

**TRIAL COURT
CASE MATERIALS**

CASE T20-002

STATE OF MINNESOTA V. KLEIN

False Police Report & Criminal Threats

FACT SITUATION

1 Reagan, Marlow, Cameron, and Sawyer work at a restaurant in New Prague called
2 Hennessy's, owned by Sam Kolostian. On New Year's Eve last year, Reagan accidentally
3 broke Sam's "Baker's Pride" oven, which cost over \$34,000. Reagan had put aluminum
4 foil on the bottom of the oven so Reagan wouldn't have to clean it after making a quick
5 snack after closing, but the foil melted, causing serious damage to the oven and creating
6 a fire hazard. Sawyer was there when it happened, but being Reagan's best friend,
7 Sawyer helped Reagan cover it up and promised never to say anything.

8 On June 1, Sawyer posted a selfie on NowPic, a popular photo sharing social media app,
9 and the photo went viral. By the end of the week, Sawyer had gained over 150,000 new
10 followers, and Sawyer received an offer for a brand deal with a local company.

11 A few days later, on June 11, Sawyer dropped Reagan as a friend. Sawyer said, "I'm
12 sorry, I just need to focus on developing my brand, and I just don't see you as part of
13 it." By the end of that week, Sawyer had over 300,000 followers and four brand deals,
14 and Sawyer talked about the deals incessantly at Hennessy's while working. During this
15 time, Reagan befriended Marlow and Cameron.

16 One month after Sawyer's swift rise to becoming a social media influencer, on July 2,
17 Sawyer talked to the other workers about how much effort it takes to be an influencer.
18 "On the bright side," Sawyer said, "you should see the way people talk to me now and the
19 amazing messages I get from hot people all the time!" After hearing this, Reagan
20 suggested to Marlow and Cameron that they create a fake social media account and
21 "catfish" Sawyer, or use the fake account to flirt with Sawyer and make Sawyer think that
22 Sawyer and the fake account were in a relationship. Marlow and Cameron readily agreed.

23 That same day, Reagan, Marlow, and Cameron created a BLAB social media account and a
24 NowPic account under the name Hayden Carlton, using stock photos they found on the
25 Internet. They purchased followers and added Sawyer as a friend on both accounts and
26 sent Sawyer a message saying that Hayden is 24, lives in the next town over, and thinks
27 Sawyer is the most attractive person Hayden has ever seen. Sawyer responded positively,
28 and Sawyer and "Hayden" proceed to enter into an online "relationship." Sawyer bragged
29 about Sawyer's new significant other, Hayden, to all the co-workers. Reagan, Marlow, and
30 Cameron were pleased with the success of their catfishing, in which all three actively
31 participated.

32 On July 21, a few weeks after the catfishing began, Reagan,

33 Marlow, and Cameron decided to use the fake account to invite Sawyer on a date at a
34 fancy restaurant. After letting Sawyer sit at the table for thirty minutes without
35 responding, they secretly took a picture of Sawyer alone at the table, looking sad. They
36 posted the photo on the "Hayden" account, tagging Sawyer, with the caption, "As if
37 anyone would be interested in @Sawyer! You are not as hot as you think you are, and no
38 real person would want to waste their time on a wannabe influencer like you. Too bad you
39 have no friends to wipe your tears... #karma."

40 Sawyer saw the post and realized that Sawyer had been catfished, and from that point on,
41 Sawyer stopped talking about Hayden.

42 After Sawyer did not respond to the restaurant photo, Reagan,

43 Marlow, and Cameron continued taunting Sawyer using the Hayden account. Over the
44 next two weeks, the "Hayden" account posted relentlessly about Sawyer, including photos
45 where Sawyer looks terrible and spreading rumors about what Sawyer is doing and who
46 Sawyer is with. Sawyer still did not know who was running the "Hayden" account.

47 Finally, on August 13, the Hayden account posted another bad photo of Sawyer, with the
48 caption, "Did you know birds hate Sawyer too? One literally pooped right on Sawyer one
49 time. I wonder if we could find that bird and have it do a repeat performance..." Sawyer
50 saw the caption and realized that Reagan was behind the Hayden account: Reagan had
51 been the only person with Sawyer when the bird incident happened years before, and
52 Sawyer had never told anyone else about the incident.

53 The next day, Sawyer went to work and told Sam that Reagan was the one who broke the
54 Baker's Pride oven, and that Sawyer just found out and couldn't believe that Reagan had
55 been hiding it. When Reagan showed up for work, Sam fired Reagan. When Reagan asked
56 why, Sam said, "You'll be hearing from my lawyer about the \$34,000 you owe me for that
57 oven." Sam told Reagan to get out. Reagan left the restaurant.

58 That afternoon, Sawyer posted a picture of Sawyer smirking, with the caption "Tfw you
59 WIN. <smirking emoji>. #toobadsosad." Using the Hayden account, Reagan commented
60 on Sawyer's post, "You deserve to die. I'm going to get you for this, you just wait. I hate
61 you. When you're dead no one will even miss you, you monstrous slime of a person. You
62 think you can stick me with a \$34,000 lawsuit and just get away with it? Watch your back
63 Sawyer, I'm coming for you." Sawyer responded, "LOL, as IF. You're done now, bye."

64 That night, someone sent a "text-a-tip" to the police department, telling the police that
65 there was a "hostage situation" at Sawyer's house. The police immediately dispatched a
66 Special Weapons and Tactics ("SWAT") team to the house where Sawyer lived. As the
67 SWAT team entered the house with firearms drawn, Sawyer became frightened and
68 slipped down the staircase, breaking Sawyer's femur. In reality, there was no need for a
69 SWAT team. Sawyer had been "swatted," meaning someone had falsely reported the
70 hostage situation in order to send police to Sawyer's home.

71 New Prague's local police officer, Keegan Lopez, was one of the officers on scene during
72 the "swatting," and spoke to Sawyer in the ambulance on the way to the hospital. Sawyer
73 told Officer Lopez that Reagan Klein was the culprit behind the "swatting." Officer Lopez
74 asked why Sawyer thought so. Sawyer replied by describing the catfishing and Sawyer's
75 own conclusion that Reagan was behind it. Sawyer also described how Sawyer revealed
76 that Reagan had broken the oven at Hennessy's, which resulted in Reagan's firing. Sawyer
77 then showed Officer Lopez the Hayden account and the comment left on Sawyer's photo
78 from earlier that afternoon. Sawyer told Officer Lopez that Sawyer was frightened of
79 Reagan. After hearing what Sawyer said, Officer Lopez got Reagan's address and drove
80 over to Reagan's apartment.

81 When Officer Lopez got to the apartment, Reagan voluntarily let the officer inside. Officer
82 Lopez asked Reagan if Reagan was behind the Hayden account, and if Reagan was the
83 person who posted the comment on Sawyer's picture that afternoon. Reagan admitted to
84 participating in the Hayden account, and to posting the comment. Officer Lopez asked
85 Reagan if Reagan knew anything about the "swatting" incident. Reagan denied knowing
86 anything about it.

87 Officer Lopez noticed a flip-phone plugged into the wall, and asked if it belonged to
88 Reagan. Reagan told Officer Lopez that it belonged to Cameron, and Officer Lopez asked

89 Cameron if Officer Lopez could look at it. Cameron unplugged the phone, opened it, and
90 handed it to Officer Lopez. Officer Lopez looked down at the screen to see a 911 "text-a-
91 tip" message, sent at 9:08 p.m., that was identical to the message the department had
92 received earlier that night about the "hostage situation." Officer Lopez asked Cameron if
93 Officer Lopez could retain the phone for evidence. Cameron said yes.

94 Officer Lopez then took statements from Cameron, Reagan, and Marlow about what they
95 were doing earlier that night around 9:08 p.m. and what their relationship was with
96 Sawyer. After the interviews, Officer Lopez had probable cause to arrest Reagan for
97 making a criminal threat against Sawyer.

98 Officer Lopez brought the phone to the police department to examine it. Forensic analysis
99 showed that the false "text-a-tip" about Sawyer had come from that phone. Additionally,
100 Officer Lopez had a linguistics expert conduct a linguistic analysis of the "text-a-tip"
101 message compared to writing samples from Cameron and Reagan that the department
102 had gathered from their individual social media accounts. The expert opined that between
103 the two, the tip was probably written by Reagan; therefore, Officer Lopez added another
104 count, making a false emergency report, to Reagan's charges.

