austin Taylor. Five beer mugs with names engraved retrieved and placed in evidence room. 10/27/09 01:14 - Interviewed Austin Taylor; recorded statement. 10/30/09 Toxicology report received; BAC of decedent is .32% 10/31/09 – Autopsy results received. Corner Wright concludes death caused by alcohol poisoning. 10/31/09 – Case closed.			

**EXHIBIT E**

<b>Supplemental Investigation Report</b>			
Case # 091023-14			Detective Friday
Date of Initial Investigation 10/26/09	Date Report Prepared: 01/31/11		
Location of Incident/Street Address Arcane Park	City Lake of the Ozarks	County Marion	
Type of Incident/Crime/Description of events Homicide – arsenic poisoning			
Victim – Duke Kenilworth (deceased)			
<p>Supplemental Investigation Report</p> <p>6-30-10 Received anonymous call, disguised mechanically. Unable to identify caller or gender of caller. Caller states belief that Duke Kenilworth was murdered by poison on the night of Running of the Gauntlet by someone in, or involved with, <i>Carpe Diem</i>. Retrieved five beer mugs from evidence room and delivered to toxicology to specifically test for poison.</p> <p>7-7-10 Toxicology report received. Beer mug engraved “Duke” tested positive for arsenic. Other mugs tested negative for poisons.</p> <p>7-15-10 Reported recent findings to Coroner Wright. Requested exhumation of Kenilworth body to test for arsenic poisoning. Request denied by coroner.</p> <p>7-18-10 Interviewed Austin Taylor regarding incidents of 10-26-09. Asked Taylor if anyone would have a reason to murder Kenilworth by arsenic poisoning added to Kenilworth’s beer. Taylor identified Terry/Terri Hayes, who, as described by Taylor, suffered the cruelty of Kenilworth, physically and emotionally, and was humiliated publicly by Kenilworth at the Running of the Gauntlet by receiving the Flunky award and “tarred and feathered.” Taylor reported that Hayes believed that he/she was selected as a pledge only for a cruel joke by Kenilworth. Taylor reported that Hayes was vengeful in nature, and had access to both the beer mug and arsenic. Taylor reported Hayes was the chemistry lab assistant at the time and had access to the locked cabinet containing the arsenic. Taylor also reported that Hayes was the last pledge to serve beer to Kenilworth before his demise.</p> <p>7-20-10 Contacted Hayes family by telephone and scheduled interview for July-22-10 with parents present.</p> <p>7-22-10 Arrived at home of Hayes. Read Hayes’ Miranda rights, with parents present. Before beginning questioning, Hayes stated that he/she did not kill Kenilworth. Inquired of Hayes about knowledge of arsenic usage and fatal qualities. Hayes claimed to have no knowledge of the potent properties of arsenic. Hayes also denied knowledge of whether arsenic was stored in the chemistry lab at Elite. Hayes admitted that Kenilworth hazed him/her, but Hayes had no resentment, as he/she knew it was part of the process of the initiation process.</p> <p>7-23-10 “Duke” beer mug sent to lab for fingerprint analysis.</p> <p>7-24-10 Obtained search warrant for Hayes’ school locker, the Elite chemistry room, and Hayes’ residence. Observed arsenic bottle is contained in locked cabinet of chemistry room. Bottle labeled arsenic trioxide was empty. Interviewed Dr. Lowe. Lowe stated that Hayes had access to locked cabinet during school year. Lowe did not observe Hayes taking arsenic. Lowe did not have any conversations with Hayes regarding arsenic fatal properties. Lowe could not recall if any chemistry lab experiments or exercises would have required the use of arsenic during the school year. Lowe believed arsenic trioxide bottle would have been full at the beginning of the school year, as it is his/her routine and practice to replenish all inventory supplies. Located book on Napoleon and a note in Hayes’ locker, which appears to be Latin. Delivered to translator. Nothing further found in chemistry room, cabinet or Hayes’ locker. No incriminating evidence located at Hayes’ residence.</p>			

8-6-10 Fingerprint analysis results received. Fingerprint analysis on "Duke" beer mug shows no detectable prints except Kenilworth and Taylor.

