

**The 2005 Tennessee State High School
Mock Trial Competition
Case Materials**

**IN THE CIRCUIT COURT
FOR TENNESSEE COUNTY, TENNESSEE**

State of Tennessee,)	
)	
 Prosecution,)	
)	
v.)	Case No. CR-04-1981
)	
Kerry Edward¹,)	
)	
 Defendant.)	

1. All characters, names, events, and places contained herein are fictitious.

**IN THE CIRCUIT COURT
FOR TENNESSEE COUNTY, TENNESSEE**

State of Tennessee,)	
)	
Prosecution,)	
)	
v.)	Case No. CR-04-1981
)	
Kerry Edward,)	
)	
Defendant.)	

AGREED STIPULATIONS

1. All exhibits included in this problem are authentic and accurate in all respects. No objections to the authenticity of exhibits may be made. No props may be used in lieu of evidence included with this packet. Exhibits may be copied and enlarged for demonstrative purposes if the proper foundation for admission is laid at trial. Enlargements shall not exceed 20" by 30" in size. Teams may use markers and pens to assist in the presentation of witness testimony with respect to an exhibit. No other demonstrative aids are permitted.

2. All witness statements have been sworn to by the declarant and were given during the month of July, 2004. The signatures on the witness statements are omitted due to the electronic delivery of the case.

3. The requirements for venue have been met.

4. Whenever a rule of evidence requires that reasonable notice be given, it has been given.

5. The cause of death was blunt force trauma to the back of the head.

6. Any similarity to prior mock trial problems is unintentional. Participants may cite only evidence contained herein. Cross-reference to other mock trial problems is prohibited.

7. “Chain of custody” for evidentiary issues is not in dispute.

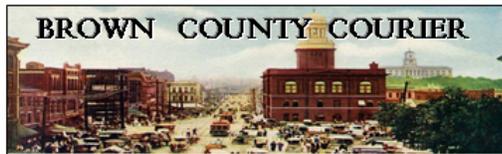
8. Participants may not cite legal authority outside that presented in this problem, the Rules of the Competition, and the Mock Trial Rules of Evidence.

9. The defendant is charged only with first degree murder, and not any lesser-included offense.

10. The defendant’s sanity is not at issue. A hearing has already been held at which the Court determined that the defendant was competent to stand trial.

11. No objection, on the basis of HEARSAY, is permitted in response to any testimony by Detective Coggins as to the results of any medical examiner, toxicology, AFIS, DNA or other lab test or report.

12. Stipulations may not be contradicted or challenged.



Sunday, 06.02.04

***Six Shooter* lead singer charged in murder of ex-manager**

By Simon Jay
Staff Writer

This afternoon the Brown County District Attorney announced that the state of Tennessee has charged **Kerry Edward** with murder in the first degree. Earlier this week, we reported that local authorities had taken Edward into custody after an arrest warrant was issued by Brown County Criminal Court Judge Leon Smalls. At the arraignment, Edward entered a plea of "not guilty" and was released on \$500,000 bond.

The District Attorney announced that the State intends to prove that on May 23, 2004, Kerry Edward, while at the residence of **Gerry Cavot**, age 55, struck Mr. Cavot, killing him. Detective Taylor Coggins told newspaper reporters that the medical examiner has determined the cause of death to be blunt force trauma to the head. Detective Coggins further stated that the murder weapon was recovered from Edward's residence. The State alleges that Edward, the lead singer of the popular country music group *Six Shooter*, was being blackmailed by Cavot, the former personal manager of both Edward and the other five members of *Six Shooter*.

In a statement issued by Edward's defense counsel earlier today, Edward's legal team intends to prove that Edward did not commit any crime and that he is being framed, while the "real" murderer is allowed to walk free. According to defense counsel, Mr. Cavot was not a well-liked man, and numerous individuals with ties to the music industry wished him dead.

Phone calls to CMG Records, *Six Shooter's* record label, were not immediately returned.

STATEMENT OF TAYLOR COGGINS

(Witness for the Prosecution)

My name is Taylor Coggins and I am a detective with the homicide division of Brown County Police Department, state of Tennessee. I am 32 years old. After finishing high school, I attended the University of Tennessee for two years. I was injured in a motor scooter accident and had to drop out of school because of surgery and a year's recovery. I then spent three years in the U.S. Army as a military police officer, achieving the rank of sergeant. After being discharged from the army, I joined the Brown County Police Department, where I was a patrol officer for six years. For the past two years, I have been a homicide detective and have been the supervising detective on over eleven homicides.

I was the supervising detective in the investigation of the homicide of Gerry Cavot. My first involvement in the case was on Friday, May 21, 2004, and prior to the date that the homicide had taken place. It was my wedding anniversary, and my spouse and I had gone to Bella Terra, an upscale Italian restaurant in Brown County. While there, I saw Kerry Edward having dinner in a corner table with an older gentleman. I recognized Edward immediately because I am a country music fan and Edward is the lead singer of Six Shooter. I own all of their albums and have gone to see them in concert. A few years back, while still a patrol officer, I worked a few gigs as security for Six Shooter on my off hours. Although I did not recognize the gentleman sitting with Edward at the time, I have since identified him as Gerry Cavot, based upon my review of numerous photographs. I have no doubt in my mind that it was him. I recall that Cavot and Edward were engaged in a heated conversation. I was about to get up and approach their table to see if I could cool things down, when Edward stood up, threw a drink in Cavot's face and stormed out of the restaurant. Before he/she left the restaurant, I believe that I heard Kerry Edward say, "The world would be a better place without you in it," but the restaurant was noisy, so I cannot be 100% sure.

My next involvement with this case occurred on May 25, 2004 when I was advised that a body had been found in Apartment 903 of Hamilton House Apartments, located at 1212 East 7th Street, in Brown County. I later learned that the body was that of Gerry Cavot. The body had been discovered by the superintendent, when he entered the apartment to let in the pest control service. The report from the Medical Examiner revealed that Gerry Cavot's approximate time of death was between 8:00 p.m. and 9:00 p.m. on May 23, 2004. It was also determined that the death of Gerry Cavot was caused by blunt force trauma to the skull. A toxicology report revealed that the decedent's blood alcohol level was .16 at the time of death, which is two times the legal limit.