CHARGES & JURY INSTRUCTIONS

CHARGES

The prosecution charges Reagan with two counts:

Count 1 – False Report of an Emergency (Minnesota Statutes Section 148.3(b))

Count 2 – Criminal Threat (Minnesota Statutes Section 422)

JURY INSTRUCTIONS (Relating to the Charges)

Minnesota Criminal Jury Instructions

Direct and Circumstantial Evidence

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

Circumstantial Evidence: Sufficiency of Evidence

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

Criminal Threat (Minnesota Statutes § 422)

The defendant is charged in Count 2 with having made a criminal threat [in violation of Minnesota Statutes, Section 422]. To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant willfully threatened to unlawfully kill or unlawfully cause great bodily injury to Sawyer Smith.
2. The defendant made the threat (orally/in writing/by electronic communication device);
3. The defendant intended that (his/her) statement be understood as a threat [and intended that it be communicated to Sawyer Smith];
4. The threat was so clear, immediate, unconditional, and specific that it communicated to Sawyer Smith a serious intention and the immediate prospect that the threat would be carried out;
5. The threat actually caused Sawyer Smith to be in sustained fear for (his/her) own safety;

AND

6. Sawyer's fear was reasonable under the circumstances. Someone commits an act *willfully* when he or she does it willingly or on purpose.

In deciding whether a threat was sufficiently clear, immediate, unconditional, and specific, consider the words themselves, as well as the surrounding circumstances.

Someone who intends that a statement be understood as a threat does not have to actually intend to carry out the threatened act [or intend to have someone else do so].

Great bodily injury means significant or substantial physical injury. It is an injury that is greater than minor or moderate harm. *Sustained fear* means fear for a period of time that is more than momentary, fleeting, or transitory.

STIPULATIONS

Stipulations are part of the record. Prosecution and defense stipulate to the following:

1. There are no Fourth Amendment issues with the seizure of evidence or the arrest of the defendant.
2. At the time of the arrest, there was sufficient probable cause to arrest Reagan Klein.
3. There are no Miranda issues related to the arrest of Reagan Klein.
4. All witness statements were taken in a timely manner.
5. Dr. Dakota Cheung and Dr. Blake Williams are qualified expert witnesses and can testify to each other's statements and reports. The absence of a report may not be questioned. They can also testify to relevant information they would have reasonable knowledge of from the fact situation, witness statements, exhibits, and stipulations.
6. All physical evidence and witnesses not provided for in the case packet are unavailable and their availability may not be questioned.
7. Exhibit E is a correct and accurate depiction of the floor plan of Reagan Klein's apartment that was created by the New Prague Police Department.
8. YumYum Delivery Order History is maintained by YumYum Delivery. The entries are automatically generated during the normal course of business at the time that the order is made. YumYum Delivery is unable to identify who delivered the pizza to Reagan's apartment.
9. Cameron's pre-paid flip phone had a number keypad and both Cameron and Reagan are familiar with using the number keypad to text.
10. Both Dakota Cheung and Blake Williams examined 76 social media posts verified to be from Reagan Klein and 92 social media posts verified to be from Cameron Holmes.
11. When Sawyer arrived at the hospital, it was determined that Sawyer's femur was broken as a result of the slip down the staircase.
12. An analysis by an New Prague PD technician revealed that Cameron Holmes' phone, collected as evidence by Officer Lopez, sent the anonymous text-a-tip at 9:08PM on August 14, 2019.

WITNESS STATEMENTS

Prosecution Witness: Sawyer Smith (Victim)

1 My name is Sawyer Smith. I am 22 years old, and I live at 511 E. Flamingo Parkway in
2 New Prague, Minnesota. I currently attend New Prague Community College and plan to
3 transfer to a four year university once I've saved enough money. I've worked at
4 Hennessy's restaurant for the past six years.

5 I've been running my NowPic account as a lifestyle blog for the past year and a half.
6 Everyone's always told me that I have great taste and lead a cool life (I like hiking and
7 doing weekend adventures to exciting places), so I thought it might be fun to use my
8 NowPic page to let other people see how I live.

9 On June 1, the coolest thing happened. My most recent post went viral, and all of a
10 sudden I had thousands more people following me by the minute. By the end of the first
11 week, I'd gone from around 3,000 followers to over 150,000 followers, and I had an offer
12 for a brand deal from a local fitness company. I knew that this new status meant that I
13 had to get serious about my brand if I wanted to be able to become a full-time social
14 media influencer.

15 I took a hard look at my life. I'd been best friends with Reagan since we were in middle
16 school, but ever since Reagan went to college and only comes home for summers,
17 Reagan's gotten a lot weirder and all high-and-mighty about living out of New Prague.
18 Reagan doesn't even post on Reagan's NowPic account. How lame is that? I figured that
19 since Reagan clearly wasn't going anywhere socially, it would be better for my brand not
20 to spend all my time with Reagan and try to get some more influential friends. It's not like
21 Reagan even lived here for most of the year anyway, so I figured Reagan wouldn't care
22 that much. So I told Reagan after work that I needed to focus on my brand and that I
23 didn't really see our friendship as being part of that. I thought Reagan took it well, but
24 given everything, I guess that wasn't the case.

25 About a month after my social media rise began, I was getting a bunch of really cool
26 messages from some really hot people. I guess I talked about it at work, but I mean my
27 life was so interesting, I figured my co-workers would want to live vicariously through it.
28 Anyway, I got this message from an account under the name Hayden Carlton, who said
29 that Hayden is 24, lives in the next town over, and thinks I'm the most attractive person
30 Hayden has ever seen. I thought Hayden was totally hot, so we started messaging all the
31 time. Like all day, every day. I told Hayden so much about myself, and I really felt like we
32 had a connection.

33 Then came the humiliation. "Hayden" invited me on a date. I showed up, and I got stood
34 up. Then, about 30 minutes after our date was supposed to have started, Hayden posted
35 a pic of me alone in the restaurant with a really mean caption. Did you see it? It was
36 awful. It said "As if anyone would be interested in @Sawyer! You are not as hot as you
37 think you are, and no real person would want to waste their time on a wannabe influencer
38 like you. Too bad you have no friends to wipe your tears... #karma." As soon as I read "no
39 real person...", I knew I had been catfished. I was so embarrassed. I've heard of people
40 getting catfished before, I just never thought it would happen to me. I was crushed, but I
41 decided that the best way to save face would be to pretend it never happened, and act
42 like "Hayden" never existed. I thought that would work, but it just made things worse!

43 For the next two weeks, the Hayden account posted about me all the time. Bad pictures,
44 mean captions, straight up lies, you name it. It got me a lot more followers, but it still
45 sucked! And I still had no clue who would do this to me. Then, they made their mistake.

46 My freshman year of high school, a bird pooped on my shirt as I was walking to school
47 with Reagan. Reagan lent me a sweatshirt to cover it up, and I threw the shirt away. It
48 was gross, and we never really talked about it again. Anyway, I never told anyone about
49 it, ever, so the only person who knew was Reagan. I think Reagan must have thought I
50 told other people, because on August 13, there was the bird poop story, posted by the
51 Hayden account. Can you believe that? Reagan, my best friend in the world. I know that I
52 dropped Reagan as a friend, but I thought Reagan took it well. I literally could not have
53 been more wrong.

54 I felt so betrayed. I decided to get even. I knew that Reagan had broken Sam's expensive
55 oven on New Year's Eve, and that Sam was still angry about it. I marched into work the
56 next day and told Sam that I'd just found out it was Reagan who did it, and I couldn't
57 believe Reagan wouldn't come forward immediately to apologize. When Reagan came into
58 work a few minutes later, Sam fired Reagan on the spot. I didn't hear exactly what they
59 said, but Reagan looked freaked and left right away. I thought it was over. Even is even,
60 right?