8-15-10 Additional fingerprint analysis results received. Fingerprint analysis shows that Hayes' fingerprints are on the key, the lock, and the cabinet where the arsenic trioxide bottle was located in the chemistry classroom at Elite Preparatory High School. Hayes fingerprints were also detected on the bottle labeled arsenic trioxide that was located in the chemistry lab's locked cabinet.

8-25-10 Translation received from Latin note in Hayes' locker. Vengeful and morbid overtones.

8-26-10 Interviewed Hayes a second time, in presence of parents and upon being advised of Miranda rights. Hayes admitted that Latin note is his/hers. Hayes explains that the note is a poem by Horace, in which the phrase *Carpe Diem* was used. Hayes states that he/she memorized the poem to impress the members of *Carpe Diem* to ensure initiation into the club. Hayes admits to lying to me previously about lack of knowledge of fatal properties of arsenic. Hayes claims afraid that if admitted it, it would make him/her look guilty.

8-29-10 Reported additional findings to Coroner Wright. Requested exhumation of Kenilworth. Coroner Wright denies request.

1-15-11 Reported findings to Coroner Moore. Moore signs paperwork for exhumation.

1-23-11 Consent obtained from Kenilworth family for exhumation of son, Duke.

1-26-11 Duke Kenilworth's body exhumed. Significant decomposition of body due to natural burial.

3-26-11 Toxicology report received. Arsenic detected in remains of Kenilworth's body.

3-30-11 Coroner Moore's report concludes, based upon recent toxicology report, that victim died from arsenic poisoning.

3-31-11 Hayes arrested.

## EXHIBIT F

### *CURRICULUM VITAE*

**Name: Dee Moore**

*Education:*

Undergraduate: University of Notre Dame, BA Psychology, 1977

Medical School: Arkansas University, MD, 1988

Residency: Pathology, Arkansas University, 1988-1991

Fellowship: Forensic Pathology Fellowship, Armed Forces Institute of Pathology (AFIP), Washington, DC  
- 1991-1992

CERTIFIED BY AMERICAN BOARD OF PATHOLOGY

Anatomic, Clinical and Forensic Pathology (AP/CP in November 1994; FP in May 1995)

*Licensure:*

Medical License – State of Arkansas – 2005 – present

Medical License – State of California – 1994 - 2003

DEA Certification 2003-present

*Academic Appointments:*

Faculty Appointment, Clinical Professor, Department of Pathology, Arkansas University School of  
Medicine July 2005 – July 2008

*Hospital Appointments:*

Wishard Memorial Hospital, Active Staff August 2003-present

Small Rock, AR

Methodist Hospital, Active Staff August 2003-present

Small Rock, AR

*Employment History:*

Coroner/Chief Forensic Pathologist, Marion County, AR January, 2011 - present

Forensic Medical Group, Small Rock, AR Partner December, 2003 – July, 2006

San Diego Medical Examiner's Office, Deputy Medical Examiner July, 1988 – November, 2003

Naval Hospital, San Diego, Command Forensic Pathologist, Staff Pathologist, Head of Autopsy Services,  
and Medical Director, U.S. Navy Tissue Bank July, 1995 – July - 1998

*Military Experience:*

United States Navy Medical Corps, Lieutenant Commander 1977 – 1983

*Professional Affiliations:*

American Academy of Forensic Sciences, Member 2003-present

Arkansas State Medical Association Dr. Kathleen Galbraith Award 2005

IUSM Trustee Teaching Award 2008

American Society of Clinical Pathology – Fellow

American Academy of Forensic Sciences – Fellow

National Association of Medical Examiners – Member

Arkansas State Coroner's Association - Member

*Expert Witness Experience:*

Qualified numerous times as an expert witness in forensic pathology in Circuit, Superior and Municipal  
courts in California and Arkansas, and U.S. Federal Court

