

No. CR-08-0707

STATE OF LONE STAR

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IN THE DISTRICT COURT

v.

IN AND FOR

KELLY TAYLOR, Defendant

BEXAR COUNTY, LONE STAR

Prepared by:

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This case file was commissioned by the Texas Young Lawyers Association and was prepared by Marvin W. Jones for the 2009 National Trial Competition

STATEMENT OF THE CASE

This is a criminal action in which the State of Lone Star asserts that Defendant Kelly Taylor murdered Rob Cañas, a state district court judge. A previous trial resulted in a mistrial.

Chris Jensen, an investigator for the Bexar County District Attorney's office, was assigned to investigate the death of Judge Cañas. Jensen testified that the body of Judge Cañas was found in Cañas's chambers on Saturday, July 7, 2007, slumped in a chair. Blood was evident from a wound to the back of Cañas's head, apparently caused by a large object. Jensen testified that fingerprint analysis revealed the fingerprints of Defendant Taylor on the object. Jensen testified that in the week before his death, Judge Cañas had tried a trademark infringement civil case involving Defendant Taylor as the plaintiff's counsel. Jensen testified that the jury in the civil case had returned a verdict favoring Taylor's client in the amount of \$10,000,000, but that Cañas had granted a motion for judgment notwithstanding the verdict. In response, and on the record, Taylor stated that he would "burn" the Judge for that action.

Dr. Alex Slabin, a pathologist for Bexar County, Lone Star, testified that the Judge died as a result of an epidural hematoma caused by blunt force trauma to the back of the head. In Slabin's opinion, the blunt force trauma was inflicted by a blunt object. Dr. Slabin did routine blood analysis during the autopsy, finding the presence of small quantities of a drug commonly known as Viagra. Dr. Slabin admitted to a previous affair with the Defendant.

In the prior trial, Kelly Taylor testified that Judge Cañas habitually skewed the court's charge in intellectual property cases in such a way as to cause Taylor to lose such cases. Taylor explained his fingerprints on the trophy by stating that the opposing counsel in the civil case in question, one John Ward, had picked up the trophy during the charge conference and handed it to Taylor. Taylor offered no alibi witnesses, saying that the result of the trial was so depressing that the evening was spent drinking at home alone and going to a movie alone.

Dr. Dusty Stockard testified on behalf of Taylor. Dr. Stockard examined the autopsy results and performed additional testing on a remaining blood sample. Dr. Stockard testified that, in reasonable medical probability, Cañas's death was caused by an unsafe drop in blood pressure brought about by the ingestion of large quantities of the drug Viagra, which was unwise given Cañas's history of blood pressure and heart problems. According to Stockard's testimony, although there was evidence of an epidural hematoma, the hematoma was not the cause of death. In Stockard's opinion, the blow to the head was post-mortem.

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BEXAR COUNTY, LONE STAR

INDICTMENT

November 2007 Term

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Murder)

1. On or about July 6, 2007, in Armadillo, Bexar County, Lone Star, Kelly Taylor did intentionally and knowingly cause the death of an individual, to wit: Rob Cañas.

A TRUE BILL

Dennis Suplee

GRAND JURY FOREPERSON

TRACY LEDUC
BEXAR COUNTY DISTRICT ATTORNEY

By: *Sam Daniel*
Sam Daniel, Assistant District Attorney

WITNESS AND EXHIBIT LIST

WITNESSES:

PROSECUTION:

1. Chris Jensen*
2. Dr. Alex Slabin**

DEFENSE:

1. Kelly Taylor, Defendant***
2. Dr. Dusty Stockard*

* May be either male or female

** Must be female

*** Must be male

EXHIBITS:

1. FBI Employee Review of Chris Jensen
2. Photo of Decedent
3. Autopsy Report
4. Draft of Jury Charge in Civil Matter
5. Photo of Trophy
6. Medical Record
7. Advertisement for Viagra
8. Autopsy Protocol
9. Movie Ticket Stub
10. Transcript of Proceedings In Civil Case (Excerpt)

STIPULATIONS AS TO EVIDENTIARY MATTERS

Procedural Matters

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence in depositions or prior testimony can and will, if asked, identify the same at trial.
3. Each witness who testified previously or gave a deposition agreed under oath at the outset of his or her testimony to give a full and complete description of all material events that occurred and to correct the transcript of such deposition or testimony for inaccuracies and completeness before signing the transcript.
4. All depositions and transcripts of testimony were signed under oath.
5. For this competition, no team is permitted to attempt to impeach a witness by arguing to the jury that a signature appearing on a deposition or other transcript does not comport with signatures or initials located on an exhibit.
6. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
7. This competition does not permit a listed witness, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that "invented" individual.
8. "Beyond the record" shall not be entertained as an objection. Rather, teams shall use cross-examination as to inferences from material facts pursuant to

National Rules VII(4)(C) and (D) and VIII(5). Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in rule VIII(4).

9. The State and the Defendant must call the two witnesses listed as that party's witnesses on the witness list.

10. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise noted on the exhibit or as established by the evidence.

11. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2009 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

12. 2009 is the year in which this case comes to trial.

13. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the State shall have four minutes to present any pretrial motions; (2) the Defendant shall have four minutes to respond to the State's motion(s); (3) the Defendant shall have four minutes to present any pretrial motions; and (4) the State shall have four minutes to respond to the Defendant's motion(s).

14. This competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions or deletions are permitted to the provided jury instructions or to the jury verdict form.

15. The testimony of Kelly Taylor shall conform to the testimony given by Taylor at his earlier trial.

16. Motions to dismiss have been filed and denied; no further motions to dismiss will be entertained.

Substantive Matters

1. Lone Star Penal Code Section 19.01 provides:

MURDER: A person commits the offense of murder if he:

(1) intentionally and knowingly causes the death of an individual; . . .

2. The autopsy report marked as Exhibit 3 is an official public record and is authentic.

3. The court transcript marked as Exhibit 10 is authentic.

4. Fingerprints found on a trophy were identified as those of Judge Cañas, defendant Kelly Taylor and John Ward.

5. Blood found on the trophy was the same blood type as that of Judge Cañas.

6. If asked, Chris Jensen is able to make in-court identification of Kelly Taylor as the person the sheriff arrested on July 7, 2007.

STATE OF LONE STAR

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KELLY TAYLOR, Defendant

BEXAR COUNTY, LONE STAR

PRELIMINARY JURY INSTRUCTIONS

Ladies and gentlemen of the jury:

You have been selected and sworn as the jury to try the case of the State of Lone Star vs. Kelly Taylor.

This is a criminal case. Kelly Taylor is charged with one count of murder. The definitions of the elements of this crime will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusations against Kelly Taylor beyond a reasonable doubt. I will decide which laws apply to this case and explain those laws to you. You will decide what the facts of this case are and apply the law to those facts. Thus, the function of the jury and the function of the judge are well defined, and they do not overlap. This is one of the fundamental principals of our system of justice.