61 I posted a little victory pic on my NowPic later that day: a great shot of me giving my best
62 smirk. I know, it was a little petty, but I was feeling on top of the world that I had finally
63 beaten this stupid online attack by the fake Hayden account. Reagan deserved to get fired
64 because of it. I guess Reagan didn't think so though, because Reagan decided to take out
65 Reagan's anger on my post. Did you see the psycho comment Reagan left? I was totally
66 freaked out, but I tried to play it chill so my followers would think I was tough. How was I
67 supposed to know that Sam was going to sue Reagan for \$34,000? I thought Reagan
68 would just get fired!

69 It turns out Reagan's reign of terror wasn't over even after that though, because that
70 night my house got "swatted." One minute I'm watching a movie in bed, and the next my
71 door is literally being beaten down by the police. It was terrifying! I heard the commotion
72 and ran to the top of the stairs. I thought someone might be trying to break in and steal
73 from me or something. When the police started screaming at me not to move, I freaked
74 out and I guess I slipped, because suddenly I was falling down the stairs. It hurt so badly,
75 I felt my leg snap and I blacked out from the pain.

76 I woke up on a stretcher, and the paramedics were taking me to the hospital. I know this
77 had to have been Reagan. Reagan was the one who was in charge of the Hayden account,
78 and I got Reagan fired. Reagan went ballistic on my NowPic post, so I thought it was
79 pretty clear who did it. I told Officer Lopez that while we were in the ambulance, and
80 showed the officer the Hayden account and the comment Reagan made on my post that
81 afternoon. This was a really awful way to try to get back at someone. I can't believe we
82 were ever friends.

Prosecution Witness: Cameron Holmes (Employee at Hennessy's)

1 My name is Cameron Holmes. I'm 23 years old, and I'm from New Prague, Minnesota. I
2 work at Hennessy's restaurant, and I'm ashamed to admit that I took part in catfishing
3 Sawyer with the Hayden account. Sawyer had gotten really obnoxious talking about
4 Sawyer's newfound "status" as an "influencer" after that one picture went viral — it was
5 all Sawyer could talk about! Hearing Sawyer drone on and on about followers and brand
6 deals was annoying. I have my own Blab and Now Pic accounts but I don't spend
7 countless hours on social media like Sawyer does.

8 What was really annoying was that after Sawyer got famous, if you can even call it that,
9 Sawyer dropped Reagan as a friend. I've always liked Reagan, so it seemed chill when
10 Reagan started hanging out with me and my best friend Marlow. We all worked at
11 Hennessy's together, and Marlow has been my best friend for years. Marlow goes to the
12 same college as Reagan, but I didn't realize that would be the source of so many inside
13 jokes and plans that excluded me until a few weeks in. Reagan was trying to steal my
14 best friend! I started to plan a bunch of things for the three of us to do together, because
15 I wanted to give them the benefit of the doubt but also make sure I wasn't left out in the
16 cold.

17 After enduring a month of Sawyer's incessant bragging, Reagan came up with this idea to
18 catfish Sawyer. Marlow agreed immediately. I agreed because I thought Sawyer could
19 stand to be knocked off that high horse. I also saw it as a way for the three of us to do
20 something together. We made a fake account called Hayden Carlton, used some photos of
21 a model from the Internet, and started flirting with Sawyer.

22 We all had access to the account, but Reagan used it the most. We led Sawyer on for
23 about two weeks and then decided to end it in the most humiliating way possible. We set
24 up a date, left Sawyer sitting alone at the table for 30 minutes, and then snapped a
25 picture of Sawyer looking pathetic and added the nasty caption. "#Karma" was my
26 addition. I wanted to really drive it home that Sawyer deserved this and that Sawyer
27 could only blame Sawyer for this.

28 We showed up to work the next day, expecting to find a slightly more humble version of
29 Sawyer to work with, and man, were we disappointed! Sawyer was carrying on like
30 nothing had happened, like no one really embarrassed Sawyer in public, and like Sawyer
31 was still like royalty or something. Marlow, Reagan and I were furious. We spent all that
32 effort trying to take Sawyer down a peg, and it did nothing! So we decided that we'd
33 continue messing with Sawyer using the Hayden account because maybe if Sawyer
34 realized that someone didn't like Sawyer enough to put in all this effort, maybe there was
35 an issue with the way Sawyer was acting.

36 I couldn't have imagined what happened next. I remember that someone had broken
37 Sam's fancy oven over New Year's but didn't know that it was Reagan, or that Sawyer
38 knew about it. Trust me, if I'd known that, I'd have told Reagan that it was really stupid
39 to mess with Sawyer. Somehow, Sawyer found out that Reagan took part in the Hayden
40 account, and Sawyer told Sam that Reagan broke the oven. Reagan got fired, and later
41 that night when Reagan, Marlow, and I were hanging out, Reagan told us that Sam said
42 Reagan would be hearing from Sam's lawyer about that \$34,000. Can you believe an oven
43 could be so expensive?

44 On August 9, I lost my cell phone. I had bought one of those prepaid phones from the
45 store that you have to flip open to see the time or do anything with and was using that

46 until my new phone came in on August 15. On August 14, I was hanging out at Reagan's
47 apartment with Marlow, watching TV and eating pizza. Marlow ordered the pizza on
48 YumYumDelivery, but was standing in the corner of the living room and talking on the
49 phone when it was "arriving," so I went downstairs to get it. I left the flip-phone on a side
50 table plugged in to an outlet when I went downstairs, and it was there the whole night.
51 Anyone could have used it to "swat" Sawyer, but I think it was probably Reagan. No one
52 else had that big of an issue with Sawyer, and I saw Reagan holding the flip-phone after I
53 came back upstairs from picking up the pizza. Reagan was closing the phone, and it was
54 clear to me that Reagan thought no one was looking. I'm not even that surprised.

55 If I've learned anything over the past few months, it's that Reagan is a jerk. Earlier in the
56 night, I overheard Reagan and Marlow talking. Reagan was saying how excited Reagan
57 was to go back to university so that Reagan and Marlow wouldn't have to put up with me
58 crashing their hangouts all the time. And Marlow agreed! What kind of a person steals
59 someone else's best friend? I guess the person who fakes a SWAT report on their former
60 best friend.

61 Officer Lopez showed up that night. Reagan let the officer into the apartment, and they
62 talked for a few minutes. Then, Officer Lopez told us about the swatting incident and
63 pointed toward my flipphone plugged into the wall. Reagan told Officer Lopez that it
64 belonged to me. Officer Lopez asked if the phone was mine, and if Officer Lopez could
65 look at it. I said yes, and opened the phone as I was handing it to Officer Lopez. Officer
66 Lopez looked at the phone, and asked if Officer Lopez could retain it for evidence. I
67 agreed. My new phone was arriving soon anyway.

68 Then, Officer Lopez interviewed me. Officer Lopez asked me things like what we'd been
69 doing that night, what I was doing at 9:08 p.m., and what my relationship was like with
70 Sawyer. I told

71 Officer Lopez that I went downstairs to pick up the pizza when Marlow said it was arriving
72 at 9:00, and that the delivery person clearly lied when he marked "Arriving" on the app
73 because I was waiting downstairs for almost 10 minutes. I don't know why Marlow's app
74 says it was delivered at 9:02, but sometimes in the past delivery people have marked
75 food as "Delivered" before they actually drop it off so their average delivery time stays
76 low.

77 I told Officer Lopez that I had no beef with Sawyer. I explained the whole Sawyer-Reagan
78 ex-best-friends situation, and how Sawyer got Reagan fired and probably sued. Because it
79 seemed relevant, I also told Officer Lopez that I'd seen Reagan closing my phone after I
80 came back up with the pizza, and I hadn't seen anyone else touch it. Officer Lopez
81 thanked me, and then talked to Marlow and

82 Reagan. Officer Lopez arrested Reagan that night for the threat Reagan posted on
83 Sawyer's NowPic picture.

84

Prosecution Witness: Officer Keegan Lopez (Arresting Officer)

1 My name is Keegan Lopez. I have been a police officer for New Prague for almost twenty
2 years, and I am in the Special Weapons and Tactics (SWAT) team. New Prague is a pretty
3 safe town, but the department figured that some of the officers should be trained just in
4 case there was an emergency.