When I arrived at the scene I conducted a thorough search of the apartment. Everything in the apartment looked normal. There were no signs of a break-in and nothing seemed to have been stolen. The closet was full of clothes, the kitchen cabinets were stocked with food, the refrigerator was loaded with food and drinks, and there were photos on the tables and on the walls throughout the apartment. Most of the photos showed Mr. Cavot shaking hands with different individuals from the music industry, including one with Kerry Edward. I also noticed several music awards on the wall that were presented to Gerry Cavot for the success of Six Shooter. A 2003 Lexus registered to Gerry Cavot was located in Cavot's assigned space at the Hamilton House Apartments. No murder weapon was found at the scene. I did find a note buried in one of Mr. Cavot's desk drawers. The note was undated and unsigned and made specific threats against Gerry Cavot. (A copy of the note is attached as Case Exhibit 2).

After searching the apartment, I directed my technicians to process it for fingerprints. There were identifiable prints of Gerry Cavot located throughout the apartment. From the fingerprints found in the apartment, we were able to match three fingerprints from Kerry Edward's right hand to a bottle of bourbon in the liquor cabinet and on a photo frame in the living room of

the apartment. No other prints of value were found. I was surprised that Edward's fingerprints were in the Automated Fingerprints Identification System (AFIS) until I later learned that the Defendant, Kerry Edward, had spent time in a military prison in 1992 for deserting his unit during the Gulf War and was later dishonorably discharged.

I know that Defense counsel has alleged that I should have turned the investigation over to another detective once I realized that Kerry Edward was my prime suspect. I disagree with this allegation, as I am a trained professional and was confident that I could remain objective, despite our prior relationship.

Once I had a positive fingerprints match for Kerry Edward, I visited Edward's residence. I told Edward that I was investigating the homicide of Gerry Cavot. I attempted to determine whether Edward was aware of Cavot's death. Edward appeared stunned and then revealed that Cavot was a former personal manager for Edward and Edward's band-mates. I asked Edward if there could be an explanation for Edward's fingerprints on a bourbon bottle in Cavot's apartment. Edward responded that he/she had been to Cavot's apartment on several occasions, but not in the past month. I then asked Edward if anyone, including Edward, had any reason to kill Gerry Cavot. Edward responded that Mr. Cavot had many enemies in the music industry, but there was no reason for anyone to want him dead. I brought up Kerry's military arrest and asked him if Gerry Cavot was perhaps blackmailing him and that he had gotten tired of paying him off. At this point, Kerry cut off the interview and told me to direct any further questions I had to his lawyer.

I then interviewed Cavot's employees, some of Cavot's existing and former music clients and his neighbors. From all of these interviews, I determined that the last time Cavot was seen alive was on May 23, 2004, when Cavot had dinner with one of his new music clients at a local restaurant.

When I interviewed Chris Priest, a former member of Six Shooter, I

gained important information about the Defendant, Kerry Edward. According to Priest, Kerry Edward telephoned Chris late on May 23, 2004. According to Chris Priest, Edward seemed erratic and intoxicated. Edward made a statement to Priest over the telephone to the effect that Gerry Cavot wouldn't be bothering Six Shooter anymore.

Based upon the phone call to Chris Priest, I obtained a search warrant for the home of Kerry Edward at 8282 Collins Road in Brown County. I conducted the search on Monday, May 31, 2004. The crime scene technicians located traces of blood on the base of an American Music Award that was presented to Six Shooter in 2003. The DNA test was positive for the blood of Gerry Cavot. The Award appeared to have been wiped clean of any prints. (A photograph of the Award is attached as Case Exhibit 1). I then arrested Kerry Edward for the murder of Gerry Cavot. I also retrieved an unlabeled prescription bottle from the counter in Edward's bathroom. A lab report revealed that the remaining pills inside the bottle were Flexural, a muscle relaxant. I also found a series of articles in Edward's desk drawer relating to Gerry Cavot. (A copy of the articles is attached as Case Exhibits 4, 5 and 6).

I tried to interview Kerry Edward at the time of his/her arrest, but he/she refused to provide me with any statement.

STATEMENT OF “SAM” (SAMUEL / SAMANTHA) TURNER
(Witness for the Prosecution)

I am a forensic document examiner, commonly referred to as a questioned document examiner or handwriting expert. I am a Tennessee court-certified examiner with eleven years’ experience examining questioned documents. I have been admitted by Tennessee courts as an expert witness in connection with questioned documents and handwriting analysis. I have given testimony in courts of law as a handwriting expert on numerous occasions, and I have been qualified to testify in each instance. I have offices located in Brown, Tennessee.

I have made a careful comparison and examination of the note found by the police at the residence of Gerry Cavot, following his murder, and the exemplar of Kerry Edward that was provided to me, a copy of which is attached as Case Exhibit 3, and I have reached the opinion that the handwritings are probably the same. Based upon the exemplar, the handwriting of the note and that of Kerry Edward have numerous and significant areas of comparison.

Among the most telling areas of comparison are the shape, size, slant, continuity, arrangement and baseline of the note and Kerry Edward's exemplar.

This affidavit and the handwriting report attached hereto represent an analysis based upon an exemplar believed to be in the hand of Kerry Edward. In the absence of an original exemplar, speed and pressure in the handwriting cannot be adequately analyzed. It should be noted that the taking of a verified original exemplar from Kerry Edward was not available to the affiant. It is highly recommended that additional exemplars be provided in order to more firmly establish the conclusions of this affidavit and report.

However, given the many categories and significant and numerous areas of comparison between the note and Kerry Edward's handwriting, it is my opinion that Kerry Edward wrote the note.

"Turner's Handwriting Analysis"

American School of Investigative Sciences, Inc.

224 Oakdale court

Brown, Tennessee 80220

(931) 867-5309

QUESTIONED DOCUMENT EXAMINATION

Date: July 1, 2004

Subject: Kerry Edward

SYNOPSIS

Based upon the available exemplar (Case Exhibit 3) that I compared to the note (Case Exhibit 2) that was found by the police at the residence of Gerry Cavot, following his murder, the handwriting is probably that of Kerry Edward.

DOCUMENTS

While I had the original of the note to analyze, I did not have the original exemplar of Kerry Edward's handwriting available for analysis. Thus the analysis was conducted through comparison of photomechanical reproductions. Because of this, the categories of speed and pressure could not be fully examined. In light of these circumstances, the opinion is limited to "probable" rather than "Highly probable" or "definite." Access to further known exemplars would be helpful to provide a more definite opinion.

Questioned Document: The Questioned Document (QD) consists of a hand-printed note retrieved by police at the residence of the deceased, Gerry Cavot. Exemplar (Ex.) is a photocopy of an autograph dated May 23, 2004 in the handwriting of Kerry Edward.