Your verdict must be based solely on the evidence, or lack of evidence, and the law. The indictment is not evidence and is not to be considered by you as any proof of guilt. The case must be tried only on the evidence presented during the trial in your presence and in the presence of the Defendant, the attorneys, and me. Jurors must not conduct any investigation of their own. Accordingly, you must not visit any of the places described in the evidence, and you must not read or listen to any reports about the case. Further, you must not discuss this case with any person and you must not speak with the attorneys, the witnesses, or the Defendant about any subject until your deliberations are finished.

Before proceeding further, it will be helpful for you to understand how a trial is conducted. At the beginning of the trial, the attorneys will have an opportunity to make an opening statement, in which they may explain to you the issues in the case and summarize the facts that they expect the evidence will show. Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and other exhibits also may be received as evidence.

After all the evidence has been received, the attorneys will again have the opportunity to address you and to make their final arguments. The statements that the attorneys now make and the arguments that they later make are not to be considered by you either as evidence in the case or as your instruction on the law. Nevertheless, these statements and arguments are intended to help you properly understand the issues, the evidence, and the applicable law, so you should give them your close attention. At the close of the evidence, I will instruct you on the law.

You should give careful attention to the testimony and other evidence as it is received and presented for your consideration, but you should not form or express any opinion about the case until you have received all the evidence, the arguments of the attorneys, and the instructions on the law from me. In other words, you should not form or express any opinion about the case until you retire to the jury room to consider your verdict.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When a lawyer makes an objection, I will either overrule or sustain the objection. If I overrule an objection to a question, the witness will answer the question. If I sustain an objection, the witness will not answer, but you must not speculate on what might have happened or what the witness might have said had I permitted the witness to answer the question. You should not draw any inference from the question itself.

During the trial, it may be necessary for me to confer with the attorneys out of your hearing, talking about matters of law and other matters that require consideration by me alone. It is impossible for me to predict when such a conference may be required or how long it will last. When such conferences occur, they will be conducted so as to consume as little of your time as necessary for a fair and orderly trial of the case.

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 Q: Tell us your name.

2 A: My name is Chris Jensen.

3 Q: What is your position with the Bexar County District Attorney's office?

4 A: I am an investigator for that office.

5 Q: How did you come to be an investigator?

6 A: Originally, I was with the Federal Bureau of Investigation in its crime scene investigation
7 unit out of Las Vegas, Nevada. After working there for fifteen years, I went to work for a
8 network television show called *CSI* that was also set in Las Vegas. I worked there for
9 five years but became disenchanted with all the Hollywood stuff, so I moved to
10 Armadillo and became an investigator at the district attorney's office.

11 Q: What was your training to become an FBI agent?

12 A: After graduating from China Grove University with a degree in music history, I went to a
13 crime investigation school in Quantico, Virginia, that was sponsored by the FBI. I
14 graduated there after two years with a specialization in crime scene analysis, and went
15 right to work for the Bureau's crime scene investigation unit.

16 Q: Why did you decide to leave the Federal Bureau of Investigation?

17 A: I became disenchanted with the bureaucracy at the FBI. They were interfering with the
18 way I did investigations, and when I complained about it, they started giving me bad
19 reviews.

20 Q: Can you identify Exhibit 1?

21 A: Exhibit 1 is one of the bad reviews that the FBI – CSI Unit gave me just before I told
22 them to shove it and went on to Hollywood.

23 Q: Did you enjoy working on the television set for *CSI*?

24 A: I did originally, but after a couple of years, their show started getting a little further and
25 further out, and I started objecting that the things they were doing weren't realistic.

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 Q: What kind of things did you feel were not realistic?

2 A: Well, they did a show where they never could figure out the cause of death because there
3 were too many potential causes of death. The corpse had been stabbed, he had been shot,
4 he had been poisoned, he had been thrown off a bridge, everything in the world that was
5 just totally unrealistic. Besides that, it was unrealistic to have all those women running
6 around in tank tops all the time. Doesn't happen in the real world. So I quit.

7 Q: And how have you enjoyed your employment at the Bexar County District Attorney's
8 office?

9 A: I like it great. They let me have free reign with my investigations, and I am not restricted
10 by all of the silly rules that the FBI came up with.

11 Q: Were you asked to investigate the untimely death of Judge Rob Cañas?

12 A: Yes, I was notified of Judge Cañas's death at approximately 11:34 a.m. on the Saturday
13 morning his body was found, which was July 7, 2007. I immediately went to the Bexar
14 County courthouse and to Judge Cañas's chambers.

15 Q: And to be certain, Mr. Jensen, is the Bexar County courthouse, where you found Judge
16 Cañas's body, located in Bexar County, Lone Star?

17 A: Is this a trick question? Because if you're serious, the answer is "yes."

18 Q: What did you see when you arrived here at the Bexar County courthouse?

19 A: Well, once I got past all the crime scene tape and the officers who didn't seem to want to
20 recognize my credentials, I entered Judge Cañas's chambers and saw Judge Cañas
21 slumped in a chair. On initial observation, it appeared that he was simply asleep. On
22 closer observation, his skin had a certain pallor that told me he had been dead and dead
23 quite some time. When I walked around behind the chair, I observed a very strange
24 bruise on the balding spot of his head. I also observed a blunt object, what appeared to be
25 a trophy of some kind, lying near the chair. I tagged and bagged the trophy for

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 fingerprint analysis, and then began looking around for anything else that might be of
2 interest in the Judge's chambers.

3 Q: Can you identify Exhibit 2?

4 A: Yes, that's a photo of poor Judge Cañas, all dead in his chair.

5 Q: Did you do fingerprint analysis on the trophy?

6 A: Yes, the trophy had the defendant's fingerprints on it.

7 Q: Any other fingerprints?

8 A: Yes, Judge Cañas's fingerprints were on it and the fingerprints of the defense lawyer in
9 that civil case.

10 Q: Was any other analysis done on the trophy?

11 A: Yes, we did an analysis of blood that was found on the trophy.

12 Q: What did that analysis show?

13 A: It was the same blood type as Judge Cañas.

14 Q: Did you do any DNA analysis?

15 A: We tried, but the blood sample on the trophy was so tainted with some other substance
16 that the DNA analysis was inconclusive.

17 Q: Did you determine what the blood was tainted with?

18 A: The Chief Pathologist told me that it was bleach. Ordinary household bleach.

19 Q: Can you think of any other reason that blood would be on the trophy other than that it was
20 Judge Cañas's blood and a result of the wound administered to his head?

21 A: Of course not. There was this trophy lying there that had a spot of blood on it, and there
22 was this dead judge in the chair who had a big bruise on his head that had a little blood
23 seepage around it. In this business, you just put two and two together, and that is what
24 you get.

25 Q: Did you find anything else of interest in the Judge's chambers?

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 A: Yes, I found a copy of a jury charge, actually a draft of a jury charge, that was lying on
2 the Judge's desk. Apparently, Judge Cañas had been trying a trademark case of some
3 kind during the week before his death. The draft jury charge was related to that case.

4 Q: Can you identify Exhibit 4?

5 A: Yes, Exhibit 4 is the draft jury charge I found on the Judge's desk.

6 Q: Why did you think this was significant, if you did?

7 A: Well, I thought it was significant because written across the face of the charge were the
8 words: "You know this is wrong. I'll burn you for this one."