5 On the night of August 14, we got a text-a-tip about a hostage situation at 511 E.
6 Flamingo Parkway—Sawyer’s address. The text came in at 9:08 p.m. We SWAT officers
7 responded immediately. It took us six minutes to reach the address, and two minutes to
8 surround the residence. We knocked on the door loudly, announcing it was the police, but
9 no one answered. We tried using the megaphone, but still no response. Finally, at
10 approximately 9:20 p.m., we rammed the door down. Upon entering the residence, we
11 saw no one on the bottom floor. We approached the stairs as Sawyer Smith was coming
12 out of the bedroom. We told Sawyer to “Freeze!” because we weren’t sure what the
13 situation was and we needed to ensure that no one got hurt. Last thing you want is a
14 civilian getting themselves shot because they won’t listen to the police, and the police
15 think the civilian is the one holding people hostage.

16 When we shouted “Freeze!,” Sawyer jumped a little and seemed to slip on the carpet at
17 the top of the stairs. Next thing we know, Sawyer was tumbling down the stairs. I heard a
18 big crack on the way down, and when Sawyer reached the bottom, Sawyer was
19 apparently unconscious. Two officers ran up the stairs and quickly checked the rest of the
20 house. When they said it was clear, we allowed the paramedics who had been waiting
21 outside to run in to assist Sawyer.

22 Since the house was empty, I called in that the text was a fake, and I rode along with
23 Sawyer to the hospital. The kid was in a lot of pain, but kept repeating “I know who did
24 this. It was Reagan Klein. Reagan did this.” I asked Sawyer who Reagan was and what
25 Sawyer thought Reagan did. Sawyer told me about a former friend named Reagan Klein, a
26 NowPic account that’s been posting hurtful things about Sawyer for over a month, how
27 Sawyer found out that Reagan ran the account, and how Sawyer got Reagan fired from
28 the restaurant, Hennessy’s, in revenge.

29 Sawyer then showed me the comment the “Hayden” account made on Sawyer’s post from
30 earlier that afternoon. I thought it sounded very threatening, and Sawyer seemed really
31 afraid. Since Sawyer seemed so sure that it was Reagan who posted the comment and
32 Reagan who sent in the false tip, I figured it was worth talking to Reagan about it. I got
33 the address from the department and headed over to Reagan’s apartment.

34 When I got there, Reagan voluntarily let me inside. I asked Reagan about the Hayden
35 account, and if Reagan was the one who posted the comment on Sawyer’s picture that
36 afternoon. Looking completely embarrassed, Reagan admitted to being an operator of the
37 account and for losing Reagan’s temper and posting the “aggressive comment.” Reagan
38 told me Reagan regretted posting the comment, and that Reagan would never do
39 anything to hurt Sawyer. I informed Reagan, Cameron, and Marlow about the swatting
40 incident that happened earlier that night. I asked Reagan if Reagan knew anything about
41 the incident, and Reagan denied knowing anything about it.

42 Then, I noticed a flip-phone plugged into the wall. I asked if it belonged to Reagan, and
43 Reagan told me it was Cameron’s. I asked Cameron if I could look at the phone, and
44 Cameron said yes. I put on gloves in case it turned out to be evidence. Cameron picked
45 up the flip-phone, opened it, and handed it to me without looking at the screen. And there

46 it was: the false tip, sent at 9:08 p.m. Thinking this was pretty substantial evidence but
47 knowing I should get it confirmed by the department, I asked Cameron if I could retain
48 the phone for evidence. Cameron said yes. I put the phone in an evidence bag I had with
49 me to bring to the department later.

50 I then interviewed Cameron, Marlow, and Reagan separately about the swatting incident.
51 I asked them their basic information, what they were doing around 9:08 p.m., and what
52 their relationship was with Sawyer. I spoke to Cameron first, since it was most likely
53 Cameron's flip-phone that sent the tip. Cameron told me Cameron had gone downstairs to
54 pick up the pizza at 9:00 p.m., and waited down there for about 10 minutes for the pizza
55 to arrive. Cameron also told me that Cameron has no "beef" with Sawyer, and that
56 Reagan is the one who has had it out for Sawyer since Sawyer dropped Reagan as a
57 friend and then got Reagan fired and possibly sued. Finally, Cameron told me that
58 Cameron remembered seeing Reagan closing the flip-phone when Cameron came back
59 upstairs with the pizza.

60 Marlow told me that Marlow and Cameron also participated in the Hayden account, and
61 that they were just messing with Sawyer to teach Sawyer a lesson in humility, not to
62 seriously hurt Sawyer in any way. Marlow told me that Marlow had been on the phone
63 with Marlow's older sister, who was planning a visit to New Prague the next week, from
64 8:57 p.m. to 9:14 p.m. Marlow showed me Marlow's phone-call log as proof, and both
65 Cameron and Reagan corroborated that Marlow had been on the phone in the corner
66 opposite the flip-phone the entire time. Marlow had been the one to order the pizza on
67 YumYumDelivery, an app for ordering food delivery. The app gives you updates as your
68 delivery gets closer, and Marlow got a notification at 9:00 p.m. that the food was
69 "Arriving." Marlow sent Cameron downstairs to get the pizza, and showed me in Marlow's
70 "Order History" that the food was marked "Delivered" at 9:02 p.m.

71 Marlow said that Cameron had been checking Cameron's phone pretty regularly during the
72 night, and said that Marlow didn't see Reagan with Cameron's phone at all. Considering
73 the fact that Marlow seemed to have been distracted by Marlow's own phone call, I didn't
74 think that was worth much.

75 Reagan again denied having sent the false tip but admitted to having looked quickly at
76 Cameron's phone to check the time at around 9:11 p.m. Reagan also said that Cameron
77 came upstairs with the pizza no more than five minutes after Marlow sent Cameron
78 downstairs to pick it up. Not thinking I had enough evidence to arrest anyone for the false
79 tip at the time, I arrested Reagan for the criminal threat Reagan admitted to having
80 posted on Sawyer's picture.

81 Then, I brought the phone to the police department to examine it. Sure enough, it was
82 the phone that made the false "text-a-tip" about Sawyer. I called up Dr. Mark Hoolihan, a
83 linguistics professor who I know has helped with author identification and testified for the
84 department before, to take a look at the false tip. Dr. Hoolihan did a linguistics analysis of
85 the tip and compared it to a collection of 76 social media posts verified to be from Reagan
86 Klein and 92 social media posts verified to be from Cameron Holmes that the department
87 gathered and provided to Dr. Hoolihan. Dr. Hoolihan told me that Reagan probably wrote
88 the tip, so we added making a false emergency report to Reagan's charges, commonly
89 known as "swatting." What a terrible crime. People need to realize how dangerous it is,
90 not only to the intended victim, but also to the police officers involved.

Prosecution Witness: Dr. Mark Hoolihan (Forensic Linguist)

1 My name is Dr. Mark Hoolihan. I have a Ph.D. in Linguistics from Michigan State, and I am
2 currently a professor of Linguistics at the University of Minnesota. I have been a professor
3 here for 18 years, and I have served as an expert witness for forty prior cases. My expert
4 testimony has covered author identification based on writing samples, voice pattern
5 analysis, and the impact of different question types in police interviews. I have conducted
6 over one hundred independent studies on author identification in various formats.

7 After examining the false "text-a-tip" report, the posts made by the "Hayden" account,
8 and a collection of social media posts on BLAB and NowPic made by Reagan and Cameron,
9 I concluded that the writing of the text was more likely than not made by Reagan. In
10 conducting my analysis, I used a stylistic approach as described by Dr. Tim Grant, a
11 British forensic linguist who is highly respected in the field. A stylistic analysis is often well
12 suited for shorter messages, such as texts, tweets, and other social media posts, and it
13 can be used most effectively when focusing on what Dr. Grant calls "pairwise
14 distinctiveness," which involves taking two possible authors, and focusing the analysis on
15 variations between them. I followed Dr. Grant's statistical method of analysis, identifying
16 key features used by both Cameron and Reagan in their respective writings, and
17 comparing those features to the ones present in the tip. I prefer to use this type of
18 analysis instead of an analysis of each author's distinctive vocabulary choice, like Dr.
19 Williams used in Exhibit D. In my opinion it is more precise and can allow for a more
20 comprehensive comparison between authors.