HANDWRITING COMPARISON

Categories of comparison

Handwriting comparison is based upon eight general categories. Without an original exemplar, only shape, size, slant, baseline, continuity and arrangement could be compared between the Questioned Document and the

Exemplar. However, matches in the available six categories are made between the handwriting of Kerry Edward and the handwriting in the note.

Shape

Shape is one of the more easily identified categories of handwriting comparison. In this examination, shape provides numerous examples of handwriting in the note which is a match to the handwriting of Kerry Edward. Take, for example, the "r" in Gerry in the salutation of the note. The note's horizontal loop at the top of the "r" begins with an overhang to the left of the down stroke. This same overhang is found in the Ex. in "Kerry." A similar type overhang occurs in the note in the letters "p" where the note states, ". . . PAYING YOU OFF . . ." and in ". . . TIME FOR YOU TO PAY . . ." which is similar to the "P" in "APPRECIATE" in the Ex.

Size

The category of size requires some level of estimation on the part of the examiner in order to determine if the handwriting of Kerry Edward is that of the writer of the QD. While the QD was written on 11 by 8½-inch lined tablet paper, the exemplar was not. By mathematically comparing the reduced size of the Ex., estimation could be reached of the handwriting size of Kerry Edward. Once I made this calculation, the "r" in "Gerry" compares favorably with the size of the "r" in "Kerry" in the QD.

Slant

In the QD variations in slant are noted more consistently as the note begins, for instance in the "ll" of "yellow" and "bellied" in the sentence, "You're a yellow bellied snake." The printed slant in the Ex. for the "ll" of "really" in the sentence, "We really appreciate your devotion and support," is known as an A slant. That is the general slant found in the QD, especially as the writing continues down the page. It represents, again, another category for comparison where Kerry Edward is probably the author of the QD.

Baseline

Baseline represents not only the "baseline" rule provided in a lined writing tablet or a checkbook, for example, but also the writer's habits as to where letters are presented in relation to the others. In examining the QD it is noted that the tendency of the writer is to often place some letters above the printed rule. The letter "y" represents more than simply a tendency to rise above the rule. In many of the printed letters "y" in the QD, it is noted that the vertical line on the left side initiating the letter does not come all the way down to the baseline. This is also the tendency of Kerry Edward in the Ex. Kerry Edward also exhibits a tendency to curve the bottom of the "y" to the right in the Ex. in the word "Really" in the sentence, "We really appreciate your devotion and support." This occurs frequently in the QD. Examination of more known exemplars would be useful in identifying further characteristics regarding baseline.

Continuity

Continuity represents the connecting strokes and distances between letters, words and lines of writing. In the case of the QD, spacing of greater than a letter is noted between most words. This is also the case in the Ex. As to connecting strokes between letters, the QD frequently squeezes letters together to a point at which they abut each other. This is evident in the words "yellow bellied snake" as the "w" and the "b" and the "d" and the "s" nearly abut. This trait is minimally observed in the Ex., as in the "y" and "E" in the signature, "Kerry Edward."

Arrangement

As to the right hand borders of the QD and Ex., similarities appear to the extent to which the writer is willing to write onto the end of the page.

Speed and Pressure

In the absence of an original exemplar, speed and pressure cannot be adequately analyzed.

OPINION

Based upon the available exemplar, the handwriting of the note and that of Kerry Edward have numerous and significant areas of comparison. Shape of letters is one of the more telling areas of comparison, but this category would not substantiate an opinion on its own. The additional categories of size, slant, baseline, continuity and arrangement add significantly to the opinion that Kerry Edward wrote the note.

This opinion represents an analysis based solely upon an exemplar believed to be in the handwriting of Kerry Edward. It should be noted that the taking of verified exemplars from Kerry Edward was not available to the examiner. It is highly recommended that additional exemplars be provided or located in order to more firmly establish the conclusions of this Questioned Document Analysis.

Sam Turner: Curriculum Vitae

224 Oakdale court

Brown, Tennessee 80220

(931) 867-5309

GRAPHOLOGICAL TRAINING

(Court Qualified Expert Witness in Questioned Documents and Graphology)

Samson Institute of Graphology (Brown, TN) July 1992 - 1995

Seminar on Fraudulent Document Analysis January 1996

International School of Handwriting Sciences (San Francisco, CA) 1998-2000

American Handwriting Analysis Foundation (Cincinnati, OH) 2001

Seminar in Brain Dominance and Handwriting May 2002

Seminar in European Stroke Analysis September 2003

PROFESSIONAL PUBLICATIONS

"Some Sweat, A Heart, But No Pulse as the Hand of the Thief Reveals"

"Practice Didn't Make Perfect as This Forgery Proves"

PROFESSIONAL ASSOCIATIONS

American Handwriting Analysis Foundation 2001 - Present

Samson Institute Graphology Association 1992 - 1996

STATEMENT OF CHRIS PRIEST
(Witness for the Prosecution)

My name is Chris Priest. My address is 216 Sweet Briar Lane, Brown, Tennessee. I am thirty-one years old and am unmarried. I know Kerry Edward, the defendant, very well. We grew up together and went to the same high school. I consider Kerry to be a good friend. About five years ago, Kerry and I founded the musical recording group professionally known as Six Shooter. We were both looking for work in the music industry and realized that we could be more successful if we combined our efforts and formed a group together.

Unfortunately, Kerry and I have been on the opposite side of things this past year or two. It began when Kerry insisted on bringing Randy Davis into the group after Jamie Lewis quit. I was against bringing Randy into the group, but Kerry threatened to quit the group if I did not go along with the decision. Ever since we won our 2003 American Music Award, Kerry has promoted himself as the “leader” of Six Shooter, even though previously we have always treated each other equally. I think Kerry has been setting himself/herself up for a solo career so he/she won’t have to split up the monies six ways anymore. Ever since I began voicing my opinions and looking out for the best interests of the group, Kerry has turned the other members of the group against me. Kerry and I would get into it almost every day and sometimes I was even concerned for my own safety. I finally could not take it anymore and I decided to quit the group. However, the decision turned out to be a good one because I am on the verge of getting my own solo deal with our record label, CMG Records.