## EXHIBIT G

### MARION COUNTY AUTOPSY REPORT

<b>Name:</b> KENILWORTH, Duke	<b>Date of Birth:</b> 8/3/91
<b>Race:</b> White	<b>Sex:</b> Male
<b>Date of Death:</b> 10/26/09	<b>Body Identified by:</b> 10/31/09 autopsy - by mother of the deceased; 01/31/11 autopsy - identity confirmed through dental records
<b>Case #</b> 000388-31A-2009	<b>Investigative Agency:</b> Lake of the Ozarks Police Department
<p><b><u>EVIDENCE OF TREATMENT:</u></b> N/A</p> <p><b><u>EXTERNAL EXAMINATION:</u></b></p> <p>The autopsy is begun at 9:00 A.M. on January 27, 2011.</p> <p><b><u>INTERNAL EXAMINATION:</u></b></p> <p>HEAD--CENTRAL NERVOUS SYSTEM: Not available. Putrefaction of body and all organs.</p> <p>SKELETAL SYSTEM: Unremarkable. Decomposition or mummification of the outer tissues covering less than one half of the skeleton. Hair follicles and nails have not been destroyed.</p> <p>RESPIRATORY SYSTEM--THROAT STRUCTURES: Not available. Putrefaction of body and all organs.</p> <p>GASTROINTESTINAL SYSTEM: Not available. Putrefaction of body and all organs.</p> <p>URINARY SYSTEM: Not available. Putrefaction of body and all organs.</p> <p>TOXICOLOGY: A sample of hair follicles, fingernails, and toenails are submitted for toxicological analysis.</p> <p>SEROLOGY: None available.</p> <p><b><u>LABORATORY DATA</u></b></p> <p>Toxicology: 400 mg arsenic</p> <p>Morgan Plum, Ph.D. Chief Toxicologist March 26, 2011</p> <p><b><u>EVIDENCE COLLECTED:</u></b> Samples of hair follicles, finger nails, and toe nails</p> <p><b>Manner of Death:</b> Homicide</p> <p><b>Immediate Cause of Death:</b> Acute lethal dose of arsenic trioxide poisoning.</p> <p><b>Time of Death:</b> 11:38 p.m.</p> <p><i>/s/ D. Moore, M.D.</i> Marion County Coroner's Office March 30, 2011</p>	

## EXHIBIT H

### CURRICULUM VITAE OF SANDY LOWE

#### PROFESSIONAL INTERESTS:

Laser spectroscopy of liquids, surfaces, and clusters, synchrotron X-ray spectroscopy of liquids and liquid surfaces, femtosecond nonlinear optical spectroscopy of liquid surfaces, chemical reactions on liquid surfaces, astrophysics, interstellar dust particles, nanooptics, nonlinear optical molecular imaging, cavity ringdown spectroscopy, terahertz laser spectroscopy of clusters and ions, science education.

#### EDUCATION

B.S. (1981) University of Wisconsin – Madison  
Ph.D. (1991) University of Wisconsin – Madison  
Postdoctoral (1991-93) NIST – Boulder

#### PROFESSIONAL EXPERIENCE

Chemistry Teacher, Elite Preparatory High School, 2004 to present  
Green Peace, Field Organizing Director (2002)  
Visiting Professor: University of Nijmegen (1998), Cambridge University (1999),  
Physics Institute, University of Cologne (2000), Université Libre Brussels (2001)  
Associate Professor of Chemistry, University of California-Berkeley (1997-98)  
Assistant Professor of Chemistry, University of California-Berkeley (1993-97)  
Peace Corps, Mozambique (1982)

#### PROFESSIONAL ACTIVITIES

Co-Director – “Science for Science Teachers (S4ST),” Summer Training Institute for High School Science Teachers

#### AWARDS, HONORS, MEMBERSHIPS

Member – National Academy of Sciences  
Fellow – American Academy of Arts and Sciences  
Distinguished Teaching Award, University of California-Berkeley  
Rayson Huang Distinguished Lecturer, University of Hong Kong  
Morino Lectureship, Morino Foundation of Japan  
Peter C. Reilly Lecturer in Chemistry, University of Notre Dame  
Frank T. Gucker Lectureship, Arkansas University

## EXHIBIT I

### CURRICULUM VITAE OF GAIL/GALE WRIGHT

#### LICENSURE

- State of Arkansas
- State of Kentucky

#### EMPLOYMENT

- NCS Investigations, Senior Forensic Pathologist Investigator, Lake of the Ozarks, AR.
- Coroner/Chief Forensic Pathologist - Marion County Coroner's Office, Lake of the Ozarks, AR.
- Deputy Coroner/Forensic Pathologist - Marion County Coroner's Office, Lake of the Ozarks, AR.
- Deputy Medical Examiner - Fayette County Medical Examiner's Office, Lexington, KY.