21 First, I analyzed over 76 of Reagan's social media posts that the police gathered. I
22 identified the following features and compiled them in Exhibit C, a document I created:
23 multiple typographic exclamations, use of quotation marks, use of ellipses, use of
24 commas, use of single space between word and "emoji," and use of eight-letter or longer
25 adjectives. Exhibit C Table 1 shows a comparison between the number of times those
26 features were present in Reagan's known writings, and the number of times they were in
27 Cameron's known writings.

28 Next, I analyzed over 92 posts made by Cameron on Cameron's social media accounts
29 and those Cameron admitted to penning on the "Hayden" account. I identified the
30 following features, which can be seen in Exhibit C Table 2: misspellings, prosodic
31 emphasize (convey pronunciation through intentional misspelling, e.g., "hellooooo"),
32 whole word number homophone substitution (replacing words with a number, e.g., "for"
33 becomes "4"), whole word letter homophone substitution (replacing entire words with one
34 letter, e.g., "are" becomes "R"), mixed typographic exclamations (e.g., !?!), shortenings
35 —specifically, "really" to "rllly" and "please" to "plz" — and use of all caps for emphasis.
36 Exhibit C Table 2 shows a comparison between the number of times those features were
37 present in Cameron's known writings, and the number of times they were in Reagan's
38 known writings.

39 Between the two tables, the analysis shows that Reagan and Cameron have distinct
40 writing styles.

41 The key to seeing whose style is consistent with the text is comparing the list of features
42 to those found in the "text-a-tip," as seen in Exhibit C Table 3. The examination reveals
43 that those features that are distinctive of Reagan's writing appear to be more prevalent in
44 the tip than those distinctive of Cameron's writing, suggesting to me that, between the
45 two, Reagan was the author of the tip.

46 It's possible that the author (for the sake of consistency, let's say it's Cameron) tried to
47 disguise their writing to look or sound like Reagan's. However, not only are features
48 generally the result of habit and not conscious choice, it is my opinion that some of
49 Cameron's specific features would be especially difficult to overcome, such as
50 misspellings. None of the words in the tip were misspelled, whereas Cameron has a few
51 words misspelled in more than a dozen posts. Taking that in conjunction with the fact that
52 this was on a flip-phone without autocorrect, it is my opinion that Cameron can probably
53 be ruled out as the author. Therefore, it is my expert opinion that Reagan is the author of
54 the fake police tip.

Defense Witness: Reagan Klein (Defendant)

1 My name is Reagan Klein. I am 22 years old, and I just finished my junior year at the
2 University of Minnesota. Every summer, I go home to New Prague to work at Hennessy's
3 restaurant, where I've worked since I was a junior in high school. I worked there with
4 Marlow, Cameron, and my former best friend, Sawyer. This year, I subleased an
5 apartment for the summer so that I didn't have to bother my parents, who are in the
6 process of moving.

7 Sawyer and I have been drifting apart for a while, I think because Sawyer was always
8 jealous that I got into the University of Minnesota and Sawyer didn't. But we'd been such
9 close friends for such a long time, I figured we would always have summers at Hennessy's
10 to reconnect. Everything changed though when that ridiculous NowPic picture of Sawyer's
11 went viral. I have both a NowPic and BLAB account but I don't post very often. I think
12 constant posting on those accounts makes people shallow and measures their personal
13 worth on the number of likes they get on a picture. That's certainly the way Sawyer
14 valued Sawyer's personal worth. As soon as Sawyer felt like Sawyer was becoming
15 "better" than me, Sawyer dropped me as a friend. It was devastating and mortifying — to
16 have someone who you always thought was your friend suddenly treat you like you're
17 worth nothing.

18 With Sawyer refusing to be associated with me, I turned to Marlow and Cameron for
19 friendship. The three of us got along great, especially Marlow and me because Marlow also
20 goes to University of Minnesota. We all liked to commiserate about how insufferable
21 Sawyer had become ever since Sawyer became a social media "influencer," because it's
22 not like we could avoid the topic at work. About a month after Sawyer got "famous" and
23 dropped me, Sawyer was humblebragging about how much work it was to maintain status
24 on NowPic but how hot people kept messaging Sawyer. That gave me the idea to catfish
25 Sawyer. I talked to Marlow and Cameron about it, and they wholeheartedly agreed. We
26 created an account called Hayden Carlton, and spent the next few weeks flirting with
27 Sawyer. I was probably the one on the account the most, but Marlow and Cameron
28 definitely actively participated. I almost never posted anything without running it by
29 Marlow first, and for the vast majority of posts, Cameron and Marlow would dictate to me
30 what to write and we'd post when we were all together.

31 After leading Sawyer on, we decided to end the illusion in the most humiliating way
32 possible. We invited Sawyer to an upscale restaurant, let Sawyer sit there for 30 minutes
33 alone, took a picture of Sawyer looking dejected, and used the Hayden account to post it.
34 I admit the caption was pretty mean, but we wanted to send Sawyer a message.
35 Everyone was finished listening to Sawyer sing Sawyer's own praise all the time, and I
36 wanted to remind Sawyer that after dropping me, Sawyer really didn't have anyone to
37 turn to. I wanted to show Sawyer that there are social consequences to being a jerk to
38 people.

39 Turns out, Sawyer didn't care at all about getting catfished. When we all got back to work,
40 Sawyer acted like nothing had even happened, and, not that I would've thought it was
41 possible, the bragging about NowPic got worse. It was ridiculous! Marlow, Cameron, and I
42 decided that we'd continue using the Hayden account to mess with Sawyer. We thought
43 that maybe if one embarrassment wasn't enough, a continual onslaught of mean things
44 might show Sawyer the light.

45 It didn't. Sawyer continued to go on like nothing was happening, until somehow, after
46 about two weeks, Sawyer figured out that I was involved with the Hayden account. I'm
47 not sure how Sawyer figured it out, but Sawyer did, and Sawyer's revenge was
48 completely disproportionate to what I'd done to Sawyer. Telling Sam my darkest secret,
49 that I broke Sam's oven over New Years? I was devastated, and the guilt has been eating
50 me alive ever since it happened. I told Sawyer about it immediately to get Sawyer's
51 advice. Sawyer told me to wait to see if the Hennessy's insurance covered it. Sam got the
52 oven replaced less than two weeks later, so I let Sawyer convince me that it was better if
53 I just kept quiet. Sawyer knew how much I'd been torturing myself over it. I couldn't
54 believe that Sawyer would do something that might actually ruin my life when all I did
55 was play a little prank and say a few mean things about Sawyer.

56 When I went into work the next day, August 14, Sam fired me. At the time, it didn't cross
57 my mind that Sawyer might have told Sam what I did, or even that Sawyer knew I was
58 involved with the Hayden thing, so I asked Sam why I was getting fired. Sam said
59 something like, "You'll be hearing from my lawyer about that \$34,000 oven." I was in
60 utter shock. I left the restaurant and went home to my apartment.

61 When I got there, I checked the Hayden account, just out of habit at this point. You know
62 what I saw? Sawyer, smirking, with a caption "Tfw," meaning "that feeling when," "you
63 WIN. <smirking emoji>. #toobadsosad." What a complete jerk. Naturally, I was furious.
64 Enraged, even. I can honestly say I think I started seeing red. What kind of a person does
65 that? Actually gloats about setting me up for a \$34,000 lawsuit? Sawyer knows that I'm
66 paying for college with student loans. Sawyer knows that I work two jobs on campus
67 because I'm barely getting by. The fact that Sawyer would intentionally get me fired, set
68 me up to get sued for more money than I can imagine, and then gloat about it was
69 unbelievable. Especially because Sawyer knew about me having broken the oven for
70 months and lied to Sam about knowing so that I would get fired but Sawyer would still
71 look innocent. I lost my mind a little bit. In my haze, I commented something stupid on
72 Sawyer's post. Looking back, it was a lot. But I didn't really mean it, and Sawyer knows
73 that. Someone who was my best friend for like eight years would know that I would never
74 hurt anyone.