Gerry Cavot was the personal manager of Six Shooter. Gerry was certainly no “angel,” but he did help us get our first record deal and I cannot think of anything he ever did to hurt my career. I certainly had nothing against him. However, Kerry had it in for him. Kerry believed that Gerry was a fraud and was taking the group in the wrong direction. While I have no proof of this, I suspected that Gerry might have had some “dirt” on Kerry

that Kerry did not want to ever be made public. I would often witness Kerry paying “cash” over to Gerry after our shows, which I found to be unusual.

Shortly after we won our 2003 American Music Award, Kerry began to lobby the rest of the group to fire Cavot. Kerry was successful in convincing a majority of the group to fire Cavot, over my objections, and we did so around February of this year. Of course, Cavot filed a lawsuit against us, which really put a lot of strain on the group. Cavot would still show up at our performances which made things very weird between all of us. A couple of weeks before I resigned from Six Shooter, in March of this year, I recall that Kerry and Cavot were having one of their confrontations after a show we were doing in Cincinnati, Ohio. They were arguing, but I couldn't make out what was being said until I got close enough, towards the end of the argument. That's when I heard Kerry say, “You won't know when or where or how, Cavot, but I promise you, you're a dead man walking.” Cavot didn't say anything in response. He just smiled, turned his back, and walked away.

Kerry has always had a mean streak, but I didn't think it would go this far. On the night of May 23, 2004, I ordered myself a pizza for dinner and went to pick it up around 8:30 p.m. When I got home at around 8:45 p.m., I noticed a phone message on my answering machine. It was a message from Kerry Edward. In the message Kerry sounded erratic and his speech was slurred as though he/she was drunk. Kerry usually calls me when he/she gets drunk to ask me back into the group. On this occasion, though, he/she also sounded very upset. Kerry stated in the message something to the effect that Gerry Cavot would not be bothering us anymore. Kerry also said, “The American Music Award was the only useful thing Cavot ever got for Six Shooter,” which I did not understand at the time it was said, but now do. Unfortunately, I accidentally erased the phone message.

I think that I may have actually witnessed Kerry leaving me the phone message earlier that evening, on my way home from the pizza place. It was about 8:40 p.m., and I was headed north on Highway 196. I was driving the

speed limit, which is 45 miles per hour. I know this because Highway 196 is heavily patrolled by Brown County police officers. I have gotten 2 speeding tickets in just the last 6 months. As I passed the Kwiki Mart which is about a half mile from Cavot's apartment, I noticed Kerry's pickup truck in the parking lot. It was parked in front of the pay telephone at the corner of the Kwiki Mart. I didn't think much of it at the time, but I am sure it was Kerry's truck. Everybody in the group knows it. We used to transport all of our equipment on that truck when we were first starting out. It had one of those customized paint jobs with the name and logo of Six Shooter on it (Case Exhibit 8). I saw Kerry using the pay phone. Like I say, I didn't think much of it at the time but when I received the call from Kerry and then read about the murder of Gerry Cavot, it all clicked. It was nighttime, of course, but it was a clear evening and the lights from the store in the parking lot made it pretty bright in that area. I wish I was mistaken, but I am sure it was Kerry Edward and Kerry's truck that I saw.

In response to the question by defense counsel of whether I have a criminal record, about twelve years ago I was convicted of forgery. I was working for a personal management company at the time, and the manager would have his employees sign autographs for his various clients, since they did not have time to do this themselves. One time, I was in desperate need of some money to pay my rent, so I signed the manager's name to a check for \$550.00. I know it was wrong to do and I made restitution to the manager. I served eighteen months in a minimum security jail.

STATEMENT OF KERRY EDWARD
(Witness for the Defense)

My name is Kerry Edward. My address is 8282 Collins Road, Brown, Tennessee. I am thirty-one years old and am unmarried. I am a guitar player and vocalist. I am the leader of the musical group professionally known as Six Shooter. I formed the group about five years ago and brought in my friend, Chris Priest, as the first member. The other four members were Clair Jones, Toni Thomas, Jamie Lewis and Tracy Hawk. A couple of years ago, Jamie Lewis quit the group and I brought in Randy Davis.

During our first year performing as Six Shooter, we were approached by Gerry Cavot to be our personal manager and after spending a few weeks on the road with Gerry, we decided to sign with him. Gerry made a lot of promises to us, most of which were broken. While we were eventually offered a record deal with CMG Records, I do not think that Gerry had anything to do with it.

After hearing some bad things about Gerry from people in the industry, I started to do my own investigation and did not like what I learned. Apparently, Gerry had gotten his hooks into several other singers and groups over the last 30 years. In most cases, they had to sue him to get out of their contracts. I was also dismayed to find out that Gerry even had a criminal record. (See Case Exhibits 4, 5, 6 and 7). When I informed the group about Gerry's past dealings and criminal record, we all agreed to fire Gerry. Of course, Gerry then filed a million dollar lawsuit against us for terminating our contract, which has put a considerable amount of strain on the group. Gerry continued to show up at our shows for a couple of months, which made things even more tense. Around the same time, Chris Priest began sabotaging the group. I overheard Chris and Gerry speaking one day in early February of this year about how Gerry was working on getting Chris a solo deal with CMG Records. Chris also was going against all of my decisions and was trying to drive a wedge between the members of the group.

Finally, I called a meeting with Clair, Toni, Randy and Tracy and we unanimously voted to kick Chris out of the group. When I broke the news to Chris, I recall Chris' statement that, "When I get my solo deal, I'll be riding high, while you'll be back waiting tables, or worse . . ."

Now I want to explain some things that have come up in this case. I had no motive to kill Gerry Cavot. I was not even there when this happened. I was at a show across town. I was not at the Kwiki Mart on Highway 196 at any time on the evening of May 23, 2004, nor anywhere close to the home of Gerry Cavot. I was at the Brown Municipal Auditorium preparing for a show; you can ask anyone who was there. The "Six Shooter" logo is popular amongst our fans and since we had a concert that evening, I would not be surprised if several trucks were driving around town with the "Six Shooter" logo on them. Further, I had no contact, directly or indirectly, with Gerry Cavot that evening. I always have a couple of beers before each show to loosen up, but I was not drunk that evening.

I did not call Chris Priest on the evening of May 23, 2004. I certainly never told him I had gotten rid of Gerry Cavot. I did leave Chris a phone message late on May 21, 2004 to tell him that I had met with Gerry and that I convinced him to drop his lawsuit against Six Shooter.

The American Music Award that was retrieved from my apartment is the same one that each of the other members of Six Shooter received, including Chris Priest. We practice at my house from time to time, so each of the members of Six Shooter has a key to my house and knows the alarm code. Any of them could have come into my house, planted the murder weapon and then left me to take the fall.