9 Q: Why did that seem significant to you?

10 A: Well, I believe it was the Defendant's handwriting, and I understood from courthouse
11 gossip that the Defendant was really upset with the way that the court had drafted the
12 charge. So I figured this was some evidence that the Defendant was out to get Judge
13 Cañas.

14 Q: Did you take the draft jury charge into evidence?

15 A: Yes, I tagged it and bagged it and put it in line for processing fingerprints.

16 Q: Did you check the draft jury charge for fingerprints?

17 A: Yes, I did. The fingerprint analysis came back with Judge Cañas's fingerprints, and with
18 fingerprints belonging to the Defendant.

19 Q: You mentioned that there were fingerprints on the trophy from the other lawyer; who was
20 the defense lawyer in that intellectual property civil case that was on trial?

21 A: Well, that was John Ward, a well known intellectual property defense lawyer.

22 Q: Any reason to suspect Mr. Ward of any complicity in the murder of Judge Cañas?

23 A: No, the case went exactly the way Mr. Ward wanted. Judge Cañas gave him everything
24 in the world he could possibly give him in that charge. Even though the jury went crazy
25 and gave Taylor's client \$10 million, Judge Cañas immediately took it away on a

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 judgment notwithstanding the verdict. And they were close personal friends to boot.

2 There is no way John Ward killed Rob Cañas.

3 Q: Did you ask John Ward why his fingerprints were on that trophy?

4 A: Yes, there was that one fingerprint from John Ward on the trophy, and I asked Mr. Ward
5 about that. Mr. Ward said that he had picked up the trophy and looked at it while they
6 were back in the judge's chambers hammering out the jury charge. He thought it was a
7 strange looking trophy and he wondered who in the world would keep such a thing
8 around their office. But that's how his fingerprint got on the trophy.

9 Q: During the course of your investigation, were you able to rule out any other potential
10 suspects in this case?

11 A: Absolutely. I spent hours overturning every stone, and I didn't find a single other person
12 that would have any motivation at all to kill this fine judge.

Cross Examination

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15 Q: As to that last subject, how long was Judge Cañas a judge in Bexar County?

16 A: For twenty-five long years.

17 Q: And during those twenty-five long years, did he have occasion to try any criminal cases?

18 A: He tried criminal cases every week.

19 Q: Did any of those criminals ever go to prison?

20 A: Lots of those sorry felons went to prison, Judge Cañas was well known for being tough
21 on crime.

22 Q: Isn't it true, then, that lots of people who went through his court in the criminal justice
23 system would've had ample motivation to kill the Judge?

24 A: Well, maybe.

25 Q: Were the fingerprints on the trophy clear and distinct or were they smudged?

DEPOSITION OF CHRIS JENSEN
SEPTEMBER 12, 2008

1 A: Some of each. There was an area on the trophy that a cynic would say was wiped clean,
2 but I don't believe that happened.

3 Q: Why not?

4 A: Taylor was just too sloppy to take the time to wipe off fingerprints. And why wipe off
5 some and leave other prints all over the place? Taylor would have to be pretty insane to
6 do something like that. Kelly Taylor is a lot of things, but insane is not one of them.

7 Q: Speaking of sloppy, in looking at Exhibit 2 can you point out any blood anywhere in the
8 photograph?

9 A: No, all the blood was on the other side of the Judge's head.

10 Q: Did you take any photos of the blood stain itself?

11 A: Yes, I took probably two dozen photos in the Judge's chambers, but somehow all but this
12 one got erased before I got them off the camera.

13 Q: That kind of thing happen to you often?

14 A: No, it's pretty rare. Just this time and that one other time when I lost all the photos of that
15 bad car/truck accident near the cemetery.

16 Q: This trial ended around 7:00 pm on Friday evening, didn't it?

17 A: That's correct.

18 Q: So once Taylor left the premises, it wouldn't be possible to get back in. The courthouse
19 would be locked down that time of night, wouldn't it?

20 A: Not that night. The security company folks were in the basement re-wiring the security
21 cameras, and had left the doors unlocked until around midnight.

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DEPOSITION OF ALEX SLABIN
SEPTEMBER 12, 2008

1 Q: State your name.

2 A: My name is Dr. Alex Slabin.

3 Q: What is your occupation or profession?

4 A: I am a medical doctor and I serve as the Chief Pathologist for Bexar County, here in Lone
5 Star.

6 Q: What are your qualifications to be a Chief Pathologist?

7 A: I went to medical school at Harvard University, after graduating from Yale with
8 undergraduate degrees in Nuclear Physics and Microbiology.

9 Q: Did you graduate from Harvard Medical School?

10 A: Yes, I graduated with highest honors from Harvard Medical School. I then went to Los
11 Angeles General Hospital in Los Angeles, California to serve a residency in pathology.

12 Q: Why did you choose Los Angeles?

13 A: Because they have more bodies to look at than virtually any other city, with the possible
14 exception of Fargo.

15 Q: After completing your residency what did you do?

16 A: I came straight to Bexar County here in Lone Star to serve as a Medical Examiner in the
17 pathologist's office and ultimately worked my way up to Chief Pathologist after twenty
18 grueling years of hard work.

19 Q: You maintain your medical license here in Lone Star?

20 A: Yes, I do.

21 Q: Dr. Slabin, in the course of the responsibilities as Chief Pathologist for Bexar County,
22 did you have the opportunity to do an autopsy on the body of Judge Rob Cañas?

23 A: Yes, I did the autopsy on Judge Cañas.

24 Q: Did you do the autopsy according to your normal formal protocol for an autopsy?

25 A: Yes, I followed the protocol scrupulously, as I always do.

DEPOSITION OF ALEX SLABIN
SEPTEMBER 12, 2008

1 Q: Can you identify Exhibit 3?

2 A: Yes, Exhibit 3 is a copy of my autopsy report relating to Judge Cañas.

3 Q: Is this an official record of both Bexar County and the State of Lone Star?

4 A: Yes it is.

5 Q: Can you briefly describe your findings on autopsy with respect to the death of Judge
6 Cañas?

7 A: Well, it won't necessarily be brief, but I can tell you what I found. First, I found bruising
8 on that bald spot on the back of Judge Cañas's head that was indicative of some kind of
9 blunt force trauma. Upon incising the scalp, I found a fracture of the skull. On further
10 dissection, I found a significant epidural hematoma just under the surface of the dura that
11 apparently put substantial pressure on Judge Cañas's brain. Because I did not want to
12 jump to the conclusion that this was the cause of death, I continued the autopsy in a
13 normal way.

14 Q: What other findings of significance did you make?

15 A: Well, we did a toxicology and a normal screen for substances that might be in Judge
16 Cañas's blood stream.

17 Q: Was there anything significant found in connection with the toxicology?

18 A: The toxicology results were ambiguous. First, we found some slight traces of cocaine,
19 indicating that the Judge may have been exposed to some cocaine in the court room,
20 probably as part of a criminal case.

21 Q: What else did you find in the toxicology results?

22 A: Well, there were some traces of the drug sildenafil citrate, commonly known as Viagra.
23 The amounts were indicative of ingestion of about 25 mg, which is the recommended
24 prescribed dosage of that substance.