75 That night, Marlow and Cameron came over, and I told them everything. We hung out and
76 were watching TV. Marlow had ordered pizza on YumYumDelivery, but Marlow was
77 standing in the corner of the room on the phone with Marlow's sister when Marlow got the
78 notification that it was arriving, so Marlow sent Cameron downstairs to pick it up. I was
79 sitting at the dining room table, in the chair closest to the TV. Cameron came back less
80 than five minutes later, checked Cameron's phone, and put the pizza on the dining room
81 table. We both grabbed a slice of pizza while we waited for Marlow to get off the phone. I
82 burnt my mouth the pizza was so hot! I decided to wait until Marlow got off the phone
83 before I tried another bite. I checked Cameron's temporary flipphone for the time at like
84 9:11 because we were hungry, and mine was charging in my room. I never bought a
85 clock for the living room where we were hanging out. Marlow got off the phone a few
86 minutes later and we started eating.

87 Then, Officer Lopez showed up. I let Officer Lopez into the apartment, and I admitted to
88 having written the nasty comment on Sawyer's NowPic picture. I felt horrible about
89 having written that because I knew it was mean to say, but I was so upset when I saw
90 the picture that I ended up venting my anger in the comment. I knew Sawyer wouldn't
91 take it seriously, so I didn't think twice about telling Officer Lopez it was me. Officer Lopez

92 then told us about the "swatting" incident. I told Officer Lopez the truth: it wasn't me and
93 I didn't know anything about it.

94 Then, Officer Lopez asked about Cameron's flip-phone that was still plugged into the wall.
95 I told the officer it was Cameron's, and Officer Lopez went to talk to Cameron. I saw
96 Cameron grab the phone, open it, and hand it to Officer Lopez, who put it into a clear
97 bag. Officer Lopez continued talking to Cameron for a few minutes, then talked to Marlow
98 for a few minutes, and then came back to me.

99 I told Officer Lopez again that I wasn't the person who sent the false tip. Officer Lopez
100 asked if I'd used the flip-phone at all that night. I told Officer Lopez I had checked the
101 time quickly at like 9:11 p.m. because we didn't have a clock in the living room. Before I
102 knew it, Officer Lopez was arresting me for criminal threat. I know that the comment I
103 posted was a little aggressive, but I didn't mean for Sawyer to think I was physically
104 threatening Sawyer in any way — I wouldn't do that. And Sawyer would know that! I was
105 just upset and meant that I'd keep posting Sawyer's secrets on the Hayden account.

106 Later, they also charged me with sending in the false tip. I don't know who sent the text
107 to the police. It was probably Cameron. Cameron was getting really jealous of me and
108 Marlow's friendship, and maybe Cameron thought that if Sawyer lost everything, we'd go
109 back to being friends and Cameron could have Marlow back. I don't know. Maybe
110 Cameron just wanted to get back at me because Cameron thinks I'm somehow stealing
111 Marlow away. All I know is that it wasn't me.

112

Defense Witness: Marlow Patterson (Co-Worker at Hennessy's)

1 My name is Marlow Patterson. I am 23 years old, and I just finished my junior year at
2 University of Minnesota.

3 Like Reagan, I go home every summer to work at Hennessy's. Reagan and I started
4 becoming much better friends this summer after Sawyer dropped Reagan as a friend. I
5 can't believe someone would actually do that to "benefit their brand," or whatever. It's a
6 lame thing to do to someone.

7 After Sawyer dropped Reagan because Sawyer's NowPic went viral, Sawyer wouldn't shut
8 up about being a social media influencer. It was incessant: NowPic this, brand deal that. I
9 have my own NowPic and Blab accounts but the way Sawyer was obsessed with social
10 media was ridiculous. Everyone was sick of it. After about a month of putting up with it,
11 Reagan came up with the brilliant idea of catfishing Sawyer. What a great way to knock
12 Sawyer down a few pegs and get back at Sawyer for being so annoying! So we set up this
13 fake account, named it "Hayden Carlton," and started the flirtation. It was hilarious to us
14 at the time. We'd all take turns operating the account, although I think Reagan used it the
15 most.

16 After a couple of weeks, we decided we'd had our fun, and it was time to end it. It had to
17 be a way that would actually teach Sawyer a lesson, so we decided to have "Hayden"
18 invite Sawyer on a date, stand Sawyer up, and post a picture of Sawyer looking miserable
19 alone at the table. I was the one who took the picture and wrote the caption, with help
20 from Reagan and Cameron. Sawyer looked mortified when Sawyer checked NowPic and
21 saw the post, and ran out of the restaurant. We honestly thought that would be the end of
22 it.

23 Instead, our plan backfired. Sawyer pretended like the Hayden thing never happened, and
24 talked about NowPic stuff even more. Cameron, Reagan, and I decided we'd continue
25 using the Hayden account to troll Sawyer. Maybe Sawyer would learn a lesson about
26 humility if someone was constantly pointing out Sawyer's shortcomings. For about two
27 weeks, we posted about Sawyer all the time. Nothing seemed to be working. Then,
28 somehow, Sawyer figured out that Reagan was in on the Hayden account.

29 Instead of trying to talk to Reagan about it, Sawyer became a psycho-jerk and decided to
30 tell Sam that Reagan broke Sam's fancy baker's oven over New Year's. I didn't know that
31 Reagan had done that, otherwise I probably wouldn't have encouraged us to continue to
32 use the Hayden account. Even though what we did to Sawyer was petty and mean, what
33 Sawyer did back to Reagan was unjustifiable. Anyone who gives two seconds of thought
34 would know that Reagan could not only lose the job at Hennessy's, but also be
35 responsible to pay for that \$34,000 oven! The fact that Sawyer would put Reagan at risk
36 for having to drop out of college to pay for that makes it seem like Sawyer never really
37 considered Reagan a friend at all.

38 So Reagan got fired, and Cameron and I went over to Reagan's apartment later that
39 night. Reagan told us all about it, including the aggressive post that Reagan made on
40 Sawyer's picture. I don't blame Reagan. What Sawyer did was excessive, and sometimes
41 it helps to let off a little steam with a social-media rant. I know Reagan didn't mean harm
42 by it, and based on how Sawyer replied, Sawyer thought it was a joke, too. At any rate,
43 my older sister called me at 8:57 p.m., and we talked for almost 20 minutes. I had
44 ordered the pizza on YumYumDelivery, and got a notification at 9:00 p.m. that it was
45 "arriving." I sent Cameron downstairs to grab the pizza. I was standing in the corner of

46 the living room the whole time, and Reagan was sitting at the dining room table in the
47 chair closest to the TV. I never saw Reagan with Cameron's phone at all during the night,
48 but Reagan often checks the time quickly on whoever's phone is the closest since there
49 isn't a clock in the living room.

50 We were all eating when Officer Lopez showed up. Reagan let the officer inside, and they
51 talked for a few minutes. Officer Lopez then told us about the "swatting" incident. Officer
52 Lopez talked to Cameron next, who gave the officer Cameron's burner phone, and then
53 Officer Lopez talked to me. Officer Lopez asked me a bunch of questions about my
54 relationship with Sawyer, what the Hayden account was about, and what I was doing
55 around 9:08 p.m. I told the officer I was on the phone with my sister, and showed the
56 officer my call log as proof. I also showed Officer Lopez my YumYumDelivery "Order
57 History," which said that the pizza was delivered at 9:02 p.m. I didn't notice when exactly
58 Cameron came back into the apartment, though. I guess I was a little off in outer space
59 during the phone call. I told the officer that Cameron and I also participated with the
60 Hayden account, and how we were messing with Sawyer to teach Sawyer a little humility.
61 We'd never actually hurt Sawyer.

62 Officer Lopez also asked if I'd seen anyone using the flip-phone that night. I told Officer
63 Lopez that Cameron had been checking it regularly, which made sense because it's
64 Cameron's phone. Officer Lopez asked if I'd seen Reagan using it, and I said no, because I
65 hadn't. And since I was in the room the whole time, I feel like I would've noticed if
66 Reagan had been using Cameron's phone for more than a minute or so.