The police detective in this case has a vendetta for me, since I fired him from our security detail 3 years ago. I did not have an argument with Gerry Cavot on May 21, 2004 at Bella Terra. Detective Coggins is lying. Or, maybe the detective is mistaken, but probably lying is more accurate. It is true that Gerry and I met that evening for dinner. Gerry and I were discussing a possible

settlement of the ongoing litigation between him and Six Shooter. In fact, I was confident that I had successfully convinced Gerry to settle the case and to move on. Besides, the restaurant was noisy. Sometimes you have to raise your voice to make yourself heard in that place.

I did not write the note found in Gerry's apartment. I know it appears to be in my handwriting, but it is a forgery. All of us in Six Shooter sign each other's names from time to time. I know my fingerprints were on a bottle of bourbon in Gerry's liquor cabinet, but that does not surprise me. Prior to the litigation, I used to come over to Gerry's place regularly and we would drink a glass or two of bourbon while we discussed group issues.

It is true that I was placed in a military prison during the Gulf War and was dishonorably discharged from the military. I am not proud of this moment in my life, but I assure you that Gerry Cavot was not blackmailing me over this information.

It is true that I am not sad to hear that Gerry Cavot is dead. However, I did not kill Gerry Cavot, and I do not know who did.

STATEMENT OF RANDY DAVIS
(Witness for the Defense)

My name is Randy Davis. I have lived in Brown County all of my life. I am a member of the music group professionally known as Six Shooter. I am unmarried and live alone. I was brought into Six Shooter by Kerry Edward about three years ago when their keyboardist, Jamie Lewis, quit the group for personal reasons. I was between jobs when Kerry approached and offered me the open slot in the group. I am forever grateful that Kerry gave me a chance to be a part of the success of Six Shooter.

On the night of May 23, 2004, Six Shooter performed a show in Brown County at the Brown Municipal Auditorium. That show was scheduled to start at 9:00 p.m., with an opening act that went on about 8:30 p.m., however we usually do not take the stage until sometime between 9:05 and 9:15 p.m. We did our sound check at around 6:00 p.m., which is where we go out and test the microphones and make sure all of the sound levels are ok. After the sound check, the band and crew ate dinner in the commissary, which would have been around 7:00 p.m. I usually eat with Kerry and we talk about what's new in our lives. I recall that on this particular night Kerry was upbeat. Kerry stated that he/she had met with Gerry Cavot on May 21, 2004 at Bella Terra to discuss Gerry's lawsuit and that Kerry was confident that he/she had convinced Gerry to drop the case. We finished dinner around 7:45 p.m. and Kerry went to his/her private dressing room and closed the door. Kerry usually likes to be alone before a show to get psyched up. I did not see Kerry again until right before we went on stage. Although I did not personally see Kerry between 7:45 p.m. and show time, I feel confident that someone at the venue would have seen Kerry if he/she had left the auditorium after dinner and would certainly have seen Kerry returning. I suppose it is possible that Kerry could have left and come back without anyone noticing, but highly unlikely. The Brown County Municipal Auditorium is about 20 miles from Cavot's apartment, using Highway 196, which I believe is the most direct route. (See Case Exhibit 10).

Detective Coggins came to speak with me before Kerry was arrested. Coggins asked me a lot of questions about the death of Gerry Cavot and seemed to be focused on Kerry as a suspect, wanting information from me that would be helpful in the investigation. I tried to explain to him/her that Kerry was with me at a show on the night of Cavot's death but he/she did not seem interested in gathering any evidence which might exonerate Kerry. I told Detective Coggins that there were lots of people who hated Cavot and would have a motive to kill him. I guess he/she just did not care about what I had to say. It was apparent that Detective Coggins wasn't interested in anything that didn't seem to connect Kerry to the murder.

This is not the first time that Detective Coggins and his/her goon squad have harassed us. About three years ago, the Brown County police department approached us to use their off duty patrol officers as security at our shows and we agreed. When we began using them, however, things got out of hand. They were constantly letting their friends into the shows for free and some of them were even getting drunk during the shows and abusive to our fans. I recall Detective Coggins, who was a patrol officer at the time, was one of the officers that were constantly showing up at our shows with groups of people that were not paying to get in. I recall that Kerry got into it with him/her one night and fired him/her. Kerry can be a bit of a hot head sometimes. I know that Coggins denies the incident, but I remember it clear as day. After that incident, we stopped using the off duty police officers and since that time we have been constantly harassed by the Brown County patrol officers with speeding tickets and unnecessary stops and searches.

I know that I am not one of the original members of Six Shooter, but I think Chris Priest exaggerates his/her original involvement with the group. All I know is we voted him/her out the group when Chris began contradicting all of our decisions and started looking for a solo deal. I heard from someone at CMG that Gerry Cavot was making threats to the label executives that if CMG signed Chris to a solo deal, Gerry would be suing the label for interfering with his

management agreement while a lawsuit was pending. I don't think that anyone in town would ever sign Chris to a solo deal while Gerry was around.

I was sorry to find out about Kerry's dishonorable discharge from the military. I can certainly understand why Kerry would have wanted to keep that information a secret. I know that Chris has mentioned the cash payments being made by Kerry to Gerry after our shows. I once asked Kerry about this and he/she responded that they were commission payments. I agree with Chris that this is unusual, since it is hard to track these payments, for tax purposes, if they are made in cash.

I cannot imagine why Chris would be out to get Kerry in this way, but I wonder if Detective Coggins really took a good look at Chris as a suspect. I don't know for sure who, or how, but I know somebody is trying to frame Kerry.

STATEMENT OF JORDAN BARNES

(Witness for the Defense)

My name is Jordan Barnes. My address is 4415 Loan Oak Place, Brown, Tennessee. I am a civil engineer with the firm of Von Tiltzner and Associates, P.A. I graduated from the University of Tennessee in 1990 with a degree in civil engineering and have been employed with Von Tiltzner and Associates ever since. My specialty is in bridge and road construction, and I have served as the project manager for several of these types of projects. I also have significant experience in the programming of traffic light systems for towns and municipalities. I have been commissioned to conduct several studies in which I have calculated the visibility of road signs and signals by motorists, giving due consideration for angle, speed, distance and other factors. I have testified as an expert witness several times in this circuit.