#### EDUCATION

- FELLOWSHIP: Forensic Pathology, University of Kentucky, College of Medicine.
- RESIDENCY: Pathology (AP/CP), University of Kentucky, College of Medicine.
- MEDICAL SCHOOL: University of Kentucky, College of Medicine
- UNDERGRADUATE: Butler University

#### Academics

#### PROFESSIONAL ORGANIZATIONS

- Provisional Member, American Academy of Forensic Sciences
- Member, National Association of Medical Examiners (NAME)
- Chairman, NAME Ethics Committee (2008-09)
- Clinical Instructor of Pathology, Arkansas University
- Arkansas State Coroner's Association

#### PUBLICATIONS

- High Postmortem Blood Alcohol Concentration, Toxi-Logic (1994)
- Urine-Blood Alcohol Ratio Variability, Toxi-Logic (1996)
- Case Report: An Unusual Case of Carbon Monoxide Poisoning, Toxic-Logic (1996)
- The Course of the Blood-Alcohol Curve After Consumption of Large Amounts of Alcohol Under Realistic Conditions, Forensic Sci. J., 53: 119-132, (1998)
- Shortcuts in Forensic Pathology - What Every Coroner Should Know, J. of Toxicology (2001)
- A Bibliography of Forensic Aspects of Alcohols (1904- 2004), Forensic Science Foundation (2004)

**EXHIBIT J**

**MARION COUNTY AUTOPSY REPORT**

<b>Name:</b> KENILWORTH, Duke	<b>Date of Birth:</b> 8/3/91
<b>Race:</b> White	<b>Sex:</b> Male
<b>Date of Death:</b> 10/26/09	<b>Body Identified by:</b> Susan Kenilworth, mother of the deceased
<b>Case #</b> 000388-31A-2009	<b>Investigative Agency:</b> Lake of the Ozarks Police Department

**EVIDENCE OF TREATMENT:** N/A

**EXTERNAL EXAMINATION:**

The autopsy is begun at 9:00 A.M. on October 29, 2009. The body is presented in a black body bag. When first viewed, the deceased is clothed in a Black Nike T-shirt and blue jeans with running shoes. The hands are bagged to preserve possible evidence. No jewelry was included. The body is that of a normally developed white male measuring 72 inches, weighing 175 pounds and appearing Gail/Galerally consistent with the stated age of 18 years.

The eyes are closed. The irises are brown. The corneas are cloudy. The sclerae are clear. The pupils measure 0.45 cm. The hair is reddish-brown, straight and short.

The chest, abdomen and back are symmetrical and intact. There is no evidence of injury. Limbs are equal, symmetrically developed and intact. There are no residual scars, markings or tattoos.

**INTERNAL EXAMINATION:**

HEAD--CENTRAL NERVOUS SYSTEM: Unremarkable.

SKELETAL SYSTEM: Unremarkable.

RESPIRATORY SYSTEM--THROAT STRUCTURES: Trace amounts of vomit are present in the posterior oral cavity. The oral cavity shows no less. There is no obstruction of the airway. The respiratory system is otherwise unremarkable.

CARDIOVASCULAR SYSTEM: The heart has a normal size and configuration. Unremarkable.

GASTROINTESTINAL SYSTEM: Unremarkable.

URINARY SYSTEM: The kidneys are anatomic in size, shape and location and without lesions.

TOXICOLOGY: A sample of right pleural blood is submitted for toxicologic analysis.

SEROLOGY: A sample of right pleural blood is submitted in the EDTA tube.

Routine toxicologic studies were ordered.

**LABORATORY DATA**

Drug Screen Results: BAC .32%

Millicent Schmid, Ph.D. Chief Toxicologist October 30, 2009

**EVIDENCE COLLECTED:** Samples of Blood (type A)

**Manner of Death:** Accidental

**Immediate Cause of Death:** Alcohol overdose/Alcohol Poisoning

**Time of Death:** 11:38 p.m.

*/s/ Gail/Gale Wright, M.D.*

Marion County Coroner's Office

October 31, 2009