67 Officer Lopez then went and talked to Reagan again. At the end of their conversation,
68 Officer Lopez arrested Reagan. I think it was for "criminal threat." That's bogus. It was
69 not a threat, and Sawyer knew it. Then, they also stuck Reagan with a false emergency
70 report charge. I don't know who texted the police, but it was not Reagan. We were in the
71 same room all night, and I would've noticed if Reagan was lurking around Cameron's
72 phone. Also, Reagan doesn't really do anything without talking to me about it first. Even
73 posting on the Hayden account: Reagan ran all caption ideas by me before posting. If I
74 had to guess who sent the text, it was probably Cameron.

75 Cameron's been acting super weird lately, and I think it might be because Reagan and I
76 have gotten a lot closer. Cameron is territorial, and it could be that Cameron thought
77 Reagan was trying to steal me somehow. The other day, Cameron was talking to me and
78 said something like, "I miss when it was just the two of us hanging out. Sometimes I wish
79 we could just go back to the old days, when Sawyer wasn't obnoxious and Reagan didn't
80 bug us. If we could just go back and get Reagan out of the picture, this summer would be
81 a lot more fun." I thought it was creepy and weird, and I told Cameron that I liked
82 hanging out with Reagan. That didn't seem to go over well. I'm just worried that Cameron
83 might have framed Reagan for this to get Reagan out of the way.

Defense Witness: Sam Kolostian (Owner of Hennessy's)

1 My name is Sam Kolostian. I am 55 years old, and I own the restaurant Hennessy's.

2 Sawyer, Marlow, and Cameron all work for me. Reagan is a former employee. Reagan and
3 Marlow usually only worked holidays and summers the last couple of years because
4 they're students, but Sawyer and Cameron work more year-round. I'm not sure about this
5 whole social media business, but from what the kids have been saying, Sawyer became
6 somewhat famous using it. All I really know is that on August 14, Sawyer came to me
7 visibly upset. Sawyer told me that Sawyer had just found out that Reagan was the person
8 who broke my Baker's Pride oven last New Year's, and that Sawyer couldn't believe that
9 Reagan had been covering it up. I was furious. I trusted those kids with everything, and
10 for one of them to have been lying to my face for over six months is unacceptable.

11 Reagan came in a few minutes later, and I fired Reagan on the spot. Reagan looked
12 confused. In my anger, I said my lawyer would be contacting Reagan about the \$34,000
13 oven. Reagan shot a glance directly at Sawyer across the room, which dispelled any
14 doubts I might have had that it was Reagan who did it. I left the room before Reagan
15 could say another word. Reagan left the restaurant, and didn't come back in. I feel
16 terrible. I was never really going to sue the kid—after all, my insurance covered
17 everything and I replaced the oven at no cost to me two weeks later. I just was so upset
18 and felt so betrayed by what Reagan had done, lying to me all these months. I get it
19 though: Reagan's a good kid, and in college. Young people do some stupid things, and
20 Reagan was probably scared of getting fired or having to pay for the damage. Now I
21 know, too, that Sawyer knew the truth about the oven for months but didn't tell me.

22 I don't believe that Reagan would have made that text to the police. That's too
23 dangerous. A few days before the whole firing thing went down, Reagan, Sawyer, Marlow,
24 Cameron, and I were all watching the news together in the morning before the restaurant
25 opened. We were watching a news story about how some kid thought it would be a funny
26 prank to call SWAT on his enemy, so that SWAT would break the enemy's door down.
27 Turns out the enemy's dad was the only one home, and when he came outside demanding
28 to know why the police were surrounding his house, SWAT-team officers shot him. I
29 remember we all watched it, and we talked about how reckless it was to do that to
30 someone, and how easy it was for someone to get hurt like that.

31 I just don't think Reagan would have done this. For six years, Reagan always showed up
32 on time for work, was pleasant with the customers, and was nice for everyone to be
33 around. And Reagan wouldn't hurt a fly. One time there was this nightmare toddler who
34 was screaming and yelling and throwing food at other customers. I was prepared to throw
35 the whole family out, but Reagan got there first. Reagan squatted down next to the kid
36 and started talking to him, telling him jokes and making him laugh.

37 Reagan pointed at the food, and pointed at me. I guess Reagan joked about me being a
38 monster who will come eat the kid if he didn't stop throwing the food, because the kid
39 smiled and looked away from me. Then Reagan said something else, and the kid smiled
40 and nodded. The parents thanked Reagan profusely, and Reagan came back over to me.
41 Reagan said, "If that kid gets through the rest of the dinner quietly and without throwing
42 any food, you owe him a lollipop." I burst out laughing. Bribing a toddler with a lollipop? I
43 never would have thought of it. It's easier to just ask customers like that to leave. But
44 Reagan goes above and beyond to make other people happy, and always has. I had to fire

45 Reagan after the oven incident, but I know that I lost an asset to my restaurant team and
46 the company of a great person.

47 Another time, another waiter was walking through some crowded tables and started to
48 drop an entire family's meals from the tray.

49 Reagan was standing right there, and one of the hot plates started falling and was going
50 to hit a baby sitting in a high chair. Reagan ran forward and grabbed the hot plate with
51 Reagan's bare hands, getting second-degree burns but saving the baby. I'm telling you,

52 Reagan's one of those kids with a heart of gold, who understands the value of life and that
53 you shouldn't mess with it. Especially after watching that SWAT news story — Reagan
54 looked so upset by what that kid did and how someone got shot, even commenting on
55 how "horrible" it was. Reagan would never do that to someone else. It doesn't matter
56 what they did to Reagan. Reagan's better than that.

57

58

Defense Witness: Dr. Blake Williams (Forensic Linguist)

1 My name is Dr. Blake Williams. I have a Ph.D. in Linguistics from Michigan, and I am
2 currently a professor of Linguistics at the University of Minnesota, like Dr. Hoolihan. I
3 have been a professor here for 24 years, and I have served as an expert witness for
4 seventy prior cases. My expert testimony has primarily focused on author identification
5 based on writing samples and voice pattern analysis. I have conducted over one hundred
6 twenty independent studies on author identification in various formats.

7 After examining the false "text-a-tip" report, the posts made by the "Hayden" account,
8 and a collection of social media posts made by Reagan and Cameron, I found that the
9 "text-a-tip" writing was more consistent with Cameron's writing style than Reagan's. In
10 conducting my analysis, I used the traditional stylistic analysis for shorter messages and
11 followed the commonly used method of identifying consistent and distinct vocabulary
12 choices in addition to opposing features present in Reagan's and Cameron's writings.

13 I analyzed the same posts that Dr. Hoolihan used, and in addition to the features Dr.
14 Hoolihan identified in Exhibit C, I focused on identification of potentially distinctive
15 vocabulary choices which I compiled in Exhibit D, a document I created. I have identified
16 specific vocabulary choices made by Cameron and Reagan in Exhibit D. As the exhibit
17 shows, Reagan seems to have an affinity for longer, more complicated words, and
18 frequently uses descriptions including the root "heart." Additionally, Reagan tends to focus
19 on "consequences" and the various forms of "value." Finally, Reagan uses the expression
20 "I figure" quite commonly.

21 Alternatively, Cameron tends to use words like "really" and "please" — with varied
22 spelling, of course — and seems to focus primarily on what someone "deserves." Cameron
23 also has a tendency to include metaphors in Cameron's writing.

24 Taking the various features shown in Exhibits C and D and the distinct and consistent
25 word choices used by Reagan and Cameron, I agree with Dr. Hoolihan that they have
26 distinct styles and that an author of the "text-a-tip" can be established.

27 However, I disagree that the appropriate conclusion is that Reagan probably wrote the tip.
28 The examination of the "Features" exhibits reveals that those features that are generally
29 distinctive of Reagan's writing are more prevalent in the tip than those generally
30 distinctive of Cameron's writing. However, when the distinctive vocabulary choices are
31 also considered, it is my expert opinion that the author is more likely Cameron, if
32 Cameron and Reagan are the only two options. If I haven't said earlier, something
33 significant to keep in mind is that when conducting a stylistic analysis focusing on pairwise
34 distinctiveness, or comparing two possible authors, the results are limited to saying which
35 potential author is more likely to have written it, *between those two authors alone*.
36 Nothing in my or Dr. Hoolihan's analysis eliminates any other person in the world from
37 having written the tip.