I was retained by defense counsel in this case for the purpose of conducting experiments to determine the likelihood that a person driving north along Highway 196, under circumstances substantially identical to those described by the witness for the prosecution, Chris Priest, would be able to observe and make the identification as stated by that witness. Specifically, Chris Priest has stated that he/she was traveling the speed limit, 45 mph, along Highway 196, in a northerly direction and passed the Kwiki Mart located thereon at approximately 8:40 p.m. on the night of May 23, 2004. Chris has described the weather conditions as being dry and clear and that lighting at the store and in the parking lot illuminated the area.

Case Exhibit 9 is a diagram that I created of the Kwiki Mart and immediate surrounding area. As you can see, to the immediate south of the Kwiki Mart is a hardware store. The location of the hardware store building and the substantial landscaping and tall wooden fence along its southern boundary with the Kwiki Mart obscures any view of the public phone booth that is located at the southeast corner of the Kwiki Mart. For any person traveling in a vehicle north on Highway 196, the phone booth would not be visible until such time as

the vehicle approached the entrance of the Kwiki Mart. This would be at a 20 degree angle, looking to the left towards the Kwiki Mart. The view of the phone booth continues for 35 feet until blocked by a large live oak tree on the right of way in front of the Kwiki Mart. Thus, the time within which a person traveling north on Highway 196 in a motor vehicle could view the area surrounding the public telephone outside the Kwiki Mart would be 1.5 seconds if the vehicle was traveling at a rate of 25 miles per hour and .75 seconds if the vehicle was traveling 50 miles per hour. The speed limit on this stretch of road is 45 miles per hour.

In addition to these calculations, I also attempted to recreate the conditions described by the witness and conduct an experiment to determine whether certain subjects were able to make similar identifications. In conducting the experiment, the following procedures were followed: My assistants and I parked a pick up truck of the same color, make and model as described by Chris Priest in front of the pay phone at the Kwiki Mart, although the pick up truck did not have the customized paint job with the name and logo of Six Shooter on it. One of my assistants, whose height and weight is substantially similar to that of the defendant, stood at the phone booth. At times he/she faced west, then north, south, and east; presenting his/her back, two profiles and his/her front for view from the road.

Ten of my assistants, all in pickup trucks, and driving at various speeds ranging from 25 miles per hour to 50 miles per hour in 5 mile increments, drove by the Kwiki Mart. All of these drive-bys were conducted within ten minutes of the time of 8:40 p.m. on evenings in which the weather conditions were similar to those described by the witness, i.e., clear and dry. The drivers were told that they should look in the direction of the Kwiki Mart and the phone booth as they passed and to note and identify any vehicle and/or person they observed. For nine of the ten drive-by experiments, the drivers were able to correctly identify the vehicle as a truck. Five times the color was correctly identified. On no occasion were the drivers able to identify the

person standing at the phone booth, despite the fact that it was someone they knew, and despite the fact that they were specifically told to look in that direction and try to make such an identification. Three of the drivers reported that they saw a person, but could not say whether the person was male or female.

Obviously, it is impossible to replicate exactly all of the circumstances that might have been present at the time the witness says he/she made the purported identification. It is also impossible to account for any differences in the powers of observation between my assistants and the witness. I can thus not say that it was physically impossible that the witness could observe what he/she has testified to but, based upon my calculations, and the experiment conducted, I conclude that such identification would be very difficult to make.

APPLICABLE LAW

Tenn. Mock Crim. Code § 1-1-10 - Presumption of Innocence - Reasonable Doubt - Burden of Proof Generally

A defendant is presumed to be innocent of the charge(s) against him or her. This presumption remains throughout every stage of the trial and is not overcome unless from all the evidence in the case the jury is convinced beyond a reasonable doubt that the defendant is guilty of the offense charged.

The State has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden remains on the State throughout the case. The defendant is not required to prove his or her innocence.

Tenn. Mock Crim. Code § 1-1-40 – First Degree Murder

(a) First degree murder includes the premeditated and intentional killing of another.

(b) As used in subdivision (a) "premeditation" is an act done after the exercise of reflection and judgment. "Premeditation" means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill pre-exist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

State v. Tate, 405 Tenn. Reporter 238 (Tenn. 2001):

“The State may prove a criminal offense by direct evidence, circumstantial evidence, or a combination of the two. *State v. Akers*, 402 Tenn. Rep. 822, 833-35 (Tenn. 1994) ("the cases have long recognized that the necessary elements of first degree murder may be shown by circumstantial evidence"). Before a jury may convict a defendant of a criminal offense based upon circumstantial evidence alone, the facts and circumstances "must be so strong and cogent as to exclude every other reasonable hypothesis save the guilt of the defendant, and that beyond a reasonable doubt." *State v. Jenkins*, 355 Tenn. Rep. 487 (Tenn. 1985). As in the case of direct evidence, the weight to be given circumstantial evidence and "the inferences to be drawn from such evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence, are questions primarily for the jury." *State v. Jones*, 322 Tenn. Rep. 111 (Tenn. 1982).”

**IN THE CIRCUIT COURT
FOR TENNESSEE COUNTY, TENNESSEE**

State of Tennessee,)	
)	
Prosecution,)	
)	
v.)	Case No. CR-04-1981
)	
Kerry Edward,)	
)	
Defendant.)	

COUNT I

Pat Stevenson, State's Attorney, now appears before the Circuit Court for Tennessee County, Tennessee, and states that Kerry Edward has, on May 23, 2004, in Brown County, Tennessee, committed the offense of FIRST DEGREE MURDER in that Kerry Edward bludgeoned and killed Gerry Cavot with the intent to kill or do great bodily harm to Gerry Cavot in violation of Tenn. Mock Crim. Code § 1-1-40.

Pat Stevenson
State's Attorney

Subscribed and sworn to before me May 31, 2004.

Leonard Smails
Judge

I have examined the above information and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said information. Warrant issued.

Leonard Smails
Judge

EXHIBITS

PRE-MARKED AS CASE EXHIBIT 1



Getty,

You're a yellowbelly snake. I am through
paying you off. Now it's time for you to pay.

Remember, everything that goes around, comes around.

PRE-MARKED AS CASE EXHIBIT 3

Mary,

We really appreciate all of your devotion and support. We couldn't do it without fans like you. Keep on listening.

Kerry Edward

PRE-MARKED AS CASE EXHIBIT 4

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Westlake Village Times
May 4, 1988, Thursday, Home Edition

SECTION: Metro; Part 2; Page 3; Column 1; Metro Desk

HEADLINE: ALLEGED EXTORTION TARGETS KXTV ANCHORWOMAN JENNIE EVERS

BYLINE: By Edward R. Measles, Times Staff Writer

BODY:

A manager / talent agent has been arrested on suspicion of attempting to extort \$30,000 from KXTV and its news anchorwoman, Jennie Evers. Westlake Village police said Wednesday that talent agent Gerry Cavot told Evers that he had access to sexually explicit video tapes that "would discredit her" and that he would make sure they "got lost" in return for the cash payment,

Evers could not be reached Wednesday. But John West, news director at the independent Hollywood television station, said there are no such video tapes and police spokesman Frank Reagan said investigators have no evidence of the tapes.

Cavot was arrested Monday at the offices of his company, Comm. Artists Inc. Cavot was booked on one count of suspicion of extortion and suspicion of conspiracy to extort, Reagan said. Cavot could not be reached Wednesday. Cavot was identified by police as the man who made the tapes-for-cash offer to Evers. The unusual case began about three months ago, when Evers received a call from Cavot, Reagan said. The arrest was made after an eight-week joint investigation by the FBI and police. Evers has been co-anchor of KXTV's 10 p.m. newscast since October. Earlier, she was on KNBC-TV's "Pulse on LA" program.

Reagan said investigators "are looking at the possibility that there are other victims." Cavot once surfaced as the producer who signed Billy Windham -- the college student who, in 1985, mistakenly took an airliner to Auckland, New Zealand, instead of his home in Oakland, California. Windham later claimed that he was victimized by Cavot, who paid him no up-front money for the rights to his story and scammed him.

Cavot was sentenced to six years in state prison in 1980 for grand theft and writing checks with insufficient funds after trial testimony indicated that Cavot represented himself as a producer of the television show "Wonder Woman".

In a subsequent hearing in which Cavot's appeal of the sentencing was denied, the judge said of him, "All he has ever done is preyed upon people for his own good and never fulfilled any of the obligations that he has set out to do."

In an industry that uses cardboard scenery and camera angles to turn diminutive actors into legendary tough guys, Gil Cavot may be the ultimate illusionist. For two decades, the colorful promoter has used a variety of entertainment industry gimmicks to snare clients. But police and others say Cavot, once depicted in a flashy brochure as "Supermanager" in tights and a cape, is really a sophisticated con man, who has made many enemies over the years.

Now, however, the man described in one investigator's report as "an Artful Dodger" has himself

been flimflammed by a 28-year-old newswoman from Mobile, Alabama. Jennie Evers turned the tables last year when Cavot allegedly offered to arrange for the destruction of sexually explicit pictures of her for \$30,000.

"A guy like me can't win," said the 39-year-old, mustachioed promoter. "It's OK for the FBI to lie and manipulate" by having an agent pose as Evers's fiancé during the alleged extortion drama. "But when I lie and manipulate, it's wrong." His downfall, according to some people who knew him over the years, was his desire to be more than another businessman selling small film projects around Hollywood. These people say he wanted to be a star himself.

Cavot used Linda Carter's name without permission to coax appliances out of the Whirlpool Corp. and a car out of the Chrysler Corp. for a charity ranch, police say. The charity is called ANGELS. Cavot said his goal is to setup a retreat for victims of child abuse. So far, however, there is no land for the ranch, and police say Cavot's mother is driving the Chrysler. Authorities are expected to launch an investigation of ANGELS.

"He's the best con artist I have ever personally seen at work," said Deputy Dist. Atty. Paul Betters, who prosecuted Cavot in 1982. "I am surprised, with all of the people he has conned out of their life savings over the years that someone hasn't tried to kill this guy."

Police say his techniques are legendary. A client who pressed for an explanation of nearly \$8,000 in expenditures of his money received a telegram from a Cavot associate, saying that Cavot had been in a plane crash "while supervising the filming of opening sequences for his new ABC television series." The telegram claimed that Cavot was the only survivor of the plane crash and was in the hospital, stating, "I trust you will continue to exercise patience and understanding," the note concluded. Authorities say there is no evidence of such a plane crash.

GRAPHIC: Photo, Jennie Evers

PRE-MARKED AS CASE EXHIBIT 5

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Westlake Village Times
June 30, 1988, Thursday, Home Edition

SECTION: Metro; Part 2; Page 3; Column 1; Metro Desk
HEADLINE: ALLEGED EXTORTION SUSPECT BAIL RAISED
BYLINE: By Edward R. Measles, Times Staff Writer

BODY:

Bail for the key suspect in an extortion plot against KXTV-TV anchorwoman Jennie Evers was raised to \$250,000 because of a threatening letter she received from him last week, prosecutors said Wednesday.

Municipal Judge James Hughes increased talent agent Gerry Cavot's bail from \$3,500 late Tuesday after prosecutors provided him with a copy of the letter, which Evers received several days after Cavot's arrest. Cavot concludes the two-page, handwritten letter by stating, "Remember, everything that goes around comes around." Deputy Dist. Arty. David Cook said he interprets the entire letter as a threat to Evers.

Cavot, 39, was not present at Tuesday's hearing and remains free from custody. Cook said that if he does not surrender in the next day or two, he will ask the judge to issue a warrant for his arrest.

PRE-MARKED AS CASE EXHIBIT 6

The Times Mirror Company
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Westlake Village Times
February 21, 1989

SECTION: Calendar; Part F; Page 8; Column 4; Late Final Desk

HEADLINE: CON ARTIST CONVICTED OF TRYING TO BLACKMAIL

ANCHORWOMAN

BYLINE: By Edward R. Measles, Times Staff Writer

BODY:

A man described as a con artist was convicted of trying to blackmail a local anchorwoman by asking for \$30,000 to help block the publication of sexually explicit photos of her, which in fact did not exist.

The Superior Court jury deliberated for about four hours before finding Gerry Cavot, 40, guilty Thursday of attempted extortion and conspiracy in connection with the plot against KXTV anchorwoman Jennie Evers.

"I feel relieved," Evers said. "What he tried to do to me was wrong, and at least for a while, or as long as his sentence turns out to be, he won't be able to find any more victims."

GRAPHIC: Photo, Jane Evers

PRE-MARKED AS CASE EXHIBIT 7

.MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

• PRINTED: 06/10/04

---CASE NO. NA145627

THE PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT GERRY CAVOT

---INFORMATION FILED ON 03/04/89

COUNT 01: 524 PC EEL- ATTEMPTED EXTORTION.
COUNT 02: 523 PC EEL- THREAT LETTER W/INT TO EXTORT.

• 11/21/88 AT 830 AM IN L.A. SUPERIOR - CALLED FOR PRETRIAL
CONF/995 PC MOTION

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING
RIGHTS: REPRESENTATION BY COUNSEL;

TRIAL BY JURY
THE JURY FINDS THE DEFENDANT GUILTY

COUNT (01): DISPOSITION: CONVICTED
COUNT (02): DISPOSITION: CONVICTED

COURT ORDERS AND FINDINGS:

-THE DEFENDANT IS REFERRED TO THE STATE CORRECTIONAL FACILITY TO BEGIN
SERVING 5 YEAR PRISON SENTENCE.

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL MINUTE
ORDER ON FILE IN THIS OFFICE.

BY


D. CORRAL

, DEPUTY



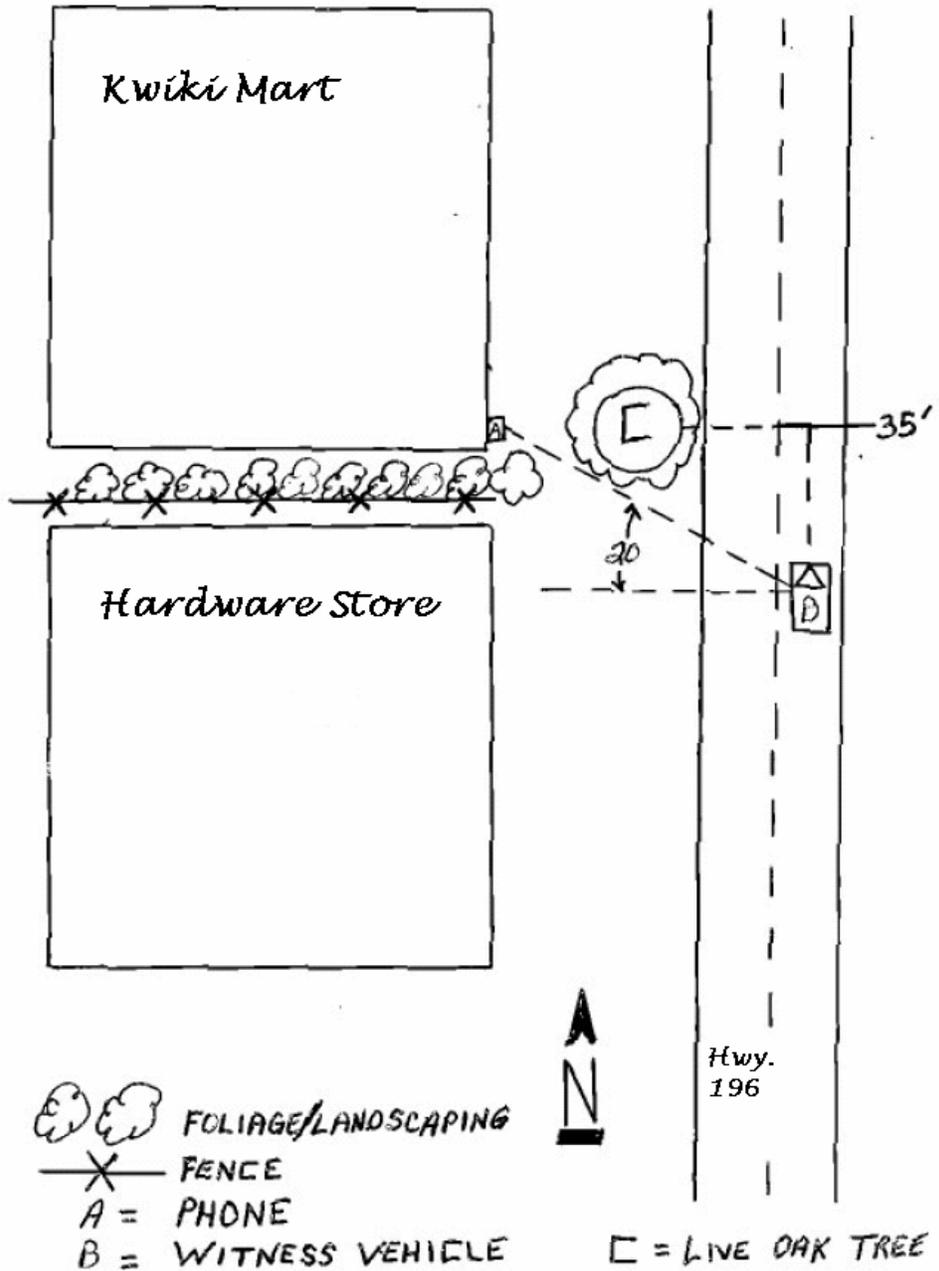
PRE-MARKED AS CASE EXHIBIT 8



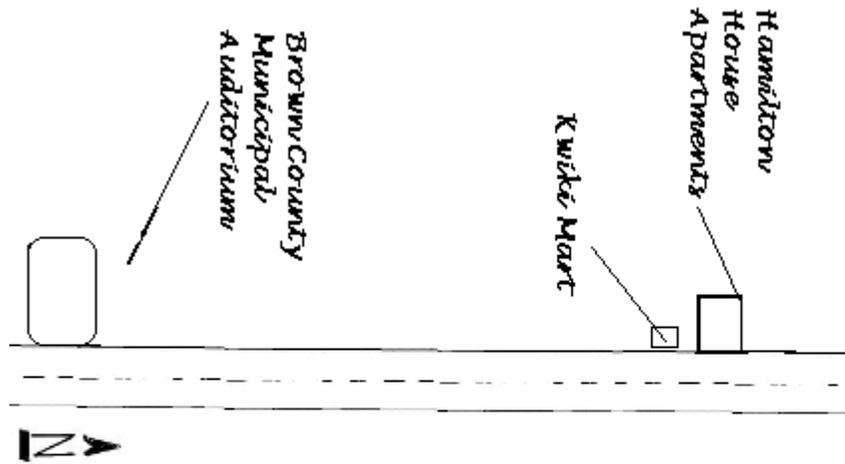
3D rendered text "Six Shooter" in a yellow and orange gradient, tilted upwards.

PRE-MARKED AS CASE EXHIBIT 9

NOT TO SCALE



PRE-MARKED AS CASE EXHIBIT 10



6 miles
each white or black block represents 1 mile
NOT TO SCALE