25 Q: In your professional opinion, did the ingestion of Viagra have anything to do with the

DEPOSITION OF ALEX SLABIN
SEPTEMBER 12, 2008

1 Judge's death?

2 A: No, I didn't think that the Viagra had anything to do with the Judge's death.

3 Q: Did you form an opinion based on your extensive and impressive education and your
4 wide range of experience, as to the cause of Judge Cañas's death?

5 A: In all reasonable medical probability, Judge Cañas's death was the result of blunt force
6 trauma, which produced the significant hematoma, which put pressure on his brain and
7 killed him.

8 Q: During the course of your autopsy did you have occasion to speak to the investigator for
9 Bexar County District Attorney's Office?

10 A: Yes, I talked to Chris Jensen about the investigation findings.

11 Q: What did Chris Jensen tell you, if anything, that was significant to your autopsy
12 findings?

13 A: Jensen found an object that could have inflicted blunt force trauma. The object was
14 immediately behind the body when it was discovered and the object had a small amount
15 of blood on it, the type of which was consistent with Judge Cañas's blood type.

16 Q: What object did Chris Jensen say was found?

17 A: The object was a fairly unusual and ugly trophy. It was Jensen's opinion that the trophy
18 had been used to whack the Judge over the head.

19 Q: Can you identify Exhibit 5?

20 A: That's the trophy used to kill Judge Cañas.

21 Q: Did you find anything else in your autopsy or in your investigation concerning Judge
22 Cañas that you believe, in reasonable medical probability, could have lead to his death?

23 A: No, the Judge otherwise seemed to be pretty healthy.

24 **Cross Examination**

25 Q: Dr. Slabin, did you examine Judge Cañas's heart?

DEPOSITION OF ALEX SLABIN
SEPTEMBER 12, 2008

- 1 A: His heart was not involved in the whack to his head.
- 2 Q: I did not ask that. I asked whether you examined Judge Cañas's heart as part of your
3 routine autopsy following your normal autopsy protocol?
- 4 A: I took a brief look at his heart, yes, but I did not see anything significant so I did not tear
5 into it.
- 6 Q: So during the course of your autopsy, you did not dissect Judge Cañas's heart?
- 7 A: No, I did not.
- 8 Q: Dr. Slabin, isn't it true that you have been involved in an affair with the Defendant.
- 9 A: That has nothing to do with my autopsy of this poor dead Judge.
- 10 Q: Is it true or not?
- 11 A: There was a time when I was seeing the Defendant on a semi-regular basis, yes.
- 12 Q: Were you having an affair with the Defendant?
- 13 A: I don't know what the definition of an affair is.
- 14 Q: Were you sleeping with the Defendant?
- 15 A: We never slept when I was with the Defendant, no.
- 16 Q: Isn't it true that the Defendant broke off the relationship you all were having, however
17 you want to describe it?
- 18 A: The Defendant and I quit seeing one another, that's true.
- 19 Q: Exactly when was it that you quit seeing one another?
- 20 A: About a week before the Defendant was arrested for killing the Judge.
- 21 Q: Can you identify Exhibit 8?
- 22 A: Yes, that is my normal autopsy protocol. This copy was actually published in the New
23 England Journal of Medicine as an example of how to do things right.
- 24 Q: Is this the normal protocol you followed with respect to the autopsy you did on the body
25 of Judge Cañas?

DEPOSITION OF ALEX SLABIN
SEPTEMBER 12, 2008

1 A: I follow this protocol religiously.

2 Q: Did you follow it religiously here?

3 A: With only a few exceptions, yes. As I said earlier, I did not dissect the poor dead judge's
4 heart because there was no evidence that the heart was involved.

5 Q: Did you examine any of the Judge's medical records?

6 A: None of those records were available to me at the time.

7 Q: Did you defer your official ruling until you had a chance to see the medical records?

8 A: No, I was asked to get a report out as soon as possible, so I did not wait until the medical
9 records were gathered up.

10 Q: Is it possible that those medical records contained information that would cast some doubt
11 on your conclusions in this case?

12 A: All things are possible, of course, but my opinion is based on very substantial medical
13 and scientific evidence. People tend to die of epidural hematomas like this one.

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TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 Q: What is your name?

2 A: My name is Kelly Taylor.

3 Q: Are you the Defendant in this case?

4 A: I am the wrongfully accused. Yes, I am the Defendant.

5 Q: What is your occupation or profession?

6 A: I am a lawyer here in Armadillo, Bexar County, State of Lone Star.

7 Q: How long have you been a lawyer here in Bexar County?

8 A: I have been a lawyer here for twenty years.

9 Q: Do you have an area of specialty?

10 A: Yes, I specialize in intellectual property cases.

11 Q: What is an intellectual property case?

12 A: Well, that is a case involving such things as infringement on a patent, or stealing
13 somebody's trademark or their trade dress or their trade secrets.

14 Q: Did you know Judge Rob Cañas?

15 A: Yes, I did. I've known Judge Cañas since I started practicing law here in Armadillo.

16 Q: Were you in fact trying a case in Judge Cañas's court the week that he was killed?

17 A: Yes, I was trying a trademark case against the fabled intellectual property defense lawyer,
18 John Ward.

19 Q: What kind of case was it?

20 A: It was a pretty simple, straightforward trademark case.

21 Q: Who were you representing? The plaintiff or the defendant?

22 A: I was representing the party doing the suing, the plaintiff.

23 Q: What kind of fee arrangement did you have in that case?

24 A: I had that on a contingent fee arrangement. If I didn't win, I didn't get paid.

25 Q: Did you have a lot of time and money invested in the case?

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 A: I had about a half a million dollars of my own time and another quarter million in expert
2 witness fees, so yes, I had quite an investment in the case.

3 Q: Did you kill Judge Cañas?

4 A: I absolutely did not kill Judge Cañas, but I'd have to say that I am not sorry that he's
5 gone.

6 Q: Why is that?

7 A: I never did get a fair shake in Cañas's court. He just didn't know the law. Every time
8 there was a close question on the law, he ruled against me.

9 Q: Were there some close questions in the case you were trying the week before his death?

10 A: No, the law was crystal clear on every point in the case, but Cañas disagreed with me on
11 every single legal issue. True to form, he burned me on every one of them.

12 Q: I hand you Exhibit 4, the first page of a draft of the jury charge in that civil case. Do you
13 recognize this?

14 A: Yes, that was a draft of the jury charge and it was in fact the charge that the court
15 submitted to the jury.

16 Q: Is this your handwriting on the front?

17 A: Yes, I scribbled that note.

18 Q: What does the note mean?

19 A: Well, I was pretty upset that the Judge had burned me on this charge by including
20 instructions that would basically tell the jury that I should lose the case. We were back in
21 the Court's chambers and I was dictating objections to the charge to the court reporter. I
22 looked up and told the Court I was gonna burn him on this one, and then just to make the
23 point, I wrote it across the face of the document.

24 Q: What did you mean that you were gonna burn him?
25

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 A: That I was gonna get him reversed on appeal, just like I did on every other case where he
2 tried to cheat me.

3 Q: So this had happened before?

4 A: I had probably reversed Judge Cañas twenty times in twenty years. Yes, it had happened
5 before. He was always out to get me.

6 Q: How did the trial turn out?

7 A: For the first time in my career, the jury actually returned a verdict favorable to me in
8 Judge Cañas's court

9 Q: Had you received favorable verdicts in other courts before?

10 A: All the time. But this Judge had a way of wording the instructions to the jury so that I
11 always lost. This time, however, I beat him at that game and the jury gave me a big
12 verdict.

13 Q: How big a verdict?

14 A: The jury gave my client \$10,000,000. I was only asking for \$5,000,000, so I was pretty
15 pumped.

16 Q: After the jury returned this verdict, what happened in the court room?

17 A: Well, after the jury filed out, the court summoned us up to the bench, held the jury verdict
18 up in my face and said, and I quote: "I am granting a judgment notwithstanding this
19 stupid verdict. You like apples, Kelly? How you like them apples?"

20 Q: How did you react to that?

21 A: I was livid, of course. That was \$10 million dollars, one-third of which was mine. He
22 just cost me 3.3 million dollars plus all the time and expense I was out.

23 Q: Did you make any statements to the court at that time?

24 A: I don't really recall saying anything at all at that time.

25 Q: Can you identify Exhibit 10?

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 A: Yes, that's an official transcript of what was said in the courtroom after the jury filed out.

2 Q: Do you think this is an accurate transcript of what you said?

3 A: I don't know, I can't imagine that I really said that. I was mad, but I wasn't out of my
4 mind mad. After all, this Judge had done it to me before and I knew he would do it to me
5 again. And I knew I would reverse him—again.

6 Q: The transcript says you told the Judge that you were gonna burn him. What did you
7 mean by that?

8 A: That I was gonna get him reversed on appeal.

9 Q: When did the trial end?

10 A: It ended late Friday afternoon, around 7:00 p.m.

11 Q: What did you do after the judge took that good verdict away from you?

12 A: Well, I packed up my gear and left as soon as I could. I went back to my house, got out
13 the usual bottle of wine, and commenced thinking about the appeal.

14 Q: Was anyone with you?

15 A: Not a soul.

16 Q: Is there anybody that can vouch for your whereabouts between the time you left the
17 courthouse on Friday evening and the time when the Judge's body was discovered on
18 Saturday morning?

19 A: I am afraid not.

20 Q: Did you leave the house anytime that evening?

21 A: Yes, I went to a movie.

22 Q: What movie did you go see?

23 A: I went to see the movie, *You Kill Me*.

24 Q: Can you identify Exhibit 9?

25 A: Yes, that is the movie ticket stub from that movie.

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 Q: Did you see anybody that you knew while at the movie?

2 A: I am afraid not.

3 Q: How long was the movie?

4 A: I guess an hour and a half or so.

5 Q: How did you find out about the Judge's death?

6 A: The sheriff showed up at my door at around noon on Saturday and told me I was under
7 arrest. I asked him why in the world he was arresting me, and he told me I was under the
8 arrest for the murder of Judge Cañas.

9 Q: I am showing you a photograph marked as Exhibit 5. Can you identify this photograph?

10 A: Yes, that is an ugly trophy that Judge Cañas kept in his office. I don't know why he was
11 so attached to it, but it was there as long as I ever knew the Judge.

12 Q: Can you explain why your fingerprints were found on the trophy after the Judge's death?

13 A: During the argument about the jury charge, my opponent, John Ward, picked the trophy
14 up and asked why the court kept such an ugly thing in his chambers. He then handed it to
15 me and said, "Don't you think this would make a great murder weapon?"

16 Q: What did you say in response to that?

17 A: I told him it already looked like it had been used.

18 Q: Why did you say that?

19 A: I saw a little spot that looked like blood on it.

20 Q: Were you having an affair with the chief pathologist?

21 A: Oh yeah.

22 Q: How long did this affair continue?

23 A: For about six months.

24 Q: How would you describe the affair?
25

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 A: It was pretty wild. Alex was really fixated on me. Called me all hours of the day and
2 night. Alex spent more time in my bed than my dog.

3 Q: How did the relationship end?

4 A: Well, about a week before Judge Cañas was killed, I told Alex I just couldn't live this
5 way anymore, and I needed for all the clothes and stuff to be out of my house. I just
6 wanted to be left alone.

7 Q: How did Alex react to that?

8 A: Alex told me I was a low life scum, that nobody had ever broken up with Doctor Alex
9 Slabin, and I would get what was coming to me.

10 **CROSS EXAMINATION:**

11 Q: Did you hate the Judge?

12 A: Depends on what the definition of "hate" is.

13 Q: How would you define it?

14 A: An irrational and strong dislike or disdain for another person that causes one to fixate on
15 harming that other person.

16 Q: Based on your own definition, didn't you hate the Judge?

17 A: No, my strong dislike or disdain for the Judge was not irrational.

18 Q: But the Judge had taken the jury's verdict away from you here?

19 A: Irrationally, I might add.

20 Q: How much did you have in that case in terms of your own time?

21 A: Well, if I'm worth \$600 per hour, like all my big city firm counterparts, then I had about
22 \$500,000 in time in the case.

23 Q: And how much in expenses?

24 A: Experts, maybe \$250,000. Other expenses like depositions, travel and the like, maybe
25 another \$50,000.

NTC 25

TESTIMONY OF KELLY TAYLOR
SEPTEMBER 22, 2008

1 Q: So this Judge had just cost you \$300,000 in hard expenses?

2 A: Irrationally, I might again add.

3 Q: And that is money that you will just have to eat?

4 A: It's an expensive business—we all know that going in. Only people who are willing to
5 take big risks get the big rewards.

6 Q: Plus he had cost you 1/3 of the \$10,000,000 verdict you would have received as a fee?

7 A: Now you're getting close to the definition of "hate," yes. But I would have reversed him
8 on this, so it all comes out in the wash.

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DEPOSITION OF DUSTY STOCKARD
SEPTEMBER 12, 2008

1 Q: What is your name?

2 A: Dr. Dusty Stockard.

3 Q: Dr. Stockard, what is your occupation or profession?

4 A: I am a medical doctor and I serve as the pathologist in a private pathology group here in
5 Armadillo, Bexar County called Autopsies Today.

6 Q: What is your educational background?

7 A: I attended Lone Star State University in Tulia, here in Lone Star, and got an
8 undergraduate degree in animal sciences. I then spent eight years going to medical
9 school at Bexar County Medical School, where I attended a series of night courses to get
10 a medical degree while working at a local meat packing plant. I then did my residency in
11 pathology at the City of Vega hospital in Vega, Lone Star.

12 Q: How big is Vega and why did you choose that particular hospital for your residency?

13 A: It was close to home, although it was a town of only a 1,000 people. It was also quiet,
14 and I could get in a lot of reading without being bothered by having to cut up bodies.

15 Q: Do you actually have a medical degree?

16 A: Yes, I do, and I have a medical license as well. My medical license is on file here in
17 Lone Star.

18 Q: How long have you worked for Autopsies Today?

19 A: I've worked for them since I finished my residency.

20 Q: What is the business of Autopsies Today?

21 A: We do a lot of private autopsies, and we handle the overflow autopsy work from several
22 of the counties around here.

23 Q: Have you had an opportunity to review the autopsy results from the autopsy of Judge
24 Cañas?

25

DEPOSITION OF DUSTY STOCKARD
SEPTEMBER 12, 2008

1 A: Yes, I reviewed the autopsy results, including looking at the tissue samples that were
2 preserved and doing fresh work on those.

3 Q: Were you able to actually examine Judge Cañas's body?

4 A: No, Judge Cañas's body was cremated about a week after his death.

5 Q: Having reviewed the autopsy results, did you come to any conclusions?

6 A: Yes, I came to the conclusion that Dr. Slabin missed this one completely. In my
7 professional opinion, Judge Cañas did not die of a hematoma caused by blunt force
8 trauma. I believe he died instead of an extreme drop in blood pressure caused by
9 ingestion of an overdose of a drug commonly referred to as Viagra.

10 Q: What do you base these opinions on?

11 A: Well, first, although there was a hematoma, I believe the hematoma was not substantial
12 enough to have caused the Judge's death. There is nothing in the autopsy report that
13 would indicate that the Judge's brain sustained enough of an injury to cause death. In
14 fact, Dr. Slabin weighed the Judge's brain and found it to be substantially smaller than
15 the usual human brain, and I simply don't think the hematoma was big enough to put
16 pressure on it.

17 Q: What else do you base your opinion on?

18 A: Well, the toxicology I did indicated that Dr. Slabin was wrong about the amount of
19 Viagra in the Judge's blood stream. Dr. Slabin found ingestion of a normal amount or 25
20 mg of Viagra. I found enough Viagra to indicate three times the prescribed amount was
21 in the Judge's bloodstream.

22 Q: If the Judge had ingested three times the amount of Viagra as the prescribed amount
23 would indicate, in your opinion, what would happen?

24 A: Well, it would cause an unsafe drop in blood pressure like you wouldn't believe.
25

DEPOSITION OF DUSTY STOCKARD
SEPTEMBER 12, 2008

1 Q: Did the autopsy reveal anything else about the Judge that would make such an unsafe
2 drop in blood pressure fatal?

3 A: Yes, there were indications, both in the autopsy and in the Judge's medical history of low
4 blood pressure issues.

5 Q: Can you identify Exhibit 6?

6 A: Yes, Exhibit 6 is a medical record from the Judge's last annual physical. This medical
7 record indicates that the Judge suffered from chronic low blood pressure. He was exactly
8 the kind of person that shouldn't be taking Viagra and sure shouldn't be taking Viagra in
9 excess of the dosages that are recommended by the manufacturer.

10 Q: Anything else in the medical records that you thought was significant?

11 A: Yes, there is an indication that the Judge had a prescription for Nitrostat, which is orally
12 ingested nitroglycerin, which is a nitrate, which would be consistent with his blood
13 pressure issues and maybe a heart condition.

14 Q: Why is that significant here?

15 A: Because nitrates and Viagra don't mix. Bad combination. Some might say fatal.

16 Q: Can you identify Exhibit 7?

17 A: Yes, Exhibit 7 is an advertisement I found in a professional journal. It is an
18 advertisement by the manufacturer of Viagra.

19 Q: What professional journal did you find this in?

20 A: The Journal of Animal Pathology Science, which I read because it contains a lot of
21 scientific information that is actually cross-species in nature. Very relevant to human
22 pathology in many instances.

23 Q: Do pathologists like yourself rely upon not only the articles but also the advertising in
24 this journal?

25 A: Yes, we rely on this type of information all the time in making professional decisions.

DEPOSITION OF DUSTY STOCKARD
SEPTEMBER 12, 2008

1 Q: What does this advertisement say that is of significance to your findings?

2 A: This advertisement contains a warning at the bottom that says that the product may cause
3 unsafe drops in blood pressure. I believe that's exactly what happened to the Judge.

4 Q: So the blow to the back of the head was just coincidental?

5 A: No, I think the Judge probably dosed up on Viagra getting ready for his regular Friday
6 evening out on the town. Everybody in town knew that every Friday evening the Judge
7 had a date with that woman, Denny Sheppard. I think after he took the Viagra, he likely
8 suffered a severe drop in blood pressure and slumped into his chair. Some person or
9 persons unidentified later entered his chambers and hit him in the back of the head with
10 the trophy, likely with the intention of harming him, but he was already dead. That is
11 why you see so little blood around the victim's wound.

12 Q: Can you identify Exhibit 2?

13 A: Yes, that is the photo taken in the Judge's chambers, showing how he was slumped in the
14 chair. You will notice there is no blood around his head, I would expect to see some
15 blood if he was whacked on the head while still among the living.

16 CROSS EXAMINATION:

17 Q: Isn't it true that the manufacturer of Viagra makes it in different dosage levels?

18 A: I don't know.

19 Q: The advertisement marked as Exhibit 7 shows at the bottom that there are at least 3
20 different dosages available, doesn't it?

21 A: Well, that's what it says there. 25 mg to 75 mg.

22 Q: And a blood test result showing levels consistent with a 75 mg dosage would not,
23 therefore, be out of line with what the manufacturer produces?

24 A: But you're missing the fact that part of it would have been absorbed, so that the presence
25 of 75 mg. would indicate a dose of even more. The old guy was really cranking up on the

DEPOSITION OF DUSTY STOCKARD
SEPTEMBER 12, 2008

1 Viagra before his death. It clearly was way too much for someone with a heart problem.

2 Probably too much for someone with a good ticker.

3 Q: Or the test result of 75 mg could just be wrong?

4 A: I'm a lot things, but wrong isn't among them.

5 Q: Can you identify Exhibit 3?

6 A: Yes. Exhibit 3 is the autopsy report from Dr. Slabin.

7 Q: Dr. Slabin's toxicology report shows 25 mg of Viagra, not 75 mg.

8 A: And?

9 Q: If the level was actually 25 mg as reported by Dr.Slabin, then the likelihood of some fatal
10 reaction would be significantly less, wouldn't it?

11 A: Maybe somewhat less, but still a risk.

12 Q: Did you look at Cañas's heart to determine if there was evidence of a heart problem?

13 A: As I told you already, the good judge was cremated a week after his death. I had no
14 chance to look at his heart.



FEDERAL BUREAU OF INVESTIGATION
EMPLOYEE PERFORMANCE REVIEW

EMPLOYEE: Chris Jensen
DATE: February 15, 2002
TYPE OF REVIEW: OUT OF NORMAL COURSE (EVENT RELATED)

This review was triggered by actions on the part of Special Agent Chris Jensen, an investigator in the Crime Scene Investigation Unit. Agent Jensen was trained at Quantico, Virginia, then was employed by the Bureau in its CSI Unit as a Junior Investigator. Jensen soon demonstrated an inability to follow protocols and directives, often telling superiors that the rules did not make sense and should not be followed "blindly like little mice." Jensen often assumed more responsibility than given at specific crime scenes, often tainting evidence inadvertently due to evident incompetence or neglect.

On February 14, 2002 at approximately 3:11:14 PM, Agent Jensen was dispatched to the scene of an apparent murder with the specific directive to take blood samples only, and to refrain from touching any other evidence whatsoever. On arriving at the scene, Agent Jensen walked past the blood evidence area (a chair back streaked with a substance believed to be human blood) and began telling the CSI Unit photographer, Special Agent Gene Simmons, how to take photographs. Special Agent Jensen then undertook to collect certain other physical evidence, saying that it needed to be "tagged and bagged" before it got misplaced by the "nimrods" from the local police department. In the process, Jensen contaminated several objects of physical evidence with fingerprints and, in an inexplicable manner, with saliva.

RECOMMENDATION: Special Agent Jensen should be re-assigned from the Crime Scene Investigation Unit to a division or unit where no evidence can be mishandled or contaminated. It is the opinion of this reviewer that Jensen should be assigned to the Special Unit now investigating dog fighting rings in Lone Star.



EXHIBIT 2

AUTOPSY REPORT

07-05135

I performed an autopsy on the body of Rob Cañas at the DEPARTMENT OF PATHOLOGY, ARMADILLO HOSPITAL, ARMADILLO, LONE STAR on July 10, 2007.

From the anatomic findings and pertinent history, I ascribe the death to: EPIDURAL HEMATOMA SECONDARY TO BLUNT FORCE TRAUMA TO HEAD

EXTERNAL EXAMINATION:

The body is that of a well developed, very well nourished Caucasian male stated to be 65 years old. The body weighs 224 pounds, measuring 69 inches from crown to sole. The little remaining hair on the scalp is white and straight. The irides appear hazel with the pupils fixed and dilated. There is a tattoo on the lateral aspect of the left buttocks: "Bad Newz."

The head is normocephalic, and there is some evidence of external traumatic injury, with slight blood loss evident.

HEAD--CENTRAL NERVOUS SYSTEM:

The brain weighs 1050 grams, somewhat less than the adult human average of 1300 to 1400 grams. There is a tear of the dura mater and evidence of recent epidural hemorrhage. The dura is stripped revealing no fractures of the bones of the calvarium or base of the skull.

CARDIOVASCULAR SYSTEM:

The heart weighs 290 grams, and has a normal size and configuration. No dissection was undertaken due to hardened surface features.

TOXICOLOGY:

A sample of right pleural blood as well as bile are submitted for toxicologic analysis. Findings included levels of sildenafil citrate (Viagra) consistent with a dosage of 25 mg.

OPINION:

The decedent sustained a blunt force trauma to the back of the head, inducing an epidural hemorrhage that then caused generalized central nervous system failure.

The remainder of the autopsy revealed a normal, healthy adult male with no congenital anomalies.

/s/ ALEX SLABIN, M.D.
CHIEF MEDICAL EXAMINER
July 10, 2007

EXHIBIT 3

DRAFT

07-06-07

CAUSE NO. 05-06-3899

EBAY INTERNET SELLING
FACILITY, INC.

Plaintiff,

v.

EBUY INTERNET SALES, INC.,

Defendant.

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IN THE 131ST DISTRICT COURT

IN AND FOR

BEXAR COUNTY, TEXAS

JURY CHARGE

LADIES AND GENTLEMEN OF THE JURY:

This case is submitted to you by asking questions about the facts, which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all instruction which have been previously given to you. I shall now give you additional instructions which you should carefully and strictly following during your deliberations.

1. Do not let bias, prejudice or sympathy play any part in your deliberations.
2. In arriving at your answers, consider only the evidence introduced here under oath and such exhibits, if any, as have been introduced for your consideration under the rulings of this Court, that is, what you have seen and heard in this courtroom, together with the laws given to you by the Court. In your deliberations, you will not consider or discuss anything that is not represented by the evidence in this case.

EXHIBIT 4



EXHIBIT 5

ARMADILLO HEALTH CLINIC, LLC, LP, PA, INC.

Dr. Armand Hammer, MD, FACS
333 Medical Way, Armadillo, Lone Star 72112

PATIENT NAME: Rob Cañas DATE: 4-27-07
 DOB: 11-11-50 AGE: 56 REFERRING PHYSICIAN: none
 PRESENT COMPLAINT: Sore Throat
 DATE PROBLEM BEGAN: 4-26-07
 PROBLEM WORK RELATED? YES NO ACCIDENT RELATED? YES NO
 DESCRIBE HOW PROBLEM BEGAN: Throat got sore

HAVE YOU HAD PRIOR TREATMENT FOR THIS PROBLEM? YES NO
 DESCRIBE PRIOR TREATMENT: don't recall

PLEASE LIST ALL MEDICATIONS YOU ARE CURRENTLY TAKING:

MEDICATION	DOSAGE	FREQUENCY
<u>Nitro stat</u>	<u>0.6 mg</u>	<u>As needed</u>
<u>Zovirax</u>	<u>?</u>	<u>As needed</u>

DO YOU SMOKE? YES NO DO YOU USE RECREATIONAL DRUGS? YES NO

DO YOU SUFFER FROM OR IS THERE ANY FAMILY HISTORY OF:

ILLNESS	Y/N	ILLNESS	Y/N
AIDS/HIV	<u>N</u>	MASTITIS	<u>N</u>
ANEMIA	<u>N</u>	ULCERS	<u>N</u>
ALCOHOLISM	<u>N</u>	HYPOMANIA	<u>N</u>
CANCER	<u>N</u>	SEIZURES	<u>N</u>
DIABETES	<u>N</u>	NEUROLOGICAL DISEASE	<u>N</u>
EMPHYSEMA	<u>N</u>	KIDNEY DISEASE	<u>N</u>
HEART DISEASE	<u>N</u>	LIVER DISEASE	<u>N</u>
HIGH BLOOD PRESSURE	<u>N</u>	FAINING SPELLS	<u>Y</u>
LOW BLOOD PRESSURE	<u>Y</u>	DEPRESSION	<u>N</u>
RENAL FAILURE	<u>N</u>	ERECTION > 4 HOURS	<u>Y</u>

EXHIBIT 6



HE PROBABLY DOESN'T NEED ANY HELP.
WE'RE READY WHEN YOU DO.



ED is more common than you might think. More than half of all male mammals have difficulty with ED. Claiming that you never have trouble with ED is a lot of bu

EXHIBIT 7

Don't take VIAGRA if you take nitrates, often prescribed for chest pain, as this may cause a sudden, unsafe drop in blood pressure. If you have prostate problems or high blood pressure for which you take medicines called alpha blockers, your doctor may start you on a lower dose of VIAGRA. VIAGRA is dispensed in dosage levels of 25 mg, 50 mg and 75 mg.



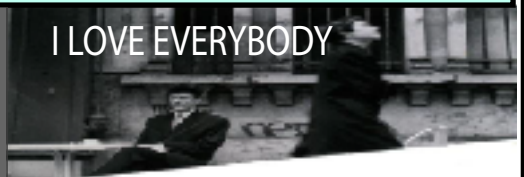
PENGUIN PATHOLOGY: APPLICABLE TO OTHER SPECIES? SEE OUR WEBSITE FOR EXCITING NEW DEVELOPMENTS!
www.canpenguinsfly.com

NTC 38

LYLE LOVETT

"A PERFECT 10"
-TUMBLING ROCK

I LOVE EVERYBODY



AUTOPSY PROTOCOL

Dr. Alex Slabin

Case Files

Regardless of whether you develop investigative protocols it is incumbent upon you to maintain as thorough and organized set of investigative files as possible. The investigative files should include but not be restricted to the following: all reports, investigator's notes, sketches and death scene photographs, reports of autopsy and laboratory analyses of evidence, copies of all forms completed by the coroner to include chain-of-custody forms and laboratory request forms. The major objective is to maintain as complete and proper file as possible. It goes without saying that the autopsy is the final chance to conclusively identify the cause of death. No effort should be spared to ensure that all necessary steps are taken before releasing the body, particularly where cremation may be contemplated.

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Step 6: Internal Examination of Body. A visual evaluation by the pathologist provides a general gross description of body organs, to include weight, appearance and any abnormality or injury observed. Every organ of the body is examined and the results recorded during this phase. The heart, liver, lungs, and pancreas are a few of the organs examined during this phase. The autopsy must include a full description of every organ as found, before dissection or removal.

Step 7: General Description of Body Organs. This phase is often incorporated into Step 6 – Internal Examination of Body. A key element of this phase of the autopsy protocol is to compare the condition of organs as found with "normal" conditions. For example, the pathologist may find the organ(s) is diseased or is of abnormal weight, size or shape. This phase of the autopsy should include a microscopic examination of tissue taken from the victim's organs. Usually the organs are removed in a systematic fashion and laid out on a stainless steel surface for dissection. In every autopsy, the following organs must be removed and examined in the following order:

- Heart
- Left lung
- Right lung
- Pancreas
- Liver

There is no excuse for failing to thoroughly dissect and examine each of the above organs, retaining in every instance at least one tissue sample from each.

EXHIBIT 8

youkill
me

THEATRE #4

EXHIBIT 9

FRI 070607 9:40 PM

0168745693258

OFFICIAL TRANSCRIPT OF COURT PROCEEDINGS
JULY 6, 2007

1 COURT: OK, let the record reflect that we are back in the courtroom at 7:04 pm following
2 the jury's verdict in this case, and that all counsel are present, some gloating and some
3 glum. I have reviewed the jury's verdict and find it to be without any evidentiary support
4 and contrary to the legal principles set forth in the charge. Moreover, I find the amount
5 of the verdict to be such as to indicate that the jury was improperly motivated in making
6 an excessive award, far in excess of the amount requested by Plaintiff. Accordingly, and
7 on my own motion, I am going to vacate the jury verdict and grant a motion for judgment
8 notwithstanding the verdict, and rule that Plaintiff take nothing in this case. You like
9 apples, Kelly? How you like them apples?

10 TAYLOR: Judge, you've never been worse on the bench than you are today, and that's a
11 pretty high bar. I finally get one past you and to the jury and then you do this thing. I'll
12 burn you for this.

13 COURT: Yeah, yeah. Go take it up with your buddies in the Court of Apples. We're
14 through here. I've gotta date. Court is dismissed.

15
16 *****END OF PROCEEDINGS*****
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EXHIBIT 10

STATE OF LONE STAR

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IN THE DISTRICT COURT

v.

IN AND FOR

KELLY TAYLOR, Defendant

BEXAR COUNTY, LONE STAR

FINAL JURY INSTRUCTIONS

Members of the Jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

In this case, Kelly Taylor is charged with one count of murder.

To prove the crime of murder, the State must prove the following element beyond a reasonable doubt:

1. Kelly Taylor intentionally and knowingly caused the death of an individual, to wit: Rob Cañas.

The intent with which an act is done is an operation of the mind and, therefore, is not always capable of direct and positive proof. It may be established by circumstantial evidence like any other fact in a case.

Kelly Taylor has entered a plea of not guilty. This means you must presume or believe that Kelly Taylor is innocent. This presumption stays with Kelly Taylor as to each material allegation in the indictment through each stage of the trial until it has been overcome by the evidence to the exclusion of any beyond a reasonable doubt.

To overcome the Defendant’s presumption of innocence, the State has the burden of proving the following elements:

1. The crime with which the Defendant is charged was committed; and
2. The Defendant is the person who committed the crime.

The Defendant is not required to prove anything.

Whenever the words “reasonable doubt” are used, you must consider the following:

A reasonable doubt is not a possible doubt, a speculative, imaginary, or forced doubt. Such a doubt must not influence you to return your verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if after carefully considering, comparing, and weighing all the evidence, there is not an abiding conviction of guilt or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proven beyond every reasonable doubt and you must find the Defendant not guilty because the doubt is reasonable.

It is to the evidence introduced during this trial, and to it alone, that you are to look for that proof. A reasonable doubt as to the guilt of the Defendant may arise from the evidence, a conflict in the evidence, or a lack of evidence. If you have a reasonable doubt, you should find the Defendant not guilty. If you have no reasonable doubt, you should find the Defendant guilty.

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable or less reliable than other evidence. In doing so, you should consider how the witness acted as well as what he or she said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness's testimony agree with the other testimony and the other evidence in this case?
6. Has the witness been offered or received any money, preferred treatment, or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness's testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave the court?
9. Was it proved that the witness had been convicted of a crime?
10. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?

You may rely upon your own conclusions about the witnesses. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

The Defendant in this case has become a witness. You should apply the same rules to consideration of his or her testimony that you apply to the testimony of the other witnesses.

There are some general rules that apply to your deliberations. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending on you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the answers of the witnesses and have seen in the form of exhibits and these instructions.
3. This case must not be decided for or against anyone because you feel sorry for anyone or are angry at anyone.
4. Remember the lawyers are not on trial. Your feeling about them should not influence your decision in this case.
5. Your duty is to determine if the Defendant has been proven guilty or not guilty in accordance with the law. It is the judge's job to determine the proper sentence if the Defendant is found guilty.
6. Whatever verdict you render must be unanimous; that is each juror must agree to the same verdict.
7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited for talking to a lawyer about his or her testimony.
8. Your verdict should not be influenced by feelings of prejudice, bias, or sympathy. Your verdict must be based on the evidence and on the law contained in these instructions.

Deciding a proper verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and, for your convenience; the necessary forms of verdict have been prepared for you. They are as follows:

[READ VERDICT FORM]

In just a few moments, you will be taken to the jury room by the bailiff. The first thing you should do is elect a foreperson who will preside over your deliberations like a chairperson of a meeting. It is the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict in this case and to bring the verdict back to the courtroom when you return. Either a man or a woman may be the foreperson of the jury.

Your verdict finding the Defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdicts. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For two centuries, we have agreed to a constitution and to live by the law. No one of us has the right to violate the rules we all share.

STATE OF LONE STAR

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IN THE DISTRICT COURT

v.

IN AND FOR

KELLY TAYLOR, Defendant

BEXAR COUNTY, LONE STAR

VERDICT OF THE JURY

We the jury find as to the crime alleged against KELLY TAYLOR as follows:

1. As to the crime of intentionally and knowingly causing the death of an individual, to wit: Rob Cañas:

_____ GUILTY

_____ NOT GUILTY

Date _____

Jury Foreperson