38 At any rate, continuing under the large assumption that the only two possible authors are
39 Reagan and Cameron, it is my professional opinion that Cameron is more likely to have
40 been the one who wrote the tip. Comparing the tip, seen in Exhibit A, with Cameron's
41 distinctive vocabulary, one finds the elements of what someone "deserves," "really" and
42 "please" with Cameron's unique spelling preferences. By contrast, the inclusion of the
43 oddly phrased "pointed gun at Sawyer's heart" and the addition of the obvious "don't
44 think he was trying to steal valuables" to the tip both stand out to me as blatant attempts
45 to use Reagan's vocabulary. Nothing about the words distinctive to Reagan's style appear

46 in what I would identify as the natural manner Reagan employs them in other posts.
47 Instead, to me, the words seem dropped in, like someone was very particularly trying to
48 make the tip sound like Reagan's writing style. The same unnatural style applies to the
49 other features that have been identified. In my expert opinion, the writing appears to be
50 consistent with a writer intentionally placing all of those features in a way that does not
51 match the more natural flow of Reagan's other writings.

52

PHYSICAL EVIDENCE

Only the following physical evidence may be introduced at trial. The 5 prosecution is responsible for bringing:

The prosecution is responsible for bringing:

1. Exhibit A, Text-a-Tip
2. Exhibit B, Screenshot of Marlow's YumYum Delivery Order History
3. Exhibit C, Features of the Writings
4. Exhibit D, Distinctive Vocabulary Choices
5. Exhibit E, Diagram of Reagan's Apartment

*ALL reproductions can be as small as the original document found in the case materials

EXHIBIT A

Text-a-Tip

The following is a transcript of the Text-a-Tip that the New Prague Police Department received on August 14 at 9:08 p.m.

"Hostage situation @ 511 E. Flamingo Pkwy!! Man w gun approached Sawyer, pointed gun at Sawyer's heart, and forced Sawyer inside the house. Sounded like he said "this is what you deserve." Had a suspicious backpack...rllly possible there r more weapons inside. Don't think he was trying to steal valuables...plz hurry!! Didn't want 2 get 2 close, figured he'd see me and take me too. Hurry hurry!"

EXHIBIT B

Screenshot of Marlow's YumYumDelivery Order History

The screenshot shows a mobile application interface for YumYumDelivery. At the top, the status bar indicates the time is 9:40 PM and the battery is at 74%. The app header displays 'YumYumDelivery' and 'Order History'. The main content area lists five orders, each with a restaurant name, status, date, and time. Below each order are two buttons: 'View Details' and 'Report an Issue'. The orders are as follows:

Restaurant Name	Status	Date	Time	View Details	Report an Issue
Jo's Pizza Shack	Delivered	August 14, 2019	9:02 PM	View Details	Report an Issue
New Prague Consuelo	Delivered	August 2, 2019	7:43 PM	View Details	Report an Issue
PJ's BBQ Wings	Delivered	July 6, 2019	12:13 PM	View Details	Report an Issue
Aunt May's Chicken	Delivered	July 1, 2019	1:12 PM	View Details	Report an Issue
Lee's Dumpling House	Delivered	June 6, 2019	6:49 PM	View Details	Report an Issue

EXHIBIT C

Table 1: Features of Reagan's Writing

Feature	# Present in Reagan's Writing	# Present in Cameron's Writing
Multiple Typographic Exclamations (e.g. !!)	12	2
Use of Quotation Marks	7	1
Use of Ellipses (...)	9	3
Use of Commas	55	13
Use of Single Space between Word and "Emoji"	19	2
Use of eight-letter or longer adjectives	18	3

Table 2: Features of Cameron's Writing

Feature	# Present in Reagan's Writing	# Present in Cameron's Writing
Misspellings	3	14
Prosodic Emphasizers (convey pronunciation through spelling, i.e. helloooooo)	0	7
Whole word number homophone substitution (e.g. 2 for to)	0	9
Whole word letter homophone substitution (e.g. u for you)	0	13
Mixed typographic exclamations (?!)	2	9
Shortenings: specifically, "really" to "rly" and "please" to "plz"	0	21

Table 3: Comparison of the Features to the Text-a-Tip

Feature	# Present in False Tip	# Present in Reagan's Writing	# Present in Cameron's Writing
Multiple Typographic Exclamations (e.g. !!)	2	12	2
Use of Quotation Marks	1	7	1
Use of Ellipses (...)	2	9	3
Use of Commas	3	55	13
Use of Single Space between Word and "Emoji"	0	19	2
Use of eight-letter or longer adjectives	2	18	3
Misspellings	0	3	14
Prosodic Emphasizers (convey pronunciation through spelling, e.g. helloooooo)	0	0	7
Whole word number homophone substitution (e.g. 2 for to)	2	0	9
Whole word letter homophone substitution (e.g. u for you)	1	0	13
Mixed typographic exclamations (?!)	0	2	9
Shortenings: specifically, "really" to "rly" and "please" to "plz"	2	0	21

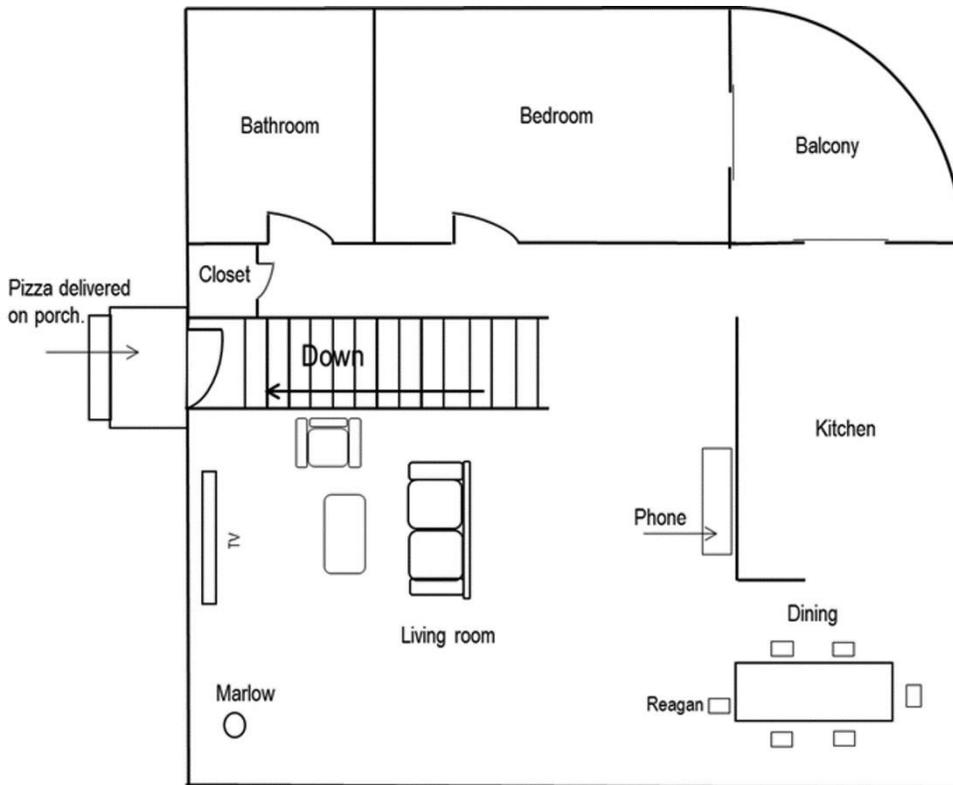
EXHIBIT D

Distinctive Vocabulary Choices

Vocabulary Choice	Present in False Tip?	# Present in Reagan's Writing	# Present in Cameron's Writing
Heart, disheartened, heartless	Y	19	2
Consequences, results	N	26	5
Value: valued, valuable, worth, worthy	Y	13	0
"I figure" expression	Y	21	0
Really (& associated spelling)	Y	0	13
Please (& associated spelling)	Y	0	10
Deserve: deserve(s/d), owe(s/d), "what's coming," lesson	Y	4	11
Use of metaphors (e.g. out in the cold)	N	3	12

EXHIBIT E

Diagram of Reagan's Apartment



CREDITS

Case Materials adapted from:

People v. Klein

Constitutional Rights Foundation